Backgrounder

The EU's Common Foreign and Security Policy: How It Threatens Transatlantic Security

Sally McNamara

A series of international events over the past year have pushed the European Union to the front of the international stage. When Russia invaded Georgia in August 2008, it was the EU that took the reins of leadership. When Russia turned off the gas taps to Ukraine in December, the EU again assumed the position of negotiator in chief.

Since the Maastricht Treaty of 1991, the European Union has sought to forge a Common Foreign and Security Policy (CFSP) precisely to take the lead in times of global crises. When Europe's collective weaknesses were cruelly exposed by Slobodan Milosevic's ethnic cleansing in Kosovo in 1999, EU leaders tried to expedite the EU's foreign policy integration. Institutionally and politically, the EU has centralized elements of foreign-policy making in Brussels so that all EU members may "speak with one voice" on international issues.[1] Under proposals in the Lisbon Treaty (successor to the European Constitution) this centralization process would receive its most significant boost to date—removing foreign policy from the intergovernmental sphere and making it a supranational EU competence.

The EU sent a six-page letter to President Obama in early February, seeking to play a greater role on the international stage.[2] When Vice President Joe Biden outlined the Obama Administration's foreign policy vision at the Munich Security Conference that same month, he presented enthusiastic agreement.

But the United States should be wary of relinquishing its transatlantic leadership role to the Euro-

Talking Points

- In an effort to create "one telephone line" to Europe, the EU's proposed Lisbon Treaty would remove foreign policy from the intergovernmental sphere and make it a supranational EU competence with an EU president, a foreign minister, a single legal personality, and a powerful diplomatic corps.

- Brussels is seeking to centralize America's relationships with individual EU member states and make Brussels the only port of call for American foreign policy planners. This will undermine America's bilateral relationships, and represents a unique threat to the Anglo–American Special Relationship.

- A single EU foreign policy will be characterized by inaction, Franco–German dominance, and an attempt to limit American power.

- The creation of an EU army and military structures separate from NATO duplicates NATO's role and functions, and fundamentally threatens the transatlantic security alliance.

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pean Union. Rather than realizing America's need for Europe to take on more of its own security burden, a common EU foreign policy is more likely to drain the already limited military capabilities of the member countries and potentially serve as a tool for those in Europe who believe that American global power must be "counterbalanced." The United States should not seek a single phone line to Europe: It will undermine America's fruitful bilateral relationships, such as the Anglo–American Special Relationship, which have served American interests well since the end of World War II.

The Creation of the Common Foreign and Security Policy

This is the hour of Europe. It is not the hour of the Americans.[3]

—Luxembourg's Foreign Minister Jacques Poos on the EU's mediation efforts in Yugoslavia, June 1991

When the Yugoslav state started to disintegrate in 1991 and the prospect of widespread regional conflict loomed, the EU claimed leadership of the crisis, epitomized by Jacques Poos's infamous proclamation that the hour of Europe had arrived.[4] Taking place at the same time as the negotiations for the Treaty of Maastricht, which proposed huge centralizing initiatives, such as the Single Currency, the EU immediately sought a unified line on Yugoslavia as a vehicle for proving its foreign policy credentials.

The United States was relieved to see Europe step up to the plate and happily deferred leader-ship. Achieving a successful resolution of the Yugoslavia crisis presented the EU with an opportunity to both prove itself on the international stage, and to disentangle America from European security arrangements.

At the very outset, however, the EU failed to comprehend the sheer complexity of the problem, its own institutional and military limitations, and the very different historical perspectives and policies of its 12 constituent members. The tragedies that followed laid rest to the claim that Europe's time had come or that the EU was even unified. Having failed to secure peace through diplomacy and unable to agree on the deployment of a European peacekeeping "interposition force" in September 1991, Germany pushed the EU to reverse its previous policy and recognize the independence of Croatia and Slovenia.[5] The EU's initial strategy of maintaining the territorial unity of the Yugoslav Federation at all costs was left in tatters.[6]

Breaking with the EU position and disregarding strong British and French objections, Germany forced Europe's hand by unilaterally recognizing Croatia and Slovenia as sovereign states on December 23, 1991.[7] The other members of the European Community followed suit on January 15, 1992, in an attempt to reconcile Europe's growing divisions, and thereafter proceeded to steadily hand off leadership of the growing Balkan crisis to NATO and the United States. As European analyst Mario Zucconi notes, "The Western Europeans used Yugoslavia to gratify their vanity."[8] "In the end," he concludes, "the Yugoslav conflict dealt a serious blow to the

1. During the 2002 period of heightened confrontation between India and Pakistan over Kashmir, then-German Foreign Minister Joschka Fisher stated at a conference in Berlin that the EU should be "a united Europe which speaks with one voice." See Mark Davies, "Together in a Crisis," BBC News, May 27, 2002, at *http://news.bbc.co.uk/2/low/uk_news/politics/2010762.stm* (March 6, 2009).

