



# CFSP Forum

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## Note from the Editor

**Karen E. Smith, London School of Economics, Editor**

Welcome to the first online issue of *CFSP Forum*. *CFSP Forum* was previously published in hard copy by the Institut für die Europäische Politik. FORNET has undertaken to produce and widen the distribution of *CFSP*

transition, or that the EU does not necessarily have a coherent foreign policy for its Minister to conduct is not a fatal handicap. All changes involve time and friction before they settle down, and there is no need to be unduly defeatist about this one. Moreover plenty of states have incoherent, or chaotic foreign policies even when they are fortunate enough to have a highly competent foreign minister in post.

There does remain, however, one glaring problem: the Foreign Minister is going to be appointed without a Ministry to back him or her up, and indeed without a set of embassies in the field. The Draft Constitution proposes to deal with this problem by setting up 'a European External Action

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# **External Action and the Role of the European Parliament: Still Pending**

**Esther Barbé, Professor of International Relations,  
Autonomous Universit**

# The Provisions on ESDP in the Constitutional Treaty: No Revolution in Military Affairs

**Udo Diedrichs, Senior Research Fellow, University of Cologne**

The provisions of the Constitutional Treaty on the European Security and Defence Policy (ESDP) add some interesting and innovative elements to the existing rules. They provide ESDP with a particular set of instruments and procedures, which have been missing from the Treaty on European Union. But the Constitutional Treaty does not create a separate policy area, instead embedding ESDP into the broader framework of CFSP.

ESDP is defined by the Constitutional Treaty as an integral part of the Common Foreign and Security Policy (Art. 40 (1) Constitutional Treaty). Thus, the general provisions on CFSP are of relevance for ESDP. It will be particularly crucial to observe the way in which the newly-created role of Foreign Minister provides a more coherent approach to CFSP and ESDP, by better coordinating

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is generally excluded, other options have been chosen for rendering ESDP workable by introducing different options for flexibility:

- The Council will be allowed to entrust the execution of a mission to a group of countries having the necessary capability and the desire to undertake it (Art. III-206 (1)). This rather parsimonious provision leaves some questions open, such as the way in which the group of countries will be constituted, and how it will take decisions.
- Member states will be allowed to establish "structured cooperation", but they will have to fulfil higher criteria for military capabilities and be ready to enter more binding commitments in this regard (Art. III-208 (1)). The 'tricky issue' will be how the member states, the criteria and the commitments are defined, and if there is a balance between political and military requirements in this regard.
- The provisions on enhanced cooperation (Art. I-43) can be applied to ESDP, which might offer further opportunities for flexible solutions and represents a major achievement given the resistance still evident at Nice. It is, however, not totally clear which voting rules will be applied in this case.
- Member states that wish to do so will be allowed to adopt a mutual defence clause (Art. I-40 (7) and Art. III-209). This clause has only rather symbolic value at the moment, as NATO is still regarded as the primary provider for collective defence; it could however, contribute to the taking over of the WEU's Article 5 commitment if all EU states who are also members of WEU adopt this clause; the status of present WEU associate members, observers and associate partners would still have to be clarified.
- A European Armaments, Research and Military Capabilities Agency (Art. I-40 (3) and Art. III-207) is