European Parliament

Josep Borrell Fontelles

High Representative of the Union for Foreign Affairs and Security Policy / Vice-President: A Stronger Europe in the World

Hearing due to be held on Monday 7 October 2019 at 14.30 hours.

European Parliament committee responsible: Foreign Affairs (AFET)

Josep Borrell Fontelles, born in 1947, is currently Spain's Minister for Foreign Affairs, European Union and Cooperation. An aeronautical engineer and economist by training, he first entered politics in the 1970s, serving as Secretary of State for Budget and Finance from 1982 to 1991, before becoming the Minister of Public Works in the last two González cabinets. Elected to the European Parliament in 2004, Borrell was President of the European Parliament during the first half of the 2004-2009 term, and Chair of the Development Committee in the second half.

Borrell returned to the Spanish Council of Ministers in June 2018, when he became Foreign Minister for the Sánchez government. From 2010 to 2012, Borrell was President of the European University Institute in Florence, resuming his professorship at the Faculty of Economics at Complutense University of Madrid from 2013 to 2017, where he was awarded the Jean Monnet Chair for European Integration. Borrell is a member of the Spanish Socialist Workers' Party (PSOE), affiliated to the S&D Group in the European Parliament.

This is one of a set of Briefings designed to give Members of the European Parliament an overview of major issues of interest in the context of the hearings of the Commissioners-designate. The full set of Briefings can be found at: https://epthinktank.eu/commissioner_hearings_2019

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Background

The establishment of the post combining the function of High Representative of the Union for foreign affairs and security policy with that of Vice-President of the European Commission (HR/VP), together with the creation of the European External Action Service (EEAS), was a major policy shift introduced by the Lisbon Treaty in 2009. The legal definition was based on Article 17 of the Treaty on European Union (TEU), which refers to the High Representative (HR) as a member of the European Commission, and on Article 18 TEU concerning the post, role and appointment of the HR. Title V TEU (Articles 21-46) sets out general provisions on the EU's external action and specific provisions on common foreign and security policy (CFSP), and provisions on common security and defence policy (CSDP). Declarations 13 and 14 annexed to the Treaty maintain that the CFSP and CSDP provisions do not affect 'the responsibilities of Member States for formulation and conduct of their foreign policy'. The Treaty gave the EU legal personality; however, unanimous decision-making and limited roles for the Commission and the European Parliament reflect the continuing inter-governmental nature of CSFP and CSDP.

There was a lot of progress on CSFP and CSDP during the 2014-2019 term. Common EU positions are now much more the rule than the exception, compared with just a few years ago. The EEAS is increasingly taking the lead in coordinating responses by national diplomatic services, whereas in the past it was often side-lined. The HR/VP function is wide-ranging – from the overall steering of foreign and security policy on behalf of the EU, to building consensus between the Member States' positions, heading the European Defence Agency and representing the EU at international meetings, for instance at the United Nations (UN). Nevertheless, some think tanks, such as the Swedish Stockholm International Peace Research Institute (SIPRI), have argued that the title of High Representative may have led to false expectations, the main task being possibly more one of coordination than representation.

The EU's global strategy for foreign and security policy (EUGS) stated that 'in a more complex world, we must stand united'. The call for a united foreign and security policy remains the main challenge even today, as EU countries often work on their own and Member States are reluctant to cede full responsibility to the HR/VP. As also reflected by the current HR/VP, Federica Mogherini, in her speech at the 2019 Munich Security Conference, to be efficient, the EU diplomacy and security architecture has to go beyond the traditional Westphalian order: 'The nature of the security threats that we all face is completely different today from even a few years ago: proliferation of weapons of mass destruction, new arms races, terrorist fighters, but also the impact of climate change, or the challenges posed by the use of new technologies, for instance artificial intelligence. These are all security issues, probably the most pressing ones of our times. And yet, they all go beyond the traditional domains of security and defence policy. The same is true if you look at the conflicts, starting from those in our region, in Libya, in the east of Ukraine, in Syria'.