2. Crispian Balmer, "European Union Draws Up Letter to New U.S. Leader," Reuters, November 3, 2008, at *http://www.reuters.com/article/politicsNews/idUSTRE4A267Q20081103* (March 6, 2009).

3. Alan Riding, "Conflict in Yugoslavia; Europeans Send High-Level Team," *The New York Times*, June 29, 1991, at *http://query.nytimes.com/gst/fullpage.html?res=9D0CE0DF143CF93AA15755C0A967958260&sec=&spon* (March 6, 2009).

4. Before implementation of the Maastricht Treaty in 1993, the EU was formally known as the European Community. The term EU commonly substitutes for EC even when referring to the period before 1993.

5. Christopher Bellamy, "Peace-Keeping Force 'An Impractical Idea,'" *The Independent*, September 18, 1991.

6. "Bonn Gives Lead on Croats," *The Guardian*, December 24, 1991.

7. Tom Walker and Tim Judah, "Serbian Anger Greets Death of Yugoslavia," *The Times*, January 16, 1992.

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image and credibility of the organization, to its perceived weight as a major unitary actor, and to its aspiration to anchor the emerging political order on the European continent."[9]

EU Treaties: The Juggernaut of Integration

In the midst of its early failures over Yugoslavia, the EU signed the Treaty of Maastricht which included institutional and political mechanisms to advance a Common Foreign and Security Policy.[10] The EU quickly drew the conclusion that if Europe had had better decision-making procedures and centralized institutions, its performance in Yugoslavia would have been better. The driving ethos behind the CFSP's creation was the idea that the nations of Europe could be stronger collectively than they are separately. Despite the gaping holes in European unity over Yugoslavia, it was assumed that new institutional arrangements would create unity by themselves.

Since its formulation in the Treaty of Maastricht, the backbone of a common EU foreign policy has been that Europe should seek a common position *that no EU member state should break*, regardless of evolving circumstances. The Maastricht treaty states:

> The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The

Council shall ensure that these principles are complied with."[11]

As stated in Maastricht, the goal of a common defense policy is to reinforce, "the European identity and its independence in order to promote peace, security and progress in Europe and in the world."[12] The treaty also called on member states to coordinate positions at international institutions and to "uphold the common positions in such fora."[13] Maastricht specifically called on the permanent members of the United Nations Security Council (France and Britain) to defend EU positions at the U.N.[14]

The EU argued that the CFSP was an attempt to address its foreign policy shortcomings and to improve its military capabilities, which were nakedly displayed over Yugoslavia. The EU's credibility gap, however, was once again exposed when America was forced to supply the vast majority of equipment used during NATO's air campaign against Milosevic's ethnic cleansing in Kosovo in 1999.[15] In addition to revealing a massive chasm between Europe and America in terms of military capability, Kosovo also demonstrated the vital role of American leadership in the Balkans. After years of failed EU negotiations with Milosevic, using lucrative carrots but less credible sticks, only America was able to legitimately threaten action, which was ultimately taken through NATO without an explicit authorizing resolution from the U.N. Security Council (in part due to French opposition to a further resolution authorizing military action).[16]

8. Abram Chayes and Antonia Handler Chayes, *Preventing Conflict in the Post-Communist World: Mobilizing International and Regional Organizations* (Washington, DC: Brookings Institution, 1996), p. 271.

9. *Ibid.*, p. 237.

10. A common foreign and security policy was created under Title V of the Treaty on European Union. See "Provisions on a Common Foreign and Security Policy," Treaty on European Union, Official Journal C 191, July 29, 1992, at *http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html* (March 12, 2009).

11. Article J.1.4, Treaty On European Union.

12. Preamble to Treaty On European Union.

13. Article J.2.3, Treaty On European Union.

14. Article J.5.4, Treaty On European Union.

15. The United States provided 100 percent of NATO's signal-jamming capability, 90 percent of the air-to-ground surveillance, and 80 percent of the air-refueling tankers; U.S. fighters and bombers delivered 90 percent of the precision-guided munitions. See Robert G. Bell, "NATO's Transformation Scorecard," *NATO Review*, Spring 2005, at *http://www.nato.int/docu/review/2005/issue1/english/art3.html* (March 6, 2009).

Resentment festered in many European quarters that NATO, and more specifically the United States, had once again been called in to resolve a European conflict.[17] Having failed to play the lead role, or even a meaningful part in resolving the Kosovo conflict, the EU decided once more that further centralization of power was the answer. It is significant that after every foreign policy failure the EU's analysis led to the conclusion that ever more concentration of power and more institution-building in Brussels could remedy the problem. The EU's failures in Kosovo, combined with the impetus for European military integration after the St. Malo summit between British Prime Minister Tony Blair and French President Jacques Chirac in 1998, gave EU planners a green light to propose ever bolder initiatives to supra-nationalize European foreign policy.

