

EU Foreign Policy Perspectives

A Call for the Revival of the Weimar Triangle

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The rejection of the Treaty of Lisbon by the Irish has given rise to the possibility of revisiting its central tenets. This is urgently needed for the formulation of a coherent European Foreign and Security Policy. While the new member states tend to have a transatlantic orientation, many old member states are seeking to make Europe more independent from the US. Tension exists between Central and Eastern European security interests and Western European energy policy as regards relations with Russia. The European Neighbourhood Policy is seeing a juxtaposition of unconnected political projects, such as the Mediterranean Union initiated by Paris, and enlargement to include additional Eastern European states, which has the support of many Central and Eastern European nations. The Treaty of Lisbon offers no real solutions to any of this. It does not provide for decisions to be made on the Common Foreign and Security Policy (CFSP) by qualified majority as a rule. Attaining a unanimous decision in the Council on delicate issues of foreign and security policy has become more difficult, especially since the EU's enlargement to 27 member states. Against this background, it seems necessary to encourage the formation of foreign policy groupings, and especially to revitalize the close coordination between Germany, Poland and France in what is known as the "Weimar Triangle".

France and Poland are of the utmost importance to the formulation of German foreign and security policy. Germany maintains close neighborly relations with both states, and they all have a shared historical experience that demonstrates the need for close political coordination. However, such coordination is hindered by the fact that the foreign and security policy orientations of the three states are not always in accord. France has traditionally focused on the Mediterranean area, and tends to see itself

as an opponent of the US, rather than as a close ally. Thus, the determination with which the French President pursues his initiative to re-integrate France into NATO remains to be seen. In its foreign and security policy, Poland often adopts a position that is diametrically opposed to that of France, especially given its close links to US foreign and security policy. Bilateral plans for the stationing of a US missile defense system in Poland clearly show that the foreign policy split remains

virulent, and coordination in the Council of Ministers was deliberately avoided due to the unlikelihood of consensus within the EU. The French initiative entitled “Barcelona Process: Union for the Mediterranean” and the Polish proposal for an “Eastern partnership” between the EU and the Ukraine and other states also indicate differing positions on the development of the European Neighbourhood Policy (ENP).

A fundamental reform of the EU’s structures for making foreign and security policy decisions is required to avert the risk of a deep split in this area. Structures are needed that promote European consensus on foreign and security policy issues and a common foreign and security policy identity. In this context, the main question is how to better facilitate consensus building in foreign and security policy in the EU in the future.

Harmonization Despite Unanimity

The unanimity requirement is accompanied by the risk that only the lowest common denominator has a chance. The greater the number of EU member states, the lower the denominator. If the EU is unable in the medium term to introduce qualified majority decision-making as a rule in the area of foreign and security policy, new ways of harmonizing EU foreign policy will have to be devised.

The formation of interest groups in the EU is not a new phenomenon, and will also remain unavoidable in the future. However, this so-called “differentiated integration” or “flexibility” of foreign and security policy must be exercised with great caution. During the war in Iraq, it became clear that disagreement on foreign and security policy issues can rapidly lead to a general deterioration in the political climate. The societies of Europe ultimately and rightly expect their governments to show unity on such fundamental matters as war and peace, rather than continually going their own way.

A strengthening of institutionalized cooperation is also required, in tandem with a cautious flexibility. From a German perspective, the Weimar Triangle appears particularly suitable in this context. It is a symbol of the process of reconciliation between France, Germany and Poland, and has the potential to function as a common engine for driving forward European integration. The Weimar Triangle was established in August 1991 by Hans-Dietrich Genscher, Roland Dumas and Krzysztof Skubiszewski, the Foreign Ministers of Germany, France and Poland respectively, and provides for annual consultations to be held on issues of European policy. Trilateral cooperation in the Weimar Triangle has been suffering in recent years from repeated notes of discord in both German-Polish and French-Polish relations. The disagreements between Poland and France on the issue of intervention in Iraq, and the German-Polish disputes over expellees and the Treaty of Lisbon, are only three examples from a long list. However, the newfound pragmatism that has played a decisive role since the change of government in Warsaw has created an opportunity to give the Weimar Triangle a second chance (see SWP-Aktuell 40/2008: *Die Außen- und Sicherheitspolitik Polens unter der Regierung Tusk* [Polish Foreign and Security Policy under the Tusk Government], May 2008, by Aleksandra Krakiewicz and Piotr Buras).

