

The Consensus–Expectations Gap: Explaining Europe’s Ineffective Foreign Policy

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By 2008, what is commonly known as the EU’s ‘capability–expectations gap’ has narrowed considerably. While the EU has made notable improvements in terms of its resource availability, as well as the instruments at its disposal, a gap between what the EU member-states are expected to do in the world and what they are actually able to agree upon persists. This article argues that the primary reason why the European Union is unable to deliver the foreign and security policies expected is a lack of decisionmaking procedures capable of overcoming dissent. Repeated attempts to surmount the drawbacks of consensus policymaking have only marginally improved the consistency and effectiveness of the Common Foreign and Security Policy (CFSP). These efforts are assessed by applying consensus as a ‘conceptual lens’ through which to select and assess information. The real-world impact of the lack of cohesiveness, the capacity to make assertive collective decisions and stick to them, is illustrated by Europe’s handling of the crisis in the Sudanese province of Darfur in the period 2003–08. The main finding of the article is that as long as the consensus–expectations gap exists, the EU is likely to remain a partial and inconsistent foreign policy actor.

Keywords EU • ESDP • CFSP • European Security Strategy • consensus • Darfur

Introduction

IN 1993, CHRISTOPHER HILL published an influential article on what he called Europe’s ‘capability–expectations gap’. In it, he analysed the international role of the European Community (EC) and identified a gap between what it had been talked up to do and what the EC was actually able to deliver. Hill (1993: 315) saw the capability–expectations gap as having three primary components, namely, the ability to agree, resource availability, and the instruments at the EC’s disposal. The basic argument presented in



this article is straightforward: the European Union today possesses the necessary capabilities and institutions, but still finds itself unable to deliver the foreign policies expected owing to a lack of decisionmaking procedures capable of overcoming dissent. The 'consensus-expectations gap', in other words, is a gap between what the member-states are expected to agree on and what they are actually able to consent to. The humanitarian crisis in the Sudanese province of Darfur (2003–08) provides an example of the effects of Europe's lack of cohesiveness, the capacity to make assertive collective decisions and stick to them.

In recent assessments, Hill (1998, 2004) has stressed that the capability-expectations gap was intended not as a static concept, but rather as a yardstick by which the process of change in EU foreign policy could be monitored. Seeking in some small way to contribute to this tradition, this article will, after laying out some of the basics of the capability-expectations gap argument, examine consensus as a method of policymaking and point out some of the implications for the EU. The third section deals with some of the EU's efforts at overcoming the consensus-expectations gap. The humanitarian crisis in Sudan's Darfur region is then used to illustrate the real-world implications of the gap. 'Consensus' is introduced as a conceptual lens through which to select and interpret information. Although it would be senseless to claim that all aspects of EU foreign policymaking can be understood from the vantage point of the consensus-expectations gap, it is surprising how many can be. By identifying the single factor that more than any other is weakening EU foreign and security policy, the perspective helps us out of the intellectual *cul de sac* where theorists and practitioners alternate between hailing a superpower in the making and lambasting the inherent futility of the EU's efforts.

The Capability-Expectations Gap

The European Union was born out of an understanding that 'the great decisions of our day will be made by speeches and majority decisions, not by blood and iron', to reverse Bismarck's quip. Built as it is on consensus governance and opposition to great-power politics, it is far from self-evident that pursuing foreign and security policies would necessarily be a good idea for the Union. Hill (1998: 23) himself takes the view that that the capability-expectations gap is perilous because 'it could lead to debates over false possibilities both within the EU and between the Union and external supplicants', and also it would 'be likely to produce a disproportionate degree of disillusion and resentment when hopes were inevitably dashed'.¹ There have

¹ See also Eilstrup-Sangiovanni (2003).

been plenty of ill omens trailing the initiative, most notoriously when the EU failed to prevent, and later to stop, the Yugoslav civil wars of the mid-1990s, an experience some see the EU as having repeated in the handling of the Darfur crisis.²

For decades, foreign policy integration under the European Political Cooperation (EPC) seemed of somewhat greater consequence in academic writings than in real-world affairs. Early European foreign policy studies fell, broadly speaking, into a theory-building branch (a heterogeneous tradition with few agreed fundamentals) and a branch seeking insights from case studies and empirical analysis. Both traditions justified their approach with reference to the uniqueness of the object of study, that is, the multipurpose, multidimensional, semi-supranational, semi-intergovernmental character of the EC. What the two schools did agree on was that there are constraints placed on the EC that differ from those facing sovereign states, which render state-centric analytical tools surplus to requirements. While such *sui generis* perspectives help explain why the EC – and later the EU – fell short of fielding anywhere near the sum total of the member-states' weight in terms of foreign policies, they also tend to invalidate comparative analysis. This renders success and failure matters of subjective taste. In the 1990s, the debate got stuck in the question of whether 'actorness' can be bestowed on an entity that lacks a self-contained decisionmaking system and the practical capabilities to effect policy, and whether there is such a thing as 'partial actorness' (Hill & Wallace, 1996; Bretherton & Vogler, 2006: Chapter 12).

In his original article, Hill took a pragmatic approach, choosing to *conceptualize* the patterns of activity – as opposed to the more ambitious task of theorizing Europe's international role. Leapfrogging questions of theoretical perspective and actorness, Hill directed the reader's attention to a gap between what the EC had been talked up to do and what it was able to deliver in terms of foreign policies, thereby sketching 'a more realistic picture of what the Community . . . does in the world' (Hill, 1993: 306). He saw the capability–expectations gap as having three primary components, namely, the ability to agree, resource allocation and the instruments at the EU's disposal (Hill, 1993: 315). Hill argued that if the gap is to be closed, the notion of a European foreign policy must be grounded in demonstrated behaviour rather than potential and aspirations. For this, the EU will require credible capabilities. It is not sufficient to simply amass the power tools: the political unit must also possess the institutions to mobilize them and the decision-making mechanisms to command them. The alternative, of course, is to simply lower expectations.

