More Efficient or More Uncertain? The Main Dilemmas of the EU’s Foreign and Security Policy

Abstract
The purpose of this article is to analyse the main characteristics of the EU’s foreign and security policy that can affect its functioning at present and in the future. Being part of the broader category which is the EU’s external policy, the EU’s foreign and security policy is plagued with numerous flaws. Reducing their impact would greatly strengthen this policy, but at the same time this depends on the resolution of the main axiological dilemma. It concerns the future shape of the whole European Union, which means that the EU needs to clearly formulate its finalité politique. The resolution of this dilemma will determine not only the future of the EU, but also the present and future shape of its foreign and security policy.

Key words: EU’s External Policy, EU’s Foreign and Security Policy, Finalité Politique of the EU, Models of European Integration, Future of the EU

What Is the EU’s Foreign Policy?
One of the main factors influencing the European Union’s position as a global player is the functioning of the system of regulating and managing the broad sphere of the EU’s relations with the external world. To better present it, it is first necessary to briefly analyse the principles, goals and mechanisms governing this sphere.

In most general terms, it includes the European Union’s relations with third countries, their groupings, international organisations, etc. The scope of this sphere has been undergoing constant changes over the years, which involved a gradual increase in the number of issues, as well as their

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growing complexity and interdependence. The system of links between
the EU and other participants in international relations is becoming
increasingly complex and covers a multitude of diverse spheres of life:
politics, economy, defence, social and cultural issues, etc. Faced with the
need to regulate this broad sphere of relations with the external world, the
European Union (and earlier the European Communities) created a series
of rules and principles, established specific institutions and introduced
procedures, which all make up a complex category that can be referred to
as the EU’s external policy. It resembles the classical foreign policy con-
ducted by states in terms of its objectives and functions, but at the same
time it exhibits its own special characteristics, as one would expect of an
entity as unique as the Union.¹

These special characteristics involve the existence of certain mecha-
nisms that can either improve the functioning of the EU’s external policy
or in fact weaken it. The weakening might result from the complex and
unclear internal structure of the policy. In practice, this means that the
sphere of the Union’s relations with the external world has not been pre-
cisely defined; it is composed of various components and lacks clearly
delineated mechanisms. This vagueness is further increased by the chaos
surrounding the terminology and the use of various names: EU foreign
policy, EU external relations, European foreign policy, etc.

Despite the aforementioned problems, we can still say that the EU’s
external policy has two main components: an economic one and a political/
military one. The first one concerns the economic relations with foreign
countries in the form of the Common Commercial Policy, along with
development assistance and humanitarian aid, and the second one concerns
foreign and security policy in the form of the Common Foreign and Security
Policy (CFSP) and the Common Security and Defence Policy (CSDP). The
factors that hinder the implementation of the EU’s external policy include
the fact that its two components do not share the same philosophy: economic
issues fall mainly within the competences of EU institutions (accordingly
to the community method), while in foreign and security policy it is the
Member States that have the final say (intergovernmental cooperation).
Consequently, the external policy is a conglomeration including elements
of policies conducted on the EU level and of national foreign policies.

¹ For more see: O. Barburska, Polityka zagraniczna Unii Europejskiej: aspekty teo-
retyczne i metodologiczne (Foreign Policy of the European Union: Theoretical and Method-
ological Aspects), „Studia Europejskie”, no. 3/2016; The SAGE Handbook of European
Foreign Policy, ed. K.E. Jørgensen et al., London 2015; J. Starzyk, Wspólna Polityka
Zagraniczna i Bezpieczeństwa Unii Europejskiej (Common Foreign and Security Policy of
Main Deficiencies of the EU’s Foreign Policy

It is only natural that this state of affairs gives rise to tensions and conflicts in various spheres and dimensions. Examples of this are manifold, such as the ongoing strong controversies related to the migration crisis. These controversies have both a political and an ideological dimension, which only raises the gravity of the crisis because it affects “many areas of key significance for the existence of the common integration space: from axiology and the understanding of human rights to the functioning of the Schengen rules”. Just as it is the case with the internal functioning of the European Union, also in the sphere of the EU’s external policy disputes may arise between EU bodies and the Member States, between different EU institutions, as well as between individual Member States, leading to more or less serious tensions or even crises.

One of the main reasons behind this is that the EU’s external policy has not supplanted the foreign policies of the individual Member States. Moreover, while agreeing to the emergence of this policy, the Member States largely seek to take advantage of it to consolidate their own political and economic positions in relations with third countries. The situation is made even worse by the crisis the EU has been going through and the striving of the individual Member States to protect their own interests.