Such efforts have become even more crucial since the Irish “no” vote in the referendum and the increasing emergence of a “Europe of different speeds”. The negotiations on the Treaty of Lisbon also showed that only a few approaches can be found for a renewal of European foreign and security policy. The negotiations also revealed that Great Britain has strong reservations about intensifying the CFSP and the Common Security and Defence Policy (CSDP). Thus, cooperation between Berlin, Paris and Warsaw could become a decisive factor in reaching a compromise within the EU on political crises in which the national interests of the member states

are highly divergent. Several reasons indicate that these three countries could play such a role:

Firstly, it is difficult to reach agreement on European policy when animosity exists between Germany and Poland, as demonstrated by the EU budget negotiations. A political reconciliation between Germany and Poland could contribute to a normalization of European policy debates at the Council of Ministers level. Secondly, greater cooperation between Germany, Poland and France appears indispensable for dealing with a large number of important issues on the current security policy agenda, ranging from NATO-ESDP relations to the European Neighbourhood Policy. Thirdly, trilateral coordination between Germany, France and Poland always carries greater weight than a narrow bilateral agreement between Germany and France, or between France and Poland. Fourthly, close coordination between the three states can ensure that flexible group formation within European foreign and security policy that is necessary to Europe's ability to take action can be integrated into, and maintained within certain bounds, through inner cohesion in the form of the Weimar Triangle. Foreign and security policy issues on which the three states cannot achieve consensus could have an explosive effect on the political cohesion of the Union. Conversely, they benefit from trilateral coordination at an early stage. This enables them to advocate their respective national interests with greater firmness in the Union context, because they can build on the basic consensus achieved in the framework of the trilateral cooperation. Germany, France and Poland will thus have a greater chance of carrying their point in the area of European foreign and security policy in the Union context.

It will thus be of even greater importance for the trilateral cooperation between Germany, France and Poland to make progress in harmonizing foreign and security policy on the legal basis established by the Treaty of Lisbon. Three main foreign

policy areas can be identified which seem well-suited to the development of closer cooperation between Germany, France and Poland, namely the European Neighbourhood Policy (ENP), the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP).

European Neighbourhood Policy (ENP)

The political elites in Germany, France and Poland wish to see a Europeanization of the EU's neighboring states, and hence a strong ENP. The fact that the ENP has been enshrined in a treaty for the first time bears testimony to the EU's special interest in stability within its immediate neighborhood. Through the ENP, which explicitly excludes accession prospects, the Union is committing itself to developing special relations with the relevant countries, "to establish an area of prosperity and good neighborliness, founded on the values of the Union and characterized by close and peaceful relations based on cooperation." The Commission, which is responsible for the ENP, is able to enter into special agreements with the ENP countries, which may be accompanied by reciprocal rights and obligations. Regular consultations are held between the Union and the ENP countries on the implementation of the agreements.

However, differences of opinion can be seen among the EU member states in relation to the setting of geographical priorities. While France is focused on the South, and thus favors the concept of the Mediterranean Union, which is intended to further develop the Euro-Mediterranean partnership, Germany placed Eastern neighbors and the Black Sea Initiative at the forefront of its political endeavors during its Council Presidency. Poland even supports offering tangible prospects of accession to neighboring Eastern states and Turkey. While the common organization of the Black Sea Initiative and the Mediterranean Union has introduced at least a minimum amount of coordination within

the two big regional pillars of the ENP—which may be directed towards offering Turkey an alternative to EU accession—it will nonetheless hardly suffice to reconcile the three states’ diverging interests in the ENP. If the EU wishes to have a credible foreign policy, the regional initiatives of individual member states must be agreed to at an early stage in the Council of Ministers.