The Treaty of Amsterdam, signed in 1997 and implemented in 1999, created the post of High Representative for the Common Foreign and Security Policy—effectively an EU Foreign Minister. Amsterdam also reformed decision making for the CFSP, introducing the concept of "constructive abstention," and extended qualified majority voting to some areas of foreign policy.[18]

The ensuing Treaty of Nice, signed in 2001 and implemented in 2003, provided for the development of autonomous EU military arrangements, including the creation of permanent political and military structures and commitment to an EU-level rapid reaction force. Nice established defense policy as a formal EU competence for the first time and spearheaded the development of the EU's military

policy.[19] Through the treaties of Maastricht, Amsterdam, and Nice, foreign policy was centralized in Brussels step by step.

Components of Failure

The creation of new institutional mechanisms and the centralization of foreign-policy making in Brussels have not created a stronger Europe capable of handling global, or even European, security. Instead, the CFSP has resulted in inaction, or been subject to domination by France and Germany. It has also frequently been used as a platform from which to confront America and frustrate U.S. policy, particularly the war on terrorism. In fact, three characteristics can be drawn from looking at the performance of the CFSP to date.

1. Inaction. Many Europeans have argued that the members of the European Union can exert greater influence in the world if they act together rather than separately; and that following the decline of Europe's major powers, individual states' power can collectively create a more powerful and credible European voice on the world stage. Elements of this philosophy are also to be found in the Obama Administration's theory that when acting within a multilateral alliance, the legitimacy and effectiveness of a specific action is enhanced. During the presidential election campaign, Barack Obama called for America and Europe to embrace new forms of multilateralism for the 21st century, to jointly confront "dangerous currents," such as climate change, terrorism, and nuclear proliferation.[20]

Sovereignty, however, cannot be traded for influence. The ability to project power, whether

16. Britain spearheaded the idea in Europe that rapid military action should be taken as authorized by U.N. Security Council Resolution 1199 on September 23, 1998 (see *http://www.un.org/peace/kosovo/98sc1199.htm*). Europe was hopelessly split when the idea was piloted, with Spain and Italy leading efforts to require a further Security Council resolution. See William Drozdiak, "U.S. Urges Stronger Sanctions on Belgrade; Albright Wages Uphill Fight on Kosovo," *The Washington Post*, March 25, 1998, p. A-24.

17. U.S. envoy to Kosovo Christopher Hill accused the Europeans of "fiddling while Kosovo burned" in 1998, which the Austrian EU Presidency formally protested with Secretary of State Madeleine Albright at the time. See Katherine Butler, "EU Chief Backs U.S. Criticisms Over Kosovo," *The Independent*, September 8, 1998, at *http://www.independent.co.uk/news/eu-chief-backs-us-criticisms-over-kosovo-1196734.html* (March 6, 2009).

18. "The Amsterdam Treaty: An Effective and Coherent External Policy," Common Foreign and Security Policy, Europa, at *http://europa.eu/scadplus/leg/en/lvb/a19000.htm* (February 9, 2009).

19. "Treaty of Nice: Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts," (2001/C 80/01), February 26, 2001, at *http://eur-lex.europa.eu/en/treaties/dat/12001C/htm/C_2001080EN.000101.html* (March 6, 2009).

regionally or globally, depends on several factors, including leadership, credibility, military capability, popular support, and dependable allies. The EU lacks all of these qualities and in assembling its constituent parts, it, therefore, tends to adopt the position of its slowest actors. Or, as *The Times* opined in 1996 as the EU stood impotent before the dissolution of Yugoslavia, "It looks impressive but the increase in size has been bought by losing punch."[21]

In order for 27 member states to agree on a united foreign policy, almost all the meat will have to be taken off the bones of that policy in order to build a consensus. However, that consensus, no matter how weak, may then restrict member states from taking stronger actions outside its parameters. As EU academic analyst Professor Simon Hix explains:

> The reforms contained in the Maastricht and Amsterdam Treaties may have reduced the institutional constraints on the capacity for common action, but the rival historical and political interests of the member states prevent the definition of a common European security identity, and undermine any possibility of acting upon this identity in a united front.[22]

The EU's policy on Zimbabwe illustrates the fallacy of this approach. In 2003, the EU failed to renew travel sanctions against brutal dictator Robert Mugabe after French President Jacques Chirac invited him to attend a Franco–African summit in Paris.[23] Despite indisputable proof of Mugabe's systematic violation of human rights and political freedoms, he was once again given the red-carpet treatment in 2007 when Portugal officially broke

with an EU travel ban (with Brussels' political blessing) to allow Mugabe and his senior aides to travel to Lisbon for an EU–Africa Summit.[24] Despite British protestations and a boycott by Prime Minister Gordon Brown, Mugabe attended the Summit, and Britain sent a low-level government representative in order to conform to the EU's consensus decision that Mugabe should be welcomed by the EU.[25]

Considering Mugabe's tyrannical and oppressive leadership, with routine politically motivated violence and economic collapse, a united policy sanctioning the dictator's travel would seem an obvious one. Yet the EU was incapable of forming any substantial policy, while simultaneously preventing other members from meaningful dissention.

