FROM MESEBERG TO SIBIU
FOUR PATHS TO EUROPEAN ‘WELTPOLITIKFÄHIGKEIT’

Executive summary

The EU has to become more ‘weltpolitikfähig’: it has to be able to play a role, as a Union, in shaping global affairs. This was one of the key messages of Juncker’s 2018 State of the Union speech as well as the Franco-German Meseberg Declaration. The question is of course: how? This new label cannot conceal the fact that the EU’s Weltpolitikfähigkeit is confronted by a trilemma of three partly conflicting objectives: internal legitimacy, efficiency/speed, and effectiveness.

This policy paper explores four paths towards greater Weltpolitikfähigkeit proposed by the Meseberg Declaration: It questions to what extent Paris and Berlin are truly on the same page and how these proposals interact with the trilemma identified above.

1. An extension of qualified majority voting

The extension of qualified majority voting to sub-areas (passerelle clause) or selected decisions (enabling clause) within the realm of the Common Foreign and Security Policy aims at enhancing the EU’s efficiency and effectiveness. However, the debate is likely to run into political blockades, as member states will point to a lack of legitimacy and cling on to their national sovereignty.

2. An EU Security Council

There is general Franco-German agreement on such a format but divergence on the details. There could be a less ambitious reform whereby the European Council would meet yearly in the format of a European Security Council. Its impact on efficiency and effectiveness would, however, be limited. The more ambitious version would be a body with smaller and rotating membership. While this could lead to more efficient consultation, there are doubts regarding its legitimacy and effectiveness.

3. A stronger EU voice in the UN Security Council

There is no agreement on a more formal longer-term goal of establishing a single European seat in the UN Security Council. The alternative would be the German proposal to Europeanise the non-permanent seats, the details of which still need to be clarified.

4. Flexible and mini-lateral cooperation

This is the default alternative to courses of reform leading to greater EU Weltpolitikfähigkeit. Smaller sub-groups consult more efficiently. Depending on the constellation, they can effectively contribute to the EU’s foreign policy goals. The perceived legitimacy of sub-groups does, however, depend on their inclusiveness, both in terms of membership and working methods.
The overview shows that France and Germany are generally proceeding in the same direction but often on different side-paths. Convergence can, however, be seen as a pre-requisite if anything is to happen by the Sibiu Summit in May 2019. This paper therefore suggests a ‘flexi-structured compromise’ that could (a) be broadened to other member states and (b) be upgraded to a more ambitious version once the political conditions allow for it. It includes four elements:

1. An EU Security Council at 27 providing strategic direction and allowing for qualified majority voting

2. The extension of qualified majority voting to civilian CSDP as a pilot case

3. A European UN Security Council Trio Presidency and shared non-permanent seats

4. Systematic use of more balanced sub-groups of member states
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INTRODUCTION:
A LOUDENING CALL FOR EU ‘WELTPOLITIKFÄHIGKEIT’

In his 2018 State of the Union speech, Commission President Jean-Claude Juncker announced: “It is time Europe developed what I coined ‘Weltpolitikfähigkeit’ – the capacity to play a role, as a Union, in shaping global affairs. Europe has to become a more sovereign actor in international relations”. German Chancellor Angela Merkel and French President Emmanuel Macron implicitly backed this call in their Meseberg Declaration of June 2018 and promised to “look into new ways of increasing the speed and effectiveness of the EU’s decision making in our Common Foreign and Security Policy”. A stronger EU foreign policy is also one of four items the Commission put on the agenda of the Sibiu Summit on the future of the Union on 9 May 2019.

Why this call and why now? Older criticism about EU foreign policy being too slow, too weak and too divided resurfaced in recent years. Individual member states visibly used their veto in the Common Foreign and Security Policy (CFSP) for issue linkage or to protect parochial interests. Greece and Hungary, (both large recipients of Chinese investment), have, for instance, blocked EU positions criticizing China’s human rights record both bilaterally and at the United Nations (UN) level. Greece also resisted and thus significantly delayed the adoption of EU sanctions towards the government in Venezuela while Italy and others have repeatedly threatened to veto the bloc’s sanctions against Russia.

These tendencies are also a symptom of the EU’s greater internal political fragmentation and dissenion, both of which are likely to increase in the run-up to and after the European Parliament elections in May 2019. Meanwhile – and this has been a constant since the early 1990s – EU citizens are strongly in favour of a common EU foreign policy. If we continue on the current path, the gap between the public’s expectations and the EU’s ability to deliver on a Europe that protects and projects is bound to widen and deepen.