Ongoing political dialogue is needed between France, Poland and Germany to prevent the ENP from being trampled by different national interests. The Treaty of Lisbon contains no opinion-forming and decision-making procedures for contentious questions relating to the configuration of the ENP. The negotiations held between Germany and France at the beginning of March 2008 on the establishment of a Mediterranean Union showed that foreign policy initiatives in such areas as the Neighbourhood Policy can only gain acceptance if they are open to all EU member states and can build on consensus between Germany, France and Poland. The decision on the Mediterranean Union was ultimately only made possible because Poland ended its long-held blocking position. Germany advocated a Community position between France and Poland in this context, under which it ensured that the French initiative was integrated into the ENP framework. In return, Poland is planning to respond to the French-initiated Mediterranean Union project with a corresponding structure in Eastern Europe. All of the initiatives are now taking place in an institutional and financial sense under the umbrella of the ENP.

The Common Foreign and Security Policy (CFSP)

The CFSP covers “all areas of foreign policy and all questions relating to the Union’s security, including the progressive framing of a common defence policy” (Art. 24 (1) TEU). However, even after the (still pending) adoption of the Treaty of Lisbon, its biggest shortcoming remains the principle of un-

animity in decision-making (Art. 31 TEU). The possibility of constructive abstention by individual member states alleviates the problem, but does not solve it. EU foreign policy should fulfill the assertion that all EU states participate in it on an equal footing. The intergovernmental nature of the CFSP is emphasized by two declarations adopted at the urging of Britain during the European Council of heads of state and government in June 2007, which reaffirm the autonomy of national foreign policy (Declarations 13 and 14). The adoption of decisions on the basis of a qualified majority is only possible in specific cases, and may be prevented by the member states for “vital and stated reasons of national policy”. In addition, no decision may be adopted by qualified majority where there are abstentions by at least one third of the member states comprising at least one third of the population of the Union.

In future, “specific rules and procedures” (Art. 24 (1) TEU) will continue to apply to the CFSP. The High Representative and the Commission may submit joint foreign policy proposals to the Council; the High Representative in relation to “the area of common foreign and security policy” and the Commission in relation to “other areas of external action” (Art. 22 (2) TEU). The High Representative will chair the new External Relations Council, while simultaneously serving as Vice-President of the Commission (“double hat”). The Commission receives no powers under the CFSP that authorize it to independently introduce decisions. The foreign policy role of the European Parliament also remains limited.

The “passerelle clause” constitutes an important step in this regard. It enables the European Council to unanimously adopt a decision stipulating that the Council shall act by qualified majority in existing areas of the CFSP that are subject to unanimity. However, this does not apply to decisions having military or defense implications. The passerelle clause can thus be used to attain greater flexibility in specific areas of

foreign policy, in which different alliances and historical possibilities of exerting influence may arise. A common foreign policy on energy could, for example, be established in the context of close cooperation between Germany, France and Poland.

Finally, the enhanced cooperation procedure is an additional instrument for introducing greater flexibility into the CFSP. This procedure may only be used following a unanimous Council decision and an opinion from the High Representative and the Commission (Art. 329 TFEU). Enhanced cooperation is especially suitable for conflict management. The procedure has not yet been used, as the political fear of an internal split in Europe has been too strong. It also remains true that Europe's ability to act cannot come at the cost of a split within the EU. Thus, the implementation of enhanced cooperation requires political consensus between at least Germany, France and Poland.

The Common Security and Defence Policy (CSDP)

The Common Security and Defence Policy has been a focal point since trilateral cooperation commenced within the framework of the Weimar Triangle. Confidence-building measures such as joint military maneuvers, meetings of experts and an annual political-military seminar were held. The three states remain willing to act as a security policy engine to drive forward the ESDP/CSDP. To this end, regular meetings are held at the level of the defense ministers, military policy directors and the highest-ranking members of the armed forces. Poland also wishes to take part in Eurocorps in 2008, which has already seen participation by Germany and France, along with Belgium, Luxembourg and Spain. A joint military combat unit (battle group) composed of German, French and Polish troops should even be operational by 2013. The Treaty of Lisbon makes provision for the Council to entrust the implementation of a task to a group of member states

(Art. 44 TEU). The political framework conditions are to be set by the Council on the basis of consensus, with the technical details pertaining to the management of the task being established by the participating member states.

