

Making Use of a Window of Opportunity: The Czech Presidency's Performance in Foreign and Security Policy

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ABSTRACT	<p>This article assesses the achievements of the Czech presidency of the Council of the EU regarding foreign and security policy in the second half of 2022, while taking into account the external context provided by the Russian war in Ukraine, national conditions in which the presidency was conducted, and issue-specific characteristics related to EU foreign and security policy. It discusses where the Czech presidency has managed to contribute to progress, such as the implementation of the Strategic Compass and the reinvigoration of the enlargement process, as well as pointing out shortcomings where it failed to deliver results. Overall, the article argues that by skilfully setting and scheduling the agenda and staying on top of the key policy dossiers, Prague successfully leveraged the window of opportunity triggered by the Russian invasion of Ukraine to push tangible progress within security and defence issues forward.</p>
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An assessment of the Czech presidency of the Council of the EU regarding foreign policy, including security and defence issues, must depart from the observation that in the absence of major formal rights for this role, it cannot be expected to have a strong influence on the process and outcome of decision-making in the Council. The Treaty of Lisbon has constrained the competences of the Council Presidency, in particular regarding foreign and security issues. The shift of responsibilities from the rotating presidency to the permanent presidencies – to the President of the European Council and the High Representative for Foreign Affairs and Security Policy (HR) – within most issues related to the external representation and the Common Foreign and Security Policy, deprived the presidency of hitherto existing channels of influence. Moreover, the HR and the European External Action Service were tasked with the chairing of the Foreign Affairs Council (FAC), the Political and Security Committee (PSC) and several Council preparatory bodies while the rotating Presidency is still in charge of chairing COREPER II. It is thus not surprising that scholars point to the reduced role of the rotating Presidency and thus its decreased impact on the political output (DINAN 2013; KAROLEWSKI ET AL. 2015). However, there is also academic evidence indicating that there are still opportunities for rotating presidencies, particularly in terms of agenda-setting and agenda-scheduling, with the latter being defined as the power to influence the allocation of the Council's political attention to specific policy issues by distributing limited time and space resources for meetings (HÄGE 2017: 296). Moreover, as France has demonstrated during its term in the first half of 2022, the rotating presidency can engage in venue shopping. It is a strategy aimed at alternating between policy venues – institutional loci where authoritative decisions on a given policy are taken – that can be used to impact the agenda more effectively (BAUMGARTNER – JONES 1991). Because of the relevance of the defence portfolio and its desire to set the agenda in this policy domain, the French Presidency decided to transfer most defence-related issues from the PSC (chaired by the EEAS) to COREPER (chaired by the rotating presidency) (Sus forthcoming). In this way, it enhanced its room for manoeuvre in shaping this policy portfolio.

Against this backdrop, the study draws on the criteria for the performance of Council presidencies developed by Vandecasteele and Bossuyt (2014) and their subsequent applications (HÖGENAUER 2016). It first looks at the external conditions for the Czech Presidency's performance, and then it

turns to the national conditions to conclude with a short consideration of the issue-specific characteristics that concern the policy domain at stake – EU foreign policy with its security and defence dimension. A brief reflection on these three criteria sets the background for the main discussion provided by the study, which is to reflect on the most significant achievements of the Czech Council presidency with regard to foreign and security policy issues and discuss the shortcomings and ascertain the legacy of the Czech tenure at the helm of the Council.

EXTERNAL CONTEXT, NATIONAL CONDITIONS, AND ISSUE-SPECIFIC CHARACTERISTICS

As scholars show in their previous studies of EU Council presidencies, a favourable external environment can be perceived as both facilitating the success of the presidency (by, e.g., offering opportunities for leadership) and constraining its room for manoeuvre. The deterioration of Europe's security environment started a decade ago, with security crises happening in the wider Sahel region, including Mali, Libya, Syria, Afghanistan, and the EU Eastern neighbourhood (RIDDERVOLD – BOSILCA 2021; SUS – HADEED 2020), as well as the Covid 19 pandemic; these have had a decisive influence on the performance of almost every Council presidency in recent years. However, Russia's invasion of Ukraine in February 2022 triggered a crisis of unprecedented magnitude, fundamentally changing Europe's security landscape. The war that broke out during the French presidency also largely determined the actions of the Czech presidency in the second half of 2022. After the initial shock of the invasion, the European Union and its member states faced a series of foreign policy challenges, including the short-term need to support Ukraine with military equipment, hardening the sanctions against Russia, offering Kyiv the prospect of membership, further integrating joint defence procurement and strengthening resilience in the cyber security domain. As will be demonstrated below, these topics determined the programme of the Czech Presidency.