FIGURE 1 - Support for a common EU foreign policy

Source: Eurobarometer (2018)

The one million dollar question is how this gap could be closed – how the EU’s Weltpolitikfähigkeit could be strengthened. A shiny new label (even if bulky and in German) cannot hide the trilemma that the EU faces when acting on the international stage, namely the need to balance three partly conflicting procedural aims: internal legitimacy, efficiency/speed, and effectiveness. In light of Brexit, the importance of the Franco-German couple for the EU’s Weltpolitikfähigkeit will grow. More than before, their ability to compromise and lead will represent a necessary condition for a meaningful EU foreign policy. This policy paper thus reviews four paths towards EU Weltpolitikfähigkeit outlined in the Meseberg Declaration. It explores to what extent France and Germany are truly aligned on following them and what the implications for overcoming (or not) the EU’s trilemma would be. Based on this analysis the paper suggests a flexi-structured compromise that seeks to inform the debate leading towards the Sibiu Summit on the future of the Union.

1. **THE TRILEMMA OF ‘WELTPOLITIKFÄHIGKEIT’**

The label Weltpolitikfähigkeit may be new, but the message is a longstanding one. Over the years, countless European decision-makers have underlined that the EU should be a more united, stronger and more effective global actor. This was also the central message of the European Security Strategy of 2003 and the EU Global Strategy of 2016. In practice, however, the EU’s Weltpolitikfähigkeit faces a trilemma of three partly contrasting political aims:

1. **The internal legitimacy** of EU foreign policy-making refers to the legitimacy of the EU’s internal decision-making processes. In this paper, it is understood as the (perceived) accountability, transparency and inclusiveness of EU decision-making. It thus reflects the degree to which national governments perceive their relative influence on EU policy outputs as appropriate. In the CFSP, internal legitimacy is strongly tied to national sovereignty and formally enshrined in the unanimity rule. Speaking with a single voice is thus taken literally. The importance of internal legitimacy is reinforced by the fact that the powers of the European Parliament and the European Court of Justice are very limited in this domain. National governments, answerable to their parliaments, are thus the key sources of legitimacy. If, for one reason or another, these governments question the legitimacy of the decision-making process or do not feel represented by this single voice, the incentives for unilateral deviation are relatively high. There are no sanctions except for diplomatic naming and shaming. Taken together, these parameters foster a very strong culture of consensus in the CFSP.

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See also: Bendiek, Annegret; Kempin, Ronja and von Ondarza, Nicolai, Qualified Majority Voting and Flexible Integration for a More Effective CFSP?, Stiftung Wissenschaft und Politik, Comment no. 25, 2018.
7. Internal legitimacy falls into the category that Vivien A. Schmidt called “throughput legitimacy”. She thus distinguished the characteristics of the EU’s internal governance processes from Scharpf’s input (participation by the people) and output legitimacy (effectiveness to deliver for the people). (Schmidt, Vivien A., Democracy and Legitimacy in the European Union Revisited: Input, Output and ‘Throughput’, Political Studies, vol. 61 no 1, 2013; Delreux, Tom and Keukeleire, Stephan, Informal division of labour in EU foreign policy-making, Journal of European Public Policy, vol 24 no 10, 2017, pp. 1471–1490.)
2. This culture of consensus can curb the EU’s efficiency and speed as coordination at 27 creates transaction costs including time and resources (personnel/financial). The EU often speaks with a single voice only after a whole range of other international players have spoken or acted. One example was the diplomatic recognition of the Libyan National Transition Council, which emerged as a result of the crisis in 2011. Due to member state differences on whether to recognise it as a or the sole legitimate representative of the Libyan opposition, the EU only agreed on a common position after the 2011 civil war had ended and after the UN General Assembly had spoken out.

3. The key measure of success for the EU’s Weltpolitisfähigkeit is effectiveness: the ability to shape international affairs in line with collective objectives. Effectiveness depends on external factors such as the power and resources of other international players with divergent preferences and internal ones such as the ability to bundle resources and speak with a single voice. Even so, scholars note that the relationship between the ability to speak with a single voice and effectiveness is not linear. The classical example is that EU member states devote so much time to internal negotiation in the context of the United Nations (UN) (1,300 internal coordination meetings per year in New York alone) that they often lack the resources to consult with and thus influence third countries. Furthermore, the quest for consensus often leads to lowest common denominator or second-best outcomes. The EU might thus speak with a single voice, but convey a rather weak message (if any at all). If, instead, a low degree of internal legitimacy entails unilateral deviation or non-compliance, the EU’s external legitimacy and credibility suffer.

