

lssue No. 243 Sep 2013

The Common Security Policy Strategy of the European Union and Perspectives for Cooperation with Northeast Asia

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lssue No. 243 Sep 2013

ANALYSIS

I The Political, Legal and Institutional Framework of the EU's Common Foreign and Security Policy

From informal European Political Cooperation (EPC) to setting up CFSP

Cooperation between EU member countries in matters of foreign and security policy is not a new feature in European policy. Long before the Maastricht Treaty that established the European Union and entered into force in November 1993, member countries of then European community were cooperating closely in this policy area on the base of the so called "European Political Cooperation". The working method of EPC was rather informal and ad hoc orientated and strictly intergovernmental, i.e. decisions could only be taken by unanimity and were legally not binding.¹ A joint initiative of the then French president Mitterrand and German chancellor Kohl aimed at further developing the European community to a Political Union. The initiative got a first legal basis in the so called Single European Act which entered into force on July 1st, 1987.²

Since 1989 new foreign and security policy challenges have arisen such as the fall of the wall and the breakdown of communist/socialist regimes in the Soviet Union and Eastern Europe, a destabilization on the Balkans and a fresh push for more integration. In order to tackle the new challenges there has been a gradual transformation from EPC to CFSP.³ The various treaty changes and amendments from Maastricht (1993), Amsterdam (1999), Nice (2003) and finally Lisbon (2009)⁴ particularly aimed at:

- strengthening the binding character of CFSP for EU member states and their governments;
- enhancing their commitment for observing CFSP principles;
- improving decision making procedures, structures and mechanisms and
- improving the visibility of the EU's external actions in the field of foreign and security policy.

Driving political factors for additional amendments to CFSP were the war in Kosovo but particularly the terror attacks of 9/11. As a complementing element for CFSP the Common Security and Defence Policy (CSDP)⁵, defined as an "integral part" of CSFP (article 42 EU-Treaty) added considerable clout to external actions of the EU. In the Lisbon Treaty CSDP has its own legal basis (articles 42-46) and has thus become part and parcel of the single institutional framework of the EU.

Since 2003 more than 20 CFSP/CSDP-operations have been carried out in various corners of the world ranging from post-tsunami peace building in Aceh to protecting refugees in Chad and fighting piracy in the Indian

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¹ Elfriede Regelsberger, ed., *Die Gemeinsame Außen- und Sicherheitspolitik der Europäischen Union* (Bonn: Europa Union Verlag, 1993).

² Peter-Christian Müller-Graff, "EPZ/GASP im System der Europäischen Union – Kohärenzgebot aus rechtlicher Sicht," in: Ibid., 53-68.

³ Auswärtiges Amt, ed., *Vademecum für die Gemeinsame Außen- und Sicherheitspolitik* (Berlin: Referat EUKOR, 2008), 139. ⁴ Refer to full text of the Lisbon Treaty.

⁵ Gerrit F. Schlombach and Hans Stark, "Die deutsche Position zu den britisch-französischen Annäherungen innerhalb der ESVP," ed. Bundesakademie für Sicherheitspolitik (Berlin: Wissenschafts-Verlag, 2004), 75-84.



lssue No. 243 Sep 2013

Ocean.⁶ CFSP/CSDP have considerably sharpened the EU's profile in the area of security policy – not always without conflicts with partners and allies, e.g. within NATO and her non-EU members fundamental principles and objectives for CFSP/CSDP-actions were laid down 2003 by the European Council in the "European Security Strategy (ESS)".7

The legal framework for CFSP/CSDP

Guiding principles of CFSP and CSDP are laid down in articles 21-46 of the EU-Treaty. The overarching objective of CFSP is to define common foreign and security policy goals and implement these goals by applying common instruments and mechanisms. In this context the definition for military crisis management activities of the EU in article 43 is remarkable and wide ranging: It covers rescue missions, peace keeping and peace enforcing missions as well as post-conflict operations. Furthermore, the activities to fight international terrorism are covered by this article.