2. Franco–German Dominance. While the EU rarely manages to speak with one voice in any meaningful way, there have been certain instances where the EU has taken the lead role on an international issue. Russia's invasion of Georgia in August 2008 is one such instance where French President Nicolas Sarkozy, as the EU's biggest political figure and then-president of the European Council, assumed the role of world spokesman.

Unfortunately, Sarkozy's handling of the crisis was a disaster and represented a barely concealed Franco–German agenda to restore EU–Russian relations as quickly as possible. From the very outset of the crisis, Sarkozy focused exclusively on achieving a six-point ceasefire—a ceasefire that was thrust upon Georgian President Mikheil Saakashvili and which Moscow had no intention of observing. With no enforcement mechanisms, Sarkozy failed to compel Russia to fulfill the conditions of the cease-

20. "Remarks of Senator Barack Obama: A World that Stands as One," Berlin, Germany, July 24, 2008, at *http://www.barackobama.com/2008/07/24/remarks_of_senator_barack_obam_97.php* (March 6, 2009).

21. "Shrouded in Myths," *The Times*, February 10, 1996.

22. Simon Hix, *The Political System of the European Union*, Second Edition (Hampshire, England: Palgrave Macmillan, 2005), p. 395.

23. Rory Watson, "Divided EU Fails to Renew Curbs Against Mugabe," *The Times*, January 28, 2003, at *http://www.timesonline.co.uk/tol/news/world/article856898.ece* (March 6, 2009).

24. Henrique Almeida, "Mugabe to Attend EU–Africa Summit, Brown to Boycott," November 27, 2007, at *http://www.reuters.com/article/worldNews/idUSL2747890420071127?pageNumber=1&virtualBrandChannel=0* (March 6, 2009).

25. Britain sent Baroness Amos, a life peer (no ministerial portfolio), to represent the U.K. at the Summit after Portuguese president of the European Commission, Jose Manuel Barroso, criticized Britain for its unitary boycott. See "Miliband Defends Mugabe Boycott," BBC News, December 7, 2007, at *http://news.bbc.co.uk/2/hi/uk_news/politics/7132874.stm* (February 17, 2009).

fire and also failed to prevent Russia's subsequent *de facto* annexation of South Ossetia and Abkhazia. Further, despite German Chancellor Angela Merkel's trip to Tbilisi during the height of the conflict where she publicly affirmed Germany's support for Georgia's membership in NATO, she soon reversed position to veto it during NATO's Foreign Ministerial summit in Brussels in December 2008.[26]

Despite the failure of his ceasefire and Russia's redrawing of Europe's borders by force, Sarkozy went on to engineer a return to "business as usual" between Russia and the EU. This was done without any formal negotiation with the Secretary General of NATO, who had suspended all high-level diplomatic contact with Russia in support of the EU-led ceasefire negotiations. In a bid to protect Europe's relationship with Moscow, especially Russian–German energy projects and a deal for Russian helicopters for the EU's mission to Chad, Sarkozy sidelined NATO and used the European Union as a cosmetic cover for Franco–German interests.[27]

3. Limiting American Power. Successive American Administrations have argued that a stronger Europe means greater help for realizing American goals of international peace and stability. President George W. Bush spent much of his second term trying to repair ties in Europe, hoping to engage Europe in supporting a transatlantic agenda on issues such as free trade, energy security, and stabilizing Afghanistan. But the EU chose to obstruct American policies instead of engaging on areas of mutual concern. In areas such as the rendition of terrorists, visa waiver policy, and data sharing, the European Union purposefully obstructed American policy.[28]

Some European leaders also describe the EU as a check on American global power. Former French Prime Minister Lionel Jospin described America as an "unchecked hyper-power."[29] Belgian Prime Minister Guy Verhofstadt talked about EU integration in terms of its "emancipation" from the United States.[30] Current Spanish Prime Minister José Zapatero openly talked about deconstructing American global influence within two decades.[31]

A report published by the U.K. House of Lords in July 2003 found that the EU tended to oppose U.S. policy "simply to make its voice heard."[32] This explains why, standing next to Russian President Dmitri Medvedev in November 2008, EU president Sarkozy called for a temporary moratorium on the planned U.S. missile defense deployments in Poland and the Czech Republic.[33] Speaking to the European Parliament immediately before the NATO Summit in December, French defense minister Hervé Morin also questioned the need for the "third site."[34] The French position was especially important since Paris was holding the EU presi-

26. Marc Champion, "Merkel Slows NATO Bids by Georgia and Ukraine," *The Wall Street Journal*, October 3, 2008, at *http://online.wsj.com/article/SB122297151270999027.html* (March 6, 2009).