Recent developments

Strengthening the EU's common defence

At an early stage of her term, the current HR/VP presented the EU's global strategy for foreign and security policy (EUGS), with the aim of bolstering the EU as a global actor, by linking internal and external policies, presenting an integrated approach to conflicts, and supporting multilateralism. The strategy laid the groundwork for the European Defence Fund, designed to promote the joint development of defence technology and equipment, and the EU's initiative to integrate defence efforts among Member States, as envisaged by the Lisbon Treaty, known as permanent structured cooperation (PESCO). The European Defence Fund is expected to have a budget of €13 billion for 2021-2027. In addition, the Military Planning and Conduct Capability (MPCC) was set up within the EU military staff of the EEAS in June 2017. The EU and the United Nations have worked together in several countries in crisis, from Mali to Somalia and, in particular, with the G5 Sahel (Burkina Faso, Chad, Mali, Mauritania, and Niger), reflecting a readiness on the part of the EU to take a collective

approach to security and global peace. Cooperation with NATO has been taken to an unprecedented level. Work with the UN, the African Union and the Organisation for Security and Cooperation in Europe (OSCE) has also been enhanced. On the basis of proposals from the HR/VP, the Council has agreed to develop a more strategic approach to cooperation on CSDP with partners, including helping them to become more resilient and build their capacities. Finally, the Commission and the EEAS have developed a joint framework containing 22 actions to recognise hybrid threats, improve awareness of them and take steps to build resilience. The most tangible effects have been the establishment of a Hybrid Fusion Cell as part of the EU Intelligence and Situation Centre, and the European Centre of Excellence for Countering Hybrid Threats, in Helsinki.

Countering the proliferation of weapons of mass destruction and new arms races: the Joint Comprehensive Plan of Action (JCPOA) on Iran's nuclear programme

In 2015, the HR/VP's major success was to secure an international agreement to curb Iran's nuclear programme, known as the Joint Comprehensive Plan of Action. Unanimously adopted by the UN Security Council as its Resolution 2231 in September 2015, the agreement signed in Vienna by the five permanent members of the UN Security Council, plus Germany, the EU and Iran, was negotiated with the Obama administration and was perceived as a great achievement of multilateralism. However, the May 2019 move by the Trump administration to terminate the 'right to enrich' and Iran's uranium swaps with Russia could effectively kill the deal. Despite these recent events, full implementation of the nuclear deal with Iran remains a matter of European security. The HR/VP commented in June 2019 that, 'It is important for us to keep Iran fully compliant with its commitments under the JCPOA. We will continue to work in this direction with our Member States and with the rest of the international community'.

Tackling the migration and refugee crisis

The connection between internal and external events has become impossible to ignore, and EU policies have evolved accordingly. The EU has developed new financial instruments, such as the trust funds,[1] and EU Member States are collaborating within the UN Security Council, in ways that seemed impossible just three years ago, to help resolve the migration crisis. Alongside the necessary internal reforms, development aid and fight against poverty, the EU has helped to tackle the migration crisis by securing a deal with Turkey, and by means of EU engagement in the Mediterranean area, mainly with Lebanon, Libya and Morocco. Among the tools deployed was the naval Operation Sophia, which began in September 2015.[2] In December 2018, the operational committee of the EU Emergency Trust Fund for Africa, North of Africa Window, adopted four new migration-related programmes, with a total budget of €115 million.

In March 2019, the EU hosted the third Brussels conference on Supporting the future of Syria and the region, demonstrating the EU's commitment to political stability and the humanitarian and resilience needs of people, both in Syria and in the region, where countries such as Turkey, Lebanon and Jordan are hosting millions of Syrian refugees. The work with the African Union, the Arab League and UN is also bearing fruit. As stressed in the European Commission's March 2019 Progress report on the implementation of the European agenda on migration, for three consecutive years, irregular arrivals have fallen steadily, and current levels are a mere 10 % of their peak in 2015. However, some trends have continued in 2018 and early 2019, and show the need for sustained action, as well as responsiveness to changing circumstances. Despite these successes, in 2018, around 150 000 irregular crossings of EU external borders were detected. Furthermore, some actors, mainly humanitarian NGOs, have expressed the wish that the EU's external migration cooperation in the Mediterranean and beyond would shift from policies that focus on securing borders to policies that prioritise saving lives and refugees' safe return.