For the first time in the more than 60 years of European integration the Lisbon Treaty contains also a legal basis for mutual support of EU member countries under special circumstances: The so called "solidarity clause" in article 222 of the Treaty about the working methods of the EU allows for CFSP/CSDP-support missions in member countries that are threatened by terrorist acts or are confronted with natural or man-made disasters.⁸

Institutional structure and decision making of CFSP

As the top of the decision making hierarchy the European Council (heads of States and Governments of EU member countries) is responsible for political guidelines, orientation and also for decisions at his level if consensus cannot be reached at lower levels of the hierarchy (article 15 EU-Treaty). The president of the European Council who is elected for a period of two and a half years (currently, the Belgium politician Herman Van Rompuy) is also representing the EU in its external relations.⁹

At the ministerial level the Foreign Affairs Council of the European Union is responsible for implementing CFSP objectives set out by the European Council. Based on article 18 EU-Treaty and different from all other council formations of the EU, the Foreign Affairs Council is chaired permanently by the Union's High Representative (currently, Catherine Ashton from the UK who has been elected for the same term of office as the president of the European Council). The High Representative is also a member of the European Commission and by virtue of this legal status has the right of initiative for proposals in his area of responsibility (article 30 EU-Treaty).

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf, 2.

European Council, "A Secure Europe in a Better World. European Security Strategy," December 12, 2003, accessed April 10, 2013, www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf

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⁶ European Council, "Report on the Implementation of the European Security Strategy – Providing Security in a Changing World," December 11, 2008, accessed April 10, 2013,

⁸ Ibid., 4

⁹ Notw ithstanding, the rights of the Union's High Representative for Foreign and Security Policy and the EU-Commission president.



lssue No. 243 Sep 2013

The High Representative is supported by the newly created "External Action Service" composed of professional staff and experts from the EU-Commission, the Council's General Secretariat and Diplomatic Services of member countries (article 27 EU-Treaty).¹⁰

Below the ministerial level two more echelons of hierarchy are responsible for preparing the decision making in CFSP matters: ambassadors from all member countries and specialized working groups comprising national experts of member countries. The PSC is acting as the central interface between the political and administrative level of CFSP. In cases of crisis management operations the PSC has special control and leading competences according to article 38 EU-Treaty. For military operations in the framework of CSDP specialized units of the External Action Service and the EU-Military Committee (EUMC) provide the necessary expertise supporting the PSC and the Council. When it comes to the character of CFSP actions article 25 EU-Treaty distinguishes between a range of possibilities, e.g.:

- decisions on concrete CFSP actions,
- decisions on common points of views concerning CFSP issues,
- decisions on operational details for the implementation of CFSP/CSDP missions.

Decision making on CFSP/CSDP actions are according to article 31 EU-Treaty will still dominated by the principle of unanimous voting of member countries – a principle which led to splitting EU member countries in the case of the Iraq war (2003) and the military intervention in Libya (2011). However, article 31 allows member countries to use the so called "constructive abstention" which does not prevent other member countries and the EU to carry out CFSP missions even if the abstaining member country is not willing (or capable) to participate. In clearly defined special cases article 31 also permits qualified majority decisions of the Council, e.g. for the appointment of special representatives under the responsibility of the High Representative¹¹

By and large, CFSP/CSDP has worked relatively well since it became part of the legal and institutional structure of the EU. However, at least some member countries such as Germany are aiming at improving the instruments and enhance the coherence of the EU's external action. According to this thinking, beyond CFSP and CSDP, it must include, among other things, issues relating to trade and external economic affairs policy, development aid, enlargement and neighbourhood policy, the management of migration flows, climate negotiations and energy security.¹²

II Global Challenges and Key Threats in a Changing World: The European View

Under the responsibility and guidance of the then EU High Representative for CFSP, Javier Solana, the European Security Strategy (ESS) was agreed by the European Council at its summit meeting in December 2003 and subsequently reinforced by a report on the implementation of ESS which the European Council approved in

¹² Final Report of the Future of Europe Group of the Foreign Ministers of Austria, Denmark, France, Italy, Germany, Luxembourg, The Netherlands, Poland, Portugal and Spain, Berlin, 17 September 2012 (not published), 6; Stefan Gänzle, "Coping with the Security-Development Nexus. The European Community's Instrument for Stability – Rationale and Potential," *Studies 47* in: ed. German Studies of the Development Institute, (Bonn: DIE, 2009).