27. Jamie Smyth, "Russian Military Force to Assist EU Mission in Chad," *The Irish Times*, September 4, 2008, at *http://www.irishtimes.com/newspaper/world/2008/0904/1220372097381.html* (March 6, 2009).

28. For further explanation, see Sally McNamara, "How Europe and America Should Confront Islamic Extremism," Heritage Foundation *Backgrounder* No. 2073, October 2, 2007, at *http://www.heritage.org/Research/Europe/bg2073.cfm*.

29. Lionel Jospin, "European Integration and Government: Dangers for the United States," quoted in Bill Cash, European Foundation *Working Paper* No. 2, October 2000, p. 3, at *http://www.europeanfoundation.org/docs/Working%20paper%202%20-%20Dangers%20for%20the%20United%20States.pdf* (March 9, 2009).

30. John Vinocur, "What Does Europe Want?/ Rhetoric and Reality: Criticism of U.S. Obscures Growing Disunity on Continent" *International Herald Tribune*, January 20, 2004, at *http://www.iht.com/articles/2004/01/20/estrange2_ed3_.php?page=1* (March 9, 2009).

31. Irwin M. Stelzer, "An Alliance of Two," *The Weekly Standard*, November 22, 2004, at *http://www.weeklystandard.com/Content/Public/Articles/000/000/004/915cqmbo.asp?pg=1* (March 9, 2009).

32. Blake Evans-Pritchard, "EU–US Relations at New Low," *EU Observer*, August 7, 2003.

33. Marc Champion, "Sarkozy Urges U.S., Russia to Delay Missile Plans," *The Wall Street Journal*, November 15, 2008, at *http://online.wsj.com/article/SB122671339527430157.html* (March 9, 2009).

34. Julian Hale, "French DM Casts Doubt on Need for Missile Defense," *Defense News*, December 2, 2008, at *http://www.defensenews.com/story.php?i=3846066* (March 9, 2009).

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France and Missile Defense:
Taking One Position for NATO, a Different Position Elsewhere

Ballistic missile proliferation poses an increasing threat to Allies' forces, territory and populations. Missile defence forms part of a broader response to counter this threat. We therefore recognise the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets.

—NATO Heads of State Final Declaration, April 3, 2008

…[P]lease let's not have any more talk of deployment of missiles or deployment of antimissile systems. Deployment of a missile defense system would bring nothing to security in Europe.

—President Sarkozy at EU–Russia Summit in France, November 15, 2008

Who would hold the key to their [European-based United States missile defense assets] use? What threat would they tackle? There are risks, yes, but to say that there is a threat today would need to be checked.

—French Defense Minister, Hervé Morin, December 1, 2008

Ballistic missile proliferation poses an increasing threat to Allies' forces, territory, and populations. Missile defence forms part of a broader response to counter this threat. We therefore recognise the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets. As tasked at the Bucharest Summit, we are exploring ways to link this capability with current NATO missile defence efforts… As all options include the planned deployment of European-based United States missile defence assets, we note as a relevant development the signature of agreements by the Czech Republic and the Republic of Poland with the United States regarding those assets.

—NATO Foreign Ministers' Final Communiqué, December 3, 2008

dency at that time, speaking with the added authority of that office.

This position contrasts sharply with two NATO endorsements of the planned deployment, including the alliance's foreign ministerial endorsement that came immediately after Mr. Morin's comments before the European Parliament.[35] Although France officially backed both NATO communiqués, its position within the EU was the polar opposite, demonstrating a frustrating inconsistency. It should give the U.S. Administration pause in supporting further EU foreign policy integration when it cannot expect to hear the same message from NATO as it does from the European Union.

War and Peace

The divisions among the powers of Europe over the war in Iraq in 2003 revealed the problem of imposing a single foreign policy on all EU member states. Faced with its members and acceding countries supporting one of two diametrically opposed positions, the EU descended into chaos trying to fashion a single policy out of pure contradiction.[36]

35. Press release, "Final Communiqué: Meeting of the North Atlantic Council at the Level of Foreign Ministers, Held at NATO Headquarters, Brussels," NATO, December 3, 2008, at *http://www.nato.int/docu/pr/2008/p08-153e.html* (March 9, 2009).

36. The EU issued a joint, but empty, declaration at an emergency summit in Brussels on February 17, 2003. See Thomas Fuller, "Reaching Accord, EU Warns Saddam of His 'Last Chance,'" *International Herald Tribune*, February 18, 2003, at *http://www.iht.com/articles/2003/02/18/eu_ed3__1.php* (March 9, 2009).

