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Til underretning for Folketingets Europaudvalg vedlægges nedklassificeret rapport fra Den Høje Repræsentant om Fælles Strategier, 14871/00.

Folketingets Europaudvalg har den 17. januar 2001 modtaget rapporten til fortrolig underretning.

COVER NOTE

from :	General Secretariat
to :	Council
Subject :	Common Strategies: report by the Secretary-General / High Representative

Following the Council{{PU2}}s conclusions of 9 October 2000 on the effectiveness of the Union {{PU2}}s external action, delegations will find attached an evaluation report from the Secretary-General / High Representative on the subject of Common Strategies.

ANNEX

COMMON STRATEGIES REPORT

I. INTRODUCTION

1. The General Affairs Council of 9 October 2000 drew conclusions on the effectiveness of the Union's external action. On Common Strategies, the Council noted "the importance of common strategies for the

coordination, coherence and effectiveness of external action. It calls on the Secretary-General/High Representative to submit, for the first policy debate in January or February 2001, an evaluation report on the operation of the common strategies already adopted and on ways of making optimum use of this instrument in the future."

2. This internal evaluation report which it is intended should remain confidential, is in three parts: The first recalls the instrument of Common Strategies, the second deals with "lessons learned", and the last section draws conclusions and makes recommendations on improving the effectiveness of Common Strategies. The report also takes into account internal reflections by the Commission.

3. The Common Strategies adopted so far have not yet contributed to a stronger and more effective EU in international affairs. At the same time, they have contributed to putting together all EU objectives and means in the areas covered in a comprehensive, cross-pillar approach. We should now draw the lessons from the shortcomings of our present Common Strategies and take the steps necessary to improve both the development and the implementation of Common Strategies in the future. Otherwise we will widen even further the gap between their poor effectiveness on the one hand and on the other hand the high expectations they raise.

II. THE INSTRUMENT OF COMMON STRATEGIES

4. The Treaty of Amsterdam introduced into the Treaty on European Union the instrument of common strategies. The idea behind them was to create an instrument setting the global vision of the Union within the area of external relations in the medium or long run towards a specific area or theme and, in the CFSP (second pillar) to provide for decision-making by QMV in implementing decisions, notably in the adoption of common positions and joint actions.

5. Accordingly, Article 13, paragraph 2 provides that the European Council shall decide on common strategies to be implemented by the Union in areas where Member States have important interests in common. While common strategies must be compatible with the principles and general guidelines for the common foreign and security policy, the TEU offers the European Council great flexibility as to their content. The Treaty prescribes, however, that they should set out three constituent elements, namely their objectives, duration and the means to be made available by the Union and the Member States. This gives common strategies an operational nature, going well beyond declarations of policy.

6. As far as the means are concerned common strategies can cover the possibilities open to the Union, including those under the EC Treaty. In the latter case, the instruments covered by the EC Treaty must be adopted in accordance with the procedures provided for by that Treaty. As far as CFSP measures (title V TEU) are concerned, since a common strategy provides automatically for adoption by qualified majority of any implementing act there is no need for the common strategy itself to provide for a legal base for implementation on CFSP.

7. The common strategies adopted by the Council so far have been published in the Official Journal. This is however not mandatory either under the Treaty provisions or under the rules of procedure of the Council. Each time the Council adopts a common strategy, therefore, it can decide whether to publish it. A decision on publication must be adopted by unanimity (Article 17 (3) of the rules of procedure of the Council).

III. LESSONS LEARNED

Scope of Common Strategies

8. The EU wanted to use the first common strategies to focus on relations with the geographical areas surrounding the Union (Russia, Ukraine, Balkans, Mediterranean), not least in order to underline the importance it attaches to relations with all its immediate neighbours. These were, however, areas for which broad-based policies and established mechanisms of cooperation already existed or were being developed (PCAs with Russia and Ukraine, Barcelona Process, Stabilisation and Association Process, Stability Pact), putting in question the added value of CS in areas where policies were already so well established. The choice of such complex, high-profile and well trodden areas put the instrument of the common strategy to a very public test, the risk of which might have been reduced by choosing less ambitious and less well-worn themes. One of the tests is whether the Union has been able to use CS to implement policies on issues which really matter. In the case of Russia for example, the CS is comprehensive in scope, and yet it has not proved

useful in helping the Union to address the important specific issue of Chechnya. These considerations have led to the implicit dropping of the Balkan CS, but they raise the question: what next?

9. The European Council at Vienna, which set in motion work on the first four CS, also foresaw future CS on thematic issues. Although none has so far been decided, considerations similar to those above could apply to thematic subjects.