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¹⁰ Claas Knoop, "Der Außenminister der Europäischen Union und der Europäische Auswärtige Dienst." in: *Für Sicherheit, für Europa – Festschriftfür Volkmar Götz*, ed. Reinhard Hendler et al. (Göttingen, Vandenhoek & Ruprecht, 2005), 93.
¹¹ For more details see footnote 3.



lssue No. 243 Sep 2013

December 2008.¹³ The ESS identified a range of threats and challenges to the European Union's security interests which will be looked at in the following paragraphs.

Proliferation of Weapons of Mass Destruction (WMD)

Proliferation by both states and terrorists are seen as potentially the greatest threat to EU security. That risk has clearly increased in the last five years. While Libya has dismantled its WMD program, Iran and also North Korea still have to gain the trust of the international community. A likely revival of civil nuclear power at least in some parts of our world in coming decades also poses challenges to the non-proliferation systems, if not accompanied by credible and verifiable safeguards.

Terrorism and Organized Crime

Terrorism, within Europe and worldwide remains a major threat to our societies. Attacks have taken place in various places in Europe, while others have been foiled, and home-grown groups play an ever increasing role within Europe's own territories. Organized crime continues to menace our societies, with trafficking in drugs, human beings, and weapons, alongside international fraud and money laundering.

Cyber Security

Modern societies and economies are heavily reliant on critical infrastructure including transport, communication and power supplies but also the internet. The EU-Strategy for a Secure Information Society, adopted in 2006 addressed internet-based crime. However, attacks against private or government IT systems in EU member states have given this a new dimension, as a potential new economic, political and military weapon.

Energy Security

Concerns about energy dependence have increased over the past years. Declining production inside Europe means that by 2030 up to 75 % of the EU's oil and gas supply will have to be imported. It will come from a limited number of countries; many of them face threats to stability, therefore, the EU and its member states are faced with an array of security challenges which involve the responsibility of solidarity of all member countries.¹⁴

Climate Change

In 2003 the ESS already identified the security implications of climate change. Approximately ten years later, this has taken on a new urgency. Climate change is seen as a "threat multiplier". Natural disasters, environmental degradation and competition for resources exacerbate conflict, especially in situations of poverty and population growth, with humanitarian, health, political and security consequences, including greater migration. Climate change can also lead to disputes over trade routes, maritime zones and resources previously

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¹³ Ibid., 6-7.

¹⁴ Joachim Fritz-Vannahme, "Long live the United States of Europe," 2012, accessed April 10, 2013, <u>http://aci.pitt.edu/34186/1/spotlight_1203_EN_web_V2.pdf</u>, 7.



lssue No. 243 Sep 2013

inaccessible. Conflicting claims regarding e.g. the exploitation of assumed oil-/mineral-resources hidden in the ground under the North Pole are clearly illustrating this potential threat.¹⁵

Piracy

Piracy which was thought to be a plague of the past has become an evident threat to maritime security, particularly in the Indian Ocean, but also in other parts of the world. While this article was written more than 150 seamen of eleven ships are held hostage by Somali pirates. The EU as one of the major trading partners of the world heavily relies on safe and reliable shipping lines connecting its ports with the rest of the world¹⁶.