FIGURE 2: The trilemma of European ‘Weltpolitisfähigkeit’

Ideally, Weltpolitisfähigkeit would imply that these three aims go hand-in-hand and are mutually reinforcing. The EU would be firmly united, quick and meaningful in its foreign policy decisions and actions and represent a power multiplier for the member states. This, in essence, is the vision of ‘European sovereignty’ that Juncker sketched. However, as the following evaluation of reform paths shows, there will always be trade-offs in practice.

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In light of Brexit, the importance of the Franco-German couple for the EU’s Weltpolitikfähigkeit will increase. It is thus not surprising that the Meseberg Declaration made strengthening EU foreign policy one of its key themes. Its very first section deals with foreign policy, security and defence. In the following, we explore the Declaration’s four paths, assess the real extent of Franco-German agreement and discuss their potential impact in light of the above-described trilemma.

2.1 Extension of qualified majority voting

Juncker has repeatedly called for the extension of qualified majority voting (QMV) within the CFSP.\textsuperscript{11} In the Meseberg Declaration Macron and Merkel cautiously backed his call: “We should also explore possibilities of using majority votes in the field of the Common Foreign and Security Policy”.\textsuperscript{12} In September 2018, the Commission published a Communication entitled “A stronger global actor: a more efficient decision-making for EU Common Foreign and Security Policy”, which refers to the Franco-German backing and makes recommendations on a future extension of QMV in the CFSP.\textsuperscript{13} It does not call for a generalised introduction of QMV as this would require fully-fledged Treaty revision. Rather, it encourages making use of the “lost treasure” of the Lisbon Treaty.\textsuperscript{14} The Treaties include a range of derogations from the unanimity principle in CFSP, which remain largely unused. Figure 3 provides an overview and distinguishes between clearly defined exceptions, the enabling clause, and the passerelle clause, which allows the European Council to unanimously extend QMV to specified areas of CFSP. The lower box lists two safeguards that apply to all derogations: defence and military issues are excluded and the member states can apply an ‘emergency brake’ to prevent a qualified majority vote for “vital and stated reasons of national policy”.\textsuperscript{15}

\textsuperscript{12} Macron, Emmanuel and Merkel, Angela, Meseberg Declaration: Renewing Europe’s promises of security and prosperity, Meseberg, 19 June 2018.
\textsuperscript{13} European Commission, A stronger global actor: a more efficient decision-making for EU Common Foreign and Security Policy, Brussels, 12 September 2018.
\textsuperscript{14} Ibid.
\textsuperscript{15} The High Representative would then search for an acceptable compromise. If she does not succeed the Council can decide by QMV to refer the decision to the European Council for a unanimous vote.
In what follows, the Commission’s two more significant proposals are evaluated: the use of the passerelle and the enabling clause.

### 2.1.1 Passerelle clause

The more far-reaching proposal concerns the use of the passerelle clause for a permanent extension of QMV in three specific areas of the CFSP:

1. EU positions on human rights in multilateral fora
2. Adoption and amendment of EU sanction regimes
3. Civilian Common Security and Defence Policy missions

The Commission’s justification for this choice is twofold. First, in recent years, decisions in these areas have repeatedly been blocked by single member states leading to delayed or weak EU positions or action. Second, these outcomes were not caused by deep and unsurmountable insurmountable differences among the member states. Rather, specific economic interests, caused in part by external pressure, prevented certain member states from engaging in a constructive search for a compromise.

This permanent, but limited extension of QMV aims at enhancing efficiency and effectiveness. The rationale is that the EU would be able to act more consistently and swiftly while being more shielded from external pressure. Experience with other policy areas suggests that the EU’s strong culture of compromise could compensate for the (perceived) reduction of internal legitimacy. As the Commission states: "The prospect of a vote by qualified majority is a power-
ful catalyst to engage all actors in finding compromises, an outcome acceptable to all through building effective consensus, and to achieve unity. In fact, 80-90% of the decisions subject to QMV are taken by unanimity. The Commission specifically mentions the example of trade policy where, despite diverging economic interests, decisions are seldom taken by unanimity and where the EU is indeed weltpolitikfähig.

Even so, considerations surrounding national sovereignty raise tensions running across the trilemma of Weltpolitikfähigkeit. The case of the 2015 Council vote on the mechanism for the relocation of migrants shows that the few decisions that are actually taken by QMV can have an important impact. The decision was taken against the will of Slovakia, Hungary, Romania and the Czech Republic. Hungary and Slovakia (later joined by Poland) challenged the decision before the European Court of Justice (ECJ). Although the ECJ backed it, Hungary, Poland and the Czech Republic continue to defy it and relocation remains a highly divisive issue. This example illustrates the difference between the legal procedure and the perceived legitimacy of the process when it comes to issues lying at the heart of national sovereignty. In the CFSP, the EU would have even fewer options to sanction non-compliance. Repeated defections from agreed positions (e.g. non-compliance with an EU sanctions regime) would harm the EU’s external credibility and effectiveness as a global actor.