As far as the national conditions for chairing the Council were concerned, these were definitely more favourable than those of the previous Council presidency run by the Czechs in 2009, which suffered from the collapse of the Czech government and the subsequent political turmoil (BENEŠ – KARLAS 2010). The autumn 2021 elections in Czechia led to a transfer

of power to a new five-party cabinet led by the liberal-conservative Prime Minister Petr Fiala. The departure of the populist Andrej Babiš from this post caused much optimism, both within the country and in Brussels, and raised hopes for a pro-European and efficient Czech Presidency.

Regarding the issue-specific characteristics that concern EU foreign policy, in its security and defence dimension, two aspects stand out. Firstly, as mentioned above, in order to leave a trace within this policy domain, the Czech Presidency had to skilfully navigate between other institutional stakeholders such as the HR, the EEAS and the European Commission, with the Commission dealing with the joint defence procurement and playing a decisive role with regard to the cyber security portfolio. Second, the Russian invasion in Ukraine initiated a shift in the balance of power in the EU, where more attention and informal political power began to shift to the countries of Central and Eastern Europe. Both the historical experience and the geopolitical location of the Czech Republic fostered the country's credibility as a key player in shaping the EU's response to the Russian war in Ukraine. The visit of the newly elected Czech Prime Minister to Kyiv in March 2022 further fostered Czechia's standing in this regard. Related to these factors is also a particular set of competencies that Czech diplomacy has built with regard to the EU Eastern neighbours (WEISS 2016), which enhanced the Czech authority in dealing with the unprecedented security crisis. The Czech credibility with regard to the EU response to the Russian war also facilitated the role of the Presidency in the sanctions agenda. The sanctions regime against Russia was mainly negotiated within COREPER, with the rotating presidency taking the lead. Arguably, the initial agreement on the scale of the sanctions that was present after the outbreak of the war has begun to grow weaker, with Hungary protesting any strengthening of the sanctions. However, during the Czech term the EU managed to stay united and adopt three more sanctions packages.

THE REVIEW OF THE CZECH PRESIDENCY'S PERFORMANCE IN THE FOREIGN AND SECURITY DOMAIN

The Czech Minister of Foreign Affairs, Jan Lipavský, when presenting the priorities for the Czech presidency to the European Parliament, highlighted security, and defence issues as one of the five main areas on which Czechia aimed to focus. Specifically, he declared its unconditional support

for Ukraine, called for a fast delivery of weapons and advancing efforts to plan the country's post-war reconstruction, and stressed the need for a strong transatlantic partnership, and for discussing how the EU should reassess its relations with Russia in the long-term perspective. The EU-NATO cooperation, the EU support to Ukraine, and the implementation of the Strategic Compass (which has been adopted by the European Council in March 2022, marking the first time in the history of the Union that heads of state and government formally committed themselves to a comprehensive arrangement on security matters) ^(EUROPEAN EXTERNAL ACTION SERVICE 2022) have been also mentioned by the Czech Deputy Defence Minister Jan Jireš, who outlined his country's priorities in the security and defence domain ^(EUROPEAN PARLIAMENT 2022). When reflecting on the activities of the Czech Presidency in the second half of 2022, three issues stand out as being particularly relevant: the implementation of the Strategic Compass, the strengthening of the EU-NATO cooperation, and the further advancement of the enlargement policy.

The Russian war in Ukraine gave an additional sense of urgency to the implementation of the policy instruments introduced by the Strategic Compass. The Czech Presidency leveraged this momentum, contributing to the progress in several policy areas. An illustrative example is provided by the progress within the field of military mobility, which constitutes a joint interest of both the EU and NATO. During the second half of 2022, the member states managed to push the project on military mobility developed within the framework of the Permanent Structured Cooperation forward. The project, led by the Netherlands, has been launched in 2018 and is a political and strategic platform aimed at unifying national cross-border military transport procedures and enabling the rapid movement of military personnel and equipment across Europe by land, rail, sea, or air. Military mobility constitutes a key element of EU security and defence, as it facilitates Europe's preparedness for swift responses to conflicts and crises.