² The moral outrage at the EU's inaction is captured in the 'Letter Urging Darfur Action' that was signed by leading European cultural figures and published in newspapers in all 27 member-states on Saturday 24 March 2007.

In the fast-moving world of foreign policy academia, Hill's concept has retained remarkable salience. It remains a dominant perspective for monitoring the progress, not only of the EPC, but also of its successor, the Common Foreign and Security Policy (CFSP), of which the European Security and Defence Policy (ESDP) is considered a key component. By 2008, the capability–expectations gap has narrowed considerably. Since the ESDP was initiated in 1998, the EU has made pointed efforts at structuring the economic, diplomatic and military assets of the member-states in such a way that they could be mobilized in an EU context.³ The 1999 Helsinki Headline Goal was aimed at giving the EU access to the military capabilities that had so far been lacking. Although the ESDP was declared fully operational in 2003, the Thessaloniki European Council acknowledged that the EU's operational capability was still 'limited and constrained by recognised shortfalls, which can be alleviated by the further development of the EU's military capabilities'.⁴ Under the Headline Goal 2010, the EU member-states are focusing on closing the enabling shortfalls while employing the capabilities available in the European inventories as effectively as possible (Lindström, 2007; Chacho, 2003).

The EU's capabilities are governed by a comprehensive, if somewhat Byzantine and unevenly integrated, institutional structure (Smith, Michael E., 2004: 22–42). The CFSP has come a long way on an institutional level since the Maastricht Treaty on European Union (TEU) merged the EPC secretariat into the Council secretariat as the CFSP unit. Although several of the new agencies are underfunded and understaffed, the EU possesses institutional frameworks through which policies can be implemented. The EU has a plethora of ministerial and official bodies, including a Policy, Planning and Early Warning Unit; a Political and Security Committee; a Military Committee; a Military Staff and a Situation Centre; a General Affairs and External Relations Council; a Committee of the Permanent Representatives; and a Committee for Civilian Aspects of Crisis Management. Although the EU has an embryonic Planning Cell, any future large-scale military operations will have to be directed through framework of nations, of which France, Germany and Britain are the most likely candidates. The operational nature of the institutional structures is illustrated by the EU's engaging in a number of small-scale pre- and post-conflict missions spanning Indonesia to Congo, Bosnia and Herzegovina, and – conceivably – Kosovo in 2008.⁵

In other words, a strong argument can be made that capabilities and operational capacity are no longer the primary factors constraining the EU as a foreign policy actor. Without capabilities and frameworks in place, the lack of agreement on foreign policy goals and the means by which they are to be attained could remain clouded in ambiguity. It is far from obvious that EU

³ For assessments of these efforts, see Biscop (2004) and Cornish & Edwards (2005).

⁴ EU Council meeting, external relations, Thessaloniki, 20 June 2003, Doc. 11638/03.

⁵ A complete list of ESDP missions can be found in *CFSP Forum* (2007).

members share sufficient foreign policy interests, traditions, goals and outlooks to automatically generate substantive common policies. This, of course, will not come as a surprise to anyone who has monitored European attempts over the past 50 years to pursue collective foreign policies. The first president of the Commission of the European Economic Community, Walter Hallstein (1958–67), expressed an opinion held by many, even today: ‘Don’t waste time talking about defence. In the first place we don’t understand it. In the second place we’ll all disagree’ (quoted in Sampson, 1968: 192). Despite apprehension that political integration would be more arduous than the economic integration that the integration project so far has excelled in, there has been no irreversible ‘grand bargain’ over foreign policy integration, similar, for example, to that underpinning the monetary union. We will return to this question in greater detail in the following section. In the absence of defined policy objectives, European leaders lapsed into incrementalism, constructive ambiguity, bureaucratic politics and declaration-chasing as modes of foreign policymaking.⁶

EU Foreign Policy Expectations

For this limited analysis, the ‘expectations’ element will be limited to the hopes that the EU members themselves have raised.⁷ There was actually very little serious debate over the future direction of the EU foreign and security policies among the member-states during the 1990s. This was in no small part due to the difficulties in moving from a general agreement that the EU should play a role in world affairs to the specifics of defining policy goals, the means by which they were to be attained, and the degree of commitment this would require on behalf of the member-states. The wordings pertaining to the CFSP in the 1992 TEU and all subsequent core documents reflect a quest for language sufficiently vague to contain inherently divergent positions, rather than any greater vision of what a united Europe might achieve. Subsequently, the goals of EU foreign policy have been left vague.

Those who had hoped that the CFSP would be fundamentally different from the EPC have been disappointed. Consensus is often difficult to arrive at, even in cases where national positions are not far apart. In the years following the TEU, the ‘spirit of loyalty and mutual solidarity’ often proved elusive, as did the agreement ‘to refrain from any action contrary to the interest of the Union or likely to impair its effectiveness as a cohesive force in international affairs’.⁸ The 1999 Kosovo war was a ‘moment of truth’ of sorts

⁶ This point is elaborated by Heisbourg (2000).

⁷ Professor Hill (1993: 32–33) himself casts the net more widely, speaking of both internal and external expectations.

⁸ See Title V, Article 11/2 of the Treaty on European Union; available at: http://europa.eu/eur-lex/en/treaties/dat/EU_treaty.html.

for Britain and France. The clash made painfully obvious the lack of military capabilities and cohesiveness among the EU states. When French and British leaders met at Saint-Malo in December 1998 to approve the declaration agreeing that 'the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises',⁹ many hoped that the EU was finally gaining a momentum that would help Europe to transform into a cohesive force capable of making assertive policy decisions.