In the face of globalization, the major threats and challenges outlined in the preceding paragraphs are interconnected and of a highly complex nature. The arteries of modern European societies – such as information systems and energy supplies – have become more vulnerable. Global warming and environmental degradation is altering the face of the planet. Moreover, globalization is accelerating shifts in power and is exposing differences in values. Recent financial turmoil has shaken developed and developing economies alike.¹⁷

Bearing these complexities of threats and challenges in mind the response of the EU to these scenarios is a holistic approach, well aware that the implementation of ESS remains a work in progress. The strategy reflects a distinctive European approach to foreign and security policy. ESS prime objective, to confront key threats and global challenges, is to put Europe in the lead for a renewal of the multilateral order. The UN therefore stands at the centre of these endeavours. Everything the EU has done in the field of security has been linked to the UN objectives. Strategic partnerships, like e.g. the one the EU has agreed with its neighbouring continent, Africa, are seen as a promising concept and instrument to implement the ambitious goals of ESS.¹⁸

III Perspectives for Cooperation with Northeast Asia

For the purpose of this article the region of "Northeast Asia" is understood to comprise the following countries: China, Russia, Japan, North Korea, South Korea and Vietnam. The following deliberations will focus on the framework for cooperation of the EU as a global actor in matter of peace and security with this region. The

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6

 ¹⁵ Refer to e.g., Paul V. Desanker, "Impact of Climate Change of Life in Africa," August 2002, accessed April 10, 2013, <u>http://www.wwf.org.uk/filelibrary/pdf/africa_climate_text.pdf</u>.
 ¹⁶ Peter Roell, "Maritime Security: New Challenges for Asia and Europe," in: *ISPSW Strategic Series, Issue No. 167*, ed.

¹⁶ Peter Roell, "Maritime Security: New Challenges for Asia and Europe," in: *ISPSW Strategic Series, Issue No. 167*, ed. Institute for Strategic, Political, Security and Economic Consultancy (ISPSW), 2011, accessed September 9, 2012, http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?id=134578, 7.

Regarding the engagement of the European Union to combat piracy and indirectly maritime terrorism refer also to Lutz Feldt, "Operation Atalanta – Europe's Contribution," in: *ISPSW Strategic Series, Issue No. 185*, ed. Institute for Strategic, Political, Security and Economic Consultancy (ISPSW), 2012, accessed April 10, 2013, <u>http://www.isnethz.ch/isn/Digital-</u> <u>Library/Publications/Detail/?id=140842</u>.

 ¹⁷ Stefanie Weiss and Isabell Hoffmann, "Confronting the Crisis," 2012, accessed April 10, 2013, <u>http://www.bertelsmann-stiftung.de/cps/rde/xbcr/SID-2F118058-136156A3/bst/BS Spotlight05 EN web V1.pdf</u>.
 ¹⁸ General Secretariat of the Council, "The Africa-European Union Strategic Partnership: Meeting Current and Future

¹⁸ General Secretariat of the Council, "The Africa-European Union Strategic Partnership: Meeting Current and Future Challenging Together," 2011, accessed April 10, 2013,

http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/qc3111092ENC.pdf.



lssue No. 243 Sep 2013

roles and actions of individual member countries in this context need to be looked as complementing EU policies in this field where the Union acts in its own right.¹⁹

The vast region of Northeast Asia is undoubtedly one of the most attractive and at the same time also a very challenging region for CFSP cooperation and eventual partnership with the EU. Attractive, due to the fact that two countries of this region – China and Russia – are permanent members of the UN Security Council and thus play a key role regarding the implementation of ESS objectives in a global context. Challenging, because this region is composed of countries with very different political, economic and social systems and often conflicting interests. Different from Southeast Asia where ASEAN offers a structured and organized platform for dialogue with the EU, the region of Northeast Asia has no such forum available.²⁰

Before this background, the author examines each country of the region by its own merits regarding options and possibilities for cooperation and partnership related to CFSP matters with the EU.