In principle, the CSDP remains an integral part of the CFSP under the Treaty of Lisbon. The range of tasks includes the use of civilian and military means for peacekeeping, conflict prevention, and strengthening the international community (Art. 42 (1) TEU), along with the "Petersberg tasks", which range from humanitarian operations to peace-making combat missions. The CSDP also extends to joint disarmament measures and military advice and assistance. Combating terrorism is listed indirectly as a CSDP area of cooperation. The tasks may also make a contribution to the fight against terrorism, including by supporting third countries in combating terrorism. As with the CFSP, decisions on CSDP are adopted unanimously by the Council. The future High Representative of the Union for Foreign Affairs and Security Policy only has the right to propose missions and, in conjunction with the Commission, may also only propose that recourse be had to such instruments (Art. 42 (4) TEU).

Finance presents a particular problem for the further development of the CSDP. The common costs of EU military operations are borne by the member states in accordance with the "Athena" procedure, i.e. without the involvement of the European Parliament. The financing of the CSDP thus falls outside the treaty framework of the Union. This constitutes a problem for the coherence of the CSDP, insofar as it decouples the political and financial dimensions of the CSDP. Where political decisions are adopted unanimously, but the financial decisions necessary to their realization are made unilaterally, it must be assumed that an arbitrary implementation of common policies will be the usual outcome. Unlike Germany, Poland and France are positively disposed towards the common financing of the CSDP.

The introduction of the new mutual assistance clause is an important step towards the deepening of EU security policy (Art. 42 (7) TEU). According to this clause, the member states “shall have . . . an obligation of aid and assistance by all the means in their power” if a member state is the victim of armed aggression on its territory. This could guarantee the security of states such as Poland in the medium to long term, thereby at least reducing the perceived need for close ties with the US. While this clause is without prejudice to collective defense under NATO, it is the first indication of an understanding of the Union as a defensive alliance. In addition to the mutual assistance clause, Article 222 TFEU also contains a solidarity clause, although this is not a component of the CSDP. This clause enables the Union to mobilize all of the instruments at its disposal, including military resources, in the event of a terrorist attack or a natural or man-made disaster.

The structured cooperation introduced by the Treaty of Lisbon should be highlighted as a means of deepening security policy cooperation (Art. 46 EUV and Protocol on Permanent Structured Cooperation). The general aim of this form of cooperation is to provide a forum for closer cooperation to those member states that are willing and able to develop European military capabilities more intensively. Once this group has been established by means of a qualified majority decision in the Council, its members will be able to make autonomous decisions on measures. If a member state no longer fulfils the criteria, its participation can be suspended by the Council. In the context of furthering the development of European military capabilities, the new provisions on the CSDP contained in the Treaty of Lisbon are well-suited to intensifying cooperation between Germany, France and Poland on foreign and security policy. The introduction of permanent structured cooperation responds to important political demands by France and Poland for a deepening of security policy in a way that

can simultaneously strengthen European cohesion.

Conclusions

1. The EU is capable of action when it can base itself on consensus among its member states on central issues of foreign and security policy. Where consensus cannot be reached within the Union, the number of vetoes on foreign and security policy must be reduced. However, for as long as qualified majority decisions are not the rule in relation to the Common Foreign and Security Policy, no real alternative exists to the formation of groupings on CFSP/CSDP.

2. Achieving consensus within the context of the Weimar Triangle can strengthen the internal cohesion of the Union on foreign and security policy issues and reduce the transatlantic component of EU foreign policy. The EU does not need to become a counter-model to the US in this regard. Nonetheless, a functional CSDP is a prerequisite for a credible CFSP, as well as for cohesion on foreign policy within the EU. Only a Union that is capable of taking action on foreign and security policy will be able to guarantee the security of individual member states, thereby enabling them to relativize their disproportionate transatlantic orientation in an EU-compatible manner.