The Union's lack of a defined *self* is a primary problem, since it makes self-interested behaviour difficult. The EU defines itself by values that are taken to be universal and at the same time characteristic of Europe. The 2001 Laeken Declaration stresses that the EU is a community of values.¹⁰ These values are a blend of proto-liberal and internationalist ideals. They are spelt out in detail in the EU Charter of Fundamental Rights, which states: 'The peoples of Europe, in creating an ever closer union among them, are resolved to sharing a peaceful future based on common values', which are listed as 'human dignity, freedom, equality and solidarity' (defined in the subsequent 53 articles) as well as 'the principles of democracy and the rule of law', which, balanced with individualism and 'free movement of persons, services, goods and capital, and the freedom of establishment', are the building blocks in 'creating an area of freedom, security and justice'.¹¹ Since the EU makes it clear that these values are held to be universal, they provide a yardstick of equal relevance for both internal and external policies (Cremona, forthcoming). It would seem that the EU mandarins are attempting to carve something akin to a *raison d'état* out of these values – or, perhaps more accurately, that the role usually played by the national interest is in the EU played by values.

This point is perhaps best captured in Max Weber's distinction between instrumental rationality (*zweckrational*) and intrinsic rationality (*wertrational*). The distinction is between means/ends rationality and value rationality, both of which encourage certain behavioural patterns (Kaplan, 1976: 61–65). Under value rationality, an action is undertaken for what one might call reasons intrinsic to the actor, 'involving a conscious belief in the absolute value of some ethical, religious, aesthetic or other form of behaviour, entirely for its own sake and independently of prospects of external success' (Weber, [1919] 1997: 329; my translation). The concern is with making a statement, setting an example. Such intrinsic rationality – the will to engage in foreign policy activities that are not means/ends oriented, but rather a statement of

⁹ See Joint Declaration on European Defence, British French Summit, Saint-Malo, 3–4 December 1998.

¹⁰ See Laeken Declaration on the Future of the Union, European Council, 14–15 December 2001.

¹¹ See the Charter of Fundamental Rights of the Union, Treaty Establishing a Constitution for Europe (TCE); available at http://www.europarl.europa.eu/charter/default_en.htm. Although the treaty was defeated in popular referendums in France and the Netherlands, and has subsequently not come into force, the Charter had already been agreed as a non-binding 'soft law' – of sufficient relevance for the European Court of Justice to make reference to it.

values – is a trait that distinguishes the EU from other foreign policy actors. The EU will engage in ‘constructive engagement’ and ‘critical dialogue’ – even when these are not the most rational ways to achieve a given objective. When examining the list of EU missions, it becomes clear that the EU favours small-scale, low-intensity pre- and post-crisis management in response to issues low on the international agenda. In the words of Steven Everts (2001: 115), the EU has a preference for ‘issues that have a greater chance of being solved by political engagement and huge sums of money’.

Throughout the late 1990s and early 2000s, much emphasis was placed on the pooling of military, economic and diplomatic capabilities and the assembling of institutional frameworks. The 2003 Iraq crisis made it plain that no similar progress had been made towards crafting a European consensus on foreign policy means and ends. Hill (1993: 317) lists six potential functions for the EU, namely: as a superpower, as a regional pacifier, as a global intervener, as a mediator of conflicts, as a bridge between the rich and poor, and as a joint supervisor of the world economy. The 2003 European Security Strategy (ESS) is the document intended to give strategic guidance to the CFSP (Solana, 2003). The ESS appears to answer ‘all of the above’.¹² It makes no bones about the EU’s ambition to become a ‘global power’. Indeed, the global aspirations of the Union are underlined by the fact that the term ‘global’ is referred to no fewer than 22 times in the ESS and twice in the opening line of the 2010 Headline Goal.¹³ Wolfgang Wessels (2002: 143) understands the term to refer ‘to a state that is endowed with the traditional attributes of a large power, or even a super power’.

After having taken on many of the great questions of the day, it does come as something of a letdown when the ESS proposes that the means to tackle these problems will be ‘preventive engagement’ and ‘effective multilateralism’. The former tends to refer to the issuing of declarations under the twin banners of ‘critical dialogue’ and ‘constructive engagement’. The latter tends to mean supporting whatever measures have been agreed upon by the United Nations. The ESS does not offer even the roughest guideline as to how economic and military tools might be applied in order to exert influence.¹⁴ The danger inherent in failing to link capabilities to objectives becomes clear in cases where the EU is forced to respond to international events, such as the Darfur crisis, which we will return to in greater detail towards the end of this article. The member-states failed to reach a consensus on how to address the situation, and consequently the EU has stood by while widespread massacres

¹² The ESS was presented at the European Council meeting on 12 December 2003 in Brussels (15895/03, PESC787).

¹³ ‘The European Union is a global actor, ready to share in the responsibility for global security.’ See 2010 Headline Goal decided by the Council on 17 May 2004 and endorsed by the European Council of 17–18 June 2004.

¹⁴ The only direct reference to the actual use of armed force is ‘In failed states military instruments may be needed to restore order’; see Solana (2003: 9).

of civilians and gross human rights violations have been perpetrated by rag-tag guerrillas who almost certainly would have proven no match for professional soldiers. And here lies a basic discrepancy in the expectations raised and the behavioural patterns. The EU can be said to be a global power only if that term is instilled with counter-intuitive meaning. This is not to suggest any ill-will among the member-states, only that the belief in their ability to concur exceeds what the Union is practicably able to deliver. The chief reason for this is that the CFSP is governed by the twin precepts of inter-governmentalism and consensus.