Engaging the eastern neighbourhood and the Russian Federation

The situation in the eastern neighbourhood has drawn a lot of attention, with the relative success of stabilisation efforts in Ukraine. Since March 2014, the EU has progressively imposed restrictive

measures against Russia. The measures were adopted in response to the illegal annexation of Crimea and the deliberate destabilisation of Ukraine. In addition, the HR/VP and Member States have outlined a very clear position on the Russian Federation (the 'five principles' announced in March 2016), which the EU has followed ever since. To combat disinformation and fake news from Russia, the EEAS set up the East Strategic Communication (StratCom) Task Force in 2015. Subsequently, the March 2019 Parliament recommendation on the follow-up taken by the EEAS two years after the Parliament's report on EU strategic communication to counteract propaganda against it by third parties, called for the East StratCom Task Force to be turned into a 'fully-fledged unit or even a bigger structure within EEAS' and for a commitment 'to ensure adequate financial resources and an adequate organisational structure' for its future development.

Stabilising the western Balkans but facing deadlock on Serbia-Kosovo[3] dialogue

Regarding the Western Balkans, continuation of the enlargement process and constructive regional initiatives such as the Prespa Agreement (in force since February 2019) between Greece and North Macedonia, and the Commission's call to open negotiations with Albania and North Macedonia, expressed in the Commission's May 2019 enlargement package, are clearly positive signs. The western Balkan strategy, adopted in February 2018, underlined the EU's commitment to promote the political, economic and social transformation of the region. The European future of the region was also encouraged at the EU-Western Balkans summit in Sofia in May 2018, 15 years after the Thessaloniki Summit. Despite these successes, as noted in the Parliament's resolution on the Commission's 2018 report on Kosovo, the political dialogue between Serbia and Kosovo, supported by Parliament and facilitated by the EU as the framework to reach a comprehensive normalisation agreement between Belgrade and Pristina, ended in deadlock. The resolution also noted that an agreement between Serbia and Kosovo is a key element in both parties' paths towards European integration.

Priorities and challenges

Public opinion

According to the findings of the April 2019 Eurobarometer, EU citizens' expectations have evolved. Foreign affairs-related policies, such as immigration, global climate change and combating terrorism, are now among the top five priorities. Economy and growth (50 %) and youth unemployment (49 %) top the agenda, followed by immigration (44 %), climate change (43 %) and combating terrorism (41 %). More than half of respondents (54 %) would also like to see the European Parliament's role strengthened in the future, with a view to tackling these cross-border issues. According to a March 2019 survey in 10 EU countries by Pew Research Center, a median of 74 % people believe the EU promotes peace, and most also think it promotes democratic values and human rights. The Pew Research survey also confirmed the view that the fight against terrorism, global climate change and cyberattacks from third countries are perceived as the main global threats.

Defending the EU's interests: a common European foreign policy

The main challenge the new HR/VP will face is how to foster a **common** European foreign policy, ensuring that EU external action becomes more strategic and coherent. Currently, the Council must vote unanimously in matters relating to CFSP – with the exception of certain clearly defined cases that require a qualified majority (e.g. the appointment of a special representative). This limits effectiveness and also extends response times. Proposing to move to qualified majority voting in specific areas of EU external relations, the Commission has identified three specific domains where this could be done: (i) responding collectively to attacks on human rights; (ii) applying effective sanctions; and (iii) launching and managing civilian security and defence missions. The need to broaden the scope of qualified majority voting in CFSP, by using Article 31(3) TEU, the 'passerelle clause', according to which the European Council may authorise (by unanimity) the Council to act by qualified majority in certain common foreign and security policy cases, was again supported at the European Council's Sibiu meeting in May 2019.

Positioning Europe as a global player in the new strategic environment

Even though international relations are more and more fragmented, multipolar or 'poly-nodal', they are still determined by a main triangulation around a double alliance scheme between the United States of America (US) with the EU, and the Russian Federation with China. This scheme reflects not only common EU-US historical experience, but also EU values and interests. However, the 'America First' posture of the Trump administration has overturned this central feature of the multilateral rules-based international order and the EU must now develop its own strategic autonomy and strategic culture. This need was stressed by French President Emmanuel Macron in his Sorbonne speech on a new initiative for Europe (September 2017). It was repeated in the new strategic agenda for the EU for 2019 to 2024 adopted by the European Council in June 2019, which stated that 'the EU needs to pursue a strategic course of action and increase its capacity to act autonomously to safeguard its interests, uphold its values and way of life, and help shape the global future'. However, some scholars, such as Alina Polyakova and Benjamin Haddad, argue that the EU has yet to transform its vision of strategic autonomy into reality.