3. The mutual assistance and solidarity clauses in the CSDP, along with the *passerelle* clause and enhanced cooperation in the CFSP, send out important signals to the member states to coordinate their foreign and security policy within interest groups. As regards risk deterrence and disaster management, Germany would nonetheless be reliant on both close cooperation with its direct neighbors and consensus on foreign and security policy within the Union.

4. This remains without prejudice to the positive option of allocating foreign policy roles within the Union, and to the historical possibilities of exerting influence. The coordination or formation of groupings within the EU requires “unity in diversity”

to be fundamentally regarded as a strength. It can be advantageous for states in the Union to set themselves greater challenges, as long as the condition is respected that these foreign policy partnerships are open in principle to all member states. The French initiative to establish a Mediterranean Union and the Polish idea of an Eastern Partnership are examples of such challenges.

5. The Weimar Triangle has sown the seeds of a core European group on foreign and security policy. The EU will only be able to contribute to greater peace and effectively assert its international interests if it is able to shape the cooperation between its 27 member states in the area of foreign and security policy by simultaneously increasing flexibility and promoting unity within a European core. The unity established within the Weimar Triangle following the enlargement round in 2004 is at the origin of the mantra-like invocation of “unity in diversity” in Europe in the area of CFSP/CSDP.

Overview

Important Reforms of EU Foreign and Security Policy in the Treaty of Lisbon

<i>Subject of Legislation and Treaty Basis</i>	<i>Most Important Reforms and Achievements</i>
European Neighbourhood Policy (ENP) Treaty basis in Art. 8 TEU	▶ Neighbourhood Policy entrenched in a treaty for the first time
Common Foreign and Security Policy (CFSP) Treaty bases: Art. 16 (6), (3) TEU; Art. 21–41 TEU; Art. 47 TEU; Art. 215 TFEU; Art. 329 TFEU; Declarations 13 and 14	▶ Principles for foreign policy action by the Union ▶ Legal personality for the Union ▶ High Representative of the Union for Foreign Affairs and Security Policy, European External Action Service ▶ New configuration: the Foreign Affairs Council ▶ Instruments and procedures (including enhanced cooperation) ▶ Restrictive measures
The High Representative of the Union for Foreign Affairs and Security Policy and the European External Action Service (EEAS) Treaty bases: Art. 18 TEU; Art. 22 (2) TEU; Art. 27 TEU; Art. 30 (1) TEU; Art. 34 TEU; Art. 36 TEU; Art. 221 TFEU; Declarations 9 and 15	▶ Creation of the office of a High Representative of the Union for Foreign Affairs and Security Policy (“double hat”) ▶ Establishment of a European External Action Service ▶ Establishment of Union delegations—new rules for the Council Presidency
Enhanced Cooperation procedure Treaty bases: Art. 20 TEU; Art. 326–334 TFEU	▶ Standardization of the decision-making procedure ▶ Duty to promote participation by as many member states as possible ▶ Full consultation of the European Parliament ▶ Extension of enhanced cooperation to the CFSP ▶ Introduction of the passerelle clause
Common Security and Defence Policy (CSDP) Treaty bases: Art. 42–46 TEU	▶ Extension of the range of tasks ▶ Right of initiative for the new High Representative ▶ Mutual assistance and solidarity clause ▶ European Defence Agency ▶ Permanent structured cooperation

Abbreviations:

TFEU Treaty on the Functioning of the European Union

TEU Treaty on European Union

Source: Dossier entitled *Der Vertrag von Lissabon* [The Treaty of Lisbon], Stiftung Wissenschaft und Politik (German Institute for International and Security Affairs), continuously updated, found at:

http://vt-www.bonn.iz-soz.de/swpthemen/servlet/de.izsoz.dbclear.query.browse.BrowseFacette/domain=swpjlant=dejfilter-11/sa ble=truejq p=true?f58=12583_12 583&order=pu byear, title (last accessed on May 6, 2008).

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