Consensus Policymaking

'Consensus' is the element given least attention in Hill's analysis of the capability–expectations gap. He appears to simply take as a given the incompatibility of collective leadership and effective foreign policymaking (Hill, 1993: 319, 1998: 23). In a political context, the term is usually understood as 'collective leadership'. Consensus decisionmaking, that is, the leadership exercised through general agreement, would seem an attractive idea at first glance (Baylis, 1989). This form of governance not only seeks the agreement of most participants, but also tries to moderate the objections of the minority in order to reach the decision that is satisfactory to all the parties involved. By this virtue, consensus decisionmaking is more concerned with process than other forms of decisionmaking (Heffernan, 2002; Addison, 1993). Consensus is usually understood as the general agreement as well as the process of arriving at such an accord. Genuine collective leadership shapes not only how decisions are made, but also the actual outcomes. For consensus decisionmaking to work, common agreement must be emphasized over differences and substantive decisions reached.

Consensus decisionmaking emphasizes dialogue to which all participants are invited to provide input. This is, needless to say, an often protracted process, susceptible to disruption. Owing to the unfiltered input, consensus policymaking tends to blur the lines of accountability. A further concern is the so-called Abilene paradox, when a group of actors collectively decide on a course of action that runs counter to the preferences of each of the members. Consensus tends to give organizations a status quo bias, since the more politicized the issue, the less likely it is that the collective will be able to move beyond what has already been agreed upon. These traits run counter to the established hierarchies, decisionmaking procedures and executive powers usually favoured by foreign policy actors. This is a reason why the historic Hanseatic League is one of relatively few examples of consensus as an actual form of governance. John Stuart Mill ([1861] 1999: 264) faulted consensus

governance on the basis of its lack of accountability. Margaret Thatcher later distilled Mill's argument into the maxim: 'Consensus is the negation of leadership.' For that reason, executives seldom go further than adopting consensus as the preferred *modus operandi*, but not in terms of formal organization. Most executives have a majority voting procedure and/or a leader empowered to overcome deadlock.

Consensus politics resonates with overall societal values such as democracy, inclusiveness, egalitarianism and minority rights. For this reason, it has often been embraced by executives, especially in cabinet governments. Consensus governance is more prevalent in the realm of foreign policy, where the need for continuity is often perceived as being greater than in domestic politics. Under the Westminster system, all cabinet decisions are consensual, collective and inclusive, and are rarely voted upon in cabinet meetings. Arthur Seldon has examined consensus politics in postwar Britain (although his analysis clearly has a bearing on a number of other European states), which he defines as the 'overlap between the economic, foreign and social policies of both Labour and Conservative governments' (Seldon, 1995: 42; see also Seldon, 1994). To Richard Heffernan (2002: 743), consensus politics symbolizes a broad agreement on many issues between parties, and 'an unstated, invariably harmonious agreement at that'.

Although the consensus process should, ideally, identify and address concerns and reservations early, full consensus is not always arrived at in the decisionmaking body. The five 'win sets' for any member of a collective are: win-lose, lose-win, lose-lose, win-win and no deal. For political scientists, this is familiar game-theory territory. Here, a strategy aiming for win-win is in most cases a superior strategy, provided it is backed by an option to refuse a deal in order to avoid the inferior options of everybody losing – or, worst of all, to lose alone (Dutta, 2000: 78). Dissenting members can respond by declaring reservations, by standing aside, or by blocking a proposal. Those that conceive international politics in societal terms emphasize a holistic approach in group-dynamic normative win-win games. Robert Wright has observed that communities tend to become increasingly non-zero-sum-oriented as they become more interdependent, complex and specialized (Wright, 2000; see also Black, Michaelsen & Watson, 1989). This non-zero-sum mindset has to some extent permeated EU foreign policy cooperation – but not to the degree expected, or indeed required (Nuttall, 2000; Cameron, 2007: 180–188). The result is a pattern where the EU member-states persistently fail to deliver on the expectations they themselves have created.

Effects of Consensus on EU Foreign Policies – and the Attempts at Escape

The reason why the CFSP is governed by unanimity can be captured in a single word: *sovereignty*. While most member-states would like to carry the weight of 27 states when pursuing their own foreign policy goals, the thought of having foreign policy objectives defined by 26 other states is generally less appealing. This is why the foreign and security policies have been singled out in a separate ‘pillar’ uneasily tacked on to the European Communities.¹⁵ In Pillar II, the EU has embraced strict consensus, that is, in principle, each of the 27 members has an absolute veto over any policy.¹⁶ The separate nature of Pillar II dissuades the sort of issue interlinkage and horse-trading that eases consensus-building under Pillar I. French President Nicolas Sarkozy (2007: 75) puts the problem in plain terms: ‘The unanimity rule, which is supposed to protect the vital interests of each EU member state, has over the years become the source of enduring obstacles. . . . Only majority voting can end the delays of a decision-making process that is incompatible with the kind of quick reactions needed in the area of security policy.’ Since the 1992 TEU, there has therefore been a stream of attempts to dilute the inefficiencies associated with the unanimity rule.

This is not the place for any detailed account of how EU foreign policies are made. That is amply provided elsewhere.¹⁷ The intricate organizational structure governing the CFSP–ESDP nexus, apparent in organizational charts (which is, surely, a reason why they are rarely drawn) makes process-tracing difficult. Moving beyond the cluster patterns of uncertainly interrelated *potential* actors, it is clear that some are more central than others. Karen Smith (2004: 12) is right in asserting that EU foreign policies are dominated by elites in national foreign ministries, working through the European Council. Two other structures that also need identifying are the ‘Troika’¹⁸ (which comprises the holder of the rotating EU presidency alongside the Commissioner for External Relations and the High Representative for the CFSP) and informal directorates, notably the ‘EU-3’ (which consists of Germany, France and Britain). One of the main tasks for the High Representative of the CFSP is to

¹⁵ The ambiguity that would become emblematic of the CFSP was apparent from the outset, with the CFSP section to the 1992 TEU not being included in the *acquis*, while at the same time a reference to it was worked into the preamble (Article II) of the treaty.