Promoting peace, investment and economic development

The situation in the EU's southern and eastern neighbourhood, as well as in Africa, is highly fragile as the EU is facing a number of complex, interrelated challenges regarding political stability, economic development and security. To be an influential global power, the EU needs to do more to develop its military capabilities, such as the rapid deployment battlegroups, in line with the military integration proposed in the global strategy for security and foreign policy. Furthermore, as 2019 marks both the 70th anniversary of the Geneva Conventions and the 20th anniversary of UN Security Council resolution 1265 on protection of civilians in armed conflicts, the effectiveness of the 'responsibility to protect' principle could be assessed, focusing on wider international support and avoiding the risks of possible violation of state sovereignty.

Alongside the need for security and stability, the EU is facing global poverty and economic challenges. The EU's External Investment Plan will continue to back its neighbours in their infrastructure priorities and support them in carrying out key investments. A recent dynamic development with regard to the EU's eastern neighbours was the indicative trans-European transport network (TEN-T) investment action plan. Together, the projects will require an estimated investment of almost €13 billion with a view to building a total of 4 800 km of road and rail, six ports, and 11 logistics centres. There are also plans for new investment in energy infrastructures through a trans-European energy network (TEN-E) action plan. In Africa, the EU's investments represent 40 % of FDI and the continent receives on average around €22 billion in EU aid per year. Announced in 2018, a new Africa-Europe alliance for sustainable investment and jobs will create around 10 million new jobs and supply electricity to 30 million households.

Leveraging EU's global climate change ambition

Climate change has always been a priority for EU foreign policy and will certainly remain high on the agenda. With the US withdrawal from the UN Framework Convention on Climate Change (UNFCCC), known as the Paris Climate Change Agreement, and divergent Chinese and Indian positions, the EU has become a leading force and coordinator of global efforts, showing that multilateral cooperation is the only solution to global problems. The EU could take a lead within the Talanoa Dialogue, established in 2018, as well as at the UN climate action summit in September 2019, and further leverage its influence in the domain.

Safeguarding the Arctic region

On climate change and the melting polar ice caps, the EU must also face the emergent issue of the Arctic. As stressed by the 2017 Parliament resolution on integrated EU policy for the Arctic, the EU will continue dialogue with Russia within the framework of Arctic regional cooperation, but is increasingly concerned by the stationing of Russian military forces in the region, the building and reopening of military bases, and the creation of a Russian Arctic military district. Furthermore,

China's use of its civilian research presence to strengthen its military infrastructures is a worrying sign. Global powers' interest in the Arctic, while including the desire to protect its environment and positive trade-related developments such as new trade routes and naval corridors, is also about access to marine resources. Like other major powers working in this area, Chinese and Russian actions are guided by self-interest, but that does not mean their goals cannot be pursued while complying with multilateral rules.

Curbing hybrid threats: cybersecurity, artificial intelligence and disinformation

The EU is likely to face increasing threats that come from the virtual word but have a real impact on the conduct of foreign policy. Cybersecurity and the vulnerability of EU technology infrastructures will combine with psychological and disinformation threats. In October 2018, the European Council called for measures to build strong cybersecurity in the EU, referring in particular to restrictive measures able to respond to and deter cyber-attacks and to the need to build an EU cybersecurity agency. In December 2018, the breakdown in talks on cyber conflicts within the framework of the UN groups of governmental experts on information and communication technology (GGEs), reflected the divide between two principal techno-ideological blocks: one led by the USA and the EU; the other led by Russia and China.

Artificial intelligence will increasingly blend into EU foreign affairs, whether at decision-making level (e.g. treatment of information), investment (e.g. pilot digital project in North Africa), or security and defence (e.g. facial-recognition systems, or autonomous lethal weapon systems). In June 2018, the EEAS and the HR/VP set up the Global Tech Panel, an informal advisory group composed of industry leaders and diplomats. In collaboration with international partners, such as the UN high-level panel on digital cooperation, the HR/VP will contribute to the new EU strategy on artificial intelligence scheduled to be unveiled in November 2019.