During the Czech presidency, the long-awaited agreement on the participation of the United Kingdom in the military mobility project was reached. With that, London joined the 24 EU countries and 3 non-EU NATO allies (Norway, the United States and Canada) participating in this endeavour ^(GALLARDO 2022). It happened at a record speed as the UK's application was approved by the participating EU states in early October and

its formal approval was subsequently given at a meeting of EU defence ministers on 15 November. The participation of the NATO allies in this project brings a significant added value as it advances the operational capabilities on the European continent and facilitates joint military exercises. Furthermore, as foreign policy had been excluded from the Trade and Cooperation Agreement, which regulates the post-Brexit cooperation between Brussels and London, the participation of the UK in the most significant PESCO project constitutes a sign of the growing willingness on both sides of the channel to accept pragmatic solutions and an intensification of collaboration in this domain. Apart from advancing the number of participants in the project, the member states also agreed on a comprehensive Action Plan for Military Mobility for the period 2022–2026 that outlines a range of measures that will be introduced in the next four years (EUROPEAN COMMISSION 2022). These include measures to protect transport infrastructure against hybrid threats, increase the energy efficiency of transport systems and identify infrastructure gaps to be filled through financial instruments such as the European Defence Fund.

Another example of a policy area identified as crucial by the Strategic Compass, and in which progress has been achieved, is cyber security. Combating cyber threats and delivering faster effective EU responses to various types of hybrid action by external actors has been one of the goals of the EU Hybrid Toolbox (EUHT) introduced by the Compass. Accelerating the implementation of the Toolbox and other related measures gained importance in the context of the Russian war as it has proven the significance of cyber threats. Therefore, pushing the work on the EUHT forward was very high on the agenda of the Czech presidency from the beginning (POLLET 2022). Among the concrete actions undertaken by the Czechs in this regard were the organization of a conference on Strengthening Resilience and Countering Hybrid Interference and the circulation of a questionnaire among the member states with questions concerning their preferences for the provisions for invoking the EUHT. The latter also supported the preparations of the directive on measures to achieve a high common level of cybersecurity across the Union (the NIS 2 Directive) (LASOEN 2022), which has been adopted by the European Parliament by the end of December 2022 and came into force in January 2023.

Closely linked to the implementation of the Strategic Compass was another priority on which the Czechs managed to deliver: the strengthening of the long-term cooperation between the EU and NATO. The outbreak of the war has provided an additional impetus for the multilateral cooperation and demonstrated the necessity of these two organizations closely working together, especially considering the above-mentioned advancements within the EU defence and the risk of duplication. The Czech Presidency stayed on top of this issue, making sure that NATO representatives were invited to numerous events that took place within the Presidency's framework. The third EU-NATO Joint Declaration, which was signed in early January 2023, and which underlines the complementarity of both actors and their mutually reinforcing roles in supporting international peace and security, was also largely prepared under the umbrella of the Czech Presidency (BRZOZOWSKI 2023).

Finally, another tangible achievement in which the Czech Presidency played a role was the revitalization of the enlargement process, which has been a contentious issue over the past years. By granting candidate status to Ukraine and Moldova in June 2022, the member states, on the one hand, expressed their general openness to EU enlargement, but, on the other hand, put themselves in a difficult position vis-à-vis the Western Balkan countries, which have been waiting for years for the EU to speed up their accession process. As the Czech Republic has traditionally been a supporter of EU enlargement, the region had high hopes that the Czech Presidency would bring some progress in this regard. In addition, the escalation of the geopolitical tensions between Europe and Russia has prompted many EU countries which have been rather reluctant to expand the EU to be more forthcoming regarding the aspirations of countries that, like Bosnia and Herzegovina, have been applying for candidate status since 2016. The Czech Presidency has managed to capitalize on fears that the volatility caused by the Russian war in Ukraine could spread to the vulnerable Western Balkans and contributed to the decision to grant Bosnia and Herzegovina a candidacy status. As for Ukraine, despite expectations of the Czech Presidency's involvement in organizing the first stages of its accession process and "*ideally achieving the opening of accession negotiations [with it] within 2022*" (TEKIN ET AL. 2022: 8), this did not materialize. The EU countries decided to follow the regular procedure of the accession process, expecting Ukraine to follow the rules. Arguably, Czechia developed strong arguments "*on why the*

EU needed to bring Ukraine closer, as well as [for] deliver[ing] concrete benefits to the Ukrainian citizens” (HAVLÍČEK, 2023), but it failed to establish a political consensus on this issue among the EU member states. However, the Czech Presidency has managed to keep the comprehensive support for Ukraine on the top of the EU agenda, countering the potential ‘war fatigue’ feared by experts (TEKIN ET AL. 2022: 8).