Methods used to draw up existing CS

10. The European Council gave very little by way of guidelines, so successive Presidencies have had to develop their own approaches, which were subject to long and detailed negotiating processes in working groups and special committees, using traditional bottom-up working methods. Orientation discussions at Council, Coreper and POCO level did little to change this, but confirmed the wide range of views. The wide scope of the CS and the particular, sometimes detailed concerns of individual Member States resulted in a "Christmas tree" approach based on the "lowest common denominator" where Member States and the Commission insisted on covering all possible aspects of relations, including so many different issues in the CS that in the end it became difficult to distinguish priorities from questions of secondary importance.

Publicity

11. The question of non-publication in whole or in part so that CS could be real and unvarnished internal policy documents was decided early on in favour of full publication. This has made them smooth, declaratory texts, well-suited for public diplomacy purposes. But they are less useful as internal working tools balancing pros and cons, reconciling different objectives and generally prioritising EU action. They cannot in particular address sensitive questions such as EU interests and goals not suited for publication, areas of disagreement with external partners or difficulties/ contradictions in the EU's approach.

12. The fact that the CS are public documents has reinforced their nature of "fair-weather" instruments, making it difficult to handle them in times of crisis or to develop them in light of new developments. This could be seen for example when the Union reviewed its relations with Russia at the height of the Chechnya crisis.

Impact of CS on relations with the countries involved

13. The CS succeeded in emphasising the importance the Union attaches to its relations with the specific countries involved (a fact clearly appreciated by them), notably by developing the concept of "strategic partnerships" with Russia and the Ukraine. But as far as substance was concerned the CS did not cover new ground and instead tended to become inventories of existing policies. At the same time, once Russia and the Ukraine knew that the EU was working on a CS with them, they tried actively to influence their content.

14. In Russia and the Ukraine the drawing up of the CS first led to uncertainty about the relationship of the new instruments with the existing comprehensive Partnership and Cooperation Agreements. This was followed by efforts to water down the central role of the existing contractual arrangements by trying to give the CS a "quasi-contractual" connotation and by stressing a hierarchical order putting CS above the PCAs.

15. In the case of Russia, the publication of the CS prompted our partner country to formulate and publish its own strategy towards the EU; the Russians then wanted to engage the EU in negotiations on areas of both agreement and disagreement between the two strategies, which actually distracted from the bilateral relationship and tended to relativise the CS itself.

16. Regarding the Mediterranean region, the perceived lack of added value of the CS compared with the already comprehensive Barcelona Process and the difficulties in defining the relationship between the CS and the EU's role in the Middle East Peace Process have put the consistency of the EU's approach towards the region into question. The unspoken competition between the CS and the ongoing effort to draw up a "Charter for Peace and Stability" in the Barcelona framework has added to this confusion.

CS as basis for QMV

17. So far, CS have not been used as basis for QMV decisions in CFSP. In fact the Pillar 2 content of CS devoted to a comprehensive review of the whole of the EU's relations with a country or region has, at least so far, been close to minimal, so the question of QMV has not arisen - with one exception in the drafting of the Mediterranean CS. Agreement was finally reached on excluding the MEPP as such from that CS, but the discussion pointed to a possible

future difficulty: the broader the nature, the more Member States may be reluctant to commit themselves to CS, since they cannot foresee clearly on which decisions QMV might be mandatory.

CS as coordinating instruments

18. The Presidency work-plans mandated by the CS have in principle helped to make CS implementation more focused and to improve intra- as well as inter-Presidency coordination. But if the truth be told, these have in practice fallen into the category of routine exercises to which little attention is paid. No sense of priority or urgency emerges from them at the political level.

19. The instrument of CS should be well adapted to improve coordination and synergy between CFSP, Community action and Member States' activities. Experience has shown that already the first step towards this goal, the compilation of inventories of what is done bilaterally in the field of CS, will not be achieved in the short run, notably given the comprehensive scope of the existing CS. This seems to indicate that the review process in Member States to bring their national policy actions in line with CS is at best at an early stage.

20. Little thought has been given to how different CS should be coordinated with each other (there is, for example, a clear read-across between the CSs on Russia and the Ukraine). In addition, the possibility of aligning the associated countries with our CS have not been used.