In the field of disinformation, following the October 2018 European Council conclusions, the HR/VP will continue to implement concrete measures to tackle disinformation, including the creation of a rapid alert system and close monitoring of the implementation of the Code of Practice on Disinformation to be signed by online platforms. The action plan also envisages an increase in the resources devoted to the issue. The EEAS Strategic Communication Task Forces and EU Hybrid Fusion Cell, and the EU delegations in the neighbourhood countries, will also be reinforced.

European Parliament

Treaty basis and European Parliament competence

The Lisbon Treaty affirms that the European Parliament must be consulted on the main aspects and choices of the CFSP and informed about the evolution of policies; Parliament may also address questions or make recommendations to the Council or the HR/VP. Twice a year it must hold a debate on progress in implementing the CFSP, including the CSDP (Article 36 TEU). The exclusion of legislative acts from the CFSP excludes any formal power for Parliament in the adoption of CFSP decisions. However, Parliament has influence on the conduct of CFSP indirectly, through its budgetary powers, including the right to amend the draft CFSP budget. In addition, international agreements concluded by the EU in the field of CFSP require consultation and consent of Parliament (Article 218 TEU). The Treaties also require that Parliament be immediately and fully informed at all stages of international negotiation processes in which the EU participates, including trade negotiations (Article 207(3) TFEU). Parliament not only holds a veto power over association and cooperation agreements with third countries and regions, but also over financial protocols with third countries, trade agreements and ratification of international agreements on issues that are internally regulated via the ordinary legislative procedure, such as environmental issues. Parliament adopts annual reports on CFSP and CSDP and on a wide range of bilateral and multilateral issues. Parliament acts as co-legislator of financial instruments of foreign policy such as the Instrument for Pre-accession Assistance (IPA), the Neighbourhood, Development and International Cooperation Instrument, or the Guarantee Fund for External Action (GFEA). The GFEA also contributes to the European External Investment Plan, which addresses the root causes of migration, the ongoing refugee crisis and security-related issues. The implementation of the interinstitutional agreement on budgetary discipline (2013/C 373/01) has also improved CFSP consultation procedures as far as financial aspects are concerned.

As with many Member States' national parliaments, the formal role of the European Parliament in foreign policy is quite limited, the exception being its major powers relating to the adoption of international agreements and its budgetary powers. The main actors are Parliament's Committee on Foreign Affairs and its subcommittees on Human Rights and on Security and Defence, as well as the Committees on Development, on International Trade, on Budgets and on Budgetary Control. In addition to these committees, Parliament has more than 40 inter-parliamentary delegations for relations with parliamentary assemblies from third countries, regions or international organisations and together these constitute the tools of parliamentary diplomacy. Along with institutional partners such as the OSCE, Parliament also takes part in international election observation missions.

Since 2010, Parliament has not only provided budgetary oversight of the European diplomatic service, but it has also influenced its content, in particular by requiring more systematic attention to human rights and action to promote democracy. Parliament has defended the universality and indivisibility of human rights and fundamental freedoms and respect for human dignity as part of the guiding principles of its foreign policy. Recent examples include new initiatives, such as the promotion of the freedom of religion or belief outside the EU, or the fight against impunity for acts of discrimination and violence against LGBTI people. A strong position on the rule of law and human rights has also been expressed through the Sakharov Prize for Freedom of Thought, which has been crucial in supporting human rights activists in the Russian Federation, as well as in Iraq, Saudi Arabia, the Democratic Republic of the Congo and Pakistan.

FURTHER READING

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ENDNOTES

[1] The EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa (EUTF for Africa) aims to foster stability and to contribute to better migration management, including by addressing the root causes of destabilisation, forced displacement and irregular migration.

[2] During Parliament's April 2019 plenary session, HR/VP Federica Mogherini deplored Member States' lack of support for Operation Sophia: 'Obviously you see the contradiction in terms of having a naval operation without naval assets. Unfortunately the decision (*sic*) of Member States have been in another direction'.

[3] 'Kosovo' – this designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the International Court of Justice Opinion on the Kosovo declaration of independence.

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