All this results in general ineffectiveness of the EU’s external policy. In functional terms, its main flaw seems to be the lack of consistency in political as well as institutional and legal terms. The Treaty of Lisbon represented an attempt to provide solutions to this deficiency. It introduced “Part Five: The Union’s External Action” to the Treaty on the Functioning of the European Union (TFEU), which consolidates the previous resolutions regulating the EU’s relations with foreign countries in terms of external economic relations. At the same time, the Treaty on European Union (TEU) confirmed the significance of the rules of consistency, complementarity and coordination in external policy; of particular importance in this context is Article 21(3), according to which “[t]he Union shall ensure consistency between the different areas of its external action and between these and its other policies”. Unfortunately, the sig-

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2 K. Zajączkowski, O brakach i niedostatkach w polityce zagranicznej UE (On the Shortcomings and Deficiencies of the EU Foreign Policy), „Studia Europejskie”, no. 3/2014.


nificance of these provisions is diminished by the fact that the political and defence component of the external policy, meaning the CFSP and the CSDP, is still treated as a separate issue: the relevant provisions were placed in Title V TEU (Articles 23–46) and not in TFEU, where the other external policies of the EU are addressed.

All this means that the provisions addressing consistency of the EU’s external policy are largely declarative. There is clear inconsistency between the striving to conduct this policy in the comprehensive way that the Union has been preaching and its actual implementation. Furthermore, despite the existence of relevant Treaty provisions, the Member States still show considerable scepticism towards closer coordination of their own foreign policies within the framework of the EU. It should therefore come as no surprise that the European Union has not developed a truly common and consistent institutional system that could successfully represent it and its members in relations with the rest of the world.

This is especially true of the political and defence component of the EU’s external policy, that is the foreign and security policy. In this case we are often dealing with, as Nicole Gnesotto put it, examples of an actual “national obsession”: whenever the European Union “touches upon [...] diplomacy and the use of military force, states immediately start to cling to their national prerogatives”. While the very fact that the CFSP and the CSDP were established can already be considered a success, these policies obviously suffer from many flaws. What seems to be the biggest problem is the lack of an efficient decision-making centre at the Union level, one that would initiate, execute, coordinate and supervise undertakings in all areas covered by this policy.

The Treaty of Lisbon failed to solve this problem, but it introduced a new, justified and long-awaited solution by establishing the post of High Representative of the Union for Foreign Affairs and Security Policy and the European External Action Service (EEAS). At the same time, however, the Treaty retained the special nature of the EU’s foreign and security policy, basing it on the principles of intergovernmental cooperation, unanimous decision-making and not adopting legislative acts. The Treaty of Lisbon also introduced minor changes to the distribution of competences, to legal instruments and to the decision-making process within the CFSP and the CSDP. It did not introduce, however, any mechanisms that would facilitate or enforce greater consistency of the Member States’ actions.

The results of the establishment of the said new positions and institutions turned out to be far from clearly positive as well. The new office

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of High Representative was created as a result of merging the positions of High Representative for CFSP and European Commissioner for External Relations, which could theoretically increase the institutional effectiveness of the EU in the sphere of external policy. This merger of the two functions is, however, only a personal union and does not change the existing legal order. In addition, the “double-hatted” nature of the new office undermines its effectiveness: on the one hand, the High Representative presides over the Foreign Affairs Council configuration of the Council of the EU, and on the other hand, is a Vice-President of the European Commission. The High Representative’s activity is therefore based on two different systems: the one founded on the principles of intergovernmental cooperation and, at the same time, the one that works in accordance with the community model.

It is therefore likely that a conflict of interests or rivalry between these two institutions will emerge. In practice, much depends on the quality of the personal cooperation between the High Representative and the President of the European Council. Certain tensions that might emerge between these politicians only prove the fact that, from the systemic point of view, the rivalry between them is an intrinsic part of the logic of functioning of the two offices. Besides, without questioning the qualities of Catherine Ashton and Federica Mogherini, who have held the High Representative post so far, they do not seem to be first-line EU politicians. It appears that the EU Member States, especially the most powerful ones, set things up in a way that gives them, rather than the EU institutions, the final word on the sensitive issues of foreign policy. Consequently, so far neither the formal prerogatives nor the actual significance of the office of High Representatives have introduced any new quality to the functioning of the EU’s foreign and security policy.