The Commission’s proposal is likely to run into political blockades. A look back at the Convention on the future of Europe (2002–2003), where the extension of QMV in the field of CFSP and the passerelle clause had already been discussed, is instructive in this regard. Back then, three positions could be distinguished.

1. A first group of member states including amongst others Italy, Germany and Belgium was in favour of a more far-reaching extension of QMV. Belgium, for instance, questioned the usefulness of the passerelle clause due to the requirement of unanimity.

2. A second group comprising member states such as France or Sweden was open to a more limited extension, with security and defence matters constituting a red line. Sweden was sceptical about the passerelle clause, seeing it “as a way of circumventing the procedure for constitutional changes, namely the ratification by national parliaments.”

3. A third group, led by the United Kingdom and including Spain, Portugal as well as several smaller and Central and Eastern European member states, was, to different extents, opposed to the extension of QMV to the CFSP due to concerns about national sovereignty.

We see similar fault lines emerge today. Germany and Belgium still seem more enthusiastic about the extension of QMV than France. Other member states such as Poland and Latvia re-

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17. Bendiek, Annette; Kempin, Ronja and van Ondarza, Nicolai, Qualified Majority Voting and Flexible Integration for a More Effective CFSP?, Stiftung Wissenschaft und Politik, Comment no. 25, 2018.
main reluctant. Smaller member states that would be more likely to be outvoted than France or Germany are sceptical. Those that have vetoed some of the EU’s more recent foreign policy decisions such as Hungary or Greece are unlikely to give up their veto power. More generally, a permanent, if limited, transfer of sovereignty will always be controversial in light of the member states’ long-standing differences in strategic outlook (e.g. neutrality) and policy (e.g. towards Russia, China and Israel).

However, the fact that any member state could apply the emergency brake and block a decision by QMV by stating real or supposed vital reasons of national policy means that veto players would still have a lot of weight in negotiations. They could either dilute or block a compromise – or fail to comply with it a posteriori.

### 2.1.2 Enabling clause

The use of the enabling clause would imply a more ad hoc and restricted extension of QMV. The Commission suggests that “the European Council adopts decisions setting out thematic or geographical strategies, priorities or guidelines, setting out the scope and conditions under which the Council can act by qualified majority voting to implement them, as per Article 31(2) TEU (first indent).” While member states would retain their a priori veto power, the Council would have greater leeway in the day-to-day implementation of the CFSP.

This proposal seeks to strike a balance between effectiveness, efficiency and legitimacy. Compared to the passerelle clause, the position of veto players is even stronger owing to the gatekeeper function of the European Council. This might make the enabling clause politically more feasible, but the additional veto point also reduces its potential in terms of enhanced effectiveness and timeliness.

Overall, the effective application of the Treaty’s QMV clauses is likely to be limited to those areas where views are largely consensual or stakes relatively low. Both their positive impact on the EU’s effectiveness and the related loss of legitimacy and national sovereignty thus tend to be overstated.

### 2.2 An EU Security Council

The Meseberg Declaration also calls for “European debate on new formats, such as an EU Security Council and means of closer coordination, within the EU and in external fora”. They thus took up an earlier proposal by the then foreign ministers Frank-Walter Steinmeier and Jean-Marc Ayrault in 2016. A closer look shows that visions differ both between the two countries and across proposals. We can distinguish a less and a more ambitious version of the EU Security Council (EUSC) with different implications for the EU’s Weltpolitikfähigkeit.

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2.2.1 At 27

The proposal by Steinmeier and Ayrault stands for the less ambitious version. They suggested that the European Council should meet annually as EUSC to discuss questions of internal and external security as well as European defence. These summits should be prepared by a joint meeting of the foreign, defence and interior ministers. The rationale was to foster regular and comprehensive discussion of security and defence issues of common concern at the highest political level. Interestingly, this proposal has had relatively little resonance.

An EUSC at 27 should not pose major legitimacy questions as it would simply provide a framing for an existing institutional format. According to the Treaties, the European Council is to decide on the Union’s strategic interests and objectives for the CFSP.

However, there are doubts concerning its impact on the EU’s effectiveness. The proposal has to be seen against the backdrop that before June 2016 the European Council rarely discussed security or defence-related issues. This changed after the EU Global Strategy was published that month. Since then, the European Council has discussed security and defence as well as internal security at almost every summit. In addition, there have been various joint sessions of the foreign, defence, and interior ministers in different constellations. Critics thus question the added value of turning existing practice into a new format.