21. **Summing up: The existing Common Strategies tend to be too broadly defined in scope to be truly effective and to have added value. They are sometimes so thoroughly negotiated among the Member States that they do not contain real priorities or posteriorities and have become little more than inventories of existing policies and activities. Whilst having these comprehensive statements of policy in a single document no doubt has its uses as a reference document, the CS has tended increasingly to become a bureaucratic exercise. The fact that they are written to be published has resulted in texts that lack the sharpness needed to make them a truly useful internal strategy. The introduction by each presidency of a new working plan with new priorities has so far failed to add to the objective of deploying a consistent and coherent EU approach and has strengthened the impression of stop and go policies. Precisely because they are so comprehensive, Common Strategies lack flexibility: too often they cover a wide range of issues but do not enable the Union to implement policies on specific issues that really matter. Last but not least, policy issues related to CFSP are formulated in such a manner that the main aim of Common Strategies to introduce QMV in CFSP has not so far been realised.**

IV. CONCLUSIONS

How to make a better use of the C.S.?

22. In order to make the Common Strategies efficient internal working instruments of the Union, and not only public declarations of already stated policies, they need a new focus. Ultimately they can only become a strong and useful EU instrument if the necessary political will can be generated to turn them into a real foreign policy asset of the Union. Their value added could be in concentrating on:

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bringing together all EU and Member States policies and resources in a specific area, and

- CFSP issues which can then be implemented by using Qualified Majority Voting.

23. How to do this? the following criteria are suggested:

* **Common Strategies should be internal EU policy documents.** An alternative would be to keep a part of the Common Strategy confidential. This should not only be applied to new Common Strategies, but also to the existing Common Strategies when revised.

* **Common Strategies should be focused and selective in their scope;** political correctness or the importance of a topic is not enough, as experience to date shows. They should in the future not aim at a very broad subject, such as an entire country or region or a wide theme, but deal with a clearly defined and limited area.

These considerations apply to thematic as to geographical subjects. Additionally for thematic subjects, it might make sense to avoid themes which would, in the implementation of a legally

binding instrument, inevitably expose possibly glaring contradictions in applying well accepted principles where other factors are also important.

* **Common strategies should have a clear added value which should be identified before the CS is decided on by the European Council.** This value added could, for example, come from a will to identify areas for subsequent implementing common positions and joint actions by QMV. This way the drafters would have a clear mandate for their task.

* **Common strategies should identify verifiable objectives** against which progress in implementation can be measured.

* **Common Strategies must enhance coherence** by bringing together all means and resources available to the EU. Member States should act coherently in non-EU institutions and promote Common Strategy objectives in the UN, OSCE, Council of Europe and possibly the World Bank, IMF, Paris Club etc. They also should use Common Strategies as the main framework for their bilateral policies.

24. The following procedural suggestions could help to the above-mentioned criteria:

* When the European Council invites the Council to prepare a Common Strategy, it should give clear strategic directions on the priority areas, scope, means and timeframe. A Common Strategy should not be the subject of detailed bottom-up approach negotiations among Member States.

* To ensure that the above criteria are adhered to, suggestions for a Common Strategy could be made by the SG/HR after consultations with the Presidency and the European Commission. This should help guard against short-termism and avoid stop-and-go policies.

* Presidencies should build their work plans on the previous ones in order to promote consistency and continuity, at the same time allowing for flexibility in the light of new challenges. An incoming Presidency should therefore not necessarily need to propose a largely new work plan; it could also reconfirm or supplement an existing one. By narrowing the scope of new Common Strategies as proposed above, the problem of having diverse workplans will probably tend to solve itself.

* In order to improve coordination, work plans should also include the review of CS implementation by both the Union and the Member States.

25. In order to mobilise fully the added value of Common Strategies, all instruments, including those of the Community and of Member States must at all times be used in a coherent way. Therefore, proper articulation between the CFSP area and the other "pillars" and adequate cross-pillar coherence is essential, and indeed obligatory under article 3 TEU. In order to achieve this without encroaching upon the respective prerogatives and competences, a practical approach is needed.

* The European Council should note the Commission's intention to focus its action on the realisation of the objectives of the Common Strategies through relevant Community measures and, as necessary, invite it to act appropriately.

* The General Affairs Council should retain overall responsibility for ensuring coherence in the implementation of Common Strategies. In doing so it should draw on the advice and recommendations of expert committees such as the EFC, the Article 36 Committee and the Article 133 Committee.

* There should be a clearer division than at present within the Common Strategy between the CFSP-proposals (laying the legal basis for QMV) and the broad policy orientations in other pillars.

27. In conclusion, Common Strategies will be more credible if used to develop a limited, specific foreign policy objective with the priorities and value added identified in advance and the necessary budgetary and policy means linked directly with it.