China

The EU's relationship with China was established already in 1975 and for almost three decades focused mainly on economic and trade relations. In 2003, a comprehensive EU-China Strategic Partnership was launched resting on a rich web of bilateral dialogues (more than 50). In this context of CFSP and ESS the establishment of a new High Level Dialogue on strategic and foreign policy issues in 2010 was an important step towards closer cooperation between the two partners. The scope of EU/China political dialogue has gradually broadened to cover issues ranging from non-proliferation to the security situation in Asia, from global warming to fight againstillegal migration and trafficking in human beings. Chinese and European leaders have agreed that there is a great potential to expand further this dialogue. They agreed that in a changing world the EU and China share broad common interests that are increasingly interdependent.

At the 3rd EU-China High-level Strategic Dialogue which took place in Beijing in July 2012 both sides agreed to enhance their cooperation on international issues and to hold regular dialogue on defence and security policy.²¹ Striking examples for matching interests of the EU and China are the cooperation in anti-piracy naval escorts in the Indian Ocean²² and the support for the African Union in its endeavour to establish an African Security Architecture.

The commitment of the EU to the strengthening of its political dialogue with China reflects Europe's recognition that China – as a Security Council member, a growing economic and political power and an increasingly active member of the international community – can exert a significant influence on a wide range of global

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¹⁹ Article 24 paragraphs 2 and 3 EU-Treaty oblige member countries to support the Union's Foreign and Security Policy actively in the spirit of loyalty and mutual solidarity. Member countries need to abstain from any action which is not in line with the interests of the Union or which could damage the international relations of the EU.

²⁰ With the exception of North Korea Northeast Asian countries are members of the Asia Pacific Economic Cooperation (APEC). How ever, this organisation is not suitable as a counterpart of the EU for dialogue on CFSP matters. Equally the so called Asia-Europe Meeting (ASEM) as an informal dialogue forum of the EU with 16 Asian countries does not cover the whole

region of Northeast Asia (Russia and North Korea do not participate). ²¹ European Commission, "Joint Press release after the 3rd EU-China High-level Strategic Dialogue," July 20, 2012, accessed April 10, 2013, <u>http://europa.eu/rapid/press-release_IP-12-765_en.htm?locale=en.</u> ²² Carnegie-Tsinghua Center for Global Policy, "Maritime Strategy: Security and Governance," 2011, accessed April 10, 2013,

http://carnegietsinghua.org/events/?fa=3558



concerns. Therefore, a further step in deepening this strategic relationship would be the conclusion of a partnership and cooperation agreement which currently is negotiated between Brussels and Beijing.²³

Russia

The importance which Russia attaches to its Asian territories bordering the Pacific Ocean was recently underlined by the APEC summit which took place in Vladivostok. Russian relations with the EU are currently based on a partnership and cooperation agreement, in force since December 1997.²⁴ The substance of objectives of this cooperation is defined in four so called "common spaces", one of which is dealing with external security, another with freedom, security and justice. Both sides have agreed on roadmaps for implementing activities in these areas.

In the roadmap on external security both partners have reached a principle common understanding on some of the global issues reflected in the ESS, such as:

- an international order based on effective multilateralism,
- support for the central role of the UN, ٠
- cooperation in security and crisis management in order to address key threats, notably terrorism and ٠ proliferation of WMD.²⁵

However, there is no denying the fact that Russia (as well as China) has different views than the EU on current subjects of international concern such as the situation in Syria, the nuclear policy of Iran and also in matters related to climate change. Despite their differences in these issues both partners are showing encouraging signs of cooperation in other relevant areas, such as energy security, fight against terrorism and maritime security.²⁶

Japan

Japan is a traditional and long standing partner of the EU in Northeast Asia. The relationship is based on a Joint Action Plan concluded already in 2001.²⁷ Cooperation takes place at all levels, culminating in the EU-Japan annual summit meetings and covers foreign policy, economic and trade relations as well as regional and global challenges.

Japan shares most of the analyses concerning key threats and challenges that are expressed in the ESS and has become a close and reliable partner of the EU in international and regional fora in the interest of defending

ecran. ²⁴ European External Action Service, "EU Relations with Russia," 2013, accessed April 10, 2013, http:///www.eeas.europa.eu/russia/index_en.htm. ²⁵ lbid., 25.