There are even bigger question marks concerning the added value in terms of efficiency and reactivity. The EUSC would not replace extraordinary European Council meetings that can be convened ad hoc in the event of a crisis. Conversely, it would hardly prevent the heads of state or government from speaking about non-security-related matters during such meetings should a different type of political or economic crisis arise.

Despite these doubts, a more formalised annual European Council meeting on security would arguably allow for a more systematic and joined-up reflection on shared security challenges. It could become a moment for strategic review and foresight leading to forward-looking joint priorities. It could thus contribute to the gradual development of a common European strategic culture and would at least keep security on the agenda even if political priorities shift – both pre-conditions for an effective EU foreign and security policy.

2.2.2 With rotating members

In an interview in June 2018, Chancellor Merkel presented a different vision of the EU Security Council. She said she could imagine an EUSC composed of a sub-group of EU member states (ten or less) that would rotate. It should closely consult with the EU’s High Representative as well as European members of the UN Security Council (UNSC). The body should allow the EU to act quicker and more efficiently. The proposal coming from the Chancellery raised eyebrows in Brussels, Paris and parts of the administration in Berlin.

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21. Ibid.
23. The European Council ‘on defence’ in December 2013 was an exception in this regard.
So far government representatives have provided few details. In August 2018, the Konrad Adenauer Foundation, associated with Merkel’s party, the Christian Democratic Union (CDU), published a paper providing tentative answers to key questions on the design, mandate and functioning of such a body.\textsuperscript{25} This paper does not represent the government’s position, but it illustrates some of the necessary reflections and related challenges. Here is a brief summary of its main propositions:

- **Mandate:** The EUSC would be a “platform for security policy debate” dealing “with all questions pertaining to the strategic direction of the European foreign and security policy”\textsuperscript{26} This would include coordinating EU positions in the UN and other international organisations as well as international conflict resolution groups such as the Normandy format.\textsuperscript{27} The mandate would exclude matters decided by community method, fundamental issues for the future of the EU (e.g. enlargement) as well as CSDP missions.

- **Functioning:** The authors describe the functioning as “sovereignty-friendly coordination”. The EUSC would decide unanimously, but member states could distance themselves from a decision if it impacted upon vital national interests. In addition, a decision could be withdrawn following an “a posteriori veto” by nine member states. The EUSC should coordinate with the High Representative and national foreign ministers could be selected as her/his envoys. Member states could also be designated as lead nations for a particular topic or area of conflict.

- **Composition:** To select rotating members and strike a balance between representativeness and effectiveness the authors suggest the following criteria as well as a rotation cycle of 18 months:
  - The High Representative as primus inter pares and Commission representative
  - The member states of the Trio Council Presidency
  - Each member state holding a non-permanent seat in the UNSC
  - “Productively integrate” France as a permanent UN Security Council member
  - A non-NATO EU member
  - A Central and Southeast European EU member
  - One of the three most densely populated members (Germany, France, Italy)
  - Potentially third countries as observers (e.g. EEA, Schengen, candidate countries, European Neighbourhood Policy)
  - States particularly affected by a certain threat could be involved via consultations

Several questions regarding the composition are left open. It is, for instance, unclear what a ‘productive integration’ of France would mean. Taking these uncertainties into account Figure 4 depicts the body’s composition if the proposal were applied to the second half of 2018.

\textsuperscript{26} Ibid.
\textsuperscript{27} The Normandy format was created in June 2014. It includes high-level representatives of Germany, France, Russia and Ukraine and aims at the resolution of the war in Eastern Ukraine based on the implementation of the Minsk Agreements.
While such a body could bring more efficient decision-shaping and -making, there are reasons to question the suggested balance between legitimacy and effectiveness. It is hard to believe that ‘sovereignty-friendly coordination’ would make the EU more effective if member states had an explicit *carte blanche* to adopt diverging positions. In terms of internal legitimacy the proposal can be criticised from three angles:

1. **Legal basis:** There is no legal basis for a rotating EUSC in the Treaties. The Euro Summit, bringing together the 19 heads of state or government of the euro area, could be seen as a precedent, but there is no rotation and it does not take formal decisions. This leaves us with informal and intergovernmental options – or Treaty change.

2. **Representativeness:** The criteria determining the rotating membership would likely be contested. They would represent a deviation from the principle of equality of the member states.

3. **Relation to existing institutions:** The question remains unanswered as to how this body would relate to the Council and the Political and Security Committee that would continue to act on the basis of unanimity unless there was an extension of QMV or Treaty change.

