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Briefing on the Foreign Affairs and Defence aspects of the EU Lisbon Reform Treaty.

Introduction:

This briefing complements information also being provided by FCO Ministers, and is intended to be helpful for the debate.

Key Argument: Britain can and does use the European Union to enhance our Foreign Policy interests - the Tories would endanger this

Britain has taken a leading role in recent years to engage our European Union partners in combined efforts to secure nuclear non proliferation in Iran, to enhance international support for the Middle East Peace Process, and to strengthen sanctions against Burma's dictatorship. Britain launched the European Security and Defence Policy ten years ago this year. British service personnel and police play a crucial role amongst the ten current ESDP missions worldwide at present - with other EU countries sharing the responsibilities. Britain has been the champion of EU enlargement - strengthening peace and security on Europe's borders and enriching our European Union. None of these decisions were imposed on Britain, nor has Britain in any way been restricted from pursuing these interests at the same time independently with third countries and in other international fora.

The positive case for the new Reform Treaty - Summary of the key improvements in Foreign and Security policy

- The High Representative for Common Foreign and Security Policy (CFSP) and European Commissioner for External Affairs posts are merged to avoid unnecessary and wasteful duplication.
- New arrangements for rapid access to the EU budget to allow preparations for urgent CFSP actions.
- Decision making is made more transparent and streamlined through replacing five separate CFSP instruments with one, and by creating a separate Foreign Affairs Council.
- Britain is able to pursue its goal of better military capability amongst EU member states, by the opportunity to enter into "permanent structured cooperation" with other partners who choose to join us.
- Existing activities are clarified by explicit inclusion of Treaty references to the European Neighbourhood Policy, to the European Defence Agency and to the imposition of EU economic sanctions.
- EU citizens travelling abroad will be able to gain improved consular protection where their own country does not have its own Embassy.

The case against a referendum - how the Reform Treaty differs from the old Constitutional Treaty in Foreign and Defence Policy

- The CFSP is made subject to its own specific rules and procedures (i.e. different from other EU policies) and legislation in this area is not included in the new Treaty.

- A specific declaration is included, barring additional powers to the European Commission or European Parliament in the fields of CFSP - firmly keeping foreign policy in the hands of Member State governments. The Commission actually loses the right to make CFSP proposals.
- The proposal for a European Union Foreign Minister is dropped in favour of maintaining the existing High Representative.
- There is inclusion of strengthened wording which excludes the CFSP from the jurisdiction of the European Court of Justice.
- Where qualified majority voting applies to CFSP implementing measures (as is already the case), Britain or any other Member State can apply the new "emergency brake" procedure to stop an action with which we disagree.

Euro Myths Exploded

Foreign policy will be determined in Brussels - Article III-293 lays down the requirement for unanimity in CFSP decisions among Member States.

European Security and Defence Policy (ESDP) is the beginning of a European Army - British troops can only be committed on each and every occasion by the British Government; EU missions focus on the 'Petersburg' tasks such as humanitarian assistance and civilian crisis management; Britain's existing arrangements with NATO are specifically safeguarded.

Britain will lose our UN Security Council seat - The UN Charter specifically prohibits this; it is already the case that by invitation the EU High Representative can address the Security Council and he has already done so on ten occasions with Britain's support.

The EU External Action Service will replace British Diplomatic representation - This is the new EU 'foreign service' - like the High Representative actually reduces duplication between existing European Commission Delegations in third countries and EU Special Representatives working under the Council of Ministers. Specific provision for the secondment of national officials will actually give Member State governments a greater say in influencing the CFSP. There is no question of reducing the scope or powers of British or other Member State Embassies or diplomatic staff.

What is not new compared to the existing Treaty of European Union?

The Common Foreign and Security Policy (CFSP) including a European Security and Defence Policy was established under the Maastricht Treaty of 1992 signed by John Major.

The commitment for member states to consult each other where there is a general interest on any Foreign or Security policy matter, and to refrain from any actions contrary to the interests of the European Union already exists in Article II of the Treaty of European Union.

What others are saying about Foreign Policy in the Lisbon Treaty

- "The main reason for the creation of an EU foreign and security policy was the ineptitude of the EU in the face of the collapse of the former Yugoslavia into messy conflicts. To be precise, it was the overwhelming reality of the EU's manifest failure to deal coherently with the Balkans as a challenge to its own interests, on its own continent" (*European Voice* - 8

- November 2007*) - EU Foreign Ministers meet on the 18th February to make sure that this time the EU and the UK as a leading member stands firm in ensuring a peaceful transition to independent democracy in Kosovo.
- "Currently, the High Representative's budget is less than what the European Commission spends on cleaners for its Brussels offices. With just 500 staff and only a handful of overseas representatives, a foreign policy apparatus meant to embody the collective will of 27 EU governments is outspent and out-staffed by most small African countries." (*European Voice -4 October 2007*)
 - "The external action service (EAS) should produce the kinds of analysis that help governments to recognise their common interests, and it should enable them to pursue those interests in a more focused and strategic manner." (*Centre for European Reform - Charles Grant December 2007*)
 - "The treaty will allow some limited but quite important steps towards the encouragement of joint policies in foreign affairs and certainly towards the clearer presentation of those policies... there was nothing in the proposed treaty that threatened the independent foreign policy of any member state." (*BBC World Affairs Correspondent Paul Reynolds - 24 June 2007*)
 - "The Sunday Times also announced that the new treaty commits Europe to a "common foreign and security policy". It does, but the commitment is lifted straight from the Maastricht Treaty agreed by Prime Minister John Major" (*BBC World Affairs Correspondent Paul Reynolds - 24 June 2007*)
 - "I don't think the EU will ever be a great military power. The question is whether or not European countries can have clout in the world using the EU as a vehicle to organize and deploy their resources." (*Javier Solana - Deutsche Welle, 9 February 2007*)

Conclusion

On CFSP as on other aspects of the Reform Treaty, pragmatic improvements are introduced to improve the European Union's activities, whilst significant changes are introduced which differ from the abandoned Constitutional Treaty.

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