¹⁶ Chapter V of the Treaty of Amsterdam (Article 5a of the TEC) states that ‘if a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the granting of an authorization by qualified majority, a vote shall not be taken’.

¹⁷ For a list of relevant works see Smith, Karen (2004: 12).

¹⁸ It should be noted that, under the EPC, the term ‘troika’ referred to an arrangement whereby the foreign ministers of the past, present and future presidencies interacted to ensure procedural and substantive consistency.

act as a go-between among these actors, seeking to accommodate all parties.

The 1992 TEU allows limited Qualified Majority Voting (QMV) for certain decisions pertaining to implementation of CFSP decisions, but such use of QMV must be authorized by a unanimous vote – which clearly goes some way towards defeating the purpose. The recycled remnants of the EU constitutional treaty retain the rule of unanimity.¹⁹ At the same time, the draft treaty states that the Foreign Affairs Council shall primarily make decisions using QMV.²⁰ For reference, it might be instructive to look at the precedent made when attempting to revise voting procedures in the 1997 Amsterdam Treaty. Here, the members agreed that QMV could indeed be applied once a ‘common strategy’ had been agreed by unanimity.²¹ Needless to say, precious few such ‘common strategies’ have been agreed since then.²² In the foreseeable future, any hopes of QMV as a *modus operandi* for the CFSP would seem unlikely. One remark can stand for many. Fraser Cameron (2007: 36) cites a British diplomat who states that the furthest London would go in terms of accepting QMV in implementing a specific EU joint action was that it ‘might allow voting on the colour of the Land-rovers for the mission!’

‘Constructive abstention’ is another attempt to amend the consensus rule. This refers to an abstention that does not block adoption of a given decision, that is, allowing for states to declare reservations and stand aside.²³ A dissenting member-state is not obliged to apply the decision, but it must refrain from any action that might conflict with the Union’s action based on that decision. While constructive abstention would seem a promising way to facilitate policymaking, it does not apply to decisions with military and defence implications.²⁴ There are several ongoing debates regarding alternative benchmarks of consensus – for example ‘unanimity minus one’ (or two, or three) to prevent individual deserters from blocking policies or to introduce ‘rough consensus’ – that is, there is no general imperative for ‘how much is adequate’. Rather, the question of consensus could be left, for example, to the judgement of the High Representative, who in the reform treaty is granted a stronger formal role as an interlocker between the Commission and the Council. There have also been discussions regarding whether the ‘emergency brake’ can be replaced by a delaying mechanism that, for exam-

¹⁹ See Article I.40.6 of the European Council Draft Reform Treaty, 23 July 2007; available at http://consilium.europa.eu/cms3_fo/showPage.asp?id=1317&lang=en&mode=g.

²⁰ See Article I.23.3. of the European Council Draft Reform Treaty, 23 July 2007 (note 19 above). The Foreign Affairs Council is to determine EU foreign policy under the strategic guidelines given by the European Council (Article I.24.3 of the TCE), which is to be presided over by the empowered new EU High Representative post (Article III.296 of the TCE).

²¹ See Article J-13 of the 1997 Treaty of Amsterdam; available at: <http://www.eurotreaties.com/amsterdamtreaty.pdf>.

²² The 2003 European Security Strategy, for example, is not such a ‘common strategy’.

²³ This option was introduced by the Treaty of Amsterdam in the new Article 23 of the TEU.

²⁴ See Article 23 of the Consolidated Version of the Treaty on European Union; available at http://europa.eu.int/eur-lex/lex/en/treaties/dat/12002M/htm/C_2002325EN.000501.html.

ple, could allow a government to invoke a 12-month delay if it felt that its vital national interest was under threat. There are, however, few signs that any of these suggestions are about to be adopted.

The consensus mechanism gives the CFSP a distinct flavour in terms of the quality and quantity of EU foreign policies. Consensus helps explain the 'voluntary' approach whereby the EU allows itself to cherry-pick among issues on the international agenda, selecting those that favour consensus. There is nothing to oblige EU leaders to take up a subject if it looks as though consensus will be difficult to attain. The resulting inconsistencies give the EU foreign policy agenda its distinctly haphazard appearance. The EU will address an urgent humanitarian crisis with bland declarations while committing armed force to situations where there actually is not much need for coercion. The trend is that the lower the level of commitment, the higher the likelihood of achieving consensus. EU foreign policies are generally less defined by what tools are most likely to meet a specific objective, and more by what tools can be agreed upon. A primary problem is the question of operational finance. According to the TEU, costs of military operations are either to be charged to the member-states as common costs in accordance with the gross national product (GNP) scale, or the Council, acting unanimously, will decide to charge the expenditure on some other basis.²⁵ The EU has adopted the principle of 'costs lie where they fall'.²⁶ While seemingly fair, the system penalizes those who have capabilities twice: once during procurement and again when those capabilities are exercised. This is not merely an academic dilemma. The NATO operation in Pakistan in October 2005, which cost Spain alone some 16 million euros, showed the potentially bankrupting effects a mission can have on single states under this system. This system invites disinvestment and free-riding. It also has an anti-democratic tinge, in that it gives militarily strong members a far greater say than their actual votes in the Council would entail.