These doubts and open questions explain why the Chancellor’s proposal has so far had little public resonance. While defending the proposal in principle, the German Foreign Minister conceded that it would “not be possible for such an institution to solve the problems we face if the principle of unanimity is maintained”.²⁸ This brings us back to square one (i.e. section 2.1).

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²⁸ Maas, Heiko, Speech at an event hosted by the Federal Academy for Security Policy, Berlin, 8 October 2018.
2.3 A stronger EU voice in the UN Security Council

In Meseberg, Macron and Merkel called for stronger EU coordination within the UNSC to allow for more joint initiatives, including in the area of conflict prevention. Yet, French and German views on the implications differ. Paris was not at all thrilled about Merkel’s proposal of a rotating EUSC: the explicit link to the UNSC was seen as an unwelcome attempt to Europeanise the French permanent seat or to subject it to common EU guidelines. Meanwhile, a glance at the German coalition agreement reveals a rather ambiguous position on the topic. It juxtaposes three partly contradictory aims:

- A non-permanent German seat for 2019–2020
- The continued pursuit of a German permanent seat
- A permanent EU seat in the long-term

Germany was elected non-permanent UNSC member for 2019–2020. It continues to push for its own seat as part of the ‘G4’ nations (Germany, Japan, India, and Brazil), which support each other’s bid for a permanent seat. To add a layer of complexity, German Foreign Minister Maas spoke of the establishment of European UNSC seats rather than an EU seat during a speech in June 2018.

There are three reasons why a single EU seat now seems unrealistic. First, the French and others reject it as they are not willing to give up their own seat. Second, only countries can be UN/UNSC members. Third, the EU members are split across three separate UN regional groups (Eastern European, Western European and Others, Asia-Pacific), which compete for additional permanent or non-permanent UNSC seats. An EU seat would thus be contingent on significant UN reform. More than two decades of unsuccessful attempts to reform the UNSC explain why the proposal has been consigned to the long grass. Even if it were feasible, a common EU seat would only strengthen the EU’s voice in the UN if it coincided with an increased EU ability to rapidly agree on substantial compromises.

Aware that an EU seat is currently unrealistic, Merkel and Maas promised a more ‘European interpretation’ of Germany’s upcoming occupancy of a non-permanent UNSC seat. Yet they did not (yet publically) specify what this would mean in practice (for proposals see section 3.3).

2.4 Flexible and mini-lateral cooperation

The default alternative to formal institutional or procedural reforms is informal and more flexible mini-lateral cooperation. The Meseberg Declaration reflects the importance of this fourth path by mentioning permanent structured cooperation (PESCO), the European Intervention Initiative (EI2), and the Franco-German negotiations with Ukraine and Russia in the ‘Normandy format’. These examples stand for very diverse forms of flexible cooperation, which can be distinguished along different dimensions, including:

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32. Reuters, Merkel beharrt auf Europäisierung der Sitze im UN-Sicherheitsrat, 6 June 2018.
• Degree of institutional embeddedness: formally within the EU’s Treaty framework, including EU representatives, purely intergovernmental

• Timing: e.g. one-off, open-ended, permanent

• Participation: Fixed and exclusive, open and evolving, EU members only vs. EU members plus third countries and/or international organizations

PESCO is a Treaty-based, mechanism aiming to permanently reinforce European defence cooperation among 25 EU member states. Participation is open and evolving, but access of third countries is restricted. EU actors such as the EU High Representative and the Council are closely involved. The EI2 was established outside of the EU framework to forge greater shared strategic analysis and foresight. Its membership is more exclusive, even if non-EU European countries are welcome. Finally, the Normandy format was established for negotiations regarding the conflict in Eastern Ukraine. It is exclusive, but has occasionally been broadened to Italian and British representatives. The format does not include EU representatives and its duration depends on how the conflict evolves. France and Germany have, however, used bilateral and EU channels to keep other member states informed.

These characteristics influence the balance between efficiency, effectiveness and legitimacy. Flexible cooperation involving a small sub-group of member states generally leads to more speed and efficiency. This explains why such formats are often used for crisis diplomacy. Issue-specific sub-groups of member states can play an important role in shaping or preparing EU-internal compromises and positions. They can thus increase the EU’s ability to speak with a common voice. This also applies to issue areas that are not formally within the EU’s remit, or excluded from more formal cooperation (see QMV and security/defence issues).

The effectiveness of sub-groups does, in part, depend on their constellation. If they include the most powerful and/or experienced member states with regard to a given issue or crisis they can be assumed to have more impact. A prominent example is the significant role of the E3 – Germany, France and the UK – and the High Representative in the negotiations leading up to the Iran nuclear deal.