Another example of adopting institutional solutions that are not very effective is the establishment of the European External Action Service, which is the long-advocated EU diplomatic service. It is composed of both EU officials and diplomats from the Member States, and it is headed by the High Representative. The functioning of the Service suffers, however, from competition-related problems, as it has not been given competences in the field of external trade, development and enlargement policy, which remain with the European Commission. Those who criticise the adopted solutions stress that there is no clear division of tasks between these institutions, which could lead to considerable divergences and thus prevent the EU from being successful in the international arena.\(^6\)

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Due to all the structural, legal and institutional deficiencies, other flaws in the EU’s foreign and security policy emerge. These include, among others, the vague and inconsistent formulation of the main goals and tasks. Even the adoption of the programme document titled “European Security Strategy” (ESS) in 2003 failed to remedy this. While the ESS indeed contained a number of justified theses and requests, overall it was considered incomplete, lacking a broader vision and failing to address the fundamental question: “How could military measures help Europe in achieving political goals?”.

Yet another problem is the highly insufficient funding the EU’s foreign and security policy receives. Although the funds allocated to this aim have been systematically growing, they still constitute around a mere 4% of what is spent on the entire external policy of the EU (which, in turn, has been receiving in consecutive multiannual financial frameworks the lowest funding among all the main budget items). This is further linked to an even more serious problem, namely the lack of sufficient expenditure on military goals and improper use of the available funds by a vast majority of the Member States. They spend only some 1.5% of GDP (compared to the United States’ 4.5%) for this purpose, and only a few among them (e.g., the United Kingdom and Poland) try to reach the 2% GDP mark recommended by NATO. Further, “the funds are spent irrationally, often anachronistically, on the national level and without any preliminary consultation among the Member States”.

Consequently, the European Union does not have a well-developed autonomous military potential at its disposal, although it should be a key element of its foreign and security policy. We shall not delve into historical deliberations on the attempts to build such a potential; it is sufficient to note that the implementation of the ambitious initiative of establishing a rapid reaction force, initiated in 1999, has not yielded any greater success. The only relative success has been the achievement of readiness in 2003 to launch civilian and military missions abroad. In total, the EU has so far executed 17 such missions, mainly civilian ones, in Europe, Africa and Asia, and there is a similar number of ongoing missions. All these are, however, only ad-hoc solutions and in most cases only complementary to the operations conducted by the UN and NATO or regional organisations, such as the African Union. Thus, it is still long before EU inter-

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8 N. Gnesotto, op. cit., p. 76.
vention forces will be able to independently conduct major operations abroad. Beyond this, there is also the risk that, as Julian Lindley-French rather sarcastically put it, such operations will become “an end in themselves, a means of proving that the Union is capable of mustering a military force, regardless of whether it will actually prove globally useful”.10

Generally speaking, the weaknesses of the EU’s foreign and security policy seem to have one thing in common: the lack of political will of European decision-makers to introduce the necessary changes. This is especially true of the governments of the Member States, which evidently do not want to give up their traditional, sovereign rights in the sphere of foreign policy. On the Union level, in turn, there is obviously not enough determination to change this state of affairs. Thus the following question arises: How can the European Union change this highly unsatisfactory situation?

**How to Improve the EU’s Foreign Policy?**

The simplest solution would be to ameliorate the deficiencies described above, since the EU foreign and security policy requires reducing or removing the main political, institutional and legal barriers that hamper its development. Although the list of barriers is long, remedial actions are indeed undertaken with regard to some of them. For example, we should note that despite the quite reasonable criticism of their activity, the establishment of the office of High Representative of the Union for Foreign Affairs and Security Policy and the EU’s diplomatic service was undeniably a step forward compared with the previous state of affairs. We should also remember that the Treaty of Lisbon introduced important new solutions, formally giving the EU legal personality under international law or even introducing certain elements of military alliance in the form of a clause obligating the Member States to provide assistance in the event of an armed aggression against one of them (under Article 42(7) TEU).

