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COMMUNITARIZATION AND NATIONAL INTERESTS INSIDE THE EUROPEAN SECURITY POLICY

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Communitarization and National Interests Inside the European Security Policy

Synopsis:

The events of 2015/2016 showed the antagonism between communitarization and national interests inside the European Union. This paper addresses the topic with focus on the Common Foreign and Security Policy of the Union.

Communitarization and National Interests Inside the European Security Policy

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The latest of a series of many treaties regarding the European Union is the Treaty of Lisbon, which has been in force since December 1, 2009.¹ Because of the still inherent structure regarding the institutional architecture of the CFSP and the Common Security and Defense Policy (CSDP), two interpretations of this treaty are possible:

The first interpretation: The Treaty of Lisbon represents a major step toward the establishment of the EU's growing and strengthened global identity. It has strengthened not only its international identity but also its military capability. This has been essential for the implementation of its aims and objectives (Wessels & Bopp, 2008: 3-4).

This interpretation implies a major step toward the "next plateau" of the "integration ladder." This is a gradual move toward a system with clear supranational elements. Through this enhanced coherence, the highest end of Plateau II best expresses the contemporary integration level of the CFSP (Wessels & Bopp, 2008: 4).

The second interpretation: Wessels defined the integration level as the "rationalized intergovernmentalism" in which heads of states and governments grant some limited roles to the European Parliament and the Commission. Overall, the Council of Ministers maintained unanimity and the central role of the European Council (Wessels & Bopp, 2008: 4).

In terms of the transfer of authority, there has been an increase in the complexity and differentiation of decision-making procedures. Therefore, Wessels proposed that there was only a minor adoption of supranational elements on the former plateau without real "upgrading." The member states have retained their control over all important issues by using CFSP provisions to realize their national goals. Wessels talked about an intergovernmental trap in which a capability-expectation gap exists as a result of the ambitious formulation. As a result, the level of integration has remained somewhere in the middle of the second plateau (Wessels & Bopp, 2008: 5).

Article 3 contains an extended catalogue that covers common values as well as ambitious normative aims. It stresses that one of the EU's aims is "to promote peace" in "an area of freedom, security and justice."

¹ The Treaty of Lisbon" [a]. http://en.wikipedia.org/wiki/Treaty_of_Lisbon (May 16, 2010).

² See Article 43 "TREATY OF LISBON, CONSOLIDATED VERSION OF THE TREATY ON EUROPEAN UNION" [b]. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF> (May

With respect to the EU's "relations with the wider world," it shall "uphold and promote its values and interests and contribute to the protection of its citizens" in "respect for the principles of the United Nations Charter." This corresponds with Article 21, in which the EU's external actions "shall be guided by the principles which have inspired its own creation, development and enlargement."

These principles are as follows:

- democracy
- the rule of law
- the universality and indivisibility of human rights and fundamental freedoms
- respect for human dignity and the principles of equality and solidarity
- respect for the principles of the United Nations Charter and international law.

Article 3 and Article 21 combine the various articles of the Nice Treaty. The part of Article 3 about the EU's "relations with the wider world" and the "protection of its citizens" was established as a result of French President Sarkozy's proposal during his EU presidency. His original intention was to prevent social economic threats posed by globalization. The CFSP can also be interpreted in a wider context (e.g., its aim is to protect the EU from non-member countries or terrorist threats).

The above evaluation of the catalogue of values and aims indicates that the EU perceives itself as a more "civilian" or "normative" power.

The focus of the "Provisions on the Common Security and Defense Policy," which is clearly outlined in Article 42, is different from the EU's perception of itself as a "civilian" or "normative" power. First, the CSDP acts as the military wing of the CFSP and is thus an "integral part" of it. The main aim of the CSDP is to "provide the Union with an operational capacity drawing on civilian and military assets." To achieve these aims, the EU has been equipped with the so-called "Petersberg tasks," which were first adopted by the WEU in 1992. These tasks include various measures such as

- civilian and military means
- joint disarmament operations
- humanitarian and rescue tasks
- military advice and assistance tasks
- conflict prevention and peacekeeping tasks
- combat tasks for crisis management, including peacekeeping and post-conflict stabilization
- anti-terrorism tasks (Haine, Herolf & Lachowski, 2008: 32).

The comparison of Articles 3 and 21 with Article 42 suggests the hybrid nature of the EU's identity. On the one hand, the focus has been on the civilian aim of the EU. On the other hand, there has been an increase in its military capability. Further, there remains controversy within the EU over whether it should take the civilian or military route. Strengthening its military capability to implement the CFSP at the international level may be one of the reasons behind this controversy because it implies an additional transfer of sovereignty from the member states to the supranational EU. In particular, the U.K. and France would have to abandon their traditional perception of themselves as sovereign superpowers.

If the member states were to agree on the establishment of the EU's military capability or even a united European force to back up the CFSP of the EU, the dispute between the CFSP and the vertical incoherence of the member states would be resolved.