Depending on their constellation, these formats can also raise questions of internal legitimacy. This is particularly the case if the sub-group is small and excludes EU representatives while decision-making is opaque and affects other member states. In the past, smaller and medium-sized member states have often resented directoire-like constellations led by the E3. Broadening the group could, however, decrease efficiency, speed and impact.

These trade-offs also underlie the Franco-German differences regarding the degree of PESCO’s inclusiveness and the EI2’s openness: France has questioned the effectiveness and flexibility of a very inclusive PESCO while Germany has been sceptical about the EI2’s more exclusive and intergovernmental nature, fearing a divisive effect on the EU.

Scholars mention two additional limitations of associated with mini-lateral and informal coalitions.33 First, they only work as drivers of EU foreign policy if some member states are interested and willing while others are less interested. In controversial and highly politicised cases

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member states tend to insist on formal procedures, including having their voice and seat at the EU or international table. Second, informal constellations can easily lose relevance if political circumstances change. This could be seen with the fading role of the Weimar Triangle (France, Germany and Poland) in recent years. Informal and flexible cooperation is thus an important ingredient, but no panacea for the EU’s Weltpolitikfähigkeit.

3. SQUARING THE TRIANGLE: A ‘FLEXI-STRUCTURED’ COMPROMISE

The analysis of the four paths shows that France and Germany are not as aligned as they would like to appear in the Meseberg Declaration. There is a stronger German drive behind structural changes (extension of QMV and institutional reforms) while France is keener on flexible formats such as the EI2. Figure 5 provides a summary of the above analysis and illustrates where the four paths and respective side-paths can be located with respect to the trilemma of Weltpolitikfähigkeit.

**FIGURE 5** Paths across the trilemma

The square indicates a possible flexi-structured compromise that balances the three political aims of efficiency, effectiveness and internal legitimacy. As the inclusion of the status quo shows, the proposed compromise is hardly revolutionary. This is also due to the relatively narrow frame that this paper targets, namely the six months between November 2018 and May 2019. The compromise thus excludes reforms that would require Treaty change (e.g. generalised extension of QMV) or even a broader intergovernmental agreement (e.g. rotating EUSC). The proposal includes five elements:

3.1 An EUSC providing strategic direction and allowing for QMV

Based on the Steinmeier/Ayrault proposal, the heads of state or government should establish an EU Security Council that meets annually and is prepared jointly by the interior, foreign and defence ministers. The heads of state or government can hardly be expected to deal with detailed operational questions. However, the meeting, and in particular its preparation, could provide for a more targeted dialogue on EU grand strategy. There could be real added value if
the European Council endorsed its role as a gatekeeper for QMV by providing concrete strategic direction. The EUSC should thus:

- **Review** the implementation of the EU Global Strategy as well as regional or horizontal strategies.

- Prioritise current threats and challenges to **define common strategic interests and objectives**. In addition, to EU bodies, groups such as the informal intelligence-sharing forum ‘Club de Berne’ or the intergovernmental EI2 should inform forward-looking analysis.

- **Adopt issue-specific, regional or country-specific strategies** or positions that could be implemented by the Council by QMV via the enabling clause.

- **Specifically request** the High Representative to make proposals for Union action or decisions in line with strategic priorities. Proposals could be elaborated in close consultation with an informal core group of member states.

### 3.2 Civilian CSDP as a pilot case for the passerelle clause

In order to lower the political barriers for the permanent extension of QMV under the passerelle clause, the EU could start with a pilot case. The European Council could opt for the least politicised policy area among those suggested by the Commission: the civilian CSDP. Contrary to human rights and sanctions, member state divergence tends to be less ideological and debates are largely shielded from domestic politics. Non-compliance by selected members would not have a significant negative impact. In practice, there are few missions to which all member states contribute. It is no coincidence that the civilian CSDP was the only policy area where constructive abstention has been used in the past. While this pilot case would not lead to an important leap in terms of effectiveness, it could foster trust in the passerelle clause and open the door to additional extensions in the future.