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²³ Europe China Research and Advice Netw ork, "About ECRAN," 2013, accessed April 10, 2013, http://www.euecran.eu/about-

²⁶ European External Action Service, "External Security," accessed April 10, 2013,

ttp://eeas.europa.eu/Russia/common_spaces/external_security_en.htm

http://eeas.europa.eu/Russia/common_spaces/external_security_entrum.²⁷ European Union and Japan Summit, "Shaping our Common Future. An Action Plan for EU-Japan Cooperation," 2011, accessed April 10, 2013, http://www.euinjapan.jp/en/relation/political/.



lssue No. 243 Sep 2013

shared values and mutual interests. As one of the major trading nations of the world Japan is particularly interested in participating in international efforts to improve maritime security in fighting piracy.²⁸

With a view to North Korea's nuclear policy the EU and Japan are jointly engaged to urge this country to comply with and commit itself fully to relevant international norms with regard to nuclear non-proliferation and WMD and stop its missile related activities including deployment.²⁹

The Korean Peninsula

a) Republic of Korea (South Korea)

South Korea is a key, like-minded partner for the EU which has concluded a strategic partnership with this country during a summit meeting in 2010.³⁰ This partnership, based on a framework agreement, provides a basis for strengthened cooperation and dialogue across the board. It addresses a wide range of international concerns which are also reflected in the ESS, including non-proliferation of WMD, human rights, cooperation in the fight against terrorism, piracy, climate change, energy security and development assistance.

b) Democratic People's Republic of Korea (North Korea)

Relations of the EU with North Korea up to now are dominated by the EU concern regarding peace and stability on the Korean peninsula. Together with other like-minded partners the EU supports international efforts to address concerns over the nuclear activities of North Korea. It remains to be seen if the new leadership in Pyongyang is willing to comply with international rules and obligations in this context which is seen as a precondition for improving and developing relations with the EU.³¹

Vietnam

In June 2012 Vietnam and the European Union signed a partnership and cooperation agreement which will provide a comprehensive and ambitious framework to take forward bilateral relations. Being the ASEAN-coordinator for relations with the EU, Vietnam is seen as a key partner in the region beyond the issues of development cooperation and trade. Therefore, ESS-related issues geared to become important agenda points in this growing relationship with an influential actor in the region.³²

⁹ Ibid., 28.

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²⁸ Olaf Bachmann, "The African Standby Force: External Support to an 'African Solution to African Problems'?," in: ed. Institute of Development Studies (Brighton: IDS, 2011), 54.

³⁰ European External Action Service, "EU relations with the Republic of Korea," 2013, accessed April 10, 2013, http://www.eeas.europa.eu/korea_south/.

European External Action Service, "EU relations with the Democratic People's Republic of Korea (North Korea)," 2013, accessed April 10, 2013, <u>http://www.eeas.europa.eu/korea_north/</u>. ³² European External Action Service, "Vietnam," 2013, accessed April 10, 2013,

http://www.eeas.europa.eu/vietnam/index_en.htm.



lssue No. 243 Sep 2013

IV Conclusion

In the past decades the EU and its member countries step by step have developed a comprehensive set of rules and structures for a genuine European approach to global foreign and security issues. With the adoption of ESS in 2003 and its reinforcement in 2008 the EU has a comprehensive strategic roadmap for facing increasingly complex threats and challenges in a rapidly changing world. In more than 20 CFSP/CSDP-missions the EU has tested the tools of its Foreign and Security Policy by and large successfully. However, despite all that has been achieved, implementation of the ESS remains work in progress and heavily depends on cooperation with international partners.

The analysis of EU relations with countries of Northeast Asia has clearly shown that with the exception of North Korea the political, legal and institutional ground work has been laid for a broadly based dialogue about CFSP/ESS-related issues. It is up to the actors on both sides to use and develop on this basis the options and opportunities for cooperation in order to find common solutions for common concerns.

Remarks:

Opinions expressed in this contribution are those of the author.

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