Although decisionmaking by consensus is slow in adopting coercive policies, the EU states have generated a cumulative body of common foreign and security policies in terms of common positions and joint actions. For all its shortcomings, the CFSP has brought about a change in foreign policy-making in Europe. This is not least due to the combination of 'voluntary' and ineffective decisionmaking mechanisms, which has proven fertile ground for 'bureaucratic politics', where the High Representative for Common Foreign and Security Policy and the Council and Commission bureaucracy play

²⁵ See Article 28(3)II of the TEU.

²⁶ There are some common funding for lesser items such as 'locally hired personnel' and 'representation and hospitality', generally estimated to amount to less than 10% of overall operational costs. The Council can on a case-by-case basis choose whether transport and accommodation of forces should be funded in common. (Presidency Report on ESDP, Annex II, European Council, Seville, 2–22 June 2002, articles 2.1 and 2.4, source <http://register.consilium.eu.int/pdf/en/02/st15/15428-r1en2.pdf>). In 2004 the EU Council established the 'Athena' mechanism to administer the financing of such common costs.

essential roles in formulating EU foreign and security policies. In an interview, one Council official stated: 'we are charged with identifying the issue areas where there is an overlap in terms of means and ends among the member states'. She continued: 'alongside the rotating presidency it is our job to play the role of honest broker'.²⁷ Through a blend of incrementalism and pragmatism, the CFSP staff has played an important, if not widely acknowledged, role in setting the EU security agenda. Their efforts are a primary reason why the EU foreign policies deliver more than the common denominator.

Frustrated by these trends, in May 2000, then German foreign minister Joschka Fischer introduced the idea that an *avant-garde* group of willing and able states should press on with foreign policy integration. Such closer cooperation would allow like-minded states to work together in a sustained, strategic manner towards common objectives. One high-profile initiative in this vein was the April 2003 'chocolate-makers' summit', where Germany, France, Belgium and Luxembourg proposed a European military command separate from that of NATO. Britain, under John Major, had been positive towards 'variable geometry', as this would allow for Britain to opt out of integration. Tony Blair, however, grew increasingly opposed to such a Europe of concentric circles – not least for fear that Britain might find itself in the second tier. The 2004 Constitutional Treaty contains proposals for 'permanent structured cooperation'. Recognizing that some member-states are more powerful than others, the proposal suggests that member-states who possess the military capabilities and commitment be allowed to carry out missions in the name of the EU. While there has been some movement towards facilitating subsets of EU states in engaging, inter alia, through the Battle Group concept, there is no agreement on whether this should apply to policymaking. Although there has always been considerable variable geometry in the EU, it is unlikely that any of the great powers would allow themselves to be shut out of a weightier EU on the world stage. The 2007 Draft Reform Treaty states that 'those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework'.²⁸ In the following sentence, it is added that such permanent structured cooperation will have to be approved by the Council (Article 31). In the tortuous negotiations, Britain succeeded in emphasizing capabilities rather than political will as the determinant of participation in EU operations. Thus Council approval would be necessary for structured cooperation to be initiated – which also sinks this initiative into the consensus–expectations gap.

²⁷ Personal communication, senior EU official, Common Foreign and Security Policy, Brussels, 23 April 2006.

²⁸ See Section II, Article 27.6 of the European Council Draft Reform Treaty, 23 July 2007 (note 19 above).

Of course, as Simon Nuttall (2000: 187–188) has observed, ‘the system does not operate under a perpetual threat of veto’. The consensus rule owes its impact not to frequent use, but rather to the possibility that it represents. CFSP issues are rarely voted upon. The prejudice against actual voting in CFSP affairs has the obvious advantage of avoiding drawing attention to fissures, which could, over time, lead to the emergence of semi-permanent power blocs. On the other hand, the low-yield decisionmaking mechanism has encouraged the forming of informal directorates, notably the ‘EU-3’, which has become increasingly central in the EU foreign policymaking process.²⁹ Former EU commissioner for external relations Chris Patten (2005: 159–160) put it bluntly: ‘I mean no disrespect to other states but there is no European policy on a big issue unless France, Germany and Britain are on side.’ In the real world, a single member-state or even a coalition of smaller member-states will find it very difficult to hold out if the EU-3 are in agreement. Therefore, an argument can be made that the consensus–expectations gap is primarily between Berlin, Paris and London. Should the three choose to act in concert, they might play a similar leadership role in the EU as that played by the United States in NATO (see Keukeleire, 2001; Toje, 2008). For this to happen, France and Britain would need to venture into the sort of grand bargain that Germany and France reached over the euro. The obvious elements are in place: the Common Agricultural Policy and the British rebate. Yet, there is a trend where even governments with a strong mandate have remarkably little foreign policy leeway. For instance, despite the Blair government’s eagerness to lead in Europe, both the monetary union and the constitutional treaty were red-line issues with the electorate; a similar situation can be seen in France, where the establishment places similar constraints on issues of sovereignty; while the German Chancellor must, for historical reasons, display an extreme amount of caution in all issues pertaining to the use of armed force. In cases where the government is heterogeneous (as is the case with Germany’s grand coalition) or always on the verge of collapse (the Italian scenario), autonomy may well mean an even-greater difficulty in breaking out of domestically imposed constraints – that is, give less scope to conduct common EU policies.