However, there is another problem regarding the envisaged horizontal coherence of CFSP matters. As stated in Article 43 and Article 222 (Solidarity Clause), the CFSP must use the above mentioned measures in the fight against terrorism.² In addition, the Justice and Home Affairs section of the European Commission must also fight against international terrorism, which could lead to coordination problems as a result of overlaps between the intergovernmental CFSP and the supranational Justice and Home Affairs section.³

The Treaty of Maastricht is well known because it introduced the so-called "pillarization" of the EU. After 16 years, the Treaty of Lisbon abandoned the three-pillar structure on December 1, 2009. However, the categorization of different areas of competences in the treaties (TEU and TFEU) implies that this "pillarization" has remained. The statement "the common foreign and security policy is subject to specific rules and procedures" clearly supports this impression.

The comparison of the aims and objectives of the CFSP indicates that the legal instruments have been modified only slightly. The original version of the Constitutional Treaty was composed of "European decisions," whereas the Treaty of Lisbon deals only with the terms such as "defining the general guidelines" and "adopting decisions." As with previous European treaties, Article 24 states that the "adoption of legislative acts shall [still] be excluded."

² See Article 43 "TREATY OF LISBON, CONSOLIDATED VERSION OF THE TREATY ON EUROPEAN UNION" [b]. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF> (May 18, 2010), p. 27 or Article 222 "TREATY OF LISBON, CONSOLIDATED VERSION OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION" [c]. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:EN:PDF> (May 21, 2010), p. 148.

³ "THE EU FIGHTS AGAINST THE SCOURGE OF TERRORISM." http://ec.europa.eu/justice_home/fsj/terrorism/fsj_terrorism_intro_en.htm (May 21, 2010).

These instruments are too weak for the EU to achieve its highly ambitious visions and aims. It is clear that the member states have feared the originally proposed “European decisions” and thus excluded them from the Treaty of Lisbon.

In terms of the institutional architecture, the introduction of the full-time President of the European Council as well as the High Representative of the EU for Foreign Affairs and Security Policy is remarkable, although the role of the European Parliament has not been substantially modified with respect to foreign and security matters. Previously, its partners were the Commission and the Council Chairman. Nowadays, the High Representative is the central contact person for the EP in CFSP matters. This change is expected to induce a more coherent foreign policy as a result of better communication between these two institutions, and therefore, it has become more likely that the proposals of the High Representative to the European Council would be made by considering the recommendations of the Parliament.

Instead of the former “General Affairs and External Relations Council” (and because of a growing number as well as the increasing complexity of foreign and security issues), the Treaty of Lisbon has established the “General Affairs Council” and the “Foreign Affairs Council.”

The Political and Security Committee, which was established in 2001 by a Council decision, has played a key role in the CFSP. It works at the request of the Council, and since December 1, 2009, it has also accommodated the requests of the High Representative. By cooperating with the Council, it takes charge in implementing the “Solidarity Clause.” The PSC can also work in cooperation with the Justice and Home Affairs. Because of the unclear competences regarding the COREPER, it is likely that problems between the PSC and COREPER in terms of preparing sessions for the Council will occur.

The relationship between the High Representative and the Commission calls for the HR to act as the Vice President. At present, it is difficult to predict how this relationship between the Vice President of the Commission and the Commissioners would develop. This raises the question of whether they would view this person as an advocate of supranationalism or as that of intergovernmentalism.

Article 15 creates a very sensitive overlap in competences between the President of the European Council and the High Representative because the President of the European Council is expected to “ensure the external representation of the Union.”⁴ Although Article 15 clearly states that the President of the Council must do it “without prejudice to the powers of the High Representative,” it is unclear how this could be managed in reality. It seems that once again, a treaty is being used to

⁴ See Article 15 “TREATY OF LISBON, CONSOLIDATED VERSION OF THE TREATY ON EUROPEAN UNION” [b]. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF> (May 18, 2010), p. 11.

appease all participating institutions, resulting in unnecessary complexities and overarching topics and competences.

References

Haine, J.-Y. and Herolf, G. and Lachowski, Z. “Euro-Atlantic security institutions and relationships.” Stockholm International Peace Research Institute (ed.). “SIPRI Yearbook 2008. Armaments, Disarmament and International Security.” New York: 2008, pp. 15-42.

The Treaty of Lisbon” [a]. http://en.wikipedia.org/wiki/Treaty_of_Lisbon (May 16, 2010).

“TREATY OF LISBON CONSOLIDATED VERSION OF THE TREATY ON EUROPEAN UNION” [b]. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF> (May 18, 2010).

“TREATY OF LISBON CONSOLIDATED VERSION OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION” [c]. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:EN:PDF> (May 21, 2010).

Wessels, W. and Bopp, F. “The Institutional Architecture of CFSP after the Lisbon Treaty. Constitutional breakthrough or challenges ahead?” Centre for European Policy Studies (CEPS). Cologne: 2008.