### 3.3 A European UNSC ‘Trio Presidency’ and shared seats

There are two ways in which a more ‘European interpretation’ of ‘UNSC seats’ could be implemented:

**A European Trio UNSC Presidency:** In 2019, four EU member states will be represented in the UNSC: France, Germany, Poland and Belgium. France, Germany and Poland will subsequently hold the month-long UNSC chairmanship between March and May 2019. Building on the experience with the rotating Trio Council Presidency, they could consult with other EU member states as well as the Commission and the High Representative and agree on a joint agenda that could then be picked up by the next trio, starting with the Belgian Chairmanship in February 2020. While Franco-German coordination would be a good starting point, the inclusion of Poland (‘Weimar Triangle’) would send a strong political signal in terms of a more inclusive approach, stretching across the UN’s regional groupings as well as the EU’s East-West divide. Beyond the immediate future, there could be concern that a visible and coordinated ‘Trio Presidency’ agenda including sensitive items would lower the respective odds of being voted by other UN members. Consultations on the agenda should thus take place behind closed doors and after their election took place.
Splitting non-permanent EU seats: To prevent unfruitful and costly competition within and across regional groups EU members could informally agree on a periodical rotation, striving for two non-permanent UNSC seats at all times in addition to the permanent French seat. This could include the option of splitting the two-year rotation between two member states. The example of Italy and the Netherlands splitting their non-permanent seats in 2017 and 2018 can be seen as a precedent. Admittedly, they only agreed as they ended up tied after five rounds of voting. A more systematic and regular approach to seat-splitting would still require an important shift in mind-sets.

While these proposals can be seen as separate, their combination would ensure a greater degree of coherence and continuity. Staff exchanges between the member states splitting seats and holding the Trio Presidency could contribute to a more European esprit. These proposals would be compatible with France's singular role in the UNSC. It could also tame French scepticism linked to a European takeover of its permanent seat.

3.4 A systematic use of more balanced sub-groups

Sub-groups in EU foreign policy serve different purposes: swift and coordinated responses to an external event (e.g. E3 statement on the murder of Khashoggi); frameworks for negotiations (e.g. E3 and the Iran deal); and core groups pre-defining EU compromises, policies and positions. Particularly in the two latter cases, some criteria should be applied to ensure internal legitimacy: Whenever possible, sub-groups should be geographically balanced, include an EU representative, serve Treaty objectives, and keep the other member states regularly informed.

France and Germany have a particular responsibility in ensuring that balance is maintained. They have to cooperate closely, but avoid being perceived as a 'G2' directoire. They should first spell out a very concrete 'flexi-structured compromise' that would turn the promised 'closest possible link' between PESCO and the EI2 into practice. Moreover, they should establish broader leadership and reform coalitions shaping action and paths towards EU Weltpolitikfähigkeit. The “Weimar Plus” format, including the Weimar Triangle as well as Spain and Italy, serves as a good model and should be reactivated once the political circumstances allow for it. Finally, the Franco-German couple should also ensure that the above-mentioned criteria apply to the continuation of the E3 formats involving the UK post-Brexit. This would require a close consultation mechanism between the EU and the UK in foreign and security policy matters.

Overall, this compromise has the advantage that it brings together France and Germany’s partly differing views on the routes towards Europe’s Weltpolitikfähigkeit. That in itself can be seen as a pre-condition for a broader European compromise. As in the case of the Convention, this package would disappoint both the pro-integration camp calling for bolder action and the camp holding on to foreign and security policy as the last stronghold of national sovereignty. But, as in the early 2000s, a compromise between the two will have to be struck. The advantage of this compromise is that its elements can be expanded to more ambitious versions if the political climate allows doing so.

35. The splitting of non-permanent UNSC seats happens rarely, but it is not restricted to EU members. One example was the decision by Poland and Turkey to split seats in 1960 after 52 (!) rounds of voting.
CONCLUSION

In the Meseberg Declaration, France and Germany pledged to renew Europe’s dual promise of security and prosperity. Merkel’s withdrawal from the helm of her party in October abated hope that the Franco-German couple could drive significant EU-level economic reform any time soon. At first sight, the renewal of the promise of security seems to be an easier target. However, as this paper shows, France and Germany often diverge regarding the right paths towards it.

Strengthening the EU’s Weltpolitikfähigkeit will remain a priority in light of pressing external challenges, Brexit, the European Parliament election and the public’s expectations regarding an EU that protects and projects. France and Germany should thus use the coming months to build a flexi-structured compromise. This can only be the first step on an incremental path towards a more united, efficient and effective EU foreign policy. As this analysis illustrates, such a path will require more than just institutional fixes. We need a change in mind-sets and determined political leadership to overcome the long-standing differences in strategic outlook that underlie the member states’ sovereignty reflex. Bolder steps towards EU Weltpolitikfähigkeit might become feasible once the member states have got a real taste of the added value of European sovereignty.

ON THE SAME TOPIC


- Nicole Gnesotto, The EU’s four strategic challenges, Policy Brief, Jacques Delors Institute Paris, 10 July 2018.


- Nicole Koenig, What the French and the Germans really think about a European Security and Defence Union, Policy Paper, Jacques Delors Institute Berlin, 14 December 2017