The United States is an oft-forgotten factor in the consensus–expectations gap. The partialness of EU foreign policies is partly a result of the services provided as well as the constraints imposed by the Union’s leading ally. US security guarantees to Europe are far from unconditional. The acceptance of US strategic primacy is part of the price paid for such security. US opposition to the EU transforming into a military alliance has successfully kept the member-states from adopting a collective-defence article or behaving as a bloc within NATO (Toje, 2008: 49–59). The EU has not, as one might have

²⁹ An impression confirmed in a recent empirical study, Tallberg (2007).

expected, provided a platform for the European states to engage Washington on something resembling an equal footing. US attitudes to EU foreign and security policy initiatives have varied from support to indifference to outright opposition – sometimes under the same presidency. The United States primarily manages its relations with Europe through sets of bilateralisms with various degrees of closeness. Since the EU does not engage the super-power collectively, the chance of maintaining a divergent position from that of the USA on matters of importance is limited. It would seem paradoxical that in a situation where the USA is overstretched and clearly in need of allies that can shoulder part of the security burden, it has actually done very little to encourage the sort of European unity that could deliver such a force. Although the USA might seem an unlikely champion for European political integration, it is the only actor with a proven track record of calling in favours and pressuring the Europeans to override consensus mechanisms. The USA has 50 years of practice at doing so in NATO. Although some hope such visionary leadership will arrive with a new presidential administration in 2009, past experiences give little nourishment to such hopes.

The Darfur Example

The practical implications of the consensus–expectations gap appear in strong colours in the EU's handling of the Darfur conflict. Since 2003, the conflict between the government-backed Janjaweed militia and the non-Baggara people has left an estimated 400,000 people killed and approximately two and a half million people displaced. There is broad agreement in the international community that Sudan is a failed state and that some form of external military intervention is needed in order to create the requisite security to give civilians necessary protection, encourage displaced persons to begin to return home and create the conditions for negotiations for a political settlement (Williams & Bellamy, 2005: 28–30). With the UN deadlocked, and having declared the ESDP operational just one month prior to the outbreak of hostilities, the EU was always the most likely candidate to carry out such a mission. Looking at the 2003 ESS, Darfur would seem exactly the sort of question that the ESDP was created to handle. The situation fell within the narrow confines of where the EU states have agreed that the use of force can be necessary.³⁰ Further, the crisis would not clearly benefit the national interest of any single EU state, which eliminated any claim that any single state was using the CFSP to further its own national interest.

³⁰ The only direct reference to the actual use of armed force is 'in failed states military instruments may be needed to restore order' (Solana, 2003: 9).

Paul Williams & Alex Bellamy (2005) have identified three main factors explaining the international community's failure to intervene in Darfur: increased scepticism towards interventionism in the West following the Iraq war, the West's strategic interests in Darfur, and the relationship between the Darfur crisis and Sudan's other civil wars. These are clearly valid points that need to be taken into account in any explanation of the international community's response to the Darfur crisis. However, in the specific case of the EU, there is every reason to see these deterring factors in a broader perspective – which, I hasten to add, the authors do acknowledge: 'However, given the EU's increasing experience of peacekeeping and enforcement, the most likely explanation for its failure to contemplate intervention in Darfur was that its leaders lacked the political will to muster the necessary resources' (Williams & Bellamy, 2005: 34). Since 2004, the increase in militias and human rights violations by all parties has complicated the picture further. There will always be good reasons for a state to oppose military action. Different reasons probably matter more and less to different EU members when deciding against action in Darfur. Yet, there is reason to question whether the EU would have acted much differently had some of the complicating factors been removed. As one EU Commission official put it:

Look – here we have a low technology, low intensity conflict taking place in a region where we would not trespass on the interest spheres of Russia or the US. It would be a humanitarian intervention dispensing effective multilateralism in a failed state for altruistic purposes. The rewards in terms of alleviating human suffering would probably be high – and the likely costs in terms of blood and treasure would be low. Frankly, it's difficult to imagine a more suitable mission for the EU.³¹

EU diplomats interviewed freely admit that in 2003–04 they had hoped that the USA, Britain or even NATO would dispatch a force to Darfur. That would have enabled the EU to engage 'constructively' (and selectively) on the fringes, as it had done during the 1999 Kosovo war. It soon became clear that the USA not only was unwilling to take on new military missions, but also actively tried to goad the EU into acting by branding the human rights violations in Darfur 'genocide'.³² With the issue firmly in the lap of EU decisionmakers, an all-too-familiar process played itself out. Since, owing to Russian and Chinese opposition, any intervention would have to be initiated without a firm UN mandate, Germany and a number of small states were already looking for 'other options' than military measures. According to one centrally placed source, France was among the first to deflate any talk of a Darfur mission.³³ As one of the countries that would likely be asked to

³¹ Personal communication. senior Commission foreign affairs official, Brussels, 12 June 2005.

³² On 9 September 2004, US Secretary of State Colin Powell made the unprecedented announcement to the Senate Foreign Relations Committee that his government believed that genocide had been committed in Darfur.

³³ Personal communication, leading French defence expert, Paris, 12 November 2005.

shoulder a significant part of the burden and with few prospects of national gain, France signalled that it would not support coercive measures. Yet, towards the end of 2004 it seemed that pressure was mounting and that the EU was gaining the critical mass necessary to drive the ESDP into motion. As the most vocal proponent of intervention, Britain began very publicly to plan a unilateral troop deployment in July 2004 – only to conclude that such a mission would be beyond the capabilities of Britain's already overstretched armed services. Similarly, the ISAF operation in Afghanistan made NATO cautious of any new missions. In an interview, a senior European diplomat noted: 'There was no consensus among the member states to do this [intervene in Darfur], so we bowed out.' He continued: 'We went back to sponsoring peace talks and bankrolling other actors, back to applying measures we know to be ineffective.'³⁴