It has also actively participated in the preparations of the EU-Ukraine summit in February 2023, which was not only highly symbolic as it took place in Kyiv but also confirmed the commitment of both sides to Ukraine’s accession to the EU. Another success of the Presidency regarding Ukraine was the brokerage of the Council’s decision to grant Ukraine a loan of 18 billion euros to cover, inter alia, pensions and salaries and prevent an economic breakdown in the country. Despite the initial veto of Hungary, which was refused funds from the Recovery Fund due to its rule of law issues and thus decided to take the loan for Ukraine hostage (POVÝŠILOVÁ 2022), the member states managed to reach an agreement on the financial support for Kyiv. Furthermore, in relation to the EU enlargement dossier, the Czech Presidency skilfully managed to leverage the summit of the European Political Community – a political initiative of President Macron – which took place in Prague and was attended by heads of state and – a political initiative government of 44 European countries. Despite the summit not being linked to the Presidency, the Czech diplomacy took advantage of the presence of many EU leaders in its capital city and organized a follow-up informal summit of the European Council there.

Among the issues where the Presidency’s response has not proven to be successful was the discussion on the activation of the passerelle clause to remove unanimity voting in some policy areas within the EU foreign policy. The issue has long been discussed in Brussels and taken up by leaders of both EU countries and EU institutions, but it remains controversial in the view of many countries, including the Czech Republic, which is rather reluctant toward this idea (KOENIG 2022: 5). However, the war in Ukraine has added momentum to the discussion in relation to two aspects: the recurrent need to speed up the decision-making, and the context of a potential enlargement of the Union, which will entail a process of institutional reform. In addition, a move away from the unanimity rule in EU foreign policy was also recommended by the citizens’ panels at the Conference

on the Future of Europe. Still, such a decision would require a unanimous agreement of the FAC and, regarding some policy areas, also the consent of the European Parliament. Aware of the sensitivity of the problem and the high level of disagreement among member states, some of which cherish their veto right over the foreign policy domain, which is seen as a core state power, Czechia, acting as an honest broker, aimed to sound out the potential support within the EU for such a move (ZACHOVÁ 2022). Yet, the discrepancies among the member states did not allow any progress in this respect (WESSEL – SZÉP 2022).

Moreover, the possibilities of the rotating presidency have been proven limited regarding the acceleration of the accession process of the Western Balkan countries. The political agenda has been dominated by Ukraine and EU-internal issues such as the energy crisis and high inflation. Despite the above-mentioned revitalization of the enlargement process and the granting of the candidacy status to Bosnia and Herzegovina, the countries of the region expected more – in particular North Macedonia and Albania – and their expectations were overshadowed by the Russian war in Ukraine. In this regard, despite recognizing the geopolitical relevance of the region, the Czech Presidency was not able to effectively advocate for its interests in the EU forum.

CONCLUSIONS

Considering the involvement of various stakeholders in the EU foreign policymaking, with the rotating presidency being one of them, it is impossible to ascribe the above-presented progress achieved during the second half of 2022 solely to the Czech chair. All decisions in this policy domain must be supported unanimously by all member states as decision-makers and accepted by the EU supranational institutions. However, by skilfully setting and scheduling the agenda and staying on top of the key policy dossiers, Prague succeeded in leveraging the window of opportunity triggered by the Russian invasion of Ukraine to push for tangible progress within security and defence issues. Labelled as a “crisis counsellor” by Politico (BAYER 2022), the Czech Presidency managed to navigate between the divergent preferences of the member states regarding divisive issues such as the sanction regimes and the amount of financial support for Ukraine and broker a compromise. At the same time, the brief presentation of the two

policy examples where Czechia did not manage to succeed, demonstrates the limits of the power of the rotating presidency. Despite having an impact on the agenda, the chair has only limited powers regarding getting other member states in line, especially when decisive issues are at stake.

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