EU decision-makers are also becoming increasingly aware of the need to develop a more consistent strategy for the Union in the area of its relations with the rest of the world, as evidenced by “European Security Strategy”, among others. While the Strategy certainly deserves criticism, it also contains the following statement: “Greater coherence is needed not only among EU instruments but also embracing the external activities of the individual Member States”.11 Furthermore, it seems that the provi-

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10 J. Lindley-French, op. cit., p. 57.
sions of the new “Global Strategy for the EU’s Foreign and Security Policy” adopted in 2017, are heading in the right direction. Already the very title of this document: Shared Vision, Common Action: A Stronger Europe indicates that emphasis has been placed on increasing the consistency of the foreign and security policy activities. Moreover, while the Strategy confirms the peaceful and conciliatory nature of this policy (“The European Union has always prided itself on its soft power”), it also underlines that having only soft power as the foundation “does not do justice to an evolving reality”. As a result, “for Europe, soft and hard power go hand in hand”, which indeed seems to signify better understanding of the challenges of modern times.\(^\text{12}\)

This does not necessarily mean, however, a breakthrough regarding another important flaw of the EU’s foreign and security policy, namely the insufficient spending on military issues. The situation in this area is not showing any significant improvement, but one has to admit that even here there are some actions towards at least optimising the efforts that are already being made. One of them was the establishment in 2004 of the European Defence Agency, whose tasks include supporting the development of the Union’s military potential. This is supposed to take place through, for example, better coordination and harmonisation of the production of the EU Member States’ armaments industries. Among the various undertakings in this regard, one noteworthy examples is the initiative of the European Commission to establish a special European Defence Research Fund by 2020.

As regards autonomous armed forces, in turn, the EU has at least initiated the process of forming some of its elements. Starting from 2004, the so-called Battle Groups were being formed, which were supposed to be able to rapidly react to crisis situations. Combined with various earlier undertakings (such as the Eurocorps and other joint European units) this already forms a certain military infrastructure. This is even more the case of the deployment of military mission outside the European Union: in order to streamline this type of activity, a special mechanism of joint funding under the name Athena has been introduced. At the same time, it is necessary to bear in mind that foreign EU missions are large undertakings, involving of as many as several dozen thousand military and civilian personnel, as well as large quantities of equipment and considerable funds.

All these more or less significant remedial activities cannot, however, remove the most serious flaw of the EU’s foreign policy, namely the lack of political will to implement a deep policy reform. This, in turn, is a direct consequence of the general principle that governs this sphere of the Union’s

international activity, namely the domination of the model based on intergovernmental cooperation. It is understandable why the Member States are so fiercely clinging to this model: one of the main reasons is that they have anxiety about transferring competences to supranational bodies in such sensitive areas as determining their own diplomacy and having their own armed forces, which are traditionally considered crucial for a state to retain sovereignty. This does not change the fact that in the contemporary world, globalised and full of interdependences, the notion of sovereignty is shifting from its classical meaning, as no international actors, not even the most powerful global players, remain fully independent.13

What Future for the EU’s Foreign and Security Policy?

All this means that the domination of the Member States in the EU’s foreign and security policy in the form of intergovernmental cooperation does not suit the challenges the European Union is facing in the early 21st century. Although this domination enjoys continuous strong political and ideological support, the main argument against it is very simple: it is ineffective. Not only scientific analyses but also political practice show that the present model of EU’s foreign policy simply does not fulfil the tasks and goals it should.14

Shortcomings of this model have shown the scale of the problems that affect the very foundations of the European Union. These problems have various sources, but one of the most important and fundamental ones is the lack of a long-term strategic vision for the further development of the European Union as a whole – in other words, the lack of its clearly formulated finalité politique. Today, the EU is standing at a historical crossroads because it has apparently exhausted the capabilities of the current model, and a new model of European integration must be chosen for the future. This essentially means that the European Union needs to choose to either further develop its transnational structures and strengthen the Community competences in all areas (which implies a more rigorous intro-

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duction of the federal/community model) or improve the current mixed model (largely based on intergovernmental cooperation with elements of federalism and neo-functionalism) or develop new forms of activity, based on the differentiated or flexible integration model, in practice using the mechanisms of the other models. The resolution of this dilemma will determine the future of the EU and thus also the future shape of its foreign and security policy.

The use of the federal/community model would involve granting greater competences to supranational institutions, extending the scope of application of EU law, expanding common procedures and regulation mechanisms, etc. In other words, it is simply about greater communitisation, which is not a new concept in the history of the European Union. We can clearly see that despite controversies and open opposition the EU’s foreign and security policy has indeed been evolving in this particular direction, albeit very slowly and one small step at a time. One of the many signs of this process was the establishment of the said offices of High Representative for CFSP and then High Representative of the Union for Foreign Affairs and Security Policy together with the EU’s diplomatic service. Regardless of all their political and competence-related limitations, these High Representatives were tasked with looking after the interest of the Union as a whole.