Europe's countries were broadly split down the middle. France heightened tensions in Europe by telling largely pro-war accession countries that they had "missed a good opportunity to keep quiet."[37] France also sought to deny Turkey planning assistance within the NATO alliance, owing to Paris's vehement opposition to the American-led invasion of Iraq.[38]

The Atlanticists responded with a letter of support to the U.S. Administration, and British Prime Minister Tony Blair wrote to all EU capitals urging them to consider military action as a viable last resort.[39] Less than a week before the invasion, the leaders of the United States, the U.K., and Spain met in the Azores to build international momentum for action on Iraq in a summit that was quickly interpreted as a confrontation with the Franco–German led anti-war axis.

The president of the European Commission, Romano Prodi, commented that "Whatever the outcome of the war, there can be no denying that this is a bad time for the common foreign and security policy for the European Union as a whole."[40] EU divisions over Operation Iraqi Freedom illustrate the fallacy of assuming the nations of Europe have a single foreign policy voice. Washington diplomatically engaged its European allies on a systematic bilateral basis, and, where necessary, on an *ad hoc* multilateral basis. The juggernaut of European integration, however, seeks to remove that option, making Brussels the only port of call for American foreign policy planners. It is inevitable that this will be to the detriment of American foreign policy. As Henry Kissinger has noted:

When the United States deals with the nations of Europe individually, it has the possibility of consulting at many levels and to have its view heard well before a decision is taken. In dealing with the European Union, by contrast, the United States is excluded from the decision-making process and interacts only after the event, with spokesmen for decisions taken by ministers at meetings in which the United States has not participated at any level.... Growing estrangement between America and Europe is thus being institutionally fostered.[41]

The Lisbon Treaty

Following the deep European divisions over whether to support or oppose the U.S.-led invasion of Iraq in 2003, the EU more determinedly wrestled with the question of how to fashion a supranational foreign policy, determined that such division should not happen again. Former Member of the European Parliament and current leader of Britain's Liberal Democratic Party, Nick Clegg, stated in 2003 at the height of EU tensions over Iraq:

The relish with which the anti-European British press has rushed to proclaim the last rites over the EU's fledgling common foreign and security policy is premature. The EU has a habit of rebounding strongly from internal crisis and strife.[42]

In 2004, EU leaders signed the European Constitution, which would have codified the supreme legal basis of the 25 member states at the time, marking a monumental departure from the previous,

37. "'New Europe' Backs EU on Iraq," BBC News, February 19, 2003, at *http://news.bbc.co.uk/2/hi/europe/2775579.stm* (March 9, 2009).

38. In 2003, France led Germany and Belgium in a coalition to deny America's request to provide NATO defensive systems to Turkey in the event of an attack during the liberation of Iraq, as allowed for under Article IV of the North Atlantic Treaty. The United States managed to sideline France by taking the decision to the Defense Planning Committee where France does not have a vote. The German–Belgian coalition collapsed, and Article IV was ultimately honored.

39. Nicola Smith, "EU Leaders Try Again to Find Consensus on Iraq," *EU Observer*, February 17, 2003, at *http://euobserver.com/?aid=9400* (March 9, 2009).

40. William Rees-Mogg, "After Saddam, Can Blair Rescue Us from Europe?" *The Times*, March 31, 2003, at *http://www.timesonline.co.uk/tol/comment/columnists/william_rees_mogg/article1125241.ece* (March 9, 2009).

41. Henry Kissinger, *Does America Need a Foreign Policy?* (New York: Simon & Schuster, 2001), p. 57.

42. Nick Clegg, MEP, "A New World Disorder?" *The Guardian*, March 21, 2003, at *http://www.guardian.co.uk/politics/2003/mar/21/politicalcolumnists.eu* (March 9, 2009).

treaty-based approach to European integration.[43] The constitution was an audacious document, which proposed to significantly extend the EU's competency in foreign-policy making and introduce permanent high-ranking political positions, such as an EU president and a single EU foreign minister. It was subsequently rejected in referenda by the voters of France and Holland. The EU pressed on regardless of this stark popular opposition and "renegotiated" a virtually identical document, the Lisbon Treaty.[44]

The Lisbon Treaty is currently pending ratification by all EU member states, having already been rejected once by voters in Ireland. The Irish government has committed to holding a second referendum on the treaty later this year, since Lisbon cannot proceed without the ratification of all member states. Just like the European Constitution, the Lisbon Treaty contains the building blocks of a United States of Europe and will shift power from the member states of the EU to Brussels in several areas of policymaking, including defense, national security, and foreign policy.[45] The treaty is a blueprint for restricting the sovereign right of EU member states to determine their own foreign policies; above all, the treaty underscores the EU's long-held ambitions to become a global power.