Once it had become clear that the EU would not act, Union officials began a different kind of crisis management, questioning whether the events in Darfur really amounted to 'genocide'. 'We are not in the situation of genocide there', said Pieter Feith, an adviser to the EU's foreign policy chief, Javier Solana (Carroll, 2004). Feith stressed that, in the absence of willingness to send a significant military force and the lack of an invitation to do so, the EU and others had little choice but to cooperate with the regime in Khartoum. Needless to say, this stance further enfeebled the CFSP in the eyes of the European public. The European Parliament openly challenged the Council's position, declaring that the actions of the Sudanese government in Darfur were 'tantamount to genocide'.³⁵ Since 2004, the EU has released a steady stream of statements, joint actions, common positions and declarations on the issues, to little avail for the peoples of Darfur. In a glossy brochure, the Commission informs us that it is the 'largest cash donor to Darfur' and that €432 million has been pledged since the beginning of the crisis. As the situation in Darfur continued to deteriorate, the EU grew increasingly willing to consider sanctions against the regime in Khartoum – again with little measurable success. The EU also stepped up its financial support for the African Union Monitoring Mission (AMIS) in place in Darfur. In May 2007, after EU states had expressed verbal 'concern' regarding Darfur for the 54th time, the EU's outgoing Sudan envoy, Pekka Haavisto, told the *EU Observer* that 'EU diplomacy is hamstrung by the lack of a coherent foreign policy in Brussels' (quoted in Rettman, 2007).

After the conflict worsened over the summer of 2006, the UN Security Council approved Resolution 1706 on 31 August 2006, which called for a new UN peacekeeping force of 17,300 troops to supplant or supplement the badly trained, poorly equipped AMIS peacekeeping force. But, even with UN back-

³⁴ Personal communication with EU ambassador at the Corthenberg building, 22 February 2007.

³⁵ See the European Parliament's Motion for a Resolution on the Humanitarian Situation in Sudan, Doc. B5-0065/2004; available at http://www.europa-eu-un.org/articles/en/article_3810_en.htm.

ing, the EU has not acted, seemingly validating Catherine Gegout's (2006) thesis that European inaction has more to do with realist concerns rather than with utopian qualms. The pattern seen over Darfur illustrates just how little headway the EU has made since the 1999 Kosovo conflict. Despite nearly a decade of institution-building and pooling of military capabilities, the manner in which the EU is acting is similar to how it responded to the deteriorating situation in the former Yugoslav region. The Darfur crisis illustrates with disheartening clarity the gap between what it promises to deliver – and what the Union is actually able to agree.

Can the Consensus–Expectations Gap Be Bridged?

In 2000, after monitoring the various attempts made to modify the consensus rule, Simon Nuttall (2000: 187–188) concluded that the benefits in terms of improving consistency and efficiency had been 'marginal'. Since then, the list of attempts at common policies that have been blocked, neutered or derailed has grown longer. The consensus–expectations gap is apparent in the EU approach to virtually all the great foreign policy questions of the day, from the humanitarian crisis in Sudan's Darfur region to the building of democracy in Iraq and Afghanistan, to curbing Iranian nuclear aspirations, Turkish accession and the handling of Russia. The question remains, how tangible a force should the EU be? Should the CFSP be based on hard power or the invisible hand of interdependence? In the latter case, the promise of membership will continue to be the EU's most likely potent policy tool, complemented by small-scale pre- and post-crisis management operations. As the title of a paper by the EU Director General Robert Cooper (2004) has it, 'Speak Softly and Carry a Big Carrot.' Cooper (2003) sees the EU as a new kind of power – liberal, democratic, and voluntarily expanding continuously outward as new countries seek membership. This Europe will be defined by ideas, not by geography; absorbing threats and conflicts instead of confronting them.

Chris Patten (2004) has labelled the current EU foreign policy approach 'a recipe for weakness and mediocrity'. This is to go too far. The attempt by his successor, Benita Ferrero-Waldner (2007), to brand the EU's *modus operandi* as 'smart power' is equally a misnomer. Looking at the six potential foreign policy functions described above, the EU is clearly not a superpower; nor is it an effective global intervener (as the Darfur example has illustrated in a most sobering manner); and the case is much the same for the Union's role as a mediator of conflicts (as illustrated by the failure to effectively apply diplomatic or economic leverage in the Iran nuclear negotiations). However, the Union has come some way towards becoming a regional pacifier (keeping

the peace in the Balkans), a bridge between the rich and poor (the EU is the world's largest aid donor), and a joint supervisor of the world economy (the euro is now the world's second currency). If expectations were to be brought down to speed with the actual EU consensus – that is, if the 'global power' aspiration were done away with – the EU would still have a foreign policy dimension to speak of. Progress will likely remain elusive until the EU members develop a unifying vision of what such a potentially formidable actor should achieve in the international system. Perhaps the EU should settle for pre- and post-crisis management (which, after all, are proving the greatest challenge in current conflicts) – even if this means parting with some of the grand rhetoric.

The question is whether this is a viable option – or is the consensus–expectations gap already too wide? As noted at the outset, Christopher Hill warned of the inherent dangers of the capability–expectations gap because this could lead to debates over false possibilities, and also be likely to produce resentment when those expectations were not met. It is fair to assume that, owing to its high visibility, the CFSP will be closely linked to the overall popular support for European integration in the future. Even with a scaled-down level of ambition, the EU will have to continue to respond to a strategic agenda that it does not control. The consensus–expectations gap is set to continue to prevent the EU from engaging in effective crisis management, leaving the Europeans to continue making statements and setting examples – rather than actually shaping world affairs. The member-states may get used to the consensus–expectations gap, but will the European public accept it? The last word has not been said on the question of structured cooperation. A Union in search of legitimacy, on the one hand, and a popular mood attuned to a moral obligation to use the capabilities in place and act firmly against international anarchy, on the other, could, in the future, prove a potent match. France has signalled that in 2008 it will begin the process of writing an updated European Security Strategy (Thornhill, 2007). The lessons from Darfur and the lack of an effective foreign policymaking mechanism may weigh heavily in this process (Sarkozy, 2007: 231–233).

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