At the same time there are strong tendencies negating the need for communitisation of the EU’s foreign and security policy. Many politicians, commentators and researchers advocate the development of the model based on intergovernmental cooperation and negate the utility of community solutions. The same is true of Polish researchers, some of whom, such as Roman Kuźniar, have for years expressed the view that “the most desirable model is the intergovernmental one with strong leadership” because the community model would not have sufficient political and social legitimacy for the EU to play a significant international role. On the other hand, numerous voices support the further federalisation of foreign and security policy. One of the researchers supporting this view is Dariusz Milczarek. According to him, the federalist model “seems to be more useful”, while continuing with the intergovernmental model “would only consolidate the present, unsatisfactory state of affairs”.

16 D. Milczarek, Unia Europejska we współczesnym świecie (The European Union in the Contemporary World), Warszawa 2005, p. 151.
The visions that represent these two options: more communitisation or more intergovernmentality still keep clashing, and prominent EU politicians become involved in the dispute. For example, Guy Verhofstadt believes that too many decisions are made on the intergovernmental level and that the Member States use their veto right too often. He further believes that a new European Union is needed because the one we have now has an institutional problem: “it is not a union but a confederation of nation states”. On the other hand, President of the European Council Donald Tusk stated that “Europe without nation states” is merely a utopia and pointed out that decision-makers got obsessed with “the idea of instant and total integration”, failing to notice that ordinary EU citizens did not share this enthusiasm.

The third model of the future European Union is based on the concept of differentiated/flexible integration. In most general terms, it is about letting those Member States that want to cooperate to take steps to strengthen the capabilities and the effectiveness of their undertakings while not minding their other partners and not being held back by them. In legal terms, this is made possible by the principles of so-called enhanced cooperation, enshrined in Article 20 TEU, which allows for a diversification of the pace of deepening integration within the EU between smaller groups of Member States (at least nine states per group), and may create new forms of cooperation between them.

The concept of differentiated/flexible integration advocates (as its name suggests) greater differentiation and dispersion of integration activity so as to better adapt them to specific conditions. Jan Techau described this as follows: “Some needs point toward more integration, but others perhaps point toward less”. Other researchers who support similar solutions include Simon Hix, who believes that the Union should be transformed into a “decentralised federation”, where groups of Member States with similar interests would conclude agreements between themselves and create their own structures.

Considering all these determinants, we now need to ask the key question: What future awaits the EU’s foreign and security policy? Of course,

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20 Przyszłość UE: konieczne reformy…, op. cit.
in matters such as this it is hard to provide any clear predictions, even more so because the forecasts vary considerably in this regard: from disaster scenarios that predict a more or less imminent collapse of the entire Union to the optimistic forecasts that assume the EU could be playing an important or even leading role in the future world order. What seems to be the decisive issue here is the fundamental problem of how the relations between the EU institutions and the Member States are to be structured as regards their competences in the field of foreign and security policy. It is necessary to adopt clearly defined, legally binding solutions at the EU level, which must be accepted and loyally implemented by all the Member States. As shown by political practice, it is difficult to imagine such a solution with the current political structure of the Union.

So which model of European integration would be best suited for this purpose? From the theoretical point of view, the federal model with strong supranational institutions would be the best one, because it would be most effective in pushing through the adoption of common solutions for the entire European Union. The promotion of federal solutions, however, raises political and ideological opposition, so it is also possible to use the mechanisms of the other models. They may include closer intergovernmental cooperation and/or more individualized solutions adopted by groups of individual EU countries. Such measures are actually already taking place in the context of the EU’s foreign and security policy and will most likely be increasingly used in the future.

It seems that what is the most important is not to adopt necessarily a single option but much rather to adopt a consistent approach that would result from the resolution of the historical dilemma concerning the future of the EU as a whole. The European Union simply needs to know in which direction it is going; it must know whether it will be more federal, intergovernmental or flexible. Adopting a clearly defined ideological and political course will help it to solve various problems, including different shortcomings of its foreign and security policy.

Despite all the efforts made in this regard, the European Union still has no strategic vision of what Europe is to become in the future. EU foreign and security policy is lacking clearly defined goals and well considered

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actions to achieve them. Given all this, our concerns about the future of this policy are well-founded. The multifaceted crisis the EU is going through facilitates the emergence of anti-democratic, populist and anti-EU sentiments as well as national egoisms, which are highly dangerous, especially in the sphere of foreign policy. Today, however, we still do not know whether the European Union will be able to make the much-needed effort to redefine itself. All this means that the EU’s foreign and security policy will, in general, greatly depend on the future shape of the whole European Union.

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