As with the EU Constitution, the Lisbon Treaty will create a permanent EU president, and extend the roles of the High Representative of the Union for Foreign Affairs and Security Policy and of the EU's powerful diplomatic corps. With a single legal personality, Brussels would sign international agreements on behalf of all member states. Critically, unanimous voting has been removed in several key areas and majority voting introduced for 12 different areas of foreign policy, including the election of the EU foreign minister and proposals emanating from the foreign minister.[46]

The treaty will restrict the ability of member states to operate on the international stage on an independent basis. Should the EU decide on a common foreign policy position, the EU will automatically speak for the U.K. and France in the United Nations Security Council.[47] This should be particularly worrisome to the United States since the U.K. and U.S. have proved to be valuable partners in this body in the past. The treaty further asserts the value and importance of the European Union over members' sovereign rights and national interests. It states:

> Before undertaking any action on the international scene or entering into any commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council. Member States shall ensure, through the convergence of their actions,

43. For the text of the draft EU Constitution, see "Treaty Establishing a Constitution for Europe," 2004/C 310/01, at *http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2004:310:SOM:EN:HTML* (March 9, 2009).

44. The House of Commons European Scrutiny Committee reported in October 2007 that "Taken as a whole, the Reform Treaty produces a general framework which is substantially equivalent to the Constitutional Treaty." See "European Union Intergovernmental Conference: Thirty-Fifth Report of Session 2006–07," U.K. House of Commons, European Scrutiny Committee, October 2, 2007, p. 16, at *http://www.publications.parliament.uk/pa/cm200607/cmselect/cmeuleg/1014/1014.pdf* (March 9, 2008).

45. The Council of the European Union produced a consolidated version of the Treaty on European Union and the Treaty on the functioning of the European Union April 30, 2008. It is available at *http://www.consilium.europa.eu/uedocs/cmsUpload/st06655-re01.en08.pdf* (March 9, 2009). References to the Lisbon Treaty will be taken from "Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community," signed in Brussels on December 3, 2007, at *http://www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf* (March 9, 2009).

46. See "Parliamentary Briefing #5: Foreign Policy and Defence," Open Europe, at *http://www.openeurope.org.uk/research/cfspbriefing.pdf* (February 12, 2009).

47. "When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be invited to present the Union's position." Quotation from the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, December 3, 2007, p. 40, at *http://www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf* (March 9, 2009).

that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity.[48]

A Threat to the Anglo–American-Led Operation in Afghanistan

The Lisbon Treaty represents a major threat to the NATO alliance. Rather than creating additional military resources, Lisbon will lead to the replication of NATO and duplicate many of its functions. The long-term goal of creating a European army and duplicating NATO's Article V commitment—that an attack against one member constitutes an attack against all members—illustrates these dangers.

In 2000, the EU announced proposals for an army of 100,000 (60,000 of whom could be deployed at 60 days' notice for up to a year at a time). Britain's Conservative Party commented at the time that this would effectively destroy NATO.[49] The British government rejected this criticism, claiming that the EU was not taking on collective defense, which was purely NATO's responsibility.[50] The Treaty of Lisbon however, proposes an EU mutual defense clause:

> If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.[51]

In addition to duplicating NATO's Article V, the EU remains intent on creating its own military. In the absence of additional defense spending, these resources will have to come at NATO's expense. Under the Lisbon Treaty, the EU would have "Permanent Structured Cooperation"—an inner group of EU nations (currently proposed to consist of France, the U.K., Germany, Spain, Italy, and Poland) pooling military resources and manpower to form an army of 60,000 to undertake EU missions.[52] The reality is that frontline British troops would have to be mandated for EU availability at NATO's expense, probably from Afghanistan. As Open Europe, a British policy institute, warns:

> In simple terms, the UK would have to earmark 10,000 frontline troops for service on EU missions. For the EU force to be viable UK troops would need to be constantly available for EU operations. The fact that the UK is one of the few EU countries to have modern combat forces is likely to mean that the UK would have to keep its 10,000 in the UK/EU. Given the UK's current military overstretch, the plans would almost certainly divert vital resources away from the British mission in Afghanistan.[53]

A cross-party group of former senior British ministers commented in 2000 that the creation of an EU army was "an openly political project,"[54] a point confirmed by then-German Foreign Minister Joschka Fischer: "This is part of the European integration process."[55] Now, as then, no additional troops are available for this paper army. Either

48. "Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community," December 3, 2007, Article 1, Sect. 35, p. 39, amending Article 16(b), at *http://www.consilium.europa.eu/uedocs/cmsUpload/ cg00014.en07.pdf* (March 9, 2009).

49. "EU Ministers Approve Army Plan," BBC News, November 20, 2000, at *http://news.bbc.co.uk/1/hi/world/europe/1032162.stm* (March 9, 2009).

50. "Troops Pledged to New EU Force," BBC News, November 20, 2000, at *http://news.bbc.co.uk/2/hi/uk_news/politics/ 1031846.stm* (March 9, 2009).

51. "Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community," p. 46.

52. *Ibid.*, "Permanent Structured Cooperation," Article 49, Sect. 28e, p. 48.

53. "Parliamentary Briefing #5: Foreign Policy and Defence," Open Europe.

54. "Troops Pledged to New EU force," BBC News.

55. Ian Black and Michael White, "100,000 Troops Committed to EU Force," *The Guardian*, November 21, 2000, at *http://www.guardian.co.uk/politics/2000/nov/21/eu.politicalnews* (March 9, 2009).

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troops already committed to NATO will be counted twice, or, in the worst case scenario, troops will be withdrawn from existing NATO missions.

In 2000, Lady Thatcher described the creation of an EU army as "a piece of monumental folly that puts our security at risk in order to satisfy political vanity."[56] Rather than representing a genuine attempt to increase Europe's military contribution to vital missions, such as Afghanistan, the EU is merely seeking to advance its own political ambitions.

This is of particular importance to the United Kingdom, whose relationship with the United States has been underpinned by shared military commitments over the years. President Barack Obama has already stated that the war in Afghanistan is America's top foreign policy priority; a deterioration of Britain's commitment to Afghanistan at this time would be unacceptable to the United States. [57]

Former U.S. Ambassador to the United Nations John Bolton argues that the Lisbon Treaty poses a threat to both the Anglo–American Special Relationship and to NATO.[58] By reducing the ability of member states to set their own foreign policies and work with America outside of the EU's purview, the Treaty of Lisbon represents a profound threat to the Obama Administration's pledge to renew positive relations with European countries.[59]

What the Administration and Congress Should Do

The transatlantic relationship is vital to European and international security. European countries and the United States must nurture their relationships in order to achieve and maintain global peace and security. Specifically:

- **The Obama Administration must make clear that building enduring bilateral alliances is a top U.S. foreign policy priority.** The Adminis-

tration should engage with the European Union on issues such as trade and international commerce. On issues of high foreign policy importance, especially defense and counterterrorism, the Administration must invest its diplomatic efforts in European capitals.

- **Congress should hold hearings to analyze the implications of the Lisbon Treaty for the transatlantic alliance.** The full range of policies advanced in the Lisbon Treaty must be analyzed, particularly the implications for foreign-policy making and alliance-building. The results of these hearings must be considered by the Administration before any tacit or public endorsement of the treaty.

- **The Administration must challenge NATO's European members to support reform and revitalization within the alliance.** The Administration should reaffirm NATO as the cornerstone of the transatlantic alliance, and invite European members to strongly back key reform measures, including the formulation of a new threat assessment and a pro-enlargement agenda.

- **The Administration should take the lead in promoting missile defense in Europe.** The Administration should support deployment of U.S. missile defenses in Central and Eastern Europe and dispatch high-level members to Warsaw and Prague to reaffirm the Administration's support for the "third site" installations in Poland and the Czech Republic. It should call on the NATO alliance to build on the U.S. system with complementary missile defenses.

- **The Administration and Congress should withdraw support for a European army and a separate EU defense identity.** French-led plans to develop the Common Foreign and Security Policy through the European Security and Defense

56. "Thatcher Condemns 'EU Army,'" BBC News, November 22, 2000, at *http://news.bbc.co.uk/2/hi/uk_news/politics/1034811.stm* (March 9, 2009).

57. Carlotta Gall and Jeff Zeleny, "In Kabul, Obama Calls Afghan Front 'Central' to War on Terror," *International Herald Tribune*, July 20, 2008, at *http://www.iht.com/articles/2008/07/20/mideast/obama.php* (March 9, 2009).

58. Simon Johnson, "John Bolton: Lisbon Treaty Will Undermine Democracy," *The Telegraph*, June 9, 2008, at *http://www.telegraph.co.uk/news/worldnews/europe/2094840/John-Bolton-Lisbon-Treaty-will-undermine-democracy.html* (March 9, 2009).

59. "Remarks of Senator Barack Obama: A World that Stands as One," Berlin, Germany, July 24, 2008.

Policy and the development of European military arrangements, separate from NATO, were significantly advanced under the French EU presidency. The United States must stress the primacy of NATO in Europe's security architecture—and the unacceptability of duplicating NATO or placing additional stress on its considerably overstretched resources.

Conclusion

Foreign policy is an attribute of statehood that must remain at the nation-state level if it is to be meaningful or effective. If the United States wishes to continue enjoying the benefits of its long-standing relationships with the countries of Europe, it must oppose the creation of a supranational EU foreign policy and the duplication of NATO resources by the European Union. U.S. support for a single European foreign and military policy has been misplaced. While successive U.S. Administrations have believed their desire for Europe to undertake a greater share of the global security burden to be achievable through further European integration, evidence suggests the exact opposite to be the case.

The U.S. government should instead pursue a policy under which its bilateral engagements with European nations are prioritized, and engagement with the EU is based purely on where Brussels can add value to a specific policy area. The United States and Europe should engage on critical foreign policy issues, such as military planning and counterterrorism, both bilaterally and through NATO. The usurpation of power by Brussels jeopardizes these types of engagements—and ultimately threatens the security of the United States.

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