

TITLE

**FOREIGN POLICY ANALYSIS AND THE EU COMMON FOREIGN AND SECURITY
POLICY – UNDERSTANDING THE FORMAL AND INFORMAL DECISION-MAKING
PROCESSES**

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ABSTRACT

Foreign Policy Analysis and the EU Common Foreign and Security Policy – Understanding the Formal and Informal Decision-Making Processes

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The EU Common Foreign and Security Policy (CFSP) has witnessed important institutional developments since its creation in the 1991 Maastricht Treaty. These developments have led to increased coherence and visibility of the CFSP in certain regions of the world. Contrary to the belief that the CFSP is essentially conducted according to an intergovernmental decision-making process, the thesis shows how the creation of the post of the High Representative has led to a new system of governance in the field, with the Secretariat General of the Council of the EU at its core and the European Commission in a secondary but nevertheless crucial role. This second pillar system of governance is crucial in encouraging member-states to formulate and implement common positions. However, the dissertation also emphasizes the crucial role played by EU member-states in CFSP, as they are still the actors who need to initiate the process of “devolution” to the High Representative. In addition, the dissertation singles out the crucial role played by the United States in the second pillar, especially important when military issues are part of the process. The empirical analysis shows that when the issue is not of contention for the transatlantic relation, then the EU seems to act in a more unified way. To explain this new system of governance, the thesis uses foreign policy analysis (FPA) as the theoretical framework. It shows how this approach can be adapted from its state-centric focus to the study of the EU, by incorporating elements of the EU institutionalism literature in order to better grasp the specifics of the EU institutions.

FOREWORD

Because getting a Ph.D. is a lengthy process, the end result is never the product of the author alone. It is directly or indirectly influenced by numerous people who are part of the doctoral student's life or who just crossed it. I would like to acknowledge here those who have had an impact on my work and therefore on myself.

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TABLE of CONTENTS

Title	i
ABSTRACT	iii
TABLE of CONTENTS	v
<u>CHAPTER ONE - INTRODUCTION</u>	1
1/ Relevance of the Study	1
2/ Theoretical Framework	7
3/ Methodology	8
4/ Chapter Outline	11
CHAPTER TWO - Defining the Dependent Variable	14
1/ Key Legal and Institutional Developments of the CFSP	15
A. The EEC and Early Attempts at Coordinating Foreign Policies	15
a) Before the EEC	15
b) After the EEC	17
B. From the EEC to the EU: The Maastricht Treaty	21
C. The Amsterdam and Nice Treaties	26
D. The Development of the European Security and Defense Policy	31
a) Saint-Malo and its Aftermath	31
b) The EU Military Operations	36
c) Latest Developments	41
d) The EU Security Strategy	45
e) Capabilities Shortfalls	49
E. The Future	52
F. Conclusions	56
CHAPTER THREE - Literature Review and Theoretical Framework	58
1/ CFSP in the Literature: Empirical and Conceptual Studies	60

2/ FPA: Born to Study the State – Reborn to Study the EU?	68
A. FPA as a Sub-Field of International Relations Theories	68
B. FPA, CFSP, and the Process of EU Integration	71
a) Formal and Informal Processes	73
b) Links with Other EU Integration Approaches	76
c) Adapting FPA for the Study of the CFSP	80
d) The Argument – CFSP as Institutionalized Governance	82
3/Conclusions	85
 CHAPTER FOUR - Major Attempt at Implementing the CFSP: The Case of the Former Yugoslavia	 87
1/ The Context	89
2/ The EEC/EU in the Crisis	90
A. The EEC in a Leadership Position	90
B. The EEC/EU and the UN	96
C. US Leadership and EU Member-States	98
3/ The Question of the Use of Force	102
4/ Civilian Aspects of EU Involvement	107
5/ Conclusions: Lessons from the 1991-1995 Balkan Wars Case	113
A. The Type of Action Used	113
B. The Decision-Making	115
 CHAPTER FIVE – The CFSP-post 1999 in the Balkans – The Case of the FYROM	 119
1/ The Context	120
A. The Greek Problem	120
B. The UNPROFOR Preventive Deployment (UNPREDEP)	121
C. Origins of the Crisis	122
2/ The EU CFSP Decision-Making	124
A. The High Representative	125
B. The Commission	126
C. The Member-States	130
D. NATO and the US	132
E. Evaluation	135
3/ Conclusions	139

CHAPTER SIX - The CFSP-post 1999 in the Middle East	144
1/ Historical Background	145
A. From Divergences to the Venice Declaration	145
B. The End of the Cold War and the Peace Process	148
2/ Post-1999 Changes?	155
A. The High Representative	156
B. Member-States and Presidencies	159
C. The Commission	164
D. The Transatlantic Link	166
3/ Conclusions	167
4/ Some Preliminary Remarks about the Three Case-Studies	169
A. The High Representative	169
B. The Commission	172
C. The Presidency	177
D. The Member-States	179
E. The Transatlantic Relation	183
CHAPTER SEVEN – CONCLUSIONS: EU Governance in the CFSP	185
1. Generalizing the Empirical Findings	186
2/ Foreign Policy Analysis Adapted	190
3/ Final Remarks - Looking into the Future	195
APPENDICES	197
Appendix A: The Provisions on CFSP in the Nice Treaty - Title V	198
Appendix B: The Formal Decision-Making Process in the Second Pillar	207
Bibliography	208

CHAPTER ONE - INTRODUCTION

1/ Relevance of the Study

The European Union (EU) Common Foreign and Security Policy (CFSP) is now in its eleventh year of existence. Elaborated during the negotiations leading to the Maastricht Treaty in 1991, it was at the same time *du déjà vu*, as well as a new endeavor. *Déjà vu* because CFSP was clearly the heir of the European Political Cooperation (EPC) established in the early 1970s. New because for the first time in the history of European integration, the then twelve EEC member-states decided to create –at least by name - a fully-fledge policy in those areas residing at the core of national sovereignty and dealing with the use of force.

Compared to the evolution of the EC (or first pillar or the EU), CFSP has witnessed, over a very short period of time, a number of important institutional transformations stemming primarily from the member-states policy successes and failures in their attempt to coordinate their foreign policies and increase the clout of the EU internationally. CFSP instruments have also been extended and today it can fairly be said that the EU is, with the addition of the European Security and Defense Policy (ESDP), on its way to acquire the entire panoply of foreign policy instruments available to the state¹.

Despite this tremendous evolution and the unique experiment CFSP represents in international relations, scholars have not extensively studied the phenomenon. When they have, they have usually focused on its shortcomings attributed to its intergovernmental framework – i.e. CFSP is a treachery, because it requires the agreement of all the EU member-states, a situation which rarely exists. The classical example in the CFSP literature is the Balkan wars of 1991-1995. In addition, because the institutional changes to CFSP that have occurred since the

¹ These are traditionally the economic, social, political, and military instruments of foreign policy.

Treaty of Amsterdam have left the second pillar in an intergovernmental framework, scholars have rarely analyzed the implementation of those changes in particular situations to see how they were used in practice. Finally, because the second pillar deals with foreign policy, it has usually been approached from an international relations (IR) perspective, explaining why member-states created it or analyzing the outcomes of it from an inter-states relations perspective, rather than from a comparative politics perspective, as has extensively been done in the first pillar.

One major attempt in the literature to study how CFSP has taken a different path than the one traditionally predicted by those analysis focusing on the intergovernmental aspects of the CFSP has been the work of Michael E. Smith² on the institutionalization of the CFSP. Smith shows how through the years of EPC, what started essentially as an intergovernmental process, gained a life on its own through socialization and institutionalization. Smith also shows how the institutional developments of the second pillar influence outcomes in foreign policy. Smith's approach however presents four sets of shortcomings. First, while thorough and necessary as a counter-argument to realist and intergovernmental analysis of the EU foreign policy, Smith primarily focuses on the European Political Cooperation (EPC) and the early days of the creation of the CFSP. Since then however new and crucial changes have been adopted in the way CFSP is working. Second, while acknowledging the importance of member-states in "history-making" decisions, Smith does not give enough consideration to the still important role of member-states in the implementation of specific policies in the second pillar. However, member-states do shape the behavior of EU institutions as much as they try to influence policy outcomes from outside as individual actors. Third, Smith does not propose an analysis of CFSP's implementation on the

² See for instance, Smith, M., *Europe's Foreign and Security Policy – The Institutionalization of Cooperation*, New York: Cambridge University Press, 2004

ground (except for some references here and there). Fourth, the US, a crucial variable in understanding the CFSP, is rarely given the importance it should.

This dissertation attempts to thus fill in an important gap in the literature, while building on the approach proposed by Smith from the four shortcomings identified above. It proposes to tackle the study of CFSP through the lenses of “institutionalism” and its emphasis on processes. Its aim is to analyze how CFSP works on the ground since the changes brought by the Amsterdam Treaty. It is less interested in outcomes of policy decisions than in decision-making processes and institutions. Adopting an institutionalist approach of the CFSP decision-making process, it shows how the creation of the post of High Representative for the CFSP has led to a reinforcement of the Secretariat general of the Council of the EU in the second pillar. It will however also show that member-states are still important in the process, since they are the ultimate actors deciding whether or not to delegate power to the High Representative. The extent to which they are involved in the CFSP process depends on the area of CFSP involvement. Member-states will be given the importance they still deserve, in so far as they intersect with the EU institutions. Thus, only cases of collective action will be analyzed. Its basic exploratory question is: how does the CFSP work? Is the EU CFSP process intergovernmental or supranational? And if it can be both, why, and how?

In addition, the dissertation has an important theoretical component in that it is trying to revive the area of IR scholarship called Foreign Policy Analysis (FPA). Foreign policy has traditionally been studied from the state perspective. Accordingly, scholars have adopted two different assumptions: either emphasizing the structure of the international system and its role in shaping the state’s foreign policy, or emphasizing the internal characteristics of the state to explain its foreign policy. However, the creation of the EU and the establishment of the CFSP

challenge the idea that foreign policy is only the product of states. The dissertation aims to show that FPA is still relevant to understand foreign policy but that it needs adaptation from its state-centric perspective in order to explain the emergence of a new type of foreign policy, one, in some cases, produced by the EU.

The significance of this research is both empirical and theoretical. Empirically, as was said before, it fills an important gap in the literature on the EU. It explores an area that has been left in a grey zone, while changes have occurred at an unprecedented pace. It will thus add to the body of knowledge on the EU policy-making processes. Theoretically, it will show the relevance of FPA, while attempting to bridge the gap between public policy literature and “high politics.” Finally from a policy perspective, it occurs at an important moment. On the one hand, analyzing the decision-making processes of the CFSP is crucial at a time when the EU is in the process of reforming itself. As Gordon writes, *“progress toward CFSP” could conceivably be defined according to how integrated it is (as opposed to intergovernmental), how global it is (as opposed to regional), how military it is (as opposed to civilian), how well articulated it is (as opposed to poorly explained), or how well it can deal with immediate crises (as opposed to pursuing long-term goals). [...] Along any of these axes, I believe the notion of “making progress” toward CFSP must involve the creation of institutional, legal, or political mechanisms to promote and implement common perspectives or actions. For the word “cooperation” to have meaning, it must to some degree entail getting states to do what they otherwise would not have done, either through mechanisms to promote convergence of views (through common analysis and consultation), through deals in the expectation of mutual gain, or, most significantly, through binding decision-making institutions. Simply happening to agree on the same policy – say, to support democracy in South Africa – is very important, but it does not*

*require a common foreign and security policy to bring it about*³. In the first EU pillar, the European Commission, together with the European Court of Justice, the European Parliament, and the use of Qualified Majority Voting (QMV) in the Council of the EU, provide the institutional backbone of the decision-making process allowing for policies to be taken and implemented by and at EU-level. Except for the European Commission (but with a lesser role), those institutions and institutional mechanisms have no role in the second pillar. As Gordon reminds us however, agreements among member-states could still occur, even in the absence of the specific and *sui generis* mechanisms found in pillar one. To that extent, agreements occur all the time between states, bilaterally, trilaterally, and multilaterally within international fora such as the United Nations, or outside. In foreign policy, these agreements are more difficult to reach, especially if they involve the use of force. Again as Gordon writes, it is easier to agree that democracy should be promoted in South Africa, than to agree on the way and means to implement that broad policy. Even declaratory policies are not easily agreed upon however. To take a more recent example, it was very difficult for the member-states to agree on a statement about Iraq during the Greek Presidency of the first semester of 2003, when the EU was almost divided right in half between the supporters of tougher action and the supporters of the continuation of inspections through the UN. It is in cases such as the latter one, that the institutional mechanisms of the second pillar come into play to facilitate agreements among member-states. At times these agreements are far-fledge and include the delegation of the common positions' implementation to the High Representative, as the Macedonian case will show. At other times, the agreements are more of a declaratory nature, such as the case of Iraq and thus resemble more what existed within the European Political Cooperation (EPC) framework. Even in the latter case, these agreements are proof of the existence of a mode of

³ Gordon, Philip, "Europe's Uncommon Foreign Policy", *International Security*, vol. 22, n. 3, Winter 1997, pg. 82

CFSP governance; without this institutionalized governance - materialized in the form of the EU Presidency, the High Representative alone or with the Commission, or the Secretariat General of the Council-, they would simply not exist. The slow but steady institutionalization of the CFSP over the years has today led to an identifiable corpus of decision-making mechanisms that steadily lead to integration (although of a different form than the processes found in pillar one) in the realm of foreign policy. These mechanisms help, although still not in a homogeneous manner in all foreign policy areas, to forge common positions among the EU member-states. As the next chapter will show in some details, the institutionalization of governance in the second pillar has witnessed a qualitative leap since the appointment of the High Representative for CFSP in 1999. The High Representative rather than being based in the traditional institution of integration (i.e. the Commission), was established within the structure of the Secretariat General of the Council, an institutional framework that seems to progressively replace the Commission as the motor of integration in the second pillar.

The following chapters of the thesis will all support from one angle or the other (from a historical perspective in chapter two; a theoretical perspective in chapter three; and an empirical perspective in chapter four, five, and six), the main argument exposed in this section: that there is an institutionalized system of governance in the second pillar of the EU that is increasingly influencing the ability and disposition of the member-states to find a consensus on foreign policy issues and in some case, on their implementation. This argument will nevertheless not lose sight of the crucial role still played by member-states in the process, as they still have – through the Presidency or on their own – the ultimate power to decide at which level and/or which institution will be responsible for the decision-making.

Understanding this process, will allow showing the important connection between CFSP and the United States. It is thus equally relevant for the future of the transatlantic relationship. The US is important in tow ways for my research. First when the question of the development of an ESDP/military capabilities for the EU is raised or when the possibility of a European intervention is on the floor (through the WEU or more recently through the EU), the US is an actor in the decision-making process through NATO - primarily to ensure coherence between the different organizations. Second, it appears, as chapter two will show, that the EU's affirmation of a role in foreign and security policy, has often been achieved by positioning itself vis-à-vis the US (wanting to present an alternative view such as in the Middle-East, or wanted to fill in for the unwillingness of the US to be involved or to take some of the burden away from the US, such as in the Balkans).

2/ Theoretical Framework

FPA as a body of literature in IR was created in reaction to “structural approaches” that emphasized the external elements or the role of the international system in the foreign policies of the state. Instead FPA looked at internal variables, i.e. inside the state to see how the different actors in the decision-making process of national foreign and security policy influenced foreign policy decisions. In the tradition of FPA, the emphasis in the dissertation is thus on foreign policy decision-making processes from “initiation” to “implementation” (to refer to Charles Lindblom's terms). The dissertation thus aims to analyze patters of CFSP development, what determine their shape, and how they function. Structural explanations are certainly useful to understand “big” decisions and important “innovations” in the EU, such as why a CFSP was created to begin with in 1991 and why it was improved in the Amsterdam Treaty and the Nice Treaty in 1997 and 1999. Such questions could not be fully answered without taking into

account environmental variables: German reunification, end of the Cold War, ex-Yugoslav wars and Europe inability to stop them, as well as the Kosovo syndrome. However, to understand the inner working of the CFSP, to make sense of “less dramatic” decisions, and to analyze why actor X or actor Y intervene in the decision-making process at a certain time and under certain conditions, it is important to open up the EU box and see what is inside. The dissertation thus shows how national, international, and supranational actors (understood in a FPA sense, i.e. including leaders, civil servants, and institutions) combine in the making of decisions within the EU second pillar.

In addition, I will show that FPA provides the locus for a dialogue between the IR literature and institutionalist approaches. FPA encompasses actors, processes, instruments, contexts, and outputs.⁴ I argue that looking at internal processes is especially important in the case of the EU, an entity still in formation, and whose distinctive institutions and evolving institutional set-up play an extremely important role in defining the policy-outputs of the organization. CFSP has indeed often been characterized as a process rather than a policy. It is this necessary and useful dialogue between FPA and the institutionalist literature that I will illuminate in the thesis.

3/ Methodology

The Balkans and the Middle East have been chosen as case-studies for several reasons. First, they both are regions geographically located in the EU neighborhood. Second, they both are regions in which the EU and its member-states have interests, both material and intangible. Political stability is important in both regions, to avoid for instance important flux of immigration to the EU and to reduce the threat of terrorism fuelled by Islamic fundamentalism.

⁴ White, B., *Understanding European Foreign Policy*, New York: Palgrave, 2001, pg. 40

Stability is also important for economic reasons, especially in the Middle East. Most European countries are dependent on the Middle East for oil. Intangible interests relate to the historical attachment of some EU countries to these two regions. Germany is for geographical and historical reasons very interested in stability in the Balkans. France, former colonial power in the Middle East also wants to keep close links with the Arab world. Spain because of geographical closeness is always placing the greater Middle East as a primary foreign policy issue to be dealt with.

Finally, the Balkans and the Middle East (more particularly the Israeli-Palestinian conflict) have consistently been designed as priority areas by the EU for the implementation of its CFSP and this, since the Maastricht Treaty entered into force⁵. If one looks at legal documents and policy instruments, besides mere declarations, the two regions are the ones where the EU is most active.

The case-studies in the dissertation are based on important empirical research. FPA indeed requires rich empirical analysis as decision-making processes tend to differ according to the policy area. This is especially true of the EU and its complex institutional design. It is also necessary in our case, because the actors involved in the process still experiment with the new institutions and because of the different levels of analysis involved in the study

⁵ The Lisbon European Council of June 1992 identified areas in which joint actions regarding selected individual countries or groups of countries would appear to be particularly beneficial, in a first phase, for the attainment of the objectives of the CFSP. They were:

- Central and Eastern Europe, especially the ex-USSR and former Yugoslavia. The action proposed involved *inter alia*, promotion of political stability, regional integration, implementation of CSCE commitments relating to the respect of human rights, democracy and the prevention and settlements of conflicts;
- Maghreb and the Middle East. Reinforced cooperation in all fields was proposed including, the Middle East Peace Process, the fight against terrorism and the illicit traffic in drugs, promotion of security and social stability.

The Extraordinary European Council of October 1993 in Brussels requested the Council to engage in preparatory work for the implementation of joint action on the promotion of stability and peace in Europe, on the Middle East, on South Africa, on former Yugoslavia and on Russia. At the same Summit, the general objectives of European security were defined as the territorial integrity and political independence of the EU, its democratic character, and the stability of neighboring regions.

(national/intergovernmental/supranational). In addition, taking empirically-rich case studies as point of departure avoids what Winn and Lord define as follow: *a condition in which theoretical advance in the understanding of the EU's foreign policy outstrips empirical testing*.⁶ Empirical information regarding the procedural rules of decision regimes can be traced by various observational methods.

Between October 2001 and March 2002, I spent five months in the Group of Policy Advisers of the European Commission as a *stagiaire*. Being an insider during this time has allowed me to gain access to key decision-makers, as well as to documents, such as minutes from meetings, internal documents, policy memos, and in some case, e-mail exchanges that I would not have been allowed to see if I were an outsider.

The bulk of this study is based on elite interviews from the European Council Secretariat, from the European Commission, and from the Permanent Representations of the member-states to the EU. Most of the interviews were conducted during the *stage*, but also in the period from September 2002 to December 2002 and another few in January 2004 to update the research. The total amount of people interviewed is 72. In the Commission, people interviewed worked in the Group of Policy Advisors, in the DG Relex (External Relations), and in the Secretariat. In the Council, people worked for the Policy Unit, the CFSP and ESDP Unit, and Solana's cabinet. In the Permanent Representations, people interviewed were dealing with CFSP and ESDP issues.

Most of the interviews were open-ended interviews usually based on some standardized questions, but adapted then to the evolution of the interviews and to the individuals in question. Interviews – except for five - were not tape-recorded as the interviewees usually refused to be recorded. And when they agreed to, I quickly realized that the information that was given was

⁶ Winn, N. and Lord, C., *EU Foreign Policy Beyond the Nation-State: Joint Actions and Institutional Analysis of the Common Foreign and Security Policy*, New York: Palgrave, 2001, pg. 17

less “interesting” for the research. The interviews lasted from 20 minutes to 2 hours. The number of interviews allowed me to find patterns in the answers provided by the interviewees.

The interviews were necessary to understand the formal aspects of the decision-making process, but to also isolate the informal aspects of the process. They have allowed establishing some closeness between the interviewee and myself and when possible I have interviewed the same person twice to seek corroboration in their answers. The ideal situation for an exploratory topic such as the one presented in this thesis would have been to be a participant observer in the DG Relex unit dealing with CFSP or in the Council Secretariat General. However, with the addition of a military component, the EU has become much more secretive in the area of external relations and access to documents is more difficult. *Stagiaires* are for instance not accepted in the CFSP units anymore, either in the Commission, or in the Council.

Triangulation in the dissertation is brought by analysis of the secondary literature, monitoring of daily information on the EU through *Agence-Europe*, *EU Observer*, *EU Politix*, *Financial Times*, and *Le Monde*, and analysis of speeches of officials and official documents. The secondary literature has helped frame the dissertation. The monitoring of daily news was necessary because of the ongoing developments in the field. Official documents were a good starting point for interviews. They are however only the end product of a negotiation, and thus do not show what has been going on before.

4/ Chapter Outline

The dissertation is divided in seven chapters. The second chapter is an explanation of the dependent variable, the CFSP. It traces the origins of the CFSP since the outset of the European Economic Community (EEC). It also presents a legal-institutional analysis of how the CFSP decision-making process is organized in the EU Treaty and other relevant documents such as

European Councils Conclusions. It also analyzes the more recent developments of the EU in European Security and Defense Policy (ESDP).

The third chapter begins with an overview of the literature on CFSP, to then turn to FPA as the core theoretical approach of the thesis. It shows how FPA, although useful, needs to be adapted to understand the foreign policy of a non-state actor such as the EU. Finally, the chapter proposes a theoretical framework with whom to grasp the changes brought since 1999 in the CFSP.

Chapter fourth is an analysis of the first major attempt at implementing CFSP on the ground through the case of the 1991-1995 Balkan Wars. This chapter exposes the context of the crisis, analyzes the EU actions during the crisis, and ends with preliminary conclusions as to what shortcomings the Balkans Wars emphasized in the CFSP decision-making process.

The fifth chapter is the first case study of the dissertation and focuses on the EU action in Macedonia when the country was faced with the prospect of a civil war in the spring of 2001. After some preliminary remarks about the context of the crisis, the chapter goes on to analyze the various EU and non-EU actors involved in finding a solution to the crisis. The chapter concludes with some theoretical implications of the empirical findings.

The sixth chapter is the second case study of the dissertation. It focuses on the Middle East Peace Process and more particularly on the crisis in the region since the second intifada started in 2000. The chapter starts with an historical overview of the EU involvement in the Israeli-Arab and Israeli-Palestinian conflict. It then turns to more recent events and, such as in the case of FYROM, take each EU and non-EU actor involved in the crisis separately. The chapter closes with some policy and theoretical implications.

Finally the last chapter offers general conclusions to the dissertation. It is divided in three sections. The first is a generalization of the place of the different EU actors in the decision-making process of the CFSP. The second section restates the theoretical argument, now reinforced by the empirical analysis. Finally, the chapter briefly concludes with some final remarks on the consequence of the 2004 enlargement on the CFSP decision-making.

CHAPTER TWO - Defining the Dependent Variable

It is important to underline what CFSP is before going into the analysis. The EU is such a novel political organization, that its CFSP is not always well understood. The dissertation will only deal with CFSP and not with the EU as an international actor in more general terms. The latter object of study would encompass studying how the EC behaves externally, which would include studying areas that fall under the competences of the first pillar. Studies have for instance been conducted analyzing the EU behavior in the WTO negotiations, vis-à-vis the Kyoto protocol, and towards other regional organizations. All these issues are not CFSP issues or second pillar issue *per se*, although they relate to the EU as an international actor. Issues dealt with as CFSP are still not very numerous, if one puts aside the declarations that the EU has issued about international political affairs. Although such distinction between first and second pillar, between external economic affairs and foreign affairs, or between “low politics” and “high politics” might appear superficial in today’s world, it reflects the pillar structure of the EU and thus the higher sensitivity member-states have to relinquish sovereignty in foreign/security matters than in economic matters. The Convention on the Future of the EU has attempted to improve the coordination/coherence among the resources of the first and second pillars to find a solution to the consistency problems that have arisen, particularly in the case of economic sanctions against foreign governments (the decision to impose sanctions is a pillar II issue, while its implementation is a pillar I issue). As Professor Hill puts it, *a conscious aspiration to achieve a common European foreign policy exists, on the basis of a huge range of bilateral and multilateral relations with third party states and international organizations. It is not*

*unreasonable, therefore, to talk of the European Union's foreign policy, at least alongside those of the member-states*⁷.

1/ Key Legal and Institutional Developments of the CFSP⁸

A. The EEC and Early Attempts at Coordinating Foreign Policies

a) Before the EEC

Although CFSP was established in the nineties, it was not set up on empty ground. As early as the end of WWII, attempts were made to coordinate the security policies of the states of Europe. The first post-WWII West European security organization to emerge was the Brussels Treaty Organization (BTO) created in 1948 by Belgium, France, Luxembourg, the Netherlands, and the United Kingdom. This was a military alliance against a potential new threat from Germany. Soon however, the “enemy” was to become the USSR. In 1949, the Federal Republic of Germany (FRG) was created by joining the American, British, and French occupation zones in West Germany and that same year the North Atlantic Treaty Organization (NATO) was established⁹. With the creation of NATO, the institutionalization of the US presence in European security was sealed. The consensus seemed that any purely Western European integration (i.e. without the United States) was set to focus on economic issues. Thus, in 1951, Robert Schuman, then French Foreign Affairs Minister endorsed the idea of a French civil servant, Jean Monnet to create an organization with Germany that would put in common the production of coal and steel: the European Coal and Steel Community (ECSC) was born, the first

⁷ Hill, Christopher, “EU Foreign Policy since 11 September 2001: Renationalizing or Regrouping?”, First Annual EWX Guest Lecture, Europe in the World Center, University of Liverpool, October 24, 2002

⁸ This section up until the Maastricht Treaty largely borrows from Smith, Hazel, *European Union Foreign Policy – What it is and What it Does*, London: Pluto Press, 2002

international organization with supranational features¹⁰. The member-states of the ECSC were Belgium, France, Germany, Italy, Luxembourg, and the Netherlands.

However, the question of an independent European security organization remained, especially in France post-WWII foreign policy elaboration with the central French concern being how to control German rearmament, finally authorized in 1950 to fulfill NATO's mission. It is from that reflection that the idea of a European Defense Community (EDC) was going to emerge, particularly following American pressures to allow Germany to rearm. In 1950 French Prime Minister René Pléven proposed the integration of national armies into a European army, which would be democratically controlled by a European Political Community (EPC). The Treaty creating the EDC was signed in May 1952 by the same states that signed the ECSC Treaty. The establishment of an EPC entailed the creation of a common foreign policy as a mechanism set up to coordinate the foreign policies of member states. The central supranational authority would be able to carry out foreign policy activities but only with the agreement of the EPC member states.

In 1954 however, the French National Assembly rejected the EDC Treaty, thus signing the death certificate of the organization. The reasons invoked for the rejection were: a reluctance to delegate to a supranational institution control over the French army; the absence of the UK in the enterprise, thus leaving France face-to-face with the German army; the overseas commitments of the French army, while Germany could concentrate its rearmament in Europe.

With the failure of the EDC, European leaders realized that if integration had to occur on the European continent, the road of the ECSC, i.e. economic integration was more secure, before embarking on political integration. In addition, based on a British idea, the Western European

⁹ The founding NATO members were the United States, Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, Norway, Portugal, the Netherlands, and the United Kingdom

Union (WEU) was established in 1955 as a traditional military alliance, without any supranational feature and whose founding member-states were Belgium, France, Germany, Italy, Luxembourg, the Netherlands, and the United Kingdom. The FRG also became member of NATO in 1955.

In 1957, the Treaty of Rome creating the European Economic Community was signed. Although the original treaty does not mention foreign or security policy, some competences were related to “external affairs”, such as the role of the EEC in trade and development. Step by step however, the role and visibility of the EEC in world affairs was to increase. This is one of the reasons why, once Western Europe was embarked on the road to integration, various attempts at creating a more political Europe with competencies in foreign and security policy were launched by the member-states in order to prevent the Commission from gaining too much power in the area¹¹. These attempts were mostly based on an intergovernmental foundation.

b) After the EEC

A/ DE GAULLE

Nothing in the area of a Community foreign and security was going to evolve with General Charles De Gaulle as President of France. De Gaulle indeed was only thinking of a European defense as a way to balance the American security presence in Europe. In addition, such an endeavor had to remain intergovernmental and separate from the Brussels-based process of European integration, towards which De Gaulle was extremely distrustful.

¹⁰ The High Authority (la Haute Autorité) was the precursor of the European Commission.

¹¹ See Smith, H., *European Union Foreign Policy – What it Is and What it Does*, London: Pluto Press, 2002

In 1959, De Gaulle proposed that the foreign ministers of the six EEC member-states meet regularly to discuss foreign policy issues and that a secretariat for such political cooperation be established in Paris. De Gaulle EEC partners rejected the idea of the Paris-based secretariat but agreed to the meetings that began in Rome in 1960 but were suspended in 1963, after De Gaulle vetoed the British application to the EEC. During that period ministers simply discussed issues ranging from relations with the USSR, to the Congo crisis as well as the Cuban missile crisis. There were solely focused on an exchange of views among the participants.

However, De Gaulle did not give up on his idea to develop a secretariat and Christian Fouchet, a French diplomat, produced in 1961 a report whose objective was the creation of a common foreign and defense policy for Europe. The report was received with mixed feelings, especially from the small EEC member-states. The Dutch government was extremely keen that the new policy be firmly attached to NATO in order to retain the US commitment to defend Europe in case of war. It was also concerned that France and Germany might establish a *directoire* that would dominate the new institution¹². In reality, the *directoire* would amount to the institutionalization of French leadership in Western Europe, since the FRG would not have been permitted to attempt to exercise leadership in the new organization. What the Dutch and the Belgian governments proposed was to accept the UK in the new organization as a counterweight to both France and Germany. The other option was the consolidation of the institutions of the EEC. Of course neither of these options was agreeable by De Gaulle.

¹² The fear of the *directoire* has been a constant in small member-states approach to the EU decision-making process. More recently, the issue came at the forefront with the collapse of the constitutional talks in December 2003 and the idea that the three big member-states, France, Germany, and the United Kingdom might push the EU integration agenda forward.

However, through the drawing of the Fouchet Plan France and Germany, and more particularly De Gaulle and Adenauer, the German Chancellor work closely. This led to the signature of the Treaty of Franco-German Cooperation in 1963, known as the Elysée Treaty¹³.

B/ AFTER DE GAULLE

The next steps in the institutionalization of foreign policy cooperation among EEC member-states had to wait for a change in the leadership of France. However, until the Single European Act (SEA), this institutionalization would be made informally, mostly through European Summit declarations entailing a voluntary and non-binding commitment.

The Single European Act

After a little bit more than a decade of practical working, the EPC would find formalization in the Single European Act (SEA) which can be regarded as a codification of the practices established over the years. The SEA was signed in 1986 and came into force on July 1, 1987 and thus provided for the first time a legal framework for European foreign policy cooperation. The SEA brought together the Community policies and the EPC, but the EPC provisions were placed under Title III of the Treaty, separate from the provision related to the Rome Treaty competencies¹⁴. The main commitment from the member-states in the Treaty was that they would consult each other *on any foreign policy matters of general interest*. The SEA stated that consultations shall take place before the member-states reach final positions and

¹³ With the Elysée Treaty, France and Germany agreed to meet at least twice/year at the level of Heads of States, three times/year at the level of Foreign Affairs Ministers and every month at the level of civil servants. France and Germany also agreed to work together in areas of common interests in foreign policy. The Treaty also called for the harmonization of both countries defense concept and the exchange of army personnel.

¹⁴ It is interesting to note that under Title III, the member-states are referred to as “High Contracting Parties”, pointed to the unchallenged sovereignty of the member-states in foreign affairs. However, the fact that EC and EPC issues were dealt with in a single legal instrument was considered to be an important step towards bringing the two together. Some have even argued that this structure inaugurated the pillar structures of the Maastricht Treaty (see Nuttall, Simon, *European Foreign Policy*, Oxford: Oxford University Press, 2000

member-states abjured unilateral actions before taking full account of the positions of their partners and before having considered the possibility of adopting a European position. The SEA also committed the member-states to seeking common principles and objectives and insisted that member-states should endeavor to avoid adopting national policies that could inhibit the Community's ability to act cohesively internationally. The SEA also saw the formalization of the provision agreed to at Stuttgart according to which the political and economic aspects of security can be discussed in EPC. However the SEA also stressed that *the SEA provisions would in no way impede closer cooperation in the field of security within either the WEU or NATO for those member states which were also members of those organizations.*

As previously stated, the decision-making processes in the SEA were nothing new, as they were just the formalization of what had been gradually agreed among the member-states through the various reports and European Summit Conclusions in the previous years. Foreign ministers were to meet four times a year to discuss foreign policy and were allowed to discuss political cooperation when they met as the Council of the Communities. The SEA also confirmed that an emergency meeting of the PC or the foreign ministers could be convened within 48 hours at the request of three member-states. The Commission was to be fully associated with EPC. The role of the Presidency, the PC, the European Correspondents and the working parties was confirmed. The European Council was also recognized in the SEA. Two innovations were brought in the Treaty. First, it was both the Presidency and the Commission that were given responsibility for ensuring consistency between EPC matters and Community's matters. Second, a small Brussels-based secretariat for the EPC was agreed upon and would provide administrative support to the Presidency.

The SEA was followed by a “reactivation” of the WEU and the Hague Platform of 1987 which acknowledged that *the construction of an integrated Europe will be incomplete as long as it does not include security and defense*. It was also agreed that the WEU might play a useful role in coordinating “out of area” operations. However, for the necessary breakthrough in European security and defense that needed a common ground between the “Europeanists” and the “Atlanticists”, the international system had to change.

It is however necessary to underline that EPC did not amount to anything. Without EPC, CFSP would probably not have seen the light. It laid the ground for the procedures to be used in CFSP and it created a sort of “coordination reflex”. As Simon Nuttall writes, *EPC worked through an intensive network of meetings, contacts, and relationships. [...] For the first time, foreign ministry officials felt that they were part of the European Community adventure, with toys on their own to play with. There was an EPC culture and sense of solidarity which only worked so long as decisions were restricted to the charmed circle. With interference neither from the EC Institutions nor from other ministries at home.*¹⁵

B. From the EEC to the EU: The Maastricht Treaty

CFSP as such is a creation of the Maastricht Treaty, signed in December 1991 by the then twelve EEC member-states. It should however not be forgotten that the member-states had been used to working together on issues of foreign policy for about twenty years through the EPC process. The initiative first came in a letter addressed to the Italian Presidency by France and Germany and asking for the creation of a “common foreign and security policy”, with the EU gaining responsibility in defense through a formal link with the WEU. However, a Common Foreign and Security Policy did not mean that foreign policy was going to be communautarized.

Most member-states were indeed opposed to such a move. Therefore, the Maastricht Treaty created the EU, an encompassing “roof” supported by three pillars: the first pillar, called the European Community (EC) and encompassing the policies governed by the Community method¹⁶, while the second and third pillars were intergovernmental pillars where the member-states remain the central power of decision. The second pillar deals with foreign and security policy, while the third pillar, deals with justice and home affairs issues.

The CFSP was created against the backdrop of the end of the Cold War, the first Gulf War and the beginning of the Yugoslav crisis. The fall of the Berlin Wall and the reunification of Germany in October 1990 left France quite nervous about having to face a stronger neighbor. Germany on the other hand was eager to give its partners reassurance that it was not going to use the end of the Cold War to change the fundamental way it had conducted foreign policy until then, i.e. through multilateralism. This is why in return for its acceptance of the Economic and Monetary Union (EMU) and thus its renouncement of the DM as the German national currency, Germany pushed its partners to deepen the European integration process. France was quite favorable to the creation of a foreign policy of the Union. Indeed, for France, CFSP was a way to ensure its predominance in Europe and to amplify its voice on the international arena, while eventually allowing Europe to conduct a more independent foreign policy vis-à-vis the US. However, this was without counting on the Atlanticist leaning of countries such as the United Kingdom, Denmark, and Portugal, who did not want to see the CFSP become a competitor to NATO. The result was, as in classical intergovernmental negotiations, a lowest common denominator.

¹⁵ Nuttall, Simon, op. cit., pg 2

¹⁶ The Community method is the method where the Commission, the European Parliament, and the European Court of Justice (i.e. the supranational institutions) are the key actors. In addition, qualified majority voting is used in the Community method.

The CFSP broad goals were defined as follow:

- *to safeguard the common values, fundamental interests and independence of the Union;*
- *to strengthen the security of the Union and its Member States in all ways;*
- *to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;*
- *to promote international cooperation;*
- *to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.*

The means to reach these goals were extremely loose but translated the acceptance by the member-states of an “upgrading” vis-à-vis what was agreed upon in the SEA:

- *by establishing systematic cooperation between Member States in the conduct of policy, in accordance with Article J.2;*
- *by gradually implementing, in accordance with Article J.3, joint action in the areas in which the Member States have important interests in common.*

4. *The Member States **shall** support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. They **shall** refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The Council **shall** ensure that these principles are complied with.*

This last sentence shows the kind of qualitative improvement brought by the Maastricht Treaty in the sense that the Council gains some responsibility in terms of “enforcement” of the

CFSP, even though this responsibility appears quite vague.

Article J.2 also testifies of this qualitative jump:

1. Member States shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that their combined influence is exerted as effectively as possible by means of concerted and convergent action.

2. Whenever it deems it necessary, the Council shall define a common position. Member States shall ensure that their national policies conform on the common positions.

3. Member States shall coordinate their action in international organizations and at international conferences. They shall uphold the common positions in such fora.

With regard to a common defense, the wording of the treaty becomes even more awkward: *The common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defense policy, which might in time lead to a common defense.* Follows then a role for the Western European Union (WEU) assigned to become the military arm of the EU, without prejudice to NATO's role in European security. Again, the compromise between Europeanists and Atlanticists is quite obvious.

No major changes were made with regard to decision-making processes. The Presidency's central role was confirmed, as well as the support role of the troika. The European Council was given the task to define guidelines for foreign policy and the Council was given the responsibility to take initiatives, make decisions and implement them. The Commission

remained fully associated but for the first time was authorized to initiate foreign policy proposals, along with the Council. The emergency procedure was improved in that the Presidency, the Commission or any of the member-states could request a special Council meeting to be held either within 48 hours or sooner if necessary. The superficial and uneasy distinction between the Council of Ministers of the Community and the foreign ministers meeting in EPC was abolished and replaced with one formation, the Council of the EU. Coreper was given the responsibility to prepare all the meetings of the Council, even those related to foreign policy. However, in foreign policy, the PC was keeping its ascendance, even though with reduced tasks. Indeed until the Maastricht Treaty, the PC had sole responsibility to administer foreign policy. With the Maastricht Treaty, the PC was becoming a monitoring and oversight body. The Secretariat for EPC was incorporated into the Council's general secretariat.

In addition, some majority voting was allowed in CFSP. It was agreed that if the Council adopted a common position by unanimity, its implementation could be given the status of common action and implemented by qualified majority voting (QMV). Unanimity however remained the rule, even though an annexed declaration to the Treaty stated that the member-states commit themselves to refrain *to the extent possible from preventing a unanimous decision where a qualified majority exists in favor*.

The CFSP was immediately put to the test with the developments of the war in the former Yugoslavia. During 4 years, the EU was unable to present a united front and to stop the bloodshed. Ineffectiveness, incoherence, inaction, unwillingness were the characteristics of the actions at the EU level. Only with NATO airpower and with US diplomacy, did the conflict come to an end in 1995 with the Dayton Agreement. Only then was the EU going to become a major actor, by participating in the reconstruction of the new Yugoslav Republics.

The major lessons of the Yugoslav debacle were the realization that the EU lacked visibility (the six-month rotating presidency), coherence (the six-month rotating presidency, the intergovernmental framework, the incoherence between pillar one and pillar two), continuity (the six-month rotating presidency), and “hard” instruments to conduct foreign affairs in situation of crisis. I will come back to the Yugoslav debacle in the next section.

C. The Amsterdam and Nice Treaties

The Amsterdam Treaty signed in 1997 brought some important decision-making innovations to the CFSP, although its basic intergovernmental philosophy was unchanged. The two major innovations were the creation of a Policy Planning and Early Warning Unit (PPEWU) as well as that of the post of High Representative (HR) for the CFSP. The High Representative for CFSP, also Secretary General of the Council and Secretary General of the WEU (thus increasing the links between the EU and the WEU) and commonly known as Mr. CFSP, assists the Council by contributing to the formulation, drawing up, and implementation of political decisions and, where necessary, by acting on behalf of the Council at the request of the Presidency and conducting political dialogue with third parties. The first HR was designated in 1999 in the person of Javier Solana, former Spanish Foreign Minister and former NATO Secretary General. The designation of Solana, a very high level public figure, was a sign that the member-states were seriously committed to the position¹⁷. It was also a sign that a compromise was found between Atlanticists and Europeanists. Indeed, as previously mentioned Solana was Secretary general of NATO when he took the position and was well appreciated in Washington for his balanced positions.

¹⁷ However, the designation of the HR led to numerous debates, as to which kind of figure needed to be appointed in the position. Some member-states opted for a low-key figure that they would be certain would only conduct an administrative role, while others fought for somebody with high visibility, even though they knew he/she might take the position to a higher level.

The HR is helped in his tasks by the Policy Planning and Early Warning Unit, now called the Policy Unit and set up in a declaration annexed to the Treaty. The staff of the Policy Unit is drawn from the Council Secretariat, the member states, the Commission, and the WEU. The declaration annexed to the Treaty lists the unit's main tasks:

- 1/ monitoring and analyzing developments in areas relevant to the CFSP;
- 2/ providing assessments of the EU's interests and identifying areas where the CFSP could focus in the future;
- 3/ providing timely assessments and early warning of events or situations which may have significant repercussions, including potential political crises;
- 4/ producing at the request of either the Council or the Presidency or on its own initiative, argued policy-options papers to be presented under the responsibility of the Presidency as a contribution to policy formulation in the Council.

Support for the HR takes precedence in the daily work of the Policy Unit. This includes the preparation of bilateral and multilateral meetings in which the HR takes part. Members of the Policy Unit frequently travel with Solana to provide advice. The PU also assists in carrying out the mandates the HR received from the European Council on the Balkans and the Middle East. For instance in 2000-2001, one member of the policy Unit spent almost a year in the Balkans (Pristina, Belgrade, Skopje) in order to provide the HR with direct information on developments in the area and with direct links to the actors in the region. Another was sent several times by the HR to Southern Serbia to assist NATO in facilitating the negotiations between the Serbian government and the representatives of the ethnic Albanian community in the Presevo Valley. A third has traveled extensively to the Middle East, in particular in the context of the drafting of the report by the so-called "Fact Finding Committee" which was established at the summit of Sharm-el-Sheik and of

which the HR is a member. The policy papers drafted by the Policy Unit have also contributed to the development of a more effective and coherent CFSP. Based on a common analysis by the Policy Unit officials, the papers provide a balanced and advanced point of departure for the formulation of a common policy of the EU. The Treaty of Amsterdam asks member-states and the Commission to provide the Policy Unit with information, including confidential information. The Commission, contrary to the member-states has been very generous in this context.

Although the Policy Unit was intended to give the Union a capacity for common planning and "thinking" about EU interests, its composition shows that the member-states restricted its independence: one representative from each member-state, one representative from the Commission, three from the Council's Secretariat, and one from the WEU.

The Treaty also allows the Council to appoint Special Representatives (SR) with a mandate in relation to particular policy issues. The SR are directly responsible to the High Representative for CFSP. The EU currently has a special representative in the Middle East, in the African Great Lakes Region, to the Coordinator to the Stability Pact for South-Eastern Europe, in Afghanistan, and in FYROM. These SR are appointed by QMV and they followed the instance of Mr. Bildt during the wars in Yugoslavia.

The Amsterdam Treaty also reconstituted the troika; it was now to be composed of the Presidency, the HR, the Commission, and if appropriate the successor Presidency.

The Amsterdam Treaty also attempted to rationalize the instruments of the CFSP. *Common strategies* were introduced and were to be decided by the European Council on a recommendation from the Council of the EU in areas where the member states have important interests. Each strategy specifies its objectives, its duration, and the resources that will have to be provided by the EU and the member-states. The Council implements the strategies by adopting joint actions and

common positions by QMV, except for the questions with military and defense implications. If a member of the Council wishes to oppose one of these decisions for important reasons of national policy, the Council can appeal to the European Council, which then resolves the issue on the basis of unanimity. So far the Council has adopted three common strategies: for Russia, for Ukraine, and for the Mediterranean region.

Common strategies have been met with mixed feelings. While initially a good idea to encompass all the elements that make up a EU policy towards a particular country or region, the major criticisms addressed are that: they are too broad in scope in the sense that they not only cover EU policies towards a country/region, but also national policies; and that they usually are aimed to a country/region in which EU policies are already well developed, while other regions – with a lower profile – do not get as much attention. Common strategies thus have ended up being mostly a duplication exercise, without any real substance attached to it. It is commonly accepted that when the strategies will come up for renewal they will not be renewed and will need to be replaced by another instrument.

The Council can also adopt *common positions* defining the EU's approach to a particular geographical or thematic issue, vis-à-vis a third country or at an international conference for example. The member-states then ensure that their national policies are in line with the common position.

Joint actions are adopted by the Council in certain situations requiring operational action committing the member-states. Each action specifies its objectives, scope, the means to be made available to the EU, the conditions for its implementation and if necessary, its duration.

Finally, the Council can adopt *decisions* that are also binding on the member-states.

Declarations give public expression to a position, request or expectation of the EU vis-à-vis a third country or an international issue. These declarations are entitled "Declaration by the EU" where the Council meets and adopts a position on an international issue and "Declaration by the Presidency on behalf of the EU" where the Council does not meet.

Contacts with third countries take place mainly through *political dialogue* meetings and "*démarches*". The EU holds a political dialogue with a very large number of countries or groups of countries on questions of international policy. These meetings take place at all levels: heads of state, ministers, political directors, senior officials, and experts. The EU can be represented at them by the Presidency (assisted by the High Representative for CFSP), or by the High Representative alone at the request of the Presidency or by the Troika (Presidency, High Representative, and Commission) or, in a limited number of cases, by member-states delegates and the Commission. "Démarches" are confidential and undertaken vis-à-vis third countries by the Presidency or the Troika, on behalf of the EU. Usually their goal is to resolve with the state in question matters related to human rights, democracy or humanitarian action.

The Amsterdam Treaty also introduced the possibility of "constructive abstention" in CFSP, whereby when a decision is adopted a member-state may couple its abstention with a formal declaration. In that case, the member-state is not required to apply the decision but acknowledges that the decision is binding on the EU. Finally some more QMW were allowed: on procedural issues and when the Council implements common strategies decided by the European Council and when decisions are taken to implement joint actions and common positions. However - and this seems a revival of the Luxembourg Compromise of 1966 - when a decision is adopted by QMV, a member-state may invoke important reasons of national interest in order to oppose the adoption of

the text. If this is the case, the Council of the EU, acting by QMV, may refer the matter to the European Council for a unanimous decision.

D. The Development of the European Security and Defense Policy

a) Saint-Malo and its Aftermath

The Kosovo war of 1999 and the need to rely again on NATO, thus on the US, prompted the EU to launch a military headline goal. The Kosovo war showed the huge discrepancy between military capabilities across the Atlantic. The case had already been made in December 1998 with the Saint-Malo Declaration signed by Jacques Chirac and Tony Blair and calling for the EU to give itself the military means of its ambitions in order to match its economic clout with military might. The Saint-Malo Declaration was an important step in both British and French strategic thinking. Although the Declaration did not mention any new development in the institutionalization of the EU's CFSP, it stated that the EU should develop a *capacity for autonomous action, backed by credible military forces*. The European Council was envisaged as the key decision-maker on defense and military issues. It can fairly be said that the St-Malo declaration really launched the project a European Security and Defense Policy (ESDP), project that can hope for no realization without the dual commitment of France and the United Kingdom¹⁸.

However, for the UK to accept that the EU talked about defense, France had to accept that the commitment to operating within the context of the Atlantic Alliance was made explicit in the Declaration. Because St-Malo is so important, it is interesting to look to what

¹⁸ As Jolyon Howorth puts it, *for the UK government to accept that a credible ESDP is conceptually compatible with a strengthened Alliance is indeed a "revolution in military affairs"*. See Howorth, Jolyon, "Britain, France and the European Defense Initiative", *Survival*, vol. 42, n. 2, Summer 2000, pg. 33

strategic/political calculus both Blair and Chirac answered¹⁹. Blair had four points in its argumentation to agree to St-Malo. First, he wanted to replace the UK “at the heart of Europe”, since European integration was happening anyway, with or without the UK. Since he could not commit his country to the Euro yet, the easiest policy British citizens would agree to more integration was in the realm of security and defense. Second, if the EU were to become more powerful militarily, it would mean that the US could concentrate on more difficult tasks and more prescient ones. Third, Bosnia and later Kosovo showed that without the US, Europeans were unable to deal with a crisis in their own backyard. Blair also believed that the US would not always be available to deal with “European” crisis. Fourth, Franco-British cooperation on the ground during the war in Bosnia had been good. Finally the development of the European Security and Defense Identity (ESDI) within NATO seemed to stagnate. If for NATO to survive, European integration had to take the road of defense, Tony Blair was ready.

On the French side, Jacques Chirac also operated a U-turn in French foreign policy. As soon as he came into power, he decided a rapprochement with NATO. During the war in Kosovo, a de facto cooperation was established, France agreeing to put its military under NATO command. In addition, France also wanted to capitalize on the military cooperation with the British during the war in Bosnia.

Together with the institutional changes decided at the European Councils of Helsinki, Feira, and Nice establishing the new foreign and military structures, the St-Malo summit launched what is now known as the ESDP. The Cologne European Council of June 1999 put crisis management operations at the heart of ESDP. Crisis management operations are also referred to as Petersberg tasks, by the name of a ministerial Council meeting of the WEU held in

¹⁹ For a in-depth analysis of the Saint-Malo Declaration, see Howorth, Jolyon, “Britain, France and the European Defense Initiative”, *Survival*, vol. 42, n. 2, Summer 2000, pg 33

Petersberg, Germany in June 1992 that formulated these tasks. The Petersberg tasks are humanitarian and rescue operations, peacekeeping tasks, and tasks of combat forces in crisis management, including peacemaking. The Cologne European Council stated that *the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO.*

At the Helsinki European Council of December 1999 the EU leaders committed themselves to the Headline Goal of a Rapid Reaction Force (RRF) of 60,000 men deployable within 60 days and sustainable for at least one year by 2003²⁰. The attribution of troops to the RRF is on a voluntary basis, each state deciding on the number of troops it is ready to commit to the EU. It was however widely agreed that the RRF was not fully ready in 2003 because of important capability shortfalls. The Nice European Council in December 2000²¹ put in place within the Council of the EU the new permanent politico-military institutions such as the Political and Security Committee (PSC) and the Military Committee (MC)²². There are still however no defense ministers meetings that take place within the EU framework; although EU defense ministers meet informally, there is no official agenda for the talks. The EU now also has a Situation Center (SitCen). The center assesses all available information in timely fashion to alert the High Representative of looming conflicts. When necessary, an ad hoc Crisis Cell can be

²⁰ France took the engagement to contribute a fifth of the global objective of military capabilities and if necessary, to take responsibility for being the head-nation.

²¹ As David Galloway notes, *given the reluctance with which some member states viewed the prospect of treaty change in this area, this proposal passed remarkably easily.* The proposal he is referring to is the one contained in Article 25 of the Treaty of Nice according to which the Council authorizes the PSC for the duration of crisis management operations to take the relevant decisions concerning the political control and strategic direction of the operation. See Galloway, David, *The Treaty of Nice and Beyond: Realities and Illusions of Power in the EU*, England: Sheffield Academic Press, 2001, pg. 156

²² The Chairman of the MC appointed in 2001 is the former Finnish Chief of Defense, four-star general Gustav Hägglund. It is interesting that the first EU Military Chairman came from a “neutral” country, another sign for the four neutral that at the time the EU was not going to be dealing with territorial defense. When the first military staff

formed to coordinate EU crisis management with the EU Commission and the EU Presidency. The SitCen simultaneously stays in contact with the situation rooms at NATO, the OSCE, and the UN. It is however not comparable to its NATO or national counterparts in terms of personnel, technical support and access to intelligence.

The ESDP was declared operational at the Laeken Summit of December 2001²³, as was requested by the Conclusions of the Nice Summit – but this was more a political decision to show that this time the EU was serious about becoming a credible international actor (especially after the 09/11 attacks on the US). Indeed, at the moment, the EU is only able to perform the lower end of the Petersberg tasks and the agreement with NATO²⁴, on the EU use of NATO military assets when NATO as a whole is not engaged (mainly NATO's logistical and planning facilities) was only signed a year later at the Copenhagen Summit of December 2002²⁵. It is also

moved in Brussels, there was only about 30 staff with hardly any desks or computers. Today the military staff comprises about 140 persons.

²³ The very outspoken Belgian Foreign Affairs Minister Louis Michel also declared at Laeken that the EU was ready to send a peacekeeping operation in Afghanistan with about 3,000 to 4,000 troops from the 15 member-states. He was quickly refuted by other member-states.

²⁴ One of the points of contention to the exchange of information between the EU and NATO was the transparency issue. The EU is step by step developing a security culture into its predominantly civil structures. NATO and some member-states were concerned about the leaks. The High Representative therefore introduced in 2000 a tough new code on the protection of classified information applicable to the Secretariat General of the Council. Not only did the military and security EU personnel moved to a new building responding to higher norms of security, but access to documents has also been restricted. Finland, Sweden, and the Netherlands took the Council to the ECJ, on the grounds that the new rules were violating article 255 of the Treaty of the EU that guarantees public access to EU documents, as well as article 28 that explicitly applied article 255 to the CFSP. The matter was resolved by allowing four selected members of the European Parliament to be debriefed on CFSP/ESDP matters, after they had received security clearance from their country.

²⁵ **A final agreement between the EU and NATO was held by continuous Greek and Turkish opposition. Turkey, a non-EU NATO member, wanted a veto-right over any ESDP operations, while such a guarantee was unacceptable for Greece. Turkey feared being overridden during the planning phase before actions by the EU force. Although the agreement does not give Turkey a right of veto on ESDP operations, the EU leaders have decided to enable non-EU European allies, such as Turkey to raise concerns if an EU operation is conducted in its geographic proximity or if it risks affecting its national**

in 2001, that the WEU was integrated in the EU, the “new WEU” only keeping its role as a traditional military alliance, as defined in its article V²⁶.

In 2002, the first crisis management exercise was conducted to test if the EU had acquired the necessary structures to integrate both military and civil aspects in crisis management. The exercise conducted with the EU member-states and the EU institutions evaluated a series of procedures and structures of crisis management in the phase before action. The scenario was that of an island in the Atlantic with ethnic problems where the 15 member-

security interests. It also says that “the NATO EU strategy cooperation and the implementation of the Berlin Plus will be confined to NATO members and those non-NATO EU members that have subscribed to the Partnership for Peace framework program.” This means that Cyprus and Malta will have no say in the use of NATO assets, although they would still be able to decide on issues related to ESDP. Malta is a neutral country, while Cyprus is in the process of putting into place arrangements that would lead to a demilitarization of the island. The EU leaders thus accepted that Cyprus would not take part in any EU military operation that uses NATO assets. Cyprus and Malta however will be able to participate in ESDP decisions and actions, as long as those decisions do not concern the implementation of operations conducted using NATO assets. The Conclusions of the Summit stated that “under no circumstances, nor in any crisis, will ESDP be used against an ally on the understanding, reciprocally, that NATO military crisis management will not undertake any action against the EU or its member-states”. Solana was given mandate by the EU member-states to continue negotiations with NATO on the base of the text negotiated by the member-states at the Brussels Summit of October 2002. Solana’s role was crucial in pushing Turkey to accept Berlin +. To that extent, and showing the importance Solana took in the EU CFSP is that the Copenhagen Agreement was signed by both Solana and Robertson.

The EU-NATO Security Pact was however only signed in March 2003. The Pact mainly allows for the exchange of classified information. The sticking point was access by the EU to classified information as four EU states are neutral and thus do not belong to NATO. See footnote 26.

states would be informed about how the EU would like to act. The second exercise was conducted in 2003 jointly with NATO; its objective was to enhance the coordination between all EU actors involved in crisis management as well as with NATO. In both exercises, consultations were added with non-EU NATO members and other EU candidate countries. Representatives from the UN and the OSCE were invited as observers.

Although ESDP is today definitely a reality, it still leads at regular interval to differences between France and the UK as to its fundamentals. As Jolyon Howorth notes, *for France, ESDP is first and foremost a European project, which nevertheless assumes readiness, when necessary, to make use of an Atlanticist instrument, NATO. For the UK, the starting-point is of the best means of maintaining the Atlantic Alliance, and the solution has been identified as the creation of a European instrument: ESDP. [...] The capacity of the British and the French to talk past each other has not been entirely transcended, despite textual agreement on specific objectives*²⁷.

b) The EU Military Operations

The EU launched its first military mission²⁸, taking over from NATO in the FYROM on April 1, 2003²⁹. The goal of the mission was to provide security for the monitors overseeing implementation of the Ohrid agreement between Macedonians and Albanians³⁰. Although a low-risk operation, involving only around 400 men (from 13 EU states and 14 non-EU states), the

²⁶ The WEU also survives through its article 9, which states that a parliamentary assembly controls the ministerial Council. To manage both articles, a small secretariat of 29 people is also being kept. The Institute for Security Studies in France and the Satellite Center in Torejón, Spain fell under the EU's authority.

²⁷ Howorth, Jolyon, op. cit., pg 36

²⁸ The EU was already in FYROM through the EU Monitoring Mission (EUMM) comprising 24 unarmed observers in charge of managing and analyzing the situation on the ground.

²⁹ The Pentagon was also concerned about the EU taking over this operation and tried to delay it as long as possible, fearing a third open-ended military commitment in the Balkans on top of Bosnia and Kosovo. The EU Special Envoy was also pushing for the EU to take over from NATO as soon as September 2001 and continue collecting arms from the Albanians. However, the idea was not met with a lot of enthusiasm.

³⁰ The first NATO operation was launched in August 2001 as of a 30-day mission with 3,500 troops assigned to collect weapons from paramilitary forces of the ethnic Albanian minority and was under British command. The mission was replaced in September 2001 by another NATO operation of 700 troops for 6 months led by a German commander and was scaled down to 400 in 2002. At that time, it was led by The Netherlands.

FYROM mission was largely seen as the key-test of the EU willingness to make its ESDP operational. The operation used NATO assets and a FYROM operation cell was installed at NATO military headquarters in Mons, Belgium. A NATO Admiral was appointed as operation commander for EU-led crisis management units³¹, while French General Pierre Maral was appointed as force commander (France had the most troops on the ground). NATO needed to be involved because of a need to coordinate the Macedonian operation with the two other NATO-led operations in the Balkans, in Kosovo and in Bosnia, in case for instance an extraction force was necessary if things went badly in FYROM. As Giovanna Bono underlines, *although the EU's Political and Security Committee exercises overall political and strategic direction for the operation, under the advice of the European Council, it works closely with NATO. [...] It is apparent that NATO is in overall charge of the operation if the situation on the ground deteriorates. This is because the EU has as yet insufficient military capabilities under the direct command of its military staff to engage in peace-enforcement type of operations and because there is no full consensus within the EU whether such tasks should become integral to the ESDP*³².

Some member-states, such as France and Belgium, were ready to launch the operation without having a final agreement signed between NATO and the EU arguing that the Europeans could easily take over the NATO mission without Berlin Plus since most of the 700 soldiers already on the ground were Europeans. Others countries however such as the United Kingdom and Germany, did not want to establish a precedent³³. In addition, some experts argued that the

³¹ German Admiral Rainer Feist, Deputy Supreme Allied Commander Europe at NATO.

³² Bono, Giovanna, "Operation Concordia: the First Step Towards a New Strategic EU-NATO Relationship?", *Internationale Politik – Weltpolitik.net*

³³ Such a division of opinion had occurred earlier in March 2001. The object of the disagreement was the formation of a standby rescue force in Kosovo whose role was to protect thirty EU unarmed civilians sent to Southern Serbia to monitor the most hazardous section of the buffer zone. The EU's General Affairs Council agreed to increase the number of monitors from nine to 30 deployed in the three-mile ground safety zone where Albanian extremists were

NATO FYROM mission had an agreement with NATO's 1,200-strong KFOR rear forces in Kosovo and Macedonia to provide security, search, and extraction in case NATO or the EU monitors in Macedonia came under attack. The difference between these two groups of countries reflected the fundamental ambiguity of Saint-Malo, with the UK wanted to use ESDP as an instrument for improving Europe's military capabilities through a strong institutional link with NATO, while France views ESDP as becoming in the long term, more distant from, if not independent from NATO. The operation did not start until April 2003 because of the lack of an agreement with NATO. At the end of 2002, France even blocked plans in NATO for an extension of the mission, insisting that the EU should be given every opportunity to take over the mission if it is ready.

Most of the costs for the operation³⁴ were borne by the participating nations because this was a military operation that could thus not be financed by the community budget. Member-states had to agree on an estimate before hand of the common costs incurred by all the participant countries such as barracks for lodging. However, expenditures related to

carrying out attacks against the Serbian police. However, the expanded team was not going to cross the Kosovo border into the Presevo Valley until a military back-up force was agreed upon to rescue them if they were taken hostage or caught in cross-fire. NATO was ready to provide the military standby force because of the presence of its troops in Kosovo. However, some member-states, led by France suggested that the protection of the monitors should be handed to a European-led unit.

³⁴ Another problem slowing the actual launch of ESDP was the lack of agreement among member-states regarding the financing of ESDP operations. The decision only came in July 2002. The Ministers of Foreign Affairs agreed that the non-military costs of the EU military operations were to be financed from a common budget, while the military costs were to be considered as individual costs and were to be financed on a "costs lie where they fall" basis. Only France, Belgium, Luxembourg, Italy, and Greece were in favor of paying the costs of military operations from the EU budget. All other countries, especially Germany, wanted to split the costs in common and individual costs. Neutral EU countries especially did not want to support the burden of military operations but agreed with sharing the cost of non-military aspects of military operations. The decision also entailed that the costs for the headquarters for EU-led operations (transport costs, administration, locally hired personnel, communications, transportation/travel within the operation area of HQ, barracks, public information, representation and lodging) would be considered common costs on a case-by-case basis. All costs related to the troops were to be supported by the member states taking part in the military operation. Finally it was agreed that the general framework for financing operations having military or defense implications will be reviewed after a first operation is concluded or by June 2004, taking into account the lessons learnt from the conduct of operations and their administration.

transportation of the forces were not eligible for payment as common costs and were incurred by the respective member-states³⁵.

The military operation was replaced in December 2003 by a 200-strong police mission³⁶, the second police operation for the EU. In January 2003, the EU had indeed taken over the UN police mission in Bosnia³⁷. These three Balkan operations show the continued commitment of the EU to the consolidation of stability and the rule of law in the region, within the objectives of the Stabilization and Association Process (SAP). The promotion of European standards of policing in FYROM is part of the EU's wider strategy of supporting the process of reform, including institution building, administrative and judicial reforms, and fight against crime and corruption. It also shows the symbiotic relationship between the first and second pillar and is proof of the EU new-found effectiveness in the Balkans.

³⁵ See previous footnote

³⁶ The role of the mission is to help the country fight the rise in organized crime through monitoring, mentoring, and advising.

³⁷ The EU police mission in Bosnia (EUPM) is made up of 512 men, 422 of whom from member-states and 90 from third countries, including Switzerland, Norway, Iceland, Turkey, Russia, Ukraine, and Canada. Third countries participating in the mission have to pay an entry fee of 25,000Euro a year, which comes on top of a budget of 38 million euro from 2003 to 2005 (20 million from the CFSP budget and 18 from member-states). The entry fee is in addition to the cost of personnel on the ground that all states pay and that differ according to country. The head of the mission is a Dane, Sven Christian Frederiksen. Although the EUPM is an independent body, it is directly linked to the Commission via a contract between the police officer who heads the mission and the Commission services, providing him with the required operational budgetary means. The EUPM also receives advice and support from the Commission regarding legal, administrative, and financial questions. The financing of the EUPM in Bosnia led to difficult negotiations among the member-states and between the member-states and the EU institutions. Indeed, the 38 millions Euro needed for the operation could not all come from the CFSP budget because at the time it was almost entirely spent. Only 28 millions were available. It was not conceivable to ask for more money from the European Parliament, because the latter has almost nothing to say about CFSP spending, and thus is very reluctant to see the CFSP budget increased. The best solution would have been to increase the CFSP budget, through article 28 of the treaty, which says that when an expenditure is not put in the EC budget, it is then the member-states who must pay for it based on the GDP of each of them. Germany was opposed to such a solution for obvious reasons: it would have meant that it had to contribute the most. Germany was particularly reluctant to establish a precedent. The German problem was also a domestic conflict between the German Foreign Affairs Minister, Joschka Fischer and the German Finances Minister, Hans Eichel.

On June 12, 2003, the EU launched a second military operation, this time in the Democratic Republic of Congo³⁸ at the request of the UN where a civil war was going on. Kofi Annan, the UN Secretary General, asked France to lead an operation in the region in order to give time to the UN peacekeepers to get ready for their operation. Jacques Chirac contacted the United Kingdom to see if it would help with the operation. The question was also raised of making this operation a genuine EU operation, without the use of NATO assets. The response was positive. This operation held more risks than the one in Macedonia, but it was largely regarded as a French operation under EU label, as most of the troops (900 out of 1500) and the command structure were French³⁹. The operational headquarters were located in Paris and included staff members from the Secretariat of the EU Council and officers from several participating member-states, including Belgium and Germany. Third states were invited to participate. As mentioned in the Nice Treaty, the Political and Security Committee exercised under the responsibility of the Council the political control and strategic direction of the operation. For France, the operation was a precedent to show that the EU could act without the use of NATO assets. The EU-led operation in Bunia allowed former colonial powers such as France and Belgium to come back to Africa through the back door.⁴⁰

What these two first military operations seem to point at is that rather than having the EU acting coherently as a whole in ESDP, military operations in ESDP work more as coalitions of the willing, with the EU and/or NATO providing the legitimizing umbrella.

³⁸ The aim of the force was to contribute to the stabilization of the security conditions and the improvement of the humanitarian situation in Bunia; to ensure the protection of the airport, the internally displaced persons in the camps in Bunia and to contribute to the safety of the civilian populations, UN personnel, and the humanitarian presence in the town.

³⁹ The operation ended on September 1st, 2003 when the UN took over.

⁴⁰ Rwanda for instance had expressed misgivings about France's return in the region.

c) Latest Developments

Jacques Chirac and Tony Blair met in February 2003. Although no agreement was found on the Iraq question, convergence occurred on different issues intended to boost the ESDP power projection (particularly for missions in Africa⁴¹, in addition to the Balkans) and to increase military capabilities in order to undertake several simultaneous peacekeeping operations. At this bilateral meeting, it was agreed to pool British and French aircraft carriers for humanitarian and peacekeeping missions and to use national operational headquarters for ESDP missions. The scheme would be to rotate Britain's carriers with those of France, Spain and Italy, allowing at least one to be kept available for such non-NATO missions. The two countries also announced that they intended to work together on the design and construction of new aircraft carriers. In addition France and the UK agreed on a solidarity clause⁴², as well as on the creation of an armament agency (to avoid waste and duplication), both topics discussed at the time in the Convention on the future of the EU.

Despite this agreement and at the height of the Iraq crisis in April 2003, the Belgian Prime Minister, Guy Verhofstadt invited his colleagues, the prime Minister of Luxembourg Jean-Paul Juncker, the President of France Jacques Chirac, and the Chancellor of Germany Gerhard Schroeder, to meet in Brussels to discuss the creation of an independent European military headquarter in Tervuren, in a separate building than the NATO building⁴³. This initiative was

⁴¹ What is of particular interest to both countries, as the Bunia operation shows, is improving their military capabilities for intervention in Africa. The competition over Africa between Great Britain and France has now receded, especially since the French operation Turquoise in Rwanda in 1994, which led France to have become *persona non grata* in some African countries. The UN Secretary General, Kofi Annan is reportedly equally warm to the idea of the EU providing a Rapid Reaction Capability for the UN that the latter lacks. – See Grant, C., “A European View of ESDP”, *Presented at the CEPS-IISS meeting in Brussels*, 09/10/2001

⁴² The solidarity clause is included in the text of the Constitution and refers to the idea that in case of a terrorist attack or a natural or man-made disaster on the territory of one member state of the EU, the other would help that state.

⁴³ The FT reported that the Belgian plan was even going further than that and was calling for a European army. This was accepted neither by France, or Germany, because the two countries did not want to appear as too anti-American.

not well received in the US and in the Atlanticist countries. What is more, Javier Solana and the Greek Presidency were not invited at the Summit. In addition it came just after the “Berlin +” between the EU and NATO agreements had finally been signed. The ideas developed by “the gang of 4” were referred to by Nicholas Burns, the US Permanent Representative to NATO, as “the most serious threat to NATO ever” that “would mean the end of NATO.”⁴⁴

However, besides the independent European headquarter, the four countries offered few new ideas compared to what was being proposed in the context of the Constitutional Convention. For instance, it was suggested that the Franco-German brigade be expanded to include units from Belgium and Luxembourg and that a European command for strategic air transport be created. European training centers for airlift and helicopter crews would also be set up to harmonize tactics. The establishment of EU-Fast (European Union First Aid and Support) to dispatch emergency humanitarian aid within 24 hours of disasters was also proposed, as well as the creation of a joint European “protection capability” to guard troops and civilians against the risk of nuclear, biological, and chemical weapons attacks. The initiative was obviously extremely political because military realities were not even taken into account such as the poor state of the Belgian army or the fact that the only thing Luxembourg could bring to it was a reconnaissance

Germany also prevented any reference to an “independent” central military headquarter and kept London informed of the content of the final summit document. (see Dempsey, Judy, “Germany and France to water down defense plan”, *Financial Times*, April 27, 2003 and Dempsey, Judy and Dinmore, Guy, “Defense Plan could rival NATO”, *Financial Times*, April 29, 2003)

⁴⁴ Fear about the ESDP is recurrent in American administrations. Under the Clinton administration, then Secretary of Defense William Cohen told his European colleagues that if they did not start spending more on their military and work out a clear EU-NATO relationship, NATO *could become a relic of history* (cited in Security Watch, December 7, 2000). The fear has always been that the EU steps in security and defense would duplicate NATO’s extensive planning capacity. Cohen even suggested that as part of a future NATO-EU link (this was in 2000, 2 years before the Copenhagen agreement), a common defense planning process involving all 23 NATO and EU countries was the only logical and cost effective way to insure the best possible coordination of limited forces and resources.

unit. The Belgian initiative was however mentioned in the Conclusions of the Thessaloniki Summit of June 2003⁴⁵.

Once the Iraq war was over and parties begun to mend fences, Tony Blair⁴⁶ met both Chirac and Schroeder in Berlin in September 2003⁴⁷ where an agreement on the question of the headquarters was found and finalized in November 2003, as well as acknowledged by the Brussels European Council of December 2003⁴⁸.

Once again, such as at Saint-Malo, the agreement testifies to the compromise that occurred between the United Kingdom and France. The United Kingdom presented its partners with the idea of a planning unit for the EU's ESDP operations to be created as part of SHAPE. It

⁴⁵ The Council's Conclusions state *that the European Council noted a report by Prime Minister Verhofstadt on the meeting on 29 April 2003 on ESDP*.

⁴⁶ Some commentators argue that the reason Blair agreed to the compromise was not only to mend fences with its partners, but also to make up for a loss of influence in Europe. As Ilana BetEl writes, *Britain is losing its senior position of power in both Europe and NATO, without having acquired the influence it gambled upon gaining by joining the US in the Iraq war. Britain has realized that if it does not join – or even lead- the EU initiative, it will remain on the periphery of European decision-making. [...] With the decision of Lord Robertson to decline a second term as a secretary general of NATO, it has lost its most significant high office and position of power on the Continent. [...] Because Britain does not belong to the euro zone, it is not really possible for a Briton to hold any post in the EU higher than that of commissioner.* (see Ilana BetEl, "Britain sees defense as a way back to Europe", *International Herald Tribune*, November 25, 2003)

⁴⁷ In Berlin, Tony Blair was quoted as saying that he understood the need for a European military headquarter. After the US expressed deep irritation, the British government gradually made clear its opposition to an EU military headquarter located outside NATO. It also appears that the decisions taken by the British, French, and German leaders in Berlin were at odds with what their respective defense ministries wanted to see. Blair's defense ministry particularly thought that the British Prime Minister went too far towards possible duplication in planning between the EU and NATO (The UK Defense Ministry had already been greatly opposed to Saint-Malo). The French and German defense ministries also have strong reservations about an independent EU planning headquarter, fearing their own national headquarter would be undermined. In addition, Germany has recently completed the building of a new military headquarter in Postdam intending to use it as a multinational base for exercises, training, and EU-led missions. (see Dempsey, Judy, "Europe's leaders at odds with ministers on defense", *Financial Times*, October 14, 2003). According to an internal document approved by the three leaders in Berlin, the EU *should be endowed with a joint capacity to plan and conduct operations without resources to NATO resources and capabilities. Our goal remains to achieve such a planning and implementation capacity either in consensus with the 25 [member states] but also in a circle of interested parties.* (Benoit, Bertrand and Hall, Ben, "Europe's big three closer on defense", *Financial Times*, September 21, 2003).

At Berlin, Blair also dropped its objections to the idea of "structured cooperation", in which a group of countries would take the lead in creating more integrated defense structures and better capabilities while setting criteria for others wishing to join. Blair movement was partially the result of its understanding of the situation that Berlin and Paris were going to move ahead in European defense regardless. Blair previously resisted structured cooperation as divisive, by fear that France would use them to compete with NATO.

was decided that a group of EU military planners will be established in the NATO building and that the EU strategic planners in Brussels will have a reinforced staff of operational planners for EU operations conducted without NATO assets, if all EU member-states agreed. The EU military planning cell would only be used as a last resort and would not become a fully-fledged military headquarter. The deal indicates that, when carrying out military operations, the EU will always in the first instance consider using NATO facilities. If that is not appropriate, then the EU will resort to using the existing facilities in member-states. Only as a last resort will it set up a planning cell to carry out an operation⁴⁹. As a further concession to the US and the UK, France and Germany also agreed that NATO could have a permanent liaison office at the EU military headquarter in Brussels. In addition, Blair ensured that the EU's new constitution would not contain a mutual defense clause and that defense decisions would remain subject to national veto.

It took a lot of diplomacy from Tony Blair to persuade its US colleagues that the solution found did not mean that the EU was developing against NATO. What was unacceptable for both the US and NATO Secretary-General, Lord Robertson was an EU operational planning staff independent of NATO, while abler EU military capabilities and even a mutual defense clause in the EU's future constitution were acceptable. Both the US and NATO were sticking to the Berlin Plus agreement –which meant that NATO was given a right of first refusal- arguing that this agreement already provided for the EU to do its operations, using the national operational-planning assets of originally Germany, France, and the UK, as well as additional individual countries as they build their own capabilities.

⁴⁸ It was first informally discussed (meaning the topic was not formally part of the agenda) among the Fifteen at the Naples meeting of Foreign Affairs Ministers in November 2003.

These various meetings and decisions during a time of high tensions show how much Europe has become intertwined. As the *Financial Times* rightly noted, *Germany needed Britain's support for NATO to play a greater role in Afghanistan; how Italy desperately wanted a success full EU Presidency [...] so that Mr. Berlusconi will have to win over President Jacques Chirac of France to achieve that; and how Madrid needed the maximum of cooperation from Paris in its fight against ETA. [...] It also needs Berlin to pick up the lion's share of the costs of enlargement. Britain, meanwhile, needs German support to keep the enlargement timetable on track as Paris grows reluctant to allowing in the Atlanticists from the former eastern block*⁵⁰.

It also shows how much the UK and France are crucial to the development of the ESDP. When an agreement is found among the two in that field, the other member-states usually follow their lead.

Finally, it emphasizes the key role of the US and therefore of NATO in the development of a more security-oriented EU.

d) The EU Security Strategy

In December 2003, the EU member-states agreed on the first EU Security Strategy. The Security Strategy drawn by Solana's office was first presented to the European Council of Thessaloniki in June 2003. The member-states asked Solana to re-draft it for the December Council meeting. Between May and December, three workshops were held, respectively in Rome, Paris, and Stockholm and bringing together diplomats from the EU and national capitals, as well as representatives from think-tanks and civil groups. The sharpest exchanges occurred

⁴⁹ The original Saint-Malo plan was that the two countries would put their fully developed joint service headquarters and their planning capabilities at the disposal of the EU for EU-led operations and to incorporate into them officers from other states.

⁵⁰ Dempsey, Judy, "UK and France push ahead on EU defense goals", *Financial Times*, March 13, 2003

over the use of force⁵¹. While the June doctrine spoke of “preemptive engagement to avoid more serious problems” in the future, the December doctrine says almost nothing about the use of force. References to preemption have been excised. The possible use of first-strike military action was mentioned in the first draft, written principally by Robert Cooper, former foreign policy adviser to Tony Blair and now working for Javier Solana. In the December strategy, largely at German and French insistence, it was excluded. Instead, the term used is “preventive engagement” and “effective multilateralism”.

The doctrine however still spells out how the EU must put teeth on its traditional soft power tools of political and economic pressure. For example, the EU should be much more prepared to use carrots of assistance and the stick of sanctions to encourage better governance. *When these measures have failed, coercive measures under Chapter VII of the UN Charter and international law could be envisioned (the underlining is mine)*. But the EU should also focus on spending more on defense, reducing the duplication of military assets such as tanks and helicopters, and increase civilian planning during and after crises.

The EU Strategic Doctrine⁵² came at an interesting time in transatlantic relations. Just after the bitter divisions within the EU and with the US over the Iraq war, the support for the doctrine reflected the need for a more muscular foreign policy to deal with weapons of mass destruction (WMD), terrorism, and the conflicts of the post-Cold war area. It came at a time of deep transatlantic divisions, just as the Document on European Identity in 1973. Such as that

⁵¹ Dempsey, J., “Europe’s words of war”, *Financial Times*, December 4, 2003

⁵² it is interesting to note that the agreement over the EU security doctrine really caused concern in Iran, even though the EU was ready to continue its policy of “constructive engagement”, based on negotiating a trade and cooperation agreement in parallel to programs on human rights, terrorism, the Middle East Peace Process, the fight against weapons of mass destruction and a close cooperation with IAEA. Iran was so preoccupied with the doctrine that it sent the chairman of the national security and foreign policy committee of the Iranian parliament to see Solana. The EU developed its position in close cooperation with Washington, in order to prevent Iran to play on the divisions between the US and the EU. In October 2003, Tony Blair, Jacques Chirac, and Gerhard Schroeder went to

document, it reaffirms the importance of that relationship, while trying to define an independent EU course of action in the international arena. Finally, it came at a time when the EU was itself deeply changing, just before the enlargement to 10 new countries. The doctrine is the result of traditional EU compromises and was unanimously agreed upon because all the national foreign policy tendencies were reflected in it. At the same time, this is probably why the doctrine is quite vague on how to go about implementing its concepts. In the words of Judy Dempsey from the *Financial Times*, *Gerhard Schroeder embraced the doctrine because of Berlin's strong support for multilateral institutions*⁵³; *President Jacques Chirac of France did so because it spelt out how countries, including the US, could not act alone and expect to be effective. The 10 candidate countries [...] openly welcomed the doctrine because of the explicit support for the US and NATO.*⁵⁴ It is also interesting to note that the EU doctrine was presented ahead of the annual EU-US summit in Washington where it was also positively received.

In a shift towards US strategic thinking, the EU adopted, together with the security strategy, a plan to combat proliferation of WMD and to give the fight against WMD priority in the EU's relations with third countries⁵⁵. The US national security strategy, written in the aftermath of the attacks of September 11 forced Europe to think harder about the threat posed by rogue states and international terrorism.

The security strategy might prove helpful to define an EU strategic culture thanks to which member-states would be able to develop common assessments of situations. If European cannot agree on threats and how to deal with them, EU foreign policy will never succeed. The

Teheran to pressure the leadership there. They came back with an agreement that may not be completely independent from the new EU security doctrine.

⁵³ Originally, Germany opposed any reference to the use of force, but gave in after pressure from France.

⁵⁴ Dempsey, Judy, "Big powers Get Behind EU Foreign Policy", *Financial Times*, June 20, 2003

⁵⁵ The first test-case of this new policy is the trade agreement that is currently being negotiated between the EU and Syria.

exploration of the Yugoslav case below is a perfect example of bitter EU divisions and ineffectiveness. What is more, as Gordon Adams notes, *an ambitious European diplomacy can succeed only if military forces are an integral part of the overall strategy. Today's pursuit of an EU military capability lacks any link to a common vision – what are its forces for?*⁵⁶

Just days after the security doctrine was adopted, at the biannual US-EU Summit in Washington, the US and the EU (represented by the new troika, Romano Prodi, Javier Solana, and the Greek Presidency) agreed on ways to stop the proliferation of weapons of mass destruction. Negotiations were tough to reconcile differences and although the use of force was not specifically mentioned, the joint statement noted that “other measures in accordance with international law may be needed to combat proliferation.” Washington however accepted a greater support for multilateral regimes to combat the spread of WMD, while the EU recognized the new global threats posed by these weapons and terrorism. The statement reads: “Proliferation is a threat [...] also in the wider international system. We call for a halt to proliferation activities in a way that is demonstrable and verifiable. We need to tackle it individually and collectively [...] through relevant international institutions, in particular those of the United Nations⁵⁷.” What was agreed was a reinforcement of the International Atomic Energy Agency (IAEA), making additional protocols such as enhanced inspections, the norm for nuclear cooperation. The IAEA’s budget would also be increased “to ensure the credibility” of its verification system. Export controls on materials and technologies related to WMD and their delivery systems will be strengthened, with tougher national control leading to criminal penalties for illegally exporting such material.

⁵⁶ Adams, Gordon, “Europe should learn to fend for itself”, *Financial Times*, July 1, 2003

⁵⁷ Cited in Dempsey, Judy, “US and EU agree on halting spread of arms”, *Financial Times*, June 25, 2003

Again, the episode of the security doctrine shows the importance of the transatlantic relation.

e) Capabilities Shortfalls

One of the major problems of a real security and defense policy of the EU is the military capability shortfall of the EU member-states. The EU is extremely weak with regard to strategic airlift, reconnaissance planes, air-to-air refueling, precision missiles, and helicopter operations and more general in the C3I. As Daniel Keohane reports, *European troops needed US planes to take them to Macedonia in 2001, because most European armies do not have adequate transport capabilities*⁵⁸. With most defense budgets having been reduced since the end of the Cold War⁵⁹, the problem does not seem to find an issue. Some argue that the problem does not lie in the lack of spending but in the way the money is spent. There is also the additional problem that some EU countries are unwilling to switch resources from national defense to a multinational force. As Missiroli and Schmitt note, *the hardest challenge is not find some extra billions for defense but to overcome the current fragmentation of Europe's armaments sector. From the taxpayer's viewpoint, it would be outrageous to increase defense budgets –rather than, say, spending on public services- as long as the duplication of industrial capacities, equipment, procurement agencies and defense-related regulations across the Union persists and creates such a waste of already scarce resources*⁶⁰.

⁵⁸ Keohane, David, "A Lack of Military Muscle", *The Parliament Magazine*, March 10, 2003

⁵⁹ There are multiple reasons for the decreasing defense budget: rigidity of fiscal policies (further increased by EMU); social and demographic structure of European societies; reluctance of governments to invest in military capabilities in the absence of any tangible threat. Neither the wars in Yugoslavia nor 9-11 have changed that trend (except in France – see supra)

⁶⁰ Missiroli, Antonio and Schmidt, Burkard, "More Euros for European Capabilities – Budgetary Discipline and/or Defense Expenditure?", *Analysis – Institute for Security Studies*, June 2002

A step in the right direction was the agreement signed by France, Germany, the United Kingdom, Spain, Belgium, Luxembourg, and Turkey⁶¹ to order about 180 military transport planes A400M. The first planes are expected to be ready by 2010. Another problem lies in the fact that not all EU countries have professional armies. Germany is a case in point, with an army of conscripts, leftover from the Cold War when the most probable scenario was an attack from the Soviet Union through East Germany⁶². European defense industry also needs to be rationalized.

France also announced in 2002 a six-year plan to boost military spending in a drive to narrow the gap between the French and British armed forces⁶³. The plan covers the ordering of a second aircraft carrier and aims to eliminate backlogs in equipment purchases and maintenance. Its overall defense budget will rise from about 1.8 per cent of gross domestic product today to more than 2 per cent. In February 2004, Jacques Chirac chose to build a conventionally powered second aircraft carrier, paving the way for possible industrial synergies with the UK. The French President rejected alternative proposals to build an exclusively French vessel with nuclear propulsion to match the Charles de Gaulle. This decision came after the Summit of Le Touquet between France and the United Kingdom in February 2003 where both leaders agreed to consider how to cooperate on aircraft carriers, both industrially and operationally, as the UK was planning to build two new conventional flagships.

⁶¹ Italy was part of the deal too but dropped out of it for budgetary reasons. For the same reasons, Germany also reduced the number of planes it had ordered from 73 to 60.

⁶² Under Gerhard Schroeder however, Germany's armed forces have been transformed from a purely defensive force to one able to undertake overseas missions. As of today about 10,000 German troops are abroad, most of them peacekeepers, mainly in Afghanistan and in the Balkans.

⁶³ The fear in France was really that the place of France in Europe would be weakened if the gap between French and British defense spending was to become too wide. On July 14, 2002, Chirac stated that *for a while now, we have failed to keep up with Britain. This will lead to heavy consequences regarding our political power*. See *Le Monde* July 17, 2002. The problem also lies in the fact that France has not completely adapted yet to the change to a professional army. Indeed, France had for instance in 2001 1.4 more military and civilian personnel than the UK. The gap with the UK is even wider if one looks at the budget for research and development.

July 2003 also saw the creation of a joint Franco-German training college for helicopter pilots and mechanics. The pilots will conduct simulation exercises and training courses on 25 Tiger attacks helicopters with the aim of harmonizing training and working methods between the two air forces. France and Germany have ordered 80 Tigers. French and German generals will take turns every three years in commanding the school. The joint Tiger helicopter attack force will then be placed at the service of the EU's nascent force.

Finally, in February 2004, the UK and France decided to join forces to create a string of highly trained, rapid-deployment units for combat in jungle, desert, and mountain operations. The initiative sets out a detailed agenda and timetable describing how and where the new units will conduct missions and at what level they will be trained. London and Paris want the units to work closely – but not exclusively – with the UN. Depending on the mission, they might have access to NATO resources. The battle groups will consist of 1,500 troops deployable in 15 days. The missions will last up to 30 days (and be extendable to 3 months) and will be appropriate for, but not limited to, use in failed or failing states. The initiative is open to other EU states, but the candidates must show a high degree of interoperability and military effectiveness. The UK and France want the plan accepted by all member-states by June 30 and troops available by 2007. Germany will join the Anglo-French combat units, although Germany was initially lukewarm to the venture.

This cooperation is the product of a December 2003 agreement between the three big states over “structured cooperation” in defense, after talks over the EU constitution collapsed. Although the initiative was spearheaded by the UK and France, Berlin and Paris have started

recently cooperating on defense and postwar reconstruction efforts outside Europe. In Iraq, France, Germany, and Japan have decided to combine their efforts in civilian reconstruction⁶⁴.

Another example of the increased cooperation between Germany and France in defense is Afghanistan where it was recently agreed that the 5-member Eurocorps (France, Germany, Belgium, Luxembourg, and Spain) would rotate the command of the 5,500 strong NATO-led ISAF (International Security Assistance Force) from autumn 2004. This was proposed by Jacques Chirac. The question arose after Canada, who took over from Germany in February as the head of ISAF, announced it would reduce its contingent from 2,000 to 500 starting in August 2004. Eurocorps whose strength can reach 50,000 can be engaged in high intensity combat for the Brussels Treaty (WEU) or the Washington Treaty (NATO). This last situation occurred when Eurocorps headed in 1998-1999 NATO's Stabilization Force (SFOR) in Bosnia and in 2000, NATO peacekeeping force in Kosovo (KFOR). For Europeans, the idea of Eurocorps taking over from NATO in Afghanistan presents various advantages. First, it would boost ESDP's credibility⁶⁵. It would indeed show that Europeans do not only undertake small-scale and low intensity operations in their immediate neighborhood. In addition, Franco-German cooperation would be reinforced. The operation would use NATO's assets.

E. The Future

Beginning in February 2002, a Convention on the future of the EU met under the chairmanship of Valéry Giscard d'Estaing, former French President. The Convention was in charge of preparing the ground for the Intergovernmental Conference (IGC) that was held from October 2003 until December 2003 under the Italian Presidency. The Convention submitted its

⁶⁴ See Dempsey, Judy, "Germany to join Anglo-French combat units", *Financial Times*, February 10, 2004.

draft Constitution to the Thessalonica Summit in June 2003. Although CFSP remained intergovernmental in the Draft Constitution, a number of changes were proposed.

In foreign policy, the Draft Constitution suggests that the High Representative and the Relex Commissioner be combined and that the Minister for Foreign Affairs as he/she will be known should chair the GAERC. The new Minister is to be the Vice-President of the Commission in charge of external relations. In addition, the Draft Constitution recommends that “the Minister for Foreign Affairs, for the field of common foreign and security policy, and the Commission, for other fields of external action, may submit joint proposals to the Council”. Such a reform should ensure that in the future the two arms of the EU external relations work better together. Creating an EU foreign policy minister to promote European interests around the world should make a difference. It is a build-up on the position of the High Representative. The draft makes clear that the new foreign minister would be a member of the Commission but an agent of the Council of Ministers, whose meetings on foreign affairs he or she would chair. The main centre of gravity of his activities would lie within the Council of the EU. The EU minister for foreign affairs would be answerable to – and get his mandate from – his fellow foreign ministers, not fellow Commissioners.

In addition, the foreign affairs minister would be in charge of a diplomatic service composed of the EU delegations around the world. The idea is to follow from the proposed merger of the jobs of Chris Patten and Javier Solana and make sure that officials ‘downstream’ work better together as well. This new diplomatic corps would consist of officials from the Council, the Commission, and national diplomatic services – all working for the new EU foreign minister. The importance of this idea is to create an integrated set of officials, coming from all relevant centers of power (Commission, Council and, member-states) to promote joined policies for EU external action. EU

⁶⁵ See Zecchini, Laurent, “L’Eurocorps pourrait prendre, au cours de l’été, la tête des opérations de l’OTAN en Afghanistan”, *Le Monde*, February 6, 2004

nationals will in the future have the option of working directly as EU diplomats or join their respective national services.

The draft constitution also groups all the provisions related to the EU's external action under a single title. This improves the readability and permits greater consistency of the EU foreign policy instruments.

With regard to ESDP, enhanced cooperation are allowed in military and defense (the Nice Treaty explicitly rejected this option except in the case of armament cooperation or to improve military capabilities). The Draft Constitution also speaks of "structured cooperations" that member-states with more developed capabilities can launch for more demanding missions. The Draft allows enhanced cooperation for mutual defense, until the time that the European Council unanimously decides to a common defense. A list of member-states participating in this type of enhanced cooperation will be annexed to the Constitution when it is adopted. If a member participating in this cooperation is attacked, he can ask for assistance from other participating member-states. The Draft however emphasizes that in order to launch a cooperation in mutual defense the member-states will closely work with NATO.

Second, a solidarity clause is introduced according to which if a member-state is the victim of a terrorist attack or of a natural or man-made disaster, he can ask for assistance from the other member-states. Third, the Petersberg tasks are reformulated and go further than crisis management operations. This was necessary because the member-states were interpreting differently the aim of the tasks. Fourth, the Draft proposes the creation of an Armament Agency under the authority of the Council of ministers, thus intergovernmental. The agency role will be to develop defense capabilities, research, acquisition and armaments. The creation of the

armament agency was however approved at the European Council of December 2003⁶⁶. The decision established an important link between research and defense. Money from the common budget will be allowed to be spent to promote research giving the EU more capabilities in ESDP. A turf battle followed between the British and the French as to who was going to head the agency. This was indeed not without consequences as to the direction the agency was going to take. For the Italians and the Germans, the agency had to be a small-scale coordination unit. But France wanted the agency to define a European arms procurement strategy. The UK's position was somewhere in the middle. It believed that the agency should help national defense ministries develop and harmonize armaments across the EU but that the French idea was going too far. The decision was finally made in January 2004 by Javier Solana, because of the impossibility for France and the UK to find an agreement. The head of the agency was going to be the Briton Nick Witney, while the head of the EU military HQ was going to be French. However the success of the agency will be dependent on how much money the member-states are willing to allocate to defense spending.

With regard to ESDP, the Draft Constitution definitely puts it in the intergovernmental realm. The ESDP seems to be moving towards an informal organization based on the way NATO is working. Such as in NATO, a traditional military organization and thus purely intergovernmental, but a hegemonic organization where one member-state clearly is *primus inter pares* because of its contribution to the organization, the Draft Constitution seems to define the ESDP on the same model. The Draft refers several times to the member-states with the

⁶⁶ At the Thessaloniki Summit however in June 2003, the member-states agreed to already to set up the agency during the course of 2004 in the field of “defense capabilities development, research, acquisition and armaments”

capacities necessary to execute ESDP tasks. Is ESDP becoming a defense policy *de facto* (and to a certain extent *de jure*) dominated by France and the United Kingdom?⁶⁷

The constitutional talks in the IGC collapsed in December 2003, mainly over the general question of balance of power within an enlarged EU and more particularly over the questions that were already the left-over from Nice, i.e. the composition of the Commission and the weighting of votes in the Council of the EU. The Irish Presidency of the first semester of 2004 has been asked to see if talks can be continued, and an agreement might be found at the June Summit.

F. Conclusions

This overview of the historical evolution of the attempts at inducing coordination behaviors/institutionalizing foreign policy at the EEC and EU level shows that the external environment and more particularly how the EEC/EU member-states saw their position vis-à-vis the US was one of the key variables to such a development. When the transatlantic relationship seemed rocky, the member-states were led to the EC/EU table to attempt to speak with one voice or at least to find improvements in the coordination of their foreign policies. Foreign policy however, lies at the core of national sovereignty and it is not surprising that another conclusion to be drawn from this overview is how France, the UK, and Germany really lied at the core of these developments. The end of the Cold War was also a major element in the qualitative jump from EPC to CFSP, such as the Kosovo War was for ESDP and the Iraq War for the further developments/refinements to Saint-Malo.

⁶⁷ It is interesting to note that the “coalitions of the willing” proposed by American Defense Secretary Donald Rumsfeld and designating a group of nations ready to conduct a military operation as a coalition (by opposition to the involvement of organizations as a whole, such as NATO for instance) seem to find their place within the EU in the ESDP framework.

However, these developments have also been influenced by more intra-EU factors, especially when the question was who should be at the core of the EU foreign policy. The answer to the question was dependent on the preferences of the member-states and of the existing EU institutions, with the Commission trying to defend its power. Because member-states preferences diverge, the result always has been a compromise between more federalists-leaning members and more intergovernmentalist ones, or between those favoring a *Europe-puissance* and those favoring a weaker Union or more precisely a Europe that stays close to the US. The key position of foreign policy for the definition of national identities also explains why, despite the Maastricht Treaty, a clear continuation is visible between EPC and CFSP, with member-states keeping the upper hand in the decision-making process. The increased institutionalization of foreign policy at the EU level has also consequently led to increased bureaucratic battle between key EU institutions, mainly the Commission and the Secretariat General of the Council.

Nevertheless, despite opposing interests and bureaucratic conflict, it is striking how quickly and steadily, since the end of the Cold War particularly, the process has evolved. It is also striking how these internal EU evolutions were shaped by the learning process of policy mistakes or the need to improve the coherence of the process. Forster and Wallace have rightly noted that the CFSP has developed *by learning in doing*.⁶⁸ From the awkwardness to maintaining the EPC Secretariat outside the General Secretariat of the Council to the creation of a High Representative and Policy Unit in the same secretariat, from a completely separate foreign policy coordination in the EPC to the creation of a united roof in the EU and a joint right of initiative for the Commission, the learning process to attempt to improve effectiveness is

⁶⁸ Forster, A. and Wallace, W., “Common Foreign and Security Policy”, in Wallace, H. and Wallace, W. (eds.), *Policy-making in the European Union*, New York: Oxford University Press, 2000, pg. 477

evident. Finally, it is interesting to note how the conjunction of these two seemingly divergent elements – the willingness to improve effectiveness and the attachment to national sovereignty – has led to a steady reinforcement of the Secretariat General of the Council. Without preempting the final conclusions of the thesis, it appears, and the Draft Constitution reinforces the validity of this remark, that the Commission is now faced with a new rival institution in external relations.

As a final point, the historical overview of the EU foreign and security policy has also emphasized the key role played by the US since its post-WWII involvement in European security, through the creation of NATO, but also through the American support of European integration. Scholars such as Winand⁶⁹, Gillingham⁷⁰, and Trachtenberg⁷¹ have convincingly documented the US close participation in the reconstruction of Europe at the end of WWII. One of Winand's conclusions in explaining the diminishing interest of Johnson and Nixon in the European integration project is *the lack of progress of Europeans themselves towards the twin goals of economic and political integration. [...] In recent years, however, the Single European Act, the Maastricht Treaty, and other significant developments in Europe have revived the interest of the American administration and American academic and business circles in European integration*⁷². If the US loses interest in the EU when the project is struck by integration fatigue, then the US intimate involvement in the development of the CFSP and more particularly ESDP is all the more understandable.

CHAPTER THREE - Literature Review and Theoretical Framework

⁶⁹ Winand, Pascaline, *Eisenhower, Kennedy, and the United States of Europe*, London: MacMillan Press, 1997

⁷⁰ Heller, Francis and Gillingham, John (eds.), *The United States and the Integration of Europe: Legacies of the Postwar Era*, New York: St. Martin's Press, 1996 – Heller, Francis and Gillingham, John (eds.), *NATO: the Founding of the Atlantic Alliance and the Integration of Europe*, New York: St. Martin's press, 1992

⁷¹ Trachtenberg, Mark, *A Constructed Peace: The Making of the European Settlement 1945-1963*, Princeton: Princeton University Press, 1999

⁷² Winand, Pascaline, op. cit., pg. xv

Our object of study generally defines the theoretical framework used in a research project. In the case of this dissertation, the object of research being the decision-making processes of the EU CFSP (or in Kenneth Waltz' terminology, the second image⁷³) it seems natural to turn to theories that have attempted to conceptualize the inner working of how foreign policy is made. The pace of developments in the second pillar has however been so incredible in the past five years, that our intellectual capacity to understand the evolutionary nature of EU foreign policy is continually being challenged. To that extent, scholars of international relations have not yet succeeded in developing concepts and theories that allow for a full understanding of the foreign policy cooperation within the EU and the EU's role in the international system. As Roy Ginsberg notes, *[...] a general theory of EFP cannot be deduced given the historical uniqueness and infinite complexity of EFP. An inductive exercise is preferred. It allows for an incremental building of conceptual knowledge, which must precede a fully blown analytical-conceptual approach. In the future, a middle range theory or middle range theories of EFP may be induced from what we know of explanatory concepts*⁷⁴. As will be explained below, the need to empirically understand how CFSP works before being able to produce a theoretical understanding of it also explains the choice of foreign policy analysis (FPA) as the main theoretical framework for the thesis.

This chapter is divided in two sections. The first is an overview of the relevant literature on CFSP. The second deals more particularly with FPA and the link I see between this approach and the study of European integration, more particularly the institutionalist literature.

⁷³ For Waltz, the first image or first level of analysis is the decision-maker. The second level is the decision-making or the level of domestic politics, while the third level is the one of the system.

⁷⁴ Ginsberg, R., op. cit., pg 450

1/ CFSP in the Literature: Empirical and Conceptual Studies

When the process of integration began to slow down in the 1970s, theorists lost interest in intergovernmental Europe. However, interest in the EEC external relations (coinciding with the EPC debut at the 1973-75 Helsinki security and cooperation negotiations) began to develop⁷⁵ and continued through the eighties and the signing of the SEA⁷⁶. The end of the Cold War and the negotiations leading to the Maastricht Treaty and including the creation of CFSP led to a new wave of conceptual studies on the EEC/EU foreign policy⁷⁷. On the empirical side, chapters about CFSP in books such as the volumes edited by Wallace and Wallace⁷⁸, Andersen and Eliassen⁷⁹, Peterson and Shackleton⁸⁰ all describe the way CFSP is working as well as its shortcomings – without however providing a systematic treatment of specific cases in which CFSP has been activated. In addition, since the Yugoslav Wars of the early nineties were the first real test of the EU CFSP, extensive coverage of the EEC/EU's role in the crisis and more

⁷⁵ See for instance, Geusau, F. A. von (ed.), *The External Relations of the European Community: Perspectives, Policies, and Responses*, Westmead: D.C. Heath, 1974; Feld, W., *The European Community in World Affairs*, Part Washington: Alfred, 1976; Twitchett, K. (eds.), *Europe and the World*, London: Europa, 1976; Jostedt, G., *The External Role of the European Community*, Westmead: Saxon House, 1977; Wallace, W. and Paterson, W. E. (eds.), *Foreign Policy Making in Western Europe: A Comparative Approach*, London: Praeger, 1978; Taylor, P., "The European Communities as an Actor in International Society", *Journal of European Integration*, vol. 6, n. 1, pg. 205

⁷⁶ Ifestos, P., *European Political Cooperation: Toward a Framework of Supranational Diplomacy?*, Aldershot: Gower, 1987; Pijpers, A., Regelsberger, E. and Wessels, W. (eds.), *European Political Cooperation in the 1980s: A Common Foreign Policy for Western Europe?*, Dordrecht: Martinus Nijhoff, 1988; Ginsberg, R. H., *Foreign Policy Actions of the European Community: The Politics of Scale*, Boulder, CO: Lynne Rienner, 1989; Rummel, R. (eds.), *The Evolution of an International Actor: Western Europe's New Assertiveness*, Boulder, CO: Westview, 1990; Allen, D. and Smith, M., "Western Europe's Presence in the Contemporary International Arena", *Review of International Studies*, vol. 16, n. 1, pg. 19; Holland, M. (eds.), *The Future of European Political Cooperation: Essays in Theory and Practice*, New York: St. Martin's, 1991; Nuttall, S., *European Political Cooperation*, Oxford: Clarendon Press, 1992

⁷⁷ Hill, C. (eds.), *The Actors in Europe's Foreign Policy*, London: Routledge, 1996; Carlsnaes, W. and Smith, S. (eds.), *European Foreign Policy: The European Community and Changing Perspectives in Europe*, London: Sage, 1994; Holland, M. (eds.), *Common Foreign and Security Policy of the European Union: Record and Reform*, London: Pinter, 1997; Peterson, J. and Sjursen, H. (eds.), *A Common Foreign Policy for Europe? Competing Visions of the CFSP*, London: Routledge, 1998; Regelsberger, E., de Schoutheete de Tervarent, P. and Wessels, W. (eds.), *Foreign Policy of the European Union: From EPC to CFSP and Beyond*, Boulder, CO: Lynne Rienner, 1997; Rhodes, C. (eds.), *The European Union in the World Community*, Boulder, CO: Lynne Rienner, 1998

⁷⁸ Wallace, H. and Wallace, W. (eds.), *Polymaking in the European Union*, New York: Oxford University Press, 2000

⁷⁹ Peterson, J. and Shackleton, M. (eds.), *The Institutions of the European Union*, New York: Oxford University Press, 2002

particularly its member-states has been written⁸¹. The changes brought to CFSP in the subsequent treaties and European Councils have also been reviewed in the literature⁸², mainly however from a traditional legalo-descriptive perspective.

On the theoretical side, CFSP is however rarely conceptualized as such, but is used as an example among others in studies aimed at theory building about European integration. The CFSP then becomes one policy, along with other EC/EU policies used to reinforce the basic argument about the direction in which the EU is going. Michael Smith's contribution on EU foreign and security policy⁸³ in the volume edited by Stone Sweet, Sandholtz, and Fligstein shows how even the EU second pillar, legally intergovernmental, has become institutionalized over time. This argument fits well with Stone Sweet, Sandholtz, and Fligstein's intent to revamp the supranational approach to the EU with a revised kind of supranationalism. It does not however provide for a detailed empirical study of CFSP in the working.

As Roy Ginsberg notes however, *literature to date yields ambiguous results. Scholars concur that the EU has an international "presence" (it is visible in regional and global fora) and that it exhibits some elements of "actorness" (it is an international actor in some areas but*

⁸⁰ Andersen, S. and Eliassen, K. A. (eds.), *Making Policy in Europe*, California: Sage Publications, 2001

⁸¹ See among others, Fink-Hooijer, Florika, "The Common Foreign and Security Policy of the European Union", *European Journal of International Law*, vol. 5, 1994 - Gnesotto, Nicole, "La défense européenne au carrefour de la Bosnie et de la CIG", *Politique étrangère*, n. 1, 1996 - Timmermans, C. W. A., "The Uneasy Relationship Between the Communities and the Second Union Pillar: Back to the Plan Fouchet?", *Legal Issues of European Integration*, n. 1, 1996 - Gnesotto, Nicole, "Lessons of Yugoslavia", *Chaillot Paper*, 14, March 1994 - Missiroli, Antonio (eds.), "Coherence for European Security Policy: Debates - Cases - Assessments", *Occasional Papers*, The Institute for Security Studies, n. 27, 06/01

⁸² Howorth, Jolyon, "European Defense and the Changing Politics of the European Union: Hanging Together or Hanging Separately?", *Journal of Common Market Studies*, vol. 39, n. 4, pg. 765 - Howorth, Jolyon, "L'intégration européenne et la défense: l'ultime défi?", *Cahiers de Chaillot*, n. 43, 11/00 - Schake, Kori; Bloch-Laine, Amaya and Grant, Charles, "Building a European Defense Capability", *Survival*, vol. 41, n. 1, Spring 1999 - Joetze, Gaunter, "The European Security Landscape after Kosovo", *ZEI Discussion Paper*, 2000, n. 64 - Dehousse, Franklin, "After Amsterdam: A Report on the Common Foreign and Security Policy of the European Union", *European Journal of International Law*, vol. 9, n. 3, 1998 - Heisbourg, François with Gnesotto, Nicole; Grant, Charles; Kaiser, Karl; Karkosza, Andrzej; Ries, Tomas; Rutten, Maartje; Silvestri, Stefano; Vasconcelos, Alvara; de Wijk, Rob, "European Defense: Making it Work", *Chaillot Paper*, 42, 09/2000

⁸³ Sweet, A. S., Sandholtz, W., and Fligstein, N. (eds.), *The Institutionalization of Europe*, New York: Oxford University Press, 2001

not in others). Yet, there is much less consensus over how to measure the inputs, outputs, formulation, execution, causes, effects, progression and regression of European Foreign Policy. Theorists struggle with defining and categorizing EFP behavior. The EU is neither a state nor a non-state actor, and neither a conventional international organization nor an international regime. Agreement eludes scholars over which concepts imported from international and comparative politics are germane, which methods of inquiry, evaluative criteria and levels of analysis are most appropriate, and whether EFP analysis ought to be placed within the context of the study of comparative foreign policy where the emphasis is on single states⁸⁴. A choice has to be made as to which research question is to be answered: is the researcher more interested in seeing how the EU produces foreign policy or is the researcher more interested in what the EU produces and the impact of such policy outputs? Depending on the choice made, the theoretical instruments will vary and the locus of the analysis will vary too.

The EU as an external actor (and not only in its CFSP) has indeed been approached with different theoretical perspectives from European integration theories, from comparative politics, and from international relations theories⁸⁵. From an integration theory perspective the debate has been whether the creation of the CFSP was going to follow neofunctionalism (*à la* Haas⁸⁶) or was to remain intergovernmental (*à la* Hoffmann⁸⁷). Neofunctionalist scholars tend to focus on the role of the Commission in the EC external relations, while intergovernmentalist scholars tend to focus on the role of the member states in the CFSP. Although initially EU integration theories were an offspring of the field of international relations, they have in the 1980s begun to take a

⁸⁴ Ginsberg, R., "Conceptualizing the European Union as an International Actor: Narrowing the Theoretical Capability-Expectations Gap", *Journal of Common Market Studies*, vol. 37, n. 3, September 1999, pg. 432

⁸⁵ See Manners, Ian and Whitman, Richard, "The 'difference engine': constructing and representing the international identity of the European Union", *Journal of European Public Policy*, vol. 10, n. 3, June 2003, pg. 393

⁸⁶ See Haas, Ernst, *The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957*, Stanford: Stanford University Press, 1958

life on their own. However, since the “action” (i.e. the uniqueness of the EU in terms of institutional design) was taking place in the first pillar where the Community decision-making was the main novel process, EU integration scholars have rarely paid attention to the EEC/EU as a foreign policy actor.

From the perspective of comparative politics, the debate is whether the EU could best be described as a federation or as a confederation, with a focus on the “domestic politics” of the EU and an emphasis put on the comparison between the national state and the EU. Contributions by Paul Taylor⁸⁸ and William Wallace⁸⁹ described the EU as a form of consociational confederation. The debate was revived in the 1990s by authors such as Alberta Sbragia⁹⁰, Simon Bulmer⁹¹, and Frederick Lister⁹². If a federalist approach is adopted and if the United States is taken as a point of reference, then it should be expected that the EU foreign policy will be conducted by the central or federal government, with more economic decisions being taken by the state governments. However, not only does the EU present a more complex mixture of competencies and decision-making processes, but the opposite is actually what is happening at the EU-level. Ben Tonra for instance argues that the EU CFSP is best analyzed as a foreign policy condominium, by opposition to a foreign policy in the state-centric sense. Indeed, *constructed from the joint sovereignty of the Union (in the legal person of the Community’s External Relations) and the Member States (in their treaty commitment to CFSP), this condominium is a*

⁸⁷ Hoffmann, Stanley, “Obstinate or Obsolete? Reflections on the nation-state in Western Europe”, *Daedalus*, 95, 1996, pg. 862

⁸⁸ Taylor, Paul, “The Politics of the European Communities: the Confederal Phase”, *World Politics*, vol. 27, n. 3, 1975, pg. 336 – Taylor, Paul, *The Limits of European Integration*, New York: Columbia University Press, 1983

⁸⁹ Wallace, William, “Europe as a Confederation: the Community and the Nation State”, *Journal of Common Market Studies*, vol. 21, n. 1, 1982, pg. 57 – William, Wallace, “Less than a Federation, More than a Regime: the Community as a Political System”, in Wallace Helen and Wallace William (eds.), *Policymaking in the European Community*, Oxford: Oxford University Press, 1983

⁹⁰ Sbragia, Alberta (eds.), *Europolitics*, Washington, D.C.: Brookings Institution, 1992

⁹¹ Bulmer, Simon, “The European Council and the Council of the European Union: Shapers of a European Confederation”, *Publius – The Journal of Federalism*, vol. 26, n. 4, 1996, pg. 17

*necessarily complex creation of political and bureaucratic structures. These structures are located in national capitals, from within the acquis of the European Communities and from the Brussels-based intergovernmental structures created to sustain the office of the High Representative and the European Rapid Reaction Force. The key issue for analysts of the CFSP is the coherence of policy resulting from this condominium – where coherence is assumed to be a necessary criterion of policy effectiveness. The commitment of most member state governments to the Union's CFSP is rooted in their belief that coordinated and concerted collective action is more effective than the disparate foreign policy efforts of member states acting individually*⁹³.

Coherence and distribution of competencies are indeed key questions for scholars of comparative federalism. Approaching the study of the second pillar from a comparative politics perspective, has however been rare, as the elements of comparison between the state and the EU have traditionally been located in the first pillar.

Finally from an international relations theory perspective, the debate has mainly been whether the EU is best characterized as an actor or as a presence on the world stage, an attempt to conceptualize the international influence of the EU or the EU relationship/power/status vis-à-vis third actors. Allen and Smith⁹⁴ have developed the notion of “presence” to instigate a new vigor in the debate and move it beyond the legal-institutional analysis of the 1970s and 1980s and towards a focus on Western Europe's tangible and intangible presence in the international arena. They suggest that by using the concept of international presence, it is possible to study the impact of the EU in different policy areas of the international system. Charlotte Bretherton

⁹² Lister, Frederick, *The European Union, the United Nations, and the Revival of Confederal Governance*, London: Greenwood Press, 1996

⁹³ Tonra, Ben, “Setting the Agenda of European Crisis Management – The Challenge to Coherence”, in Missiroli, Antonio (eds.), *Coherence for European Security Policy: Debates – Cases – Assessments*, Occasional Paper, Institute for Security Studies, Western European Union, n. 27, June 2001, pg. 37

⁹⁴ Allen, David and Smith, Michael, “Western Europe's Presence in the Contemporary International Area”, *Review of International Studies*, vol. 16, n. 1, 1990, pg. 19

and John Volger⁹⁵ look at the EU in terms of “actor capacity” defined by autonomy, ability, and legitimacy. Although in the EU-as-an actor approach, the working model has been implicitly or explicitly the state, scholars have increasingly moved beyond a nation-state model to identify a distinctive non-state but nevertheless collective entity, with the EC and later the EU providing the focus of the analysis.

Important though this triadic body of work has been in developing our conceptual understanding of the EEC/EU role in international affairs, these approaches are limited in three respects. First, the focus is on outcomes rather than processes, be it what kind of actor the EU is or what kind of impact the EU has on the world. For instance, as Bretherton and Vogler admit in their study, they are essentially concerned to assess *the overall impact of the EC/EU on world politics*⁹⁶. They are much less concerned with analyzing the processes through which the external policy of the EU is formulated. This first limitation is also a traditional criticism of those studying the EU from an international relations perspective. Indeed the main research question in this case is related to how much integration is occurring in any particular field of integration. IR scholars and early integration theorists scholars have been more interested in the big picture of the integration process, rather than in the way integration was proceeding on an every day basis. Comparativists studying the EU have attempted to deal with this criticism by studying the “domestic politics” of the EU, thus looking at another level of analysis. Ben Rosamond rightly writes that [...] *the discussion between comparative policy analysis and EU studies is likely to generate a mutually beneficial intellectual conversation. From the viewpoint of scholars of the EU, drawing from the insights of public policy literatures will avoid two fundamental caricatures of the EU: the focus on singular moments of change or crisis and the*

⁹⁵ Bretherton, Charlotte and Vogler, John, *The European Union as a Global Actor*, London: Routledge, 1999

⁹⁶ Ibid., pg.

tendency to portray the dynamics of integration as centering on an opposition between the poles of nation-state and “superstate”⁹⁷. Unfortunately, this important body of literature has very much left the EU second pillar unexplored.

Second, the actor, presence, or international identity approaches assume that the EU can be appropriately analyzed and evaluated as a single actor. For instance in her recent book on the EU foreign policy, Hazel Smith states that *this book takes as its premise that the European Union is an important actor in world affairs and that it makes and implements foreign policy and that it does this as a complex but relatively cohesive actor*⁹⁸. While this approach “black-box” the EU, it is able to identify the impact the EU has in world politics. It is however not able to identify the mechanisms that could lead to a common position on foreign policy issues among the member-states, neither does it have as purpose to dissect the EU to see who does what. My assumption in the thesis is that the EU is more appropriately analyzed in foreign policy terms as a non-unitary or desegregated entity in world politics. To show this the focus of the thesis will be less on outcomes and rather on processes.

Finally, none of these approaches have focused on the second pillar *per se* and none took as their research object the decision-making mechanisms of the CFSP. This stems mainly from the fact that the usual conclusion of this literature - be it a study of outcomes or a study of processes- is that an effective and efficient EU CFSP should not be expected because it is *de jure* and *de facto* intergovernmental. Traditionally, scholars, the media, and national and European officials have focused on the CFSP decision-making process and/or outcomes to criticize the CFSP as a whole and consider it as an intergovernmental process whereby the member-states make no concessions that would go against their national interests. The CFSP is considered a

⁹⁷ Rosamond, B., *Theories of European Integration*, New York: Palgrave, 2000, pg. 106

prerogative of the member-states. Several modes of decision-making or absence of decision-making are usually given to reinforce this late opinion in the literature. First, at the EU level, member-states do not discuss issues they do not want the EU to deal with. To that extent, Iraq is a perfect example. Second, although they discuss international issues, they rarely act together under the EU “umbrella”. Third, when a decision is taken, it often represents the lowest common denominator, and thus tries to accommodate almost all the interests of all the member-states. In addition, member-states do not often implement the decisions they have taken because of a general lack of commitment. At the national level member-states feel free to adopt unilateral action with or without notification to the EU⁹⁹. Again, the thesis is challenging this assumption.

From this brief overview of the existing literature, the question then becomes which framework can be helpful in approaching the CFSP from a process perspective? Where do we look? On the one hand, decision-making has been heavily analyzed in the EU first pillar, but ignored in the second pillar. On the other hand, national foreign policy decision-making has been an object of study since the 1960s.

In conclusion, what seem to emerge from the overview of the literature on CFSP are the following characteristics: a certain doubt about how to approach the topic; an under-theorization of the CFSP *as such*; and a lack of empirical research about the CFSP, thus pointing to both an empirical and a theoretical gap.

⁹⁸ Smith. H., *European Foreign Policy – What It Is and What It Does*, London: Pluto Press, 2002, pg. 10 – The emphasis is mine.

⁹⁹ Again, the actual Iraq crisis is a perfect example with several sub-sets of member-states defending different positions without any prior consultations with their EU partners.

2/ FPA: Born to Study the State – Reborn to Study the EU?

A. FPA as a Sub-Field of International Relations Theories

There have traditionally been two distinctive approaches to the study of foreign policy at the national level. First those approaches that “have something to say” about foreign policy, such as realism, liberalism, or constructivism, but only in the framework of a general theory of inter-state relations or of international relations in a broader sense. Second, the approaches, such as FPA, that study foreign policy *per se* including its outcomes, processes, and influences. Although I here distinguish between the two approaches for the sake of clarity, it is only fair to underline that over the years of scholarly work, both perspectives have interacted and borrowed from one another. Structuralist approaches of international relations acknowledge the importance of domestic factors on foreign policy outcomes, while foreign policy analysts agree that to explain some foreign policy outcomes, systemic factors need to be taken into consideration.

FPA brought two major developments to the study of national foreign policy. First, foreign policy ceased to only be the study of outcomes, but also became the study of processes. This meant looking at the decision-making processes and integrating concepts of the field of public policy and public administration¹⁰⁰. Second, the “black box” state-centered approach shifted to a more sociological and pluralist approach. This meant a richer empirical observation of the various actors in the process and their strategies. It also meant a dialogue with other disciplines, such as psychology for instance (when studying leaders) or sociology.

¹⁰⁰ Classical works in this vein include Hermann, M. G. and Hagan, J. D., “International Decision Making: Leadership Matters”, *Foreign Policy*, vol. 110, Spring 1998 – Hermann, M. G. and Hermann, C. F., “Who Makes Foreign policy Decisions and How: An Empirical Inquiry”, *International Studies Quarterly*, vol. 33, n. 3, 1989 – Hermann, C. F.; Kegley, C. W., and Rosenau, J. N. (eds.), *New Directions in the Study of Foreign Policy*, Boston: Allen and Unwin, 1987

The establishment of the sub-field of FPA corresponds to the behavioral turn in explaining foreign policy, traditionally associated with the work of Graham Allison¹⁰¹, Alexander George¹⁰², Morton Halperin¹⁰³, James Rosenau¹⁰⁴, Irving Janis¹⁰⁵, and Richard Snyder¹⁰⁶. The notion of “behavioral turn” refers to the fact that instead of emphasizing the role of the international system in explaining national foreign policies, the main explaining variable became the “behavior” of internal components. Foreign policy analysts have suggested the relevance of learning about the stories behind foreign policy decisions and it is now broadly accepted that different levels of analysis – individual factors, inputs into the decision process, and institutional as well as cultural and societal factors – converge to shape foreign policy outputs. Through these efforts, foreign policy analysts have made the case for middle-range theorizing. FPA is today however not a homogeneous body of literature and draws on multiple theories, employs a range of methodology, focuses on the complex interactions between foreign policy factors, and links scholarly research to practical policy concerns.

FPA has been in crisis since the 1980s and waned from the agenda of international relations scholars. It has however witnessed a revival, as special issues of leading international relations journals have shown¹⁰⁷. The main criticisms directed to this “first generation¹⁰⁸” of

¹⁰¹ Allison, Graham, *The Essence of Decision: Explaining the Cuban Missile Crisis*, Boston: Little Brown, 1971; Allison, Graham and Zelikow, Philip, *The Essence of Decision: Explaining the Cuban Missile Crisis*, 2nd edition, New York: Longman, 1999

¹⁰² George, Alexander, “The “Operational Code”: A Neglected Approach to the Study of Political Leaders and Decision-Making,” *International Studies Quarterly*, vol. 13, 1969; George, Alexander, *Presidential Decision Making in Foreign Policy: The Effective Use of Information and Advice*, Boulder, Co: Westview Press, 1980

¹⁰³ Halperin, Morton; Clapp, Priscilla, and Kanter, Arnold, *Bureaucratic Politics and Foreign Policy*, Washington, DC: Brookings Institution, 1974

¹⁰⁴ Rosenau, James, “Comparative Foreign Policy: Fad, Fantasy, or Field?”, *International Studies Quarterly*, vol. 12, 1968

¹⁰⁵ Janis, Irving, *Victims of Groupthink: A Psychological Study of Foreign-Policy Decisions and Fiascoes*, 2nd edition, Boston: Houghton Mifflin, 1982; Janis, Irving, *Crucial Decisions: Leadership in Policymaking and Crisis Management*, New York: Free Press, 1989

¹⁰⁶ Snyder, Richard; Bruck, Henry, and Sapin, Burton, *Foreign Policy Decision-Making*, New York: Free Press, 1962

¹⁰⁷ See for example, Hermann, M. G., (ed.), *International Studies Review – Special Issue: Leaders, Groups, and Coalitions: Understanding the People and Processes in Foreign Policymaking*, vol. 3, n. 2, Summer 2001; Garrison,

FPA scholarship were that it was too US-centered; that it did not follow up on new developments in mainstream international relations theories; that it was too state-centric in that it did not integrate the major changes of the international system such as the emergence of other international actors in the system; and that it was unable to generate a general theory of foreign policy. These criticisms have/are however being addressed and a recent symposium in *International Security Review* can now speak of a FPA agenda for the 21st century.

One interesting contemporary development of FPA lies in its inclusion of constructivist elements. For instance, in a recent article, Juliet Kaarbo argues that FPA would gain to develop a connection with constructivist research on identity and ideas. Following the criticisms developed by international relations constructivists against structural and material perspectives and their new focus on the role of norms and identity in world politics, foreign policy analysts have embraced concepts such as national identity¹⁰⁹. Inversely, international relations constructivists have incorporated notions that have traditionally been at the center of FPA approaches, such as organizations, institutions, and processes. As Kaarbo writes, *it is this development that most stands out across the past five years*¹¹⁰. She goes on to state that *this view [constructivism] of the social world fits well with the foreign policy analysis literature. That literature focuses on the linkage between social structures and calculating agents. Bureaucratic politics, for example, seems almost a paradigmatic example of social constructivism. In short,*

J.; Kaarbo, J.; Foyle, D.; Schafer, M. and Stern, E., "Foreign Policy Analysis in 20/20: A Symposium", *International Studies Review*, vol. 5, n. 2, June 2003

¹⁰⁸ Neack, L; Hey, J. and Haney, P., *Foreign Policy Analysis: Continuity and Change in its Second Generation*, New Jersey: Prentice Hall, 1995

¹⁰⁹ See for instance, Barnett, M., "Culture, Strategy, and Foreign Policy Change: Israel's Road to Oslo", *European Journal of International Relations*, vol. 5, 1999, pg. 5 – Banchoff, T., "German Identity and European Integration", *European Journal of International Relations*, vol. 5, 1999, pg. 259 – Risse, T., Engelmann-Martin, D., Knopf, H.-J. and Roscher, K., "To Euro or Not to Euro? The EMU and Identity Politics in the European Union", *European Journal of International Relations*, vol. 5, 1999, pg. 147 – Katzenstein, P. (eds.), *The Culture of National Security: Norms and Identity in World Politics*, New York: Columbia University Press, 1996

FPA looks at the interface between institutions, agents, and rules with the aim of showing how these led to the foreign policy choices made by the collective agents known as states¹¹¹ – or in our case known as the EU.

B. FPA, CFSP, and the Process of EU Integration

The idea of a CFSP, if studied as an independent policy and not only as the result of national interests' aggregation, raises a number of issues for international relations scholars.

First, it runs counter the classical realist idea of foreign policy (upon which much of the early FPA literature was based), as the expression and pursuit of national interests. There seems, at first, to be incompatibility between the concept of foreign policy and the idea of its communautarization or regionalization. After a decade of CFSP, the empirical record tends to show that foreign policies might come closer in some instances, while certainly not becoming one single European foreign policy. However in the EU, as Frédéric Charillon underlines, *la politique étrangère a été érigée au rang d'objectif politique prioritaire et explicite. [...] L'originalité européenne provient d'abord du fait que la régionalisation de la politique étrangère y est institutionnalisée, et comporte de ce fait un certain nombre de contraintes. [...] Le traité de l'Union européenne implique même une double obligation de cohérence: entre les Etats membres d'abord, entre les dimensions de l'action extérieure ensuite. [...] En proclamant qu'on ne saurait cloisonner la diplomatie, la défense, le commerce extérieur, l'aide au développement, la coopération scientifique et technique, etc., on réinvente déjà la politique étrangère des réalistes, et on finit d'enterrer la distinction interne/externe qui leur est chère. Si les résultats ont souvent été minces, l'ambition est réelle. [...] Une machine est lancée, qui*

¹¹⁰ Kaarbo, J., "Foreign Policy Analysis in the Twenty-First Century: Back to Comparison, Forward to Identity and Ideas", *International Studies Review*, vol. 5, n. 2, June 2003, pg. 157

*change la marge de manoeuvre des décideurs*¹¹². The willingness of 25 nation-states to cooperate in foreign policy and their constant creation of institutional mechanisms to give birth to a CFSP is in itself an amazing empirical development and a challenging theoretical development in international affairs.

Second, a gap needs to be filled in the literature about the way CFSP is working on the ground. As mentioned in the section devoted to the literature review on the CFSP, our knowledge has been enhanced with regard to the outcomes of the EU or its influence on third parties. The question however as to how these outcomes have come about has rarely been analyzed, especially when these outcomes are the products of second pillar decision. This type of analysis is particularly overdue when one compares it to the enormous developments that have occurred in the institutional framework of the second pillar (see chapter two).

Theoretically thus, the aim of the dissertation is to generate a set of concepts and models that characterizes the distinctive patterns of the decision-making process of the CFSP or in other words, what Robert Merton called “middle range theory”¹¹³. Since the aim of the thesis is to understand processes of the EU’s CFSP, FPA is a logical choice for a theoretical framework¹¹⁴ as *the foreign policy analyst is less concerned with explaining and evaluating policy outcomes and*

¹¹¹ Ibid., pg. 162

¹¹² Charillon, Frédéric, “Vers la régionalisation de la politique étrangère?”, in Charillon, Frédéric, (eds.), *Politique étrangère – nouveaux regards*, Paris: Presses de la fondation nationale des sciences politiques, 2002, pg 396. Author’s translation: “Foreign policy was promoted as a specific and high-priority political objective [...] What makes the European experiment original is first that the regionalization of foreign policy was institutionalized and therefore implies a number of constraints. [...] The European Union Treaty even imposes a dual obligation of coherence: between member-states and between the various aspects of external action. By stating that diplomacy, defense, external trade, development aid, scientific and technical cooperation, etc., cannot be compartmentalized, foreign policy as devised by the realists is reinvented and the separation between internal and external that they hold dear disappears. Even if results have often been few, the ambition is real. [...] The engine has been started and has changed the decision-makers’ room of maneuver.”

¹¹³ Merton, R., *Social Theory and Social Structure*, Glencoe, Ill.; Free Press, 1957

¹¹⁴ However, as mentioned earlier, to explain the difference in decision-making processes between the Balkans and the Middle-East, notions of capabilities and power, as well as the role of an external actor into the EU decision-making process, will have to be taken into account in the analysis.

*more concerned to understand the policy process itself – how policy emerges, from whom and why*¹¹⁵.

a) Formal and Informal Processes

Traditionally, FPA has focused the approach away from formal constitutional or legal rules to processes and functions. FPA allows putting the emphasis on the fact that the ways in which institutions act in a given situation or are used by agents are as important if not more than their formal roles. This is partly explained by the fact that it is impossible to create institutional agreements that will provide precise guidance for all contingencies in complex social situations. The latter assumption is especially true with texts such as the EU treaties that are very broad by nature and with policy areas such as foreign affairs where crisis situation are as much the norm as non-crisis situations. In addition, foreign policy is an area that is usually less legalized than other policy areas. As Farrell and Héritier have written, *insofar as power is delegated to actors with different interests, there will necessarily be ambiguities in the constitutional framework governing these actors, which actors will seek to exploit for their own specific purposes*¹¹⁶.

At the national level, constitutional stipulations or government regulations provide guidelines about which units of decisions should be involved. However, real-world allocations of decision responsibility in foreign policy tend to diverge, sometimes drastically, from those described in bureaucracies' organizational charts or in constitutional texts. The formal rules do not automatically determine the composition of a decision unit or defines all the roles it will have to play in concrete situations. As Stern and Sundelius write, *effective decision units are instead*

¹¹⁵ White, B., op. cit., pg. 29

¹¹⁶ Farrell, H. and Héritier, A., "Formal and Informal Institutions under Codecision: Continuous Constitution Building in Europe", *European Integration online Papers*, vol. 6, n. 3, 2002

*formed in a complex interplay between the codified requirements of governing, other embedded features such as (often informal) institutional rules and practices, and contextual factors. Understanding how and why a particular decision unit is formed to deal with an identified problem commonly requires intensive empirical analysis*¹¹⁷. That is indeed the reason why the three case studies in the thesis will be richly illustrated to precisely grasp the everyday decision-making in the CFSP.

Kegley advocates using the concept of “decision regimes” to capture these institutional dimensions¹¹⁸ and the fact that the game of foreign policy making tends to be played according to identifiable shared decision rules. To be more specific, Kegley has identified two types of decision regimes: a “procedural decision regime” and a “substantive decision regime.” While the former is concerned with decision-making processes, the latter is concerned with the goals of foreign policy, i.e. its content. This dual notion is useful to understand the CFSP because it shows how different actors intervene in different policy areas or how the same actor may have different roles depending on the issue. Both decision-making regimes are intrinsically linked: the formation of substantive decision regimes may vary across policy sector, so that the rules and principles for the management of foreign policy may vary across issues areas. As the case-studies will show, the actors involved in the EU CFSP in the case of the Balkans and the case of Middle-East, are more or less the same, but their role varies, as does their respective importance.

Processes as well as roles of institutions have been at the heart of the study of the EU for those approaching it from a comparative politics perspective – at least in its first pillar. The same level of conceptualization is definitely lacking in pillar two. Jørgensen rightfully writes

¹¹⁷ Stern, E. and Sundelius, B., “Crisis Management Europe: An Integrated Regional Research and Training Program”, *International Studies Perspective*, vol. 3, n. 1, February 2002, pg. 75

¹¹⁸ Kegley, C. W., “Decision Regimes and Comparative Study of Foreign Policy”, in Hermann, C. F.; Kegley, C. W. and Rosenau, J. N., op. cit., pg. 247

that *theorizing about the CFSP is not easy. Most leading theories of European integration aim to explain integration generally, and are therefore not particularly well suited to explain a specific and distinct instance of integration such as the CFSP. Explaining the making of specific policies within the CFSP “umbrella” requires theories or approaches developed with that purpose in mind, for instance public policy analysis or theories of foreign policy-making. However, neither foreign policy nor defense policy are generally considered part of the portfolio of European public policies, which includes well-known domestic policies such as agriculture, environment, or competition policy but not “un-civilian” foreign or defense policies. As a consequence, analysts interested in applying theories of European public policy-making have a hard time finding illustrative examples*¹¹⁹. The dissertation will fill this particular gap, by linking FPA with the institutionalism scholarship, as developed within the body of EU integration literature, particularly the stream called the new institutionalism. Although institutionalists have taught us that institutions matter, they have gone beyond such a position and have developed complex arguments that show under which conditions institutions matter, the way they matter, and the effects they have on outputs¹²⁰. They have also shown that norms and procedures at the EU-level are built over time, sometimes with unexpected consequences. Those studies have emphasized that the boundary between an institutionalized and a non-institutionalized process is different from the boundary between intergovernmental and supranational. A policy might legally be intergovernmental, but so institutionalized that integration among the participant units has indeed *de facto* occurred, although a different type of integration than the one scholars of the EU first pillar are familiar with. A system of governance therefore develops which helps the participant units to come to a common agreement. FPA would thus provide the overall

¹¹⁹ Jørgensen, K. E., “Making CFSP Work”, in Peterson, J. and Shackleton, M. (eds.), *op. cit.*, pg. 227

framework for the study of CFSP processes, while institutionalism would be its natural complement to grasp the particular place and roles of the Commission, the Council, the COREPER, the PSC, and the High Representative. It is to this dialogue that I now turn.

b) Links with Other EU Integration Approaches

There are several competing attempts to conceptualize the EU system. Succinctly, one side views the EU as a “traditional attempt” at international cooperation. The other views the EU as comparable to a state. Instead of siding with one or the other, this thesis sees the EU as part of the “governance” literature¹²¹, pointing to the fact that the EU has developed a regional system of rules that it is important to understand. Governance is usually defined as being about the exercise of authority with or without the formal institutions of government. This approach warrants analysis of the EU institutions and the plethora of different rules for decision-making. It emphasizes multi-level, competing, and overlapping central EU institutions, lack of clear authority center, and complex networks. It also assumes that no single actor has all knowledge and information required to solve complex problems and no single actor has a complete overview of all instruments available or needed to solve a policy issue. Although in foreign policy at the national level governance is usually not considered useful to understand the decision-making processes because hierarchy among actors involved and governments are still very much the norm (particularly when one comes closer to military issues), at the EU level the

¹²⁰ See for instance, Schneider, Gerald and Aspinwall, Mark (eds.), *The Rules of Integration: Institutional Approaches to the Study of Europe*, Manchester, UK: Manchester University Press, 2001

¹²¹ See for instance, Jorgensen, K. E. (eds.), *Reflective Approaches to European Governance*, London: Macmillan, 1997; Kohler-Koch, B., “Catching Up with Change. The Transformation of Governance in the European Union”, *Journal of European Public Policy*, vol. 3, 1996, pg. 359; Kohler-Koch, B. and Eising, R. (eds.), *The Transformation of Governance in the European Union*, London: Routledge, 1999; Richardson, J., “Policy-Making

notion of governance will help conceptualize the empirical findings of the thesis. The *governance turn in EU studies*¹²² thus puts the accent on the complexity of the EU, but also on the fact that this complex institutional design that is the EU does not prevent policies to be formed and implemented. The EU is thus definitely here a polity, even if a new form of it. The question thus becomes, in the EU-type of governance, how are decisions taken?

The study of EU decision-making has witnessed an increased interest, especially since the re-launch of the integration process in the eighties with the Single market and the Single European Act. Various scholars¹²³ have brought a policy-making perspective to the study of EU integration. Although they offer different approaches, they all evolve around the same premise: EU integration is not only about more or less integration (cf. international relations approaches to the EU). Rather, the EU political system is extremely complex and different policies respond to different decision-making processes, so it cannot only be studied from a set of well-defined approaches. The “behavior” of EU institutions in the first and second pillar is different, stemming at least in part from the fact that they obey to different legal rules, although focusing on legal rules alone is not sufficient to understand the behavior of an actor. It has been showed for instance that although the Commission has a shared right of initiative with the member-states in CFSP, it is not keen in using that right and prefer to attempt to increase its role in more subtle ways¹²⁴. Even within a pillar, institutional behaviors and decision-making processes vary from one issue to the other.

in the EU: Interests, Ideas, and Garbage Cans of Primeval Soup”, in Richardson, J. (ed.), *European Union: Power and Policy-Making*, London: Routledge, 1996, pg. 2

¹²² Rosamond, B., *Theories of European Integration*, New York: Palgrave, pg. 106

¹²³ See among others: Richardson, J., (eds.), *op. cit.* - Peterson, J. and Bomberg, E.,—Wallace, H. and Wallace, W., (eds.), *Policy-Making in the EU*, New York: Oxford University Press, 2000 – Andersen, S. and Eliassen, K. A. (eds.), *Making Policy in Europe*, California: Sage Publications, 2001 + see literature review section

¹²⁴ See for instance, Allen, D., “Who Speaks for Europe? The Search for an Effective and Coherent External Policy”, in Peterson, J. and Sjursen, H. (eds.), *A Common Foreign Policy for Europe? Competing Visions of the CFSP*, New York: Routledge, 1998, pg. 41

Usually within this body of literature concerned with the EU decision-making processes, an important distinction is made between two types of decisions. One is the few but important history-making decisions, leading to treaty revisions. The important work of Moravcsik¹²⁵ with his revitalization of intergovernmentalism falls in that category. The second is the large number of “every day” policy-making and legislative decisions in different policy sectors, with the previously cited work of Wallace and Wallace, Peterson and Bomberg, and Richardson. There is of course a dynamic relationship between these two types of decisions. On the one hand, treaty revisions change the rules of the game for everyday decisions. It was the Amsterdam Treaty that for instance created the position of the High Representative for CFSP. On the other hand, treaty revisions contain elements that may turn out to produce unintended consequences later, as Pierson¹²⁶ has forcefully argued. The persistence of the member-states to keep the Commission at bay in CFSP might have succeeded, but it has conjointly led to the reinforcement of the Secretariat of the Council, a new body member-states have to deal with.

The case-studies in the thesis are more concerned with the second type of decisions. In the first pillar, decision-making has been extensively studied. In foreign policy, at the nation-state level, FPA has used some concepts of domestic politics mainly applied to “low politics.” The dissertation seeks to combine both approaches and thus to study foreign policy in the 2nd pillar of the EU, the way the first pillar has been studied. Jachtenfuchs comments to that extent that *as the Euro-polity grew more and more important, it became more interesting for researchers who were not genuinely interested in the European integration process as such, but had very different specializations such as comparative politics or policy analysis. In the latter field in particular, the development of the European Union seemed to abolish the conditions for*

¹²⁵ Moravcsik, Andrew, *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Ithaca, NY: Cornell University Press, 1998

an established division of labor within political science according to which students of domestic and comparative politics, on the one hand, and students of international relations on the other, dealt with rigidly separated fields of inquiry. Whereas the first had to do with matters within one or more states, the latter were concerned with what happened between states and remained largely unconcerned with domestic affairs. [...] In the European Union after 1985, [...] the integration process blurred the distinction between domestic politics and international relations, and brought into question the assumption of the internally and externally sovereign nation-state¹²⁷.

Even though the notion of international actorness has traditionally - lets say historically - been linked to the nation-state, the emergence of an actor such as the EU is bringing new opportunities for IR theory and for this subfield of IR called FPA. Indeed, it is at this meeting point - the EU as a foreign policy actor and the EU as a “new type” of actor in the international system – that FPA and the institutionalist literature can gain from scholarly dialogue. This literature is the evident link with EU studies in that they both emphasize the non-unitary aspects of the state in foreign policy on the one hand, and the EU in Community matters on the other. Such a premise of a scattered actor pushes the researcher to analyze where decisions are taken and which actors are important at what particular level of decision-making, by pointing to overlapping competencies among multiple actors and the interaction of those actors across levels. Member states, while still powerful in the EU second pillar, are only one set of actors among a variety.

All in all what FPA combined with institutionalism emphasizes is the diffusion of power within the EU. As was explained above, FPA was created as a reaction to systemic approaches

¹²⁶ Pierson, P., “The Path to European Integration”, *Comparative Political Studies*, vol. 29, 1996, pg. 123

of the study of foreign policy that considered the state as a “black box.” I argue that the EU is not a unitary actor either, especially since the EU is still an entity in formation. Non-state actors, such as institutions, are looking to increase their own power in the EU’s CFSP decision-making process and the member-states are still trying to influence the process of policy formation and implementation. The same is true of each institution participating in the decision-making process of the CFSP; neither are they unitary actors. One example that will be shown in the case-study is the case of the Secretariat General of the Council. Since the High Representative structure has been integrated within it in the Amsterdam treaty, various bureaucratic structures have appeared that do not always cooperate: the Policy Unit, Solana’s cabinet, and the DG CFSP in the Council. Therefore just as FPA did for the state, it is necessary to look inside the EU in order to understand what type of governance is emerging in CFSP.

c) Adapting FPA for the Study of the CFSP

FPA needs to be adapted from its state-centered approach to a non-state actor. This research therefore build more particularly upon a recent and well-due attempt to apply FPA to the EU, that of Brian White¹²⁸, as developed in its contribution to the *European foreign policy system*. In keeping with the systemic approach of FPA, Brian White speaks of a “European foreign policy system” encompassing the Community foreign policy (first pillar - external

¹²⁷ Jachtenfuchs, M., “The Governance Approach to European Integration”, *Journal of Common Mark et Studies*, vol. 39, n. 2, June 2001, pg. 249

¹²⁸ Ian Manners and Richard Whitman did the same for the foreign policies of the EU member-states. They argue that FPA can usefully be applied to the foreign policies of the EU member-states, assuming that FPA includes analysis of the adaptation of the states’ foreign policies to their EU membership; studies the socialization process of foreign policy makers; studies the relationship between domestic conditions and foreign policy; studies the participation of the member-states to the EC external relations and the CFSP; analyzes the role of special relationships between member-states and external actors. See Manners, Ian and Whitman, Richard (eds.), *The Foreign Policies of European Union Member States*, Manchester: Manchester University Press, 2000

actions), the Union foreign policy (second pillar, i.e. CFSP), and the national foreign policies of the EU member-states. The notion of foreign policy as a system is quite useful in that it is less normative and allows going beyond the debate between supranationalism and intergovernmentalism. It also points to the fact that CFSP is a collective enterprise through which national actors conduct partly common, and partly separate, international actions. As Ginsberg writes, *the EU is now moving beyond having a modest external relations system to having a more ambitious “foreign policy system” as the acquis communautaire/acquis politique expand and the functioning of the inter-pillar decision-making process improves*¹²⁹.

This thesis threatens the second element of White’s approach and the way it is working empirically¹³⁰ as the independent variable. Of course to grasp the mechanisms of CFSP,

¹²⁹ Ginsberg, R., op. cit., pg. 439

¹³⁰ IR scholars have never really studied the EU as an international actor. Realists would not expect the EU to emerge as an international political actor. Realists and neo-realists, including the few realists that have studied European integration, see the EU as being essentially a big member-states (rather, to stick with the realist terminology, a big power) driven process. International organizations do not really matter in their framework. If they do, it is to a very low-level of binding agreement so that it is easy to opt out of if a changing international structure requires it. In addition, realist and neo-realist scholars have not –traditionally- paid attention to the internal structure of the state to understand its international behavior. What matters for them, is the structure of the international system. In an anarchical world, national interests will inevitably clash and cooperation will remain the exception rather than the rule.

For neo-liberal scholars, international organizations hold a more prominent place. They agree that there are other actors than states in the international arena and that power is not just about military. In addition, neo-liberal scholars pay more attention to the domestic structure of the state, but they have never come up with a detailed model of how states are producing their foreign policy outcomes. The European integration variant of neo-liberalism, liberal intergovernmentalism is certainly one of the most scientifically researched theory of European integration, but one of its main criticisms is that it is only applicable to history-making decisions, such as treaty negotiations/revisions and is less fruitful to understand everyday decision-making processes within the EU because it keeps the basic premises of realism, i.e. that big powers matters and that supranational institutions only have a secondary role in the EU decision-making process.

For constructivists the EU matters. Constructivism would for instance be able to explain why the EU is strengthening its CFSP, with an analysis based on norms and identities. It would give a role to big states as well as small states. With regard to this research, two critics can however be put forward: i) constructivism places us again in the perspective of a *grand* theory of international relations; ii) besides the common trend putting the emphasis on norms and ideas in international relations and making interests endogenous to the state and not extraneous, constructivism is not a coherent body of literature. However, constructivism is certainly the IR theory that would be most helpful to establish a connection between IR and comparative politics, most particularly with the development of the approach entitled “sociological institutionalism.” Such approaches would indicate that foreign policy making within the CFSP is a dynamic process where interests and objectives emerge as a result of interaction at the domestic, national, and European level. Consequently, the clear distinction between the national and the European might gradually be blurred, even in the area of high politics. A process of Europeanization of foreign policy in

references to the member-states foreign policies goals will be needed. White's work is interesting in that it applies a revised "foreign policy analysis" to the study of European foreign policy. Revised in the sense that it is less state-centric, accepting the importance of other actors in the international system (White studies the *European* foreign policy system) and that it analyzes *governance* rather than *government* (since the EU is not a state per se). As White puts it, *the focus on policy at the international level is arguably what is important to the foreign policy analyst rather than whether the actor is a conventional government or not*¹³¹.

However, although White's FPA is a constructive step in the attempt to revive this approach, some elements are still missing from his analysis: a more specific focus on the EU second pillar *per se*; a less descriptive and static approach (that is a general critic of FPA)¹³²; and a stronger empirical study to identify different models of governance within the CFSP.

d) The Argument – CFSP as Institutionalized Governance

As was exposed in chapter two, since the Saint-Malo Declaration of December 1998 and the European Councils of Cologne, Helsinki, and Feira, member-states have reinforced the CFSP and have added a military dimension to it. This does not mean that they have given up their sovereignty in foreign affairs. If we however accept the premise according to which the EU is more than the sum of its fifteen member-states and that CFSP is not reducible to its component

which shared norms and rules are gradually accumulated might be closer to describing accurately the CFSP. See for instance, Matlary, J., "Epilogue: New Bottles for New Wine", in Jorgensen, K. E. (eds.), *Reflective Approaches to European Governance*, London: Macmillan, 1997, pg. 201

¹³¹ White, B., op. cit., pg. 36

¹³² It can however be argued too that it is important to understand how the system works, before being able to place it in the theoretical debate or to have a more critical approach towards it.

parts, it seems empirically and theoretically useful to analyze how the EU as an independent actor *per se* manages and implements its foreign and security policy.

The argument offered in this thesis is that, in certain areas of foreign policy, the second pillar decision-making process, although still *de jure* intergovernmental, is *de facto* working according to another system of governance. This system will be labeled here *transgovernmentalism* and *transinstitutionalism*. Although this system of governance is not replacing the member-states foreign policies, but exists in addition to them, it challenges our traditional understanding of foreign policy as belonging exclusively to the nation-state, as well as of the CFSP as being only intergovernmental. In order to understand when the CFSP decision-making is intergovernmental and when it is transgovernmental, the importance of the CFSP policy-making mechanisms are underlined, by showing that the member-states need to find an agreement among themselves first in order to delegate the implementation of the CFSP to the EU institutions and then the EU institutions are able to take on some autonomy. But if no agreement exists at the outset, the EU as such will not have a foreign policy. CFSP mechanisms thus have values as “enabling” joint action where there is a prior intergovernmental agreement.

Integration does not necessarily mean supranationalism. Within intergovernmental structures, integration can also take place, as our case studies will show. As Brach and Øhrgaard argue, [...] *a theory which fails to specify the dynamics of trans- and intergovernmental interaction can hardly be expected to provide a satisfactory explanation of governance, let alone integration, in a policy domain where such interaction [i.e. CFSP] is the main feature of policy-making*. Some scholars have already identified the “socialization effect”¹³³: even though the second pillar is *de jure* intergovernmental, it is the same diplomats from the member-states foreign ministries who get together to discuss foreign policies issues; they thus get to know each

other quite well, and get socialized into working together. This socialization leads to a certain level of “coordination” between them. This kind of “socialized integration” might not look as clear as the “regular” integration process, but as Kenneth Glarbo argues, there is certainly a *social integration* that is taking place in CFSP; because *as such, institutions in themselves hold a latent promise of social integration*¹³⁴. Other phenomena are also at work that can only be understood by empirically studying cases in which the EU played a role with the new instruments at its disposal since 1999.

The three case-studies show the conditions under which EU institutions might find (or not) a niche to gain power in the EU “intergovernmental” second pillar, thus transforming a purely intergovernmental system into a new mode of governance. The case studies will thus answer the following question: which institutions and mechanisms matter in the decision-making process of the second pillar and how do these institutions affect the behavior of agents?

As both the studies of White¹³⁵ and of Manners and Whitman¹³⁶ have shown, interconnections have developed between national foreign policies and European foreign policies within transnational and transgovernmental networks. White particularly stresses the futility of intergovernmentalism and uses the notion of “Brusselization.” As he explains, even if the European Commission enters the field of traditional foreign policy, “Brusselization” does not mean communautarization but, rather, that *Brussels-based actors and institutions are increasingly dominating both foreign policy making and policy implementation*¹³⁷. In this

¹³³ See for instance, Nuttall, S., *European Political Cooperation*, Oxford: Clarendon Press, 1992

¹³⁴ Ibid., pg. 152

¹³⁵ White, B., op. cit.

¹³⁶ Manners, I. and Whitman, R., (eds.), *The Foreign Policies of European Union Member States*, Manchester: Manchester University Press, 2000

¹³⁷ White, op. cit., pg 100

research the terms of transgovernmental and transinstitutional are preferred as they allow for a more precise conceptualization of the role of both EU institutions and member-states actors.

3/Conclusions

This chapter began with an overview of the existing literature on the CFSP and since that particular literature is very thin, the literature on the EU as an international actor. This first section showed how our understanding of the external relations of the EU (mainly 1st pillar of the EU, with some involvement of the 2nd pillar) has become clearer, while at the same time the CFSP was left mainly aside by scholars. It also showed that when scholars have studied the EU, they have mainly conducted an analysis of the CFSP outcomes, rather than its processes, as has been done for issues encompassed in the first pillar. A gap thus needs to be filled there.

The chapter then went on to ask which approaches at the state-level have been used to understand decision-making processes in foreign policy. The analysis therefore turned to Foreign Policy Analysis, which was briefly introduced. In a second sub-section, it was asked what the links between FPA and the EU were and how FPA could prove useful to study the CFSP. The reasons given were the non-unitary structure of the EU and of its institutions, the importance of informal processes in the CFSP, and the importance of institutions in the European integration process as a whole. It was also shown how FPA and the governance turn in EU studies with its emphasis on the institutionalist literature could gain of scholarly dialogue.

Finally the central argument of the thesis was introduced, according to which in certain policy areas of the EU foreign policy, intergovernmentalism is not the main decision-making process that is at work. A new system of governance is emerging that transcends pure intergovernmentalism. This new system was labeled transgovernmentalism and

transinstitutionalism to emphasize it being located between intergovernmentalism and supranationalism. These notions also allow to show that the EU does indeed have a CFSP in certain areas, that is different from the aggregation of the fifteen member-states.

CHAPTER FOUR - Major Attempt at Implementing the CFSP: The Case of the Former Yugoslavia

As Andreas Kintis notes, *the war in former Yugoslavia was seen both as a challenge and an opportunity. It was seen as a challenge because the member states of the EU were compelled under the circumstances to develop structures for foreign policy cooperation that were effective enough to identify and pursue joint initiatives affecting the complicated process of disintegration in Yugoslavia. It was seen as an opportunity because the EU could, through a common foreign policy, maximize its influence in the Balkans and be seen as a component of the new European geostrategic landscape with substantial troops on the ground in its own backyard, able to achieve a political settlement of ethnic conflicts over territory without the military power and political leadership of the United States*¹³⁸. Irony had it that as soon as the EU decided to set up a CFSP, war broke out in its neighborhood, namely in Yugoslavia. Although hostilities began before the Maastricht Treaty was implemented, at the very time member-states were negotiating the creation of a *common* foreign policy, they were acting independently, presenting the EU with *faits accomplis*. Even more ironic was that Germany was one of the very first states to break any attempt at coordinating with its EU partners a policy towards Yugoslavia, as it was the first to

¹³⁸ Kintis, Andreas, "Between Ambition and Paralysis: The European Union's Common Foreign and Security Policy and the War in the Former Yugoslavia", in Hodge, Carl, (eds.), *Redefining European Security*, New York: Garland Publishing, 1999, pg. 282

recognize the independence of both Slovenia and Croatia – opposed by most of its partners -, while at the same time being one of the strongest proponents of an EU's CFSP.

This chapter of the thesis does not intend to cover in detail the EU actions in the Yugoslav wars¹³⁹, as this has been done in detail in other places. It is more intended to provide the reader with a background against which the EU post-1999 actions in the Balkans can be compared. The time span covered here is from 1991 to the Dayton Agreements of 1995. The first section describes the external and internal EU context in which the crisis started and developed. The second section looks at the EEC and later EU role in the crisis and identifies three distinctive periods: the start of the crisis where the EEC led its own peace efforts; a second period where the failures of the EEC/EU led it to increasingly seek a UN involvement in the crisis; and finally the third and final period in which the EU as such disappeared from the political front to be replaced by the member-states (more particularly France, Germany, and the UK), as well as the leadership of the US. The third section looks at the issue of the use of force, one of the main bones of contention among EEC/EU member-states. The fourth section analyzes the civilian aspects of the EU involvement in the crisis, in which the Commission played an important role. Finally the chapter draws lessons from the conflict for the future of the CFSP. It should be kept in mind that from the beginning of the crisis until November 1993, the EEC action was still formally conducted within the framework of the EPC, since the Maastricht Treaty was still going through the process of ratification in the different member-states. It is only after November 1993, that the CFSP can be tested more realistically.

¹³⁹ The wars in Yugoslavia were actually a set of inter-related conflicts in Slovenia, Croatia, and Bosnia-Herzegovina.

1/ The Context

As Brian White writes, [...] *it would be difficult to imagine a more complex, intractable issue to serve as the first serious test of CFSP [...]. It was soon apparent that it would test the most sensitive aspect of the fledgling CFSP, namely the ability of member states to agree on the use of military force. It would expose, therefore, the most serious and divergent interests of member states; and, given the significance of the issues, it would require the EU to work harmoniously and effectively with a growing list of other international actors who were “sucked into” the expanding Balkan crisis, including the UN, NATO, the United States and Russia*¹⁴⁰. Christopher Hill identified the notion of the “capability-expectations” gap¹⁴¹, conceptualizing the fact that the expectations from third parties towards the EEC/EU to find a solution to the bloodshed were enormous; however in reality, the EEC/EU capabilities were completely underdeveloped for such a situation. With statements such as “This is the hour of Europe, not the hour of the Americans” by Jacques Poos, then Foreign Affairs Minister of Luxembourg, at a time when Luxembourg was holding the rotating EU Presidency, the expectations were indeed extremely high. However, not all the spectrum of capabilities used in foreign policy were available and, when capabilities were available, political will lacked and the EEC/EU got bogged down in procedural and bureaucratic issues. In the end, the EU failed to deliver.

Why was the EU interested to intervene at all? First, the systemic environment corresponded to the early days of the post-Cold War and the energies were turned to the shaping of a “new international order”, in which the EU and its member-states were eager to participate by spreading values of democracy as well as economic liberalization. In addition, two EU states, namely Italy and Greece, had a border with Yugoslavia. These two states were particularly eager

¹⁴⁰ White, Brian, op. cit., pg. 106

to maintain stability in their vicinity. Third, the Gulf War had essentially been “an American show”, with no coordinated action from the EEC; therefore the EU was even more eager to turn problems on its continent into “a European show.” The first Bush administration at the start of the crisis was also more than willing to let the Europeans/EEC take the lead in a conflict in which they did not want to get involved. Fourth, the EU as a whole was wary not to see the Balkan instability spread to other countries of Central and Eastern Europe that also had minorities within their borders and that one day would become EU members. Finally, the EEC member-states were negotiating a new treaty revising the original Rome Treaty and proposals were put forward to transform the EEC into a more political union equipped with a foreign and security policy.

2/ The EEC/EU in the Crisis

The EU action towards the crisis can be analyzed in three periods. During the first period (1991-Spring of 1992), the EEC took the lead in attempting to broker peace deals. Second, from the summer of 1992 until 1993, the EU worked increasingly closely with the UN. Finally in the last period, the US took the lead, while the EU as a unified actor disappeared from the scene and France, the UK, and Germany became the major actors through the Contact Group.

A. The EEC in a Leadership Position

When the Yugoslav wars broke, the Intergovernmental Conference (IGC) reforming the Rome Treaties was going on and major issues still needed to be resolved with regard to CFSP. In addition, once the Treaty was signed in December 1991, problems of referenda arose and the

¹⁴¹ Hill, Christopher, “The Capability-Expectations Gap, or Conceptualizing Europe’s International Role”, *Journal*

EU leaders got bogged down with domestic problems. However, there definitely was a determination to respond to the crisis – particularly to parallel the EU economic and political involvement in Central and Eastern Europe. It is particularly remarkable how the Yugoslav crisis, following the absence of EEC involvement in the Gulf War, led to an important European activism in foreign policy. There was also a sense that the crisis could be resolved by economic and diplomatic means only. This feeling was reinforced by some initial success in deploying these instruments in the first half of 1991. In addition, economic (1st pillar) and diplomatic means (dispatch of the Presidency or Troika, declarations) was what the EEC was familiar with since the inception of the EPC. The European Commission, under the leadership of Jacques Delors, was particularly interested in being involved in finding a solution to the crisis for two reasons. First, empowered by his recent success of being assigned the role of coordinating all aid to the former satellite countries of the USSR on behalf of the international community, he wanted a similar role for the rest of Europe, i.e. the Balkans. Second, Delors was pushing within the IGC for the Commission to receive the same role it has in the EEC in the future foreign policy.

The EEC had responded to the threat of independence from Slovenia and Croatia by offering diplomatic support for negotiations that would lead to maintain Yugoslavia territorial integrity, while also offering economic incentives in the form of loans for infrastructure projects and the PHARE program. Initially indeed, the tendency in the EEC was to maintain territorial integrity and to favor democratization and economic liberalization. The idea was that Yugoslavia should follow the example of European integration, a showcase of the virtues of economic integration. The possibility of Yugoslavia moving to the path of EU accession down the line was even raised. At the time Yugoslavia was under consideration for an Association

Agreement of the type that was being negotiated with some of the newly independent Central and Eastern European countries. However, diplomatic and economic instruments did not prove enough: Slovenia and Croatia declared their independence in June 1991, which provoked the first war when the Yugoslav army (mainly Serb) launched operations against the breakaway republics.

Faced with this new situation on the ground, the EEC needed to change its position. The European Council of June 1991 decided on a number of options: sending the “Troika” to Belgrade, which included the foreign ministers of Luxembourg, Italy, and the Netherlands; suspending Community aid if the Troika did not come back with the prospect of a ceasefire; invoking the CSCE’s (Conference on Security and Cooperation in Europe) emergency consultations procedure. The Troika went to Belgrade three times, and in the end, diplomacy succeeded in bringing about an agreement, the so-called Brioni Agreement signed in July 1991. In the meantime sanctions were established: an embargo on armaments and military equipment to the whole Yugoslavia was imposed and the EEC decided to suspend its second and third financial protocols with Yugoslavia, although this was not put into effect because agreement was reached before it could happen. Under the agreement, the EEC was to provide observers made up of civilian and (unarmed) military personnel (the ECMM – Economic Community Monitoring Mission) to monitor the ceasefire in Slovenia, from which the Yugoslav army was to withdraw and “if need be” in Croatia. Both Republics were to hold off on their declaration of independence for three months.

The mission of the EEC Troika marked an important institutional development for the EPC. It was indeed the first time that the Troika was delegated power to negotiate with a considerable room of maneuver to depart from the mandate that had been conferred to it by the

twelve member-states. As James Gow however notes, *although allegations persisted that both sides had breached the ceasefire agreement, on the whole it held because the JNA, in the absence of Serbian backing, had effectively conceded Slovenia*¹⁴² and not because of the EEC actions.

The Brioni Agreement “resolved” the situation in Slovenia, but not in Croatia. In addition, pressures were mounting for equivalent treatment for Macedonia and Bosnia, whose ethnic composition clearly made it a candidate for future atrocities. As Edwards underlines, *the primary hope remained that the EC/Twelve, whether through the threat or use of sanctions if promises of increased aid proved unavailing, as well as through the use of monitoring missions, could bring all the parties together to restore peace before the conflict spilled over into other areas*¹⁴³.

The cease-fires in Croatia and Bosnia were broken one after the other and the Serbian federal leadership became more and more intransigent. The Netherlands (at the time at the helm of the EEC) then proposed to convene a peace conference, not only to bring pressure on the parties, but also to face German demands to recognize Slovenia and Croatia. One of the preconditions for the conference was that none of the republics would be recognized before a general agreement was found that would be accepted by all of them. Talks at the Conference would also be based on three principles: no unilateral changes of borders, protection of the rights of all minorities, and full respect for all legitimate interests and aspirations. Although no ceasefire was achieved before the opening of the conference, it was still decided to go ahead¹⁴⁴.

¹⁴² Gow, James, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War*, New York: Columbia University Press, 1998, pg. 52

¹⁴³ Edwards, Geoffrey, “The Potential and Limits of the CFSP: The Yugoslav Example”, in Regelsberger, Elfriede, de Schoutheete de Tervarent, Philippe, Wessels, Wolfgang, (eds.), *Foreign Policy of the European Union – From EPC to CFSP and Beyond*, Boulder, Colorado: Lynne Rienner Publishers, 1997, pg. 176

¹⁴⁴ Carrington had stated that one precondition for the conference was to have a ceasefire.

In September 1991, the Hague Conference established a mission under Lord Carrington¹⁴⁵, which sought to negotiate a Yugoslav-wide settlement. An arbitration committee was also set up that included three Community judges led by the French judge Robert Badinter, President of the French Constitutional Council and which was to define the conditions for the Republics independence. All these diplomatic activities allowed the EU to maintain the collectivity of action of its member-states. However, soon, the Conference was undermined by the problem of recognition of Slovenia and Croatia. In addition, although Carrington succeeded in obtaining the signature of the Croat and Serb leaderships on various ceasefires, it became clearer that a lasting ceasefire was not a possibility.

At the beginning of October 1991, the EC discussed the possibility of removing recognition from Yugoslavia and its official representatives. A day after this was discussed, and after the Serbian forces suffered some setbacks, Carrington was able to produce the most significant concession from the Serbian leadership. Milosevic agreed to a statement seeking a political solution *on the basis of the independence of those wishing it*. The solution was to include a *loose alliance of sovereign or independent republics and adequate arrangements for minorities and possibly special status for certain areas*¹⁴⁶. Again however, violence continued on the ground.

Germany was nevertheless determined to recognize both Croatia and Slovenia, mainly for domestic reasons linked to sympathy towards the question of self-determination following its own recent reunification. In addition, Germany was calculating that if the Republics were recognized it would be easier to intervene against the Serbs because the conflict would then become internationalized. Germany thus pushed hard for its EU partners to fall in line with

¹⁴⁵ Lord Carrington was former NATO Secretary General and former British foreign affairs minister.

¹⁴⁶ Cited in Gow, James, *Ibid.*, pg.55

German thinking. In December 1991, a compromise was found at the European Council of Maastricht according to which the EEC would back off taking a decision on recognition until the arbitration commission led by Badinter would suggest guidelines for recognition¹⁴⁷. However, the German government did not wait for the commission's results and unilaterally recognized both republics, which led the EEC as a whole to recognize both republics one month later in January 1992. Bosnia was recognized in April 1992, even though the Bosnian Serbs boycotted the referendum and used intimidation and force¹⁴⁸. German unilateralism undermined the ongoing mediation efforts. The issue of German recognition illustrates *the procedural problems created by the perceived need to maintain a consensus at all costs and the propensity of individual member states to pursue their own interests rather than a common policy on this issue*¹⁴⁹. In addition, the mistake all along for the EEC was to have recognized the Republics without the willingness to enforce that decision with the use of force. It is nevertheless interesting to note that Germany waited until the end of the IGC to recognize Croatia and Slovenia. This shows how being a member of the EEC/EU might influence if not the decision that a state sees as fundamental, at least the timing of such decision.

To now evaluate the EEC as a whole in this period, coordination of European states acting within EPC was central. This cooperation also led to institutional and operational innovations, such as the ECMM, the Carrington conference, and the Badinter commission. This

¹⁴⁷ The European Council also stated that applications would be invited from all the Yugoslav republics wishing to be recognized as independent and that republics would be judged according to various guidelines, including conditions for individual and minority rights and the rejection of territorial claims. Slovenia was the only republic meeting all the criteria set for by the Badinter Commission. The Badinter Commission recommended that Croatia be recognized, but was said not to have met the human rights guidelines set out by the Commission. Macedonia was also recommended for recognition, but the EC did not formally recognize it following a Greek veto. With regard to Bosnia, the Badinter Commission underlined that the situation was uncertain and might be clarified by holding a referendum on independence.

¹⁴⁸ The referendum on Bosnian independence held following the Badinter Commission recommendations and with EC assistance was held on February 29, and March 1st, 1992. Mainly Muslims and Croats took part in it and pronounced themselves overwhelmingly in favor of independence.

“logic of innovation” had two characteristics. First, the Council lied at the center of the decision-making process. Both the Commission and the Parliament were marginalized, except for technical advice, such as the appropriateness of imposing trade sanctions for instance. Second, this logic led to ad hoc solutions very much in opposition to what was negotiated at Maastricht under the label of common action.

The failure of Carrington to reach an agreement supported by the Serbian leadership led as soon as November 1991 to an incremental involvement of the UN. France, Germany, and the United Kingdom began to push for measures to be taken by the UN. By mid-November it was Cyrus Vance, the UN envoy to Yugoslavia and not Lord Carrington who was leading the negotiations to halt the fighting. Carrington and the EEC continued however to work in the shadow. In addition, with the Dutch Presidency coming to an end in December 1991, Carrington asked Jose Cutilheiro, the former Portuguese Ambassador to the Conventional Forces in Europe arms control talks in Vienna to head the separate set of talks on the future of Bosnia within the framework of the EC Conference. The move was also justified by the fact that in the first semester of 1992, the EC Presidency fell to Portugal. This thus established a more or less permanent link between the Conference and the Presidency of the EC.

B. The EEC/EU and the UN

Soetendorp notes that *as the EU member-states were unable to agree on an armed peacekeeping force they turned to the United Nations, and the Security Council in particular, to take over the responsibility for the effort to impose a durable ceasefire backed by a UN peacekeeping force. This marked, in fact, the end of an independent EU intervention in former Yugoslavia. From then on any involvement of the EU member-states would be part of the*

¹⁴⁹ White, Brian, op. cit., pg. 108

*international effort to seek a peaceful solution to the war in former Yugoslavia, through successive international conferences which were co-chaired by the EU and the UN, or by means of mediation carried out by a joint team composed of an EU and a UN representative*¹⁵⁰.

Although cease-fires were still not holding and the conflict worsened, the EEC did not abandon the issue. On the contrary as Soetendorp's quotation shows, mediation efforts were developed together with the UN¹⁵¹. The failure of the Carrington mission¹⁵² led a year later to a more permanent "conference diplomacy" vehicle based in Geneva, under the co-chairmanship of David Owen (EEC – replacing Lord Carrington) and Cyrus Vance¹⁵³ (UN). The conference's aim was to find a political settlement in Bosnia, where the problems now had become acute. A plan (Vance-Owen Plan, replaced by the Owen-Stoltenberg Plan, Stoltenberg, being Vance's successor) was agreed upon in January 1993¹⁵⁴, containing three main principles to solve the situation: a declaration on constitutional principles; a Bosnia divided into ten provinces, three governed by Bosnian Serbs, three by Muslims, two by Croats, and two mixed, with the international legal identity remaining exclusively with the central government; and proposals relating to the cessation of hostilities and other military matters. For the EEC, this represented the only practical solution. However the plan did not succeed in securing support on the ground and from other players such as the US and Russia, and was thus never formally agreed upon.

Alain Juppé, the French Foreign Affairs Minister appointed in March 1993, decided to launch a new initiative to break the stalemate. He was supported in this by Germany who had

¹⁵⁰ Soetendorp, op. cit., pf 142

¹⁵¹ For the role of UNPROFOR, the UN force in the former Yugoslavia, see section C in this chapter.

¹⁵² Carrington mission was also emptied of its resources once the EC moved towards recognition of the republics. The original purpose of the Carrington Conference was indeed to negotiate an overall settlement of Yugoslav disputes and the framework for relations between the republics after the dissolution of the former socialist federation of Yugoslavia. The main negotiating incentive on the EC side had been the prospect of recognition.

¹⁵³ Cyrus Vance succeeded in brokering a cease-fire in Croatia in January 1992.

¹⁵⁴ Later in the year, the Plan was modified to take into account the *de facto* situation that Bosnia would have to be divided into three very largely autonomous states.

been keeping a low profile on the issue after the episode of Slovenia and Croatia recognitions. The initiative¹⁵⁵ was formally agreed upon by all the EU member-states at a General Affairs Council (GAC) meeting in November 1993 and was followed by meetings in Geneva, with representatives of all sides, including UN military commanders and observers from both the US and Russia. The talks however broke down again in December 1993¹⁵⁶, because the EU had no credible force to implement and enforce the plan¹⁵⁷. In addition, the “logic of the directoire” was already moving forward when the US, the UK, Spain¹⁵⁸, and France agree towards the end of 1993 to the protection of security enclaves in Bosnia.

This period also saw an increased division of labor between the EEC who kept the role of diplomatic mediator and the UN who started to negotiate a cease-fire and the deployment of a peacekeeping mission¹⁵⁹.

C. US Leadership and EU Member-States

The Sarajevo market massacre of February 1994 where the Bosnian Serbs shelled a market changed the context and allowed all the outside parties to push for a peace settlement culminating in the Dayton Agreements of 1995. The Serbs were finally delivered a credible ultimatum to lift the siege on Sarajevo and withdraw or face air strikes against their positions. As Geoffrey Edwards points out, *on the one hand, it [the period] saw a rapprochement between the French and the United States over the role of NATO. On the other hand, it saw a Russian*

¹⁵⁵ The Franco-German initiative called on the Bosnian Serbs to concede more land than they had taken and to adopt confidence-building measures in Krajina in return for which sanctions would gradually be lifted against Serbia.

¹⁵⁶ According to Alain Juppé, the reason the talks did not succeed, was because neither the US, nor Russia were involved in the process. Therefore, both the Serbs and the Muslims were encouraged to continue the war.

¹⁵⁷ In addition, the US saw the plan as rewarding aggression and setting a bad precedent for the Balkans. The Clinton administration was favoring the policy of “lift and strike”, i.e. lifting the arms embargo on the Bosnian Muslims, while striking the Serbs.

¹⁵⁸ Spain was included because it was at the time Chairman of the UN Security Council.

¹⁵⁹ This point is later developed in the section on the use of force during the conflict.

*initiative that allowed some cover for the Serbs to withdraw*¹⁶⁰. The decision to allow airstrikes still took some time to take, as both France and the UK had most troops on the ground (as part of the UN peacekeeping mission¹⁶¹) and feared for the lives of their troops.

As the focus was increasingly on outside actors, the role of the EEC/EU was reduced. The creation of the Contact Group for Bosnia-Herzegovina in April 1994 comprising the US, Russia, France, the United Kingdom, and Germany meant the end of the EU involvement as a whole. The Contact Group was an American idea. If the US was to get more involved in the conflict, it did not want to have to deal with the EU as a whole (particularly at that time, Greece was holding the EU Presidency and Greece was a difficult partner in the conflict in that it opposed military intervention in the region, because of Slavic solidarity), but only with the most important states. France and the United Kingdom were of course crucial, as member of the UN Security Council, while Germany was another important player in Europe, even if not militarily. As Brian White underlines, *from the outset, the EC/EU had to work with a growing range of different actors and was increasingly dependent upon them to achieve success. This inevitably weakened a distinctive EC/EU contribution to the peace process. The key problem here was that the more high profile other actors became, the more the interests of particular EU member states rather than any sort of collective policy were magnified*¹⁶². The creation of the Contact Group also stemmed from the realization that no solution could be imposed that was not supported by the Europeans, the US, and Russia. Once the Contact Group was set up, the objective became to coordinate policies among those five states, so that they could submit proposals to the UN that were already supported by four of the five permanent members of the UN Security Council (China generally kept a low profile during the crisis).

¹⁶⁰ Edwards, Geoffrey, op. cit., pg. 180

¹⁶¹ See section on the use of force.

This move from collective diplomacy to *directoire* diplomacy did not however mean that actions were taken faster. Differences still existed within the Contact Group. On the one hand, France and the United Kingdom pushed to remain neutral vis-à-vis the parties, were more opened to negotiations with Belgrade, and more sensitive to the risks any military air campaign would pose for the UNPROFOR. On the other hand, the US and to some extent Germany, favored the Bosnian government, pushed for an end to the arms embargo and for the use of military air strikes, which briefly occurred against Bosnian Serbs positions in 1995. The Dayton Agreement, signed in Paris in 1995, that led to the end of the wars is usually considered the result of a change in the balance of military force on the ground favoring Croatian and Muslim troops.

This period of increased American leadership did not correspond to EU inaction. The EU as a whole continued to manifest itself through a declaratory foreign policy that had no direct effect on the ground. At the beginning of 1994 the EU kept on supporting the efforts of the European mediator, Lord Owen and the UN Special Representative Thornvald Stoltenberg within the framework of the International Conference. The European Council of February 1994 requested a meeting of the Atlantic Council in order to find efficient means to stop the shelling of Sarajevo, including air strikes. In the spring, the EU foreign affairs ministers asked for more diplomatic efforts from the UN, the EU, the US, and Russia. The EU condemned the Serbian attacks against Gorazde and called for the respect of the UN Security Council resolutions. In May 1994, Warren Christopher, the American Secretary of State, convened a meeting to re-launch the peace negotiations. The troika (Belgium, Greece, Germany) and France, the UK, and Russia participated. Autumn 1994 saw the biggest tensions in the transatlantic alliance, when, under pressure from the Congress, the White House announced the end of the American

¹⁶² White, Brian, op. cit., pg. 109

participation in the operation controlling the embargo. The WEU reacted very firmly to the announcement in November 1994 because the organization was completely dependent on NATO and the US for the command and communications of the operation.

At the Essen European Council of December 1994, the EU heads of state and of government condemned the violation by the Bosnian-Serb forces in the enclave of Bihac. The Council also reiterated its support for the UNPROFOR mission, but noted that the troops might be recalled if risks became too high for their safety¹⁶³. The EU in addition called on the Bosnian Serbs to accept the peace plan of the Contact Group. When several months later, UN soldiers and observers were taken hostage by the Bosnian Serbs, the EU called for their immediate release and warned of the important consequences to be faced with, without precision of which consequences¹⁶⁴.

With regard to the situation in Croatia, CFSP positions underlined EU support for the other international organizations' attempts to put pressure on the Zagreb government. The difference was that in the Croatian case, no mention was made of possible sanctions or the use of force. At the beginning of 1994, Croatian President Tudjman told UN Secretary General, Boutros-Ghali, that he planned to put an end to the UNPROFOR mission, which he saw as *de facto* backing the Serbian secession in Croatia. The EU reacted negatively to Tudjman's proposal. In a declaration¹⁶⁵, the EU underlined its support for the political solution for the Croatian territories controlled by the Serbs presented by the International Conference in cooperation with the US and Russia. Three months later, after Croatia agreed to keep the UNPROFOR mission, the GAC authorized the beginning of negotiations for a cooperation

¹⁶³ However, a recall of the troops could not have been called for by the EU, as European troops on the group were not under the EU's authority, but under their respective state's authority.

¹⁶⁴ See EU Declaration, May 29, 1995, *EU Bulletin*, 5, 1995, pg. 58

¹⁶⁵ See EU Declaration, January 23, 1995, *EU Bulletin*, 1-2, 1995, pg. 95

agreement between EU and Croatia. However, when Croat forces launched an operation in Eastern Slavonia violating a cease-fire agreement, the EU only deplored the action that compromised the international efforts to find a solution to the Krajina issue. When the autonomous Serbian republics of Krajina and Bosnia-Herzegovina announced their decision to merge, the EU declared that decision null and void. The alliance between Croat and Bosnian forces whose objective was to take back territories from Serbian militia in Bosnia, was not condemned by the EU. On the other hand, the EU condemned the attacks by Croatian forces on the territories held by the Serbs in Croatia. The EU even decided to put an end to the dialogue with Zagreb regarding the trade and cooperation agreement, as well as the implementation of the PHARE program.

Finally with regard to the Federal Republic of Yugoslavia, the EU suspended some of the sanctions against the country after Milosevic decided to close Yugoslavia's borders with Bosnia and showed willingness to break with the Bosnian Serb leadership. The EU also reinforced its boycott of Bosnian Serbs who still refused any peace agreement.

3/ The Question of the Use of Force

Since the onset of the conflict, military intervention was the key problem for the development of an effective EC/EU action. Generally, it can be said that the EC was indeed united with regard to the objectives in the war – or at least was making efforts to show unity (in the case of the recognition of Croatia and Slovenia supporting a member-state that held an opposite view) and with regard to peace plans (at least during the first phase), while the use of military force was the divisive issue among the member-states.

The initial involvement of the EEC was through the European Community Monitoring Mission (ECMM) and the UN Protection Force (UNPROFOR). Both were attempts at peacekeeping. However, the failure of both attempts lied in the fact that the operations were peacekeeping operations in a place where no peace existed on the ground. The ECMM (which was a novel instrument for the EEC) was established in July 1991 to broker and to try to maintain cease-fires between different sets of combatants. As Edwards notes, *at the local level, they (the monitors) were not wholly unsuccessful in negotiating ceasefires, but they were clearly a minimal response that reflected the absence of any consensus among the EC/Twelve to pursue any larger-scale, military intervention*¹⁶⁶.

However by 1992/1993, the ECMM was increasingly involved with the work of the UNPROFOR in various humanitarian missions¹⁶⁷. UNPROFOR was initially set up to provide the conditions for peace and security in the context of the 1991 Conference on Yugoslavia primarily by maintaining a ceasefire in Croatia¹⁶⁸. It was established by UNSC resolution 713 and marked the actual involvement of the UN based on the EC agenda. For the first time, the EC acted as a regional agency of the UN who endorsed the EC peace-keeping efforts notably by imposing an arms embargo on Yugoslavia. It is interesting to note that already at the time, France wanted to send an emergency force to the region, but the UK threatened to veto the resolution by fear of seeing body-bags coming back home.

A second UNPROFOR mission was established in 1992 with the mission of providing support and protection for the delivery of aid and humanitarian operations. By the end of 1993, there were 23 000 troops involved in Bosnia and Croatia with about half of them European.

¹⁶⁶ Edwards, Geoffrey, op. cit., pg. 184

¹⁶⁷ Examples of tasks: to help the UN High Commission for Refugees deal with the evacuation of the wounded and to monitor the exchange of prisoners.

France and the United Kingdom made the largest contributions to UNPROFOR in terms of both military personnel and commanding officers. NATO also played a role in UNPROFOR. Although the operations were formally carried out under the authority of the UN, NATO's Northern Army Group Forward Headquarters in Germany was moved to Bosnia to form the UNPROFOR Command¹⁶⁹. In addition, since German troops were not allowed to participate in a conflict outside the NATO area, they were replaced by French troops. This *de facto* cooperation between French troops and NATO later on played an important role in Chirac's decision to begin a *rapprochement* with NATO.

Although both these operations certainly helped alleviate the sufferings of the civilian populations, they failed to implement a real peace on the ground because of their lack of military involvement. Soon therefore the question arose as how to best transform the peacekeeping operations into peacemaking operations using military force to impose peace on the combatants. The potential use of military force by the EEC/EU posed however numerous problems, not only of principles, but also procedural and operational. Since the EEC had no military instruments *per se*, the matter was deferred to the WEU (which in the Maastricht Treaty was labeled as the future military arm of the EU). France – mirroring its position in the IGC about the links between the EU and the WEU¹⁷⁰ – called very early on for the WEU to be involved militarily. Germany was also in favor of using military force, but its position was weakened because of the restrictions placed by the German constitution on the use of German troops since Yugoslavia was out of the NATO area. In addition, the historical memory of Germany and Croatia fighting

¹⁶⁸ This was a traditional peacekeeping mission based on a peace plan by which Serbs and Croats agreed to a permanent cease-fire and security guarantees for UN forces.

¹⁶⁹ In addition, the implementation of the no-flight zone over Bosnia, the close air support for UNPROFOR, and the UN "safe areas" were all directed from a headquarter located at a NATO air base in Italy.

¹⁷⁰ It is often said that France's interests in Yugoslavia were not clear but its interest in using Yugoslavia as an instrument were extremely clear.

together for the Nazi cause during WWII did not preclude well of a German involvement in the region. The UK on the other hand –together with Spain and Greece-, was not warm about the idea of sending an intervention force in the conflict, because of its own bloody experience in Northern Ireland and because of the position the British delegation was holding at the IGC. Indeed, for the UK NATO had to remain the cornerstone of European security. As Richard Rupp puts it, *the British government maintained that the costs associated with an intervention capable of restoring peace and stability to the region would be intolerably high. British policymakers cited several factors in making the case against large-scale military intervention, including German experience in the Balkans during World War II, the difficulties in fighting a guerrilla war on Bosnian terrain, and Britain's own ongoing conflict in Northern Ireland. Britain's political leadership reasoned that the conflict in Bosnia was a civil war that would have to play itself out in the region's villages and mountainsides*¹⁷¹. However, the UK was indispensable to the success of the operation.

Talks within the WEU proved extremely painful and did not lead to anything consequent. The WEU drew up a range of military options at the request of the EU (primarily aimed at protecting the international and EC monitors) first in August-September of 1991 and then again in the autumn of 1992, but no agreement came on any of them. The options went from sending armed escorts to accompany the EC monitors to committing up to 50,000 troops in a fully-fledge military operation. The pattern that emerged was on the one hand, France who strongly favored a WEU involvement and on the other hand, the United Kingdom who strongly opposed it, with the other member-states leaning towards one or the other position. In the end, the debate was transferred to the UN Security Council under French insistence. Together with the setting up of

¹⁷¹ Rupp, Richard, "The Balkan Conflict: The Test Case for European Security Cooperation", in McKenzie, Mary and Loedel, Peter (eds.), *The Promise and Reality of European Security Cooperation: States, Interests, and*

the Contact Group, the failure to agree in the WEU marked the end of an independent EU intervention in former Yugoslavia.

Once the debate ended up in the hands of the UN Security Council, it still took about two years to find an agreement on the use of force in the conflict. Different Councils resolutions allowed for the establishment of a “no fly zone” as well as the authorization to enforce the zone, and later on an agreement on allowing UNPROFOR to take all necessary measures to defend itself. It can be said that although the use of force against Serbia was agreed in 1993¹⁷², it took several more months to actually enforce the decision because of strategic disagreements with the US, internal divisions within the EU, and fear of endangering both troops and humanitarian aid on the ground. In early 1994, it actually took a French threat to withdraw its troops from UNPROFOR to stimulate the EU Council (Greece disassociated itself from the decision) to call for an early NATO Council meeting. The UN Secretary General also requested the use of NATO airstrikes, attached for the first time to an ultimatum to the Serbs to lift the siege of Sarajevo. The first use of force occurred in April 1994 and was extremely limited (around Gorazde).

The irony is that the EU Council of February 1994 under **Greek** Presidency called for NATO and not for the WEU to organize a military response, as could have been the case under article J.4 (1) of the Maastricht Treaty. This amounted to recognition that only NATO had the necessary military capabilities for such an operation.

Institutions, Connecticut: Praeger Publishers, 1998, pg. 161

¹⁷² UNSCR 816 of March 1993 authorizing to enforce the “no fly zone” over Bosnia (UNSCR 781 – October 1992) using all necessary means.

4/ Civilian Aspects of EU Involvement

If the EEC/EU military involvement in the conflict was non-existent, its civilian involvement was definitely present, even though it was not always successful in its implementation. The EEC had accumulated experience in the first pillar; in addition, it could use the stick of sanctions against Yugoslavia. Indeed, the latter was having over than 50% of its trade with the Community. In the spring of 1991, Belgrade was warned that in the absence of a peaceful settlement of the crisis, credits and other forms of assistance were threatened and that the EEC would not negotiate a privileged association agreement with Yugoslavia. This was followed in July 1991 by an arm embargo and in November of the same year, by the suspension of an existing trade and cooperation agreement after the breakdown of the Hague peace conference first against Yugoslavia as a whole, then in December against Serbia, with counter-measures so that Slovenia, Croatia, Bosnia and later Macedonia would not be affected¹⁷³. A more comprehensive set of sanctions was agreed upon in June of 1992 against Serbia and Montenegro in the framework of UN Security Council resolution 757.

However sanctions were neither effective, nor credible. Often, the EEC/EU threatened to upgrade them, but the threat was not followed by implementation. For instance, the EC's position was weakened when, following German pressures, the Croat government was only given a warning not to continue to use Croat force in Bosnia or to pursue "ethnic cleansing" rather than face sanctions. In addition, even though sanctions can be useful and necessary in a conflict in which both sides have economic relations, they are only part of a continuum of instruments that includes eventual use of force, if parties do not comply.

It is however on the sanctions side, that the WEU went into action – with the decision of July 1992 (only operational in June 1993) to deploy naval forces under the auspices of the WEU

in the Adriatic and on the Danube in order to monitor the blockade against Serbia¹⁷⁴. The other collective action taken by the WEU was the help given to the organization of a police force in Mostar¹⁷⁵. In addition, in October 1993, the EU took its first joint action under CFSP – a decision on *civil* action in Bosnia, only common denominator member-states could find since the disagreements among them were irreconcilable with regard to the use of military force. This joint action was doomed however because it was ill-prepared and not well implemented. The joint action dealt with humanitarian aid to Bosnia. It was taken to alleviate the consequences of winter on the populations but did not fulfill its objective. On the one hand, despite the agreement among the parties negotiated by the EU in Geneva in November 1993 regarding the free movement of humanitarian convoys, combats started over in December between Croats and Muslims in Central Bosnia, while Serbs broke the Christmas truce. Even though the joint action referred to military support for the transportation of humanitarian aid, the EU did not ask the UNPROFOR or the WEU for help. Therefore, because of the situation on the ground, the implementation of the action was stopped. On the other hand, institutional problems about the financing of the action signed the death of this first CFSP implementation. This institutional imbroglio reflected a fear from the Community institutions, to see first pillar questions such as humanitarian aid being contaminated by the second pillar. Even under the EPC regime, humanitarian aid always fell under the first pillar¹⁷⁶.

The European Council of Birmingham in October 1992 tasked the Council of the EU to increase its contributions for use by the UN High Commission for Refugees (UNHCR) and to

¹⁷³ De facto, this amounted to recognition of the Republics well before the de jure recognition of January 1992.

¹⁷⁴ Operations were decided for the Adriatic in November 1992 and became operational in June 1993, while for the Danube they materialized in the spring of 1993. This was not a military action, but an action qualified by the WEU itself as a “police and customs operation”.

¹⁷⁵ This operation took the form of 200 policemen sent to assist the EU in the management of Mostar.

¹⁷⁶ See Fink-Hooijer, Florika, “The Common Foreign and Security Policy of the European Union”, *European Journal of International Law*, vol. 2, n. 5, 1994

support by all necessary means the transportation of humanitarian food aid to Bosnia following consultations with both UNPROFOR and the UNHCR. That was a good decision to take; however, when it came to implement it, the question arose as who would pay for it? Would the budget for this joint action come from the Community budget or would it come from national contributions? This discussion lasted four months in the Council of the EU¹⁷⁷, with the decision finally being made in December 1993 that the budget would be equally divided between the EC budget and national contributions. By then, winter was over and the aid was not urgent anymore. The money ended up being transferred to the administration of Mostar, another joint action to which I now turn.

The Mostar joint action is an interesting case-study of the early implementation of the CFSP. It allows to study the interplay between the different EU institutions and the possibility, raised in the Maastricht Treaty of the WEU involvement as the “security arm” of the EU. It should be said, however that technically, the Mostar joint action is not *per se* an EU initiative. Indeed, it was rather the EU answer to the Owen-Stoltenberg Plan of August 1993 and to the Washington Agreements of March 1994 creating the Muslim-Croat Federation¹⁷⁸.

Mostar was a city in Bosnia where Croats and Muslims lived. The operation launched by the EU was a peace-building operation, aimed at providing public order (with the help of WEU experts to train a joint Bosnian/Croat police force¹⁷⁹), reconciling Croats and Muslims, and rebuilding the infrastructure of the city. Hans Koschnik, the former mayor of Breme in

¹⁷⁷ Spence, A. and Spence, D., “The Common Foreign and Security Policy from Maastricht to Amsterdam,” in Eliassen, K. (ed.), *Foreign and Security Policy of the European Union*, London: Sage, 1998, pg. 52

¹⁷⁸ The Owen-Stoltenberg Plan called for the city of Sarajevo and Mostar to be respectively placed under the UN and EU administration for a transitional period of two years. In September 1993, the EU who at first was reluctant to be entrusted with such a responsibility, agreed to it and Germany came forward to bring a small administrative team for the project. However, the project could only be implemented on the ground after the reconciliation between Croats and Muslims orchestrated by the US and the creation of the Bosnian Federation.

¹⁷⁹ It was the first time the WEU had been involved in a fully integrated EU joint action.

Germany, was appointed Administrator in April 1994 and began his duty in July 1994. Once again however, the joint action would be undermined by procedural and operational problems.

A working group on former Yugoslavia was created within the Council of the EU at the beginning of the crisis, thus still under the EPC mechanisms. The group was composed of experts delegated from the permanent representations of the member-states to the EU, experts from the desk officers in charge of Yugoslavia within the national ministries of foreign affairs and a Commission representative. This composition reflected the then division of labor between the Coreper, the Political Committee, and the Commission (with the balance obviously tilting towards the member-states). This group prepared the decisions of the monthly meeting of the Political Directors, as well as the decisions of the GAC. For the Mostar case, the group was helped by another working group dealing only with the Mostar situation and meeting every week. In this group, the Commission representative in Mostar and the diplomatic adviser of Hans Koschnik were present. The rotating Presidencies also played a crucial coordinating role because of the number of actors involved in the process and because in case of an emergency, decisions needed to be taken by the Political Committee or by the GAC. In Mostar, the administrator was surrounded by advisers, sent by the Council of the EU, which gave him instructions. In addition, each Presidency designated a special representative from the Foreign Affairs Ministry, whose role was to go back and forth between Mostar and the country holding the Presidency to serve as a liaison. This was thus a heavy bureaucratic machine whose center was in the Council of the EU, with the Presidency and the national capitals as the most important players.

For instance, the financing of the joint action led to difficult negotiations between the various actors involved. Article J.11.2 of the Maastricht Treaty stated that CFSP operational

spending can be covered by the EC budget or by member-states' contributions. In June 1994, the GAC decided that the Mostar operation would be financed according to the second option and the principle of each member-state contributing according to its GDP. However, since national contributions were slow to arrive, 32 million ECU of the unspent allocation for humanitarian aid to Bosnia (see above) was transferred to provide initial support for the Mostar Administration. By October 1994 however, only three member states had paid their due while several states stated they did not want to participate in the financing of the operation. It was then decided to partially take the money from the EC budget (17 millions ECU from the member-states and 15 millions ECU from the EC budget). For that reason, the Commission and the EP requested a role in the decision-making process of the Mostar Administration, because of their legal rights to control Community spending. The Council nevertheless decided to control the release of funds to the Mostar Administrator and that the latter would only be accountable to the Council, reporting regularly to the Presidency. But because the member-states did not contribute all the money they had promised, the Council was forced to negotiate and agreed to associate the Commission to the management of the national contributions¹⁸⁰. The EP finally approved the Community budget for Mostar in October 1994.

This procedure was a call for complication¹⁸¹. First, the same joint action relied on two different budgetary decision-making, involving different institutional actors. Coherence and clarity were of course the victims of such a decision. In addition, some member-states requested

¹⁸⁰ The management of the national contributions was subjected to a very peculiar system. It was in the hand of the presidency, helped by the Mostar working group referred to above, in association with the Commission. It was the Presidency who defined the orientations and gave the amounts requested to finance the joint action. Koschnik received the contributions from the member-states, ensured the spending of the money, and regularly reported to the Presidency. It was thus the Administrator himself who became the budgetary agent of the Council, and not the Commission.

¹⁸¹ See Remacle, Eric and Delcourt, Barbara, "La PESC à l'épreuve du conflit yougoslave: acteurs, représentations, enseignements", in Durand, Marie-Françoise et de Vasconcelos, Alvara (eds.), *La PESC: Ouvrir l'Europe au monde*, Paris: Presses de Sciences Politiques, 1998, pg. 256

that the amount coming from the EC budget not be used for the WEU police force, in order to avoid an informal involvement of the Commission and the European Parliament in a “security” issue. Some member-states also were worried that the even low-key involvement of the Commission in the process could lead to the creation of a distinctive organ within the Commission for the management of the CFSP. During the negotiations of the Amsterdam Treaty, an inter-institutional agreement on the financing of administrative aspects of CFSP actions was annexed to the treaty.

With regard to the relation between the EU and the WEU, the joint action was the only one that explicitly called for the involvement of the WEU for a police operation. The Agreement on Mostar called for a unified police force under the authority of the Administrator and for the WEU to provide the international component of the force. The tasks of the WEU were to inform and advise the administrator on all aspects related to public order; to advise the administrator on the creation and organization of selection and training rules of the local police force; to organize some police tasks; and to supervise other tasks. These were thus essentially public order tasks and a logistical support for the administrator. It took a long time for the WEU to find 180 police officers, which showed that if the WEU were to have been involved in peacekeeping or peace-enforcement, the task would have been more difficult to achieve.

Finally, the joint action on Mostar was doomed by the situation on the ground, which the EU could have been able to understand if it had any sort of independent planning and analysis capability. Serb attacks on the city intensified, making it clear that it should have been a peace-making operation (involving military force) rather than a peace-building operation. In addition, the Croat leadership of the city was not cooperative on joints with the Bosnian leadership. The EU Administrator had no means at his disposal to coerce the parties, while even the WEU would

not answer to him, only taking orders from the WEU authorities. In February 1996, an attempted assassination against Koschnik led to his resignation.

Thus, even in the civilian side of the CFSP, the EEC/EU did not fare too well. The transition from EPC to CFSP and the use of the new instrument called joint action did not amount to improved efficiency. In addition to lack of will from the member-states, the institutions were involved in turf battles.

5/ Conclusions: Lessons from the 1991-1995 Balkan Wars Case

A. The Type of Action Used

The Yugoslav wars were a series of inter-ethnic conflicts in which standard diplomatic tools had little chance of success; the choice of crisis management instruments was crucial. In the early years of the conflict, the EEC/EU favored non-coercive actions based on its role as a mediator. There was a general unwillingness to use force. The lack of military force was clearly a problem to enforce decisions on the parties. Diplomatic and economic means were not enough to resolve the crisis. The EU's efforts were directed at brokering cease-fires and attempting to get the warring parties to negotiate a political settlement. The threat to use economic sanctions against republics that were not cooperative, isolate Serbia diplomatically, and grant recognition to Slovenia and Croatia had some effects on the negotiations for a political solution, as the cease-fire between Serbia and Croatia in January 1992 showed. However, the EU's role as a coercive peacemaker could not have had an impact on the conflict, as the EU itself did not credibly threaten the use of force.

Sanctions were widely used by the EEC/EU. However, sanctions, although important instruments of crisis management, are medium to long term instruments and only work if they

are coupled with other coercive instruments or if they are taken as steps towards increasingly stronger coercive diplomacy. Because the EEC/EU (and the international community) did not want to use force in Yugoslavia in the early years of the conflict, sanctions often proved ineffective. In addition, the arms embargo against Yugoslavia set up at the outset of the conflict, rather than being neutral, reinforced Serbia and to some extent Croatia's military superiority.

Finally, early on, as mentioned above, the EU favored Yugoslavia's territorial integrity and therefore, did not want to appear as taking sides in the conflict. This stance was however quickly put into question and self-destroyed by the use of diplomatic recognition of the Yugoslav Republics BOTH as *carrot* and as *stick* to induce them to cooperate.

Such as diplomatic recognition, humanitarian aid was also used both as carrot and as stick. Humanitarian aid was the primary *goal* of crisis management used by the EEC/EU. However, it was also used as a *tool* of crisis management. Humanitarian aid was important but it was a mistake to use it in place of other instruments of crisis management. As Nicole Gnesotto writes, *the West chose two approaches, which they have continually repudiated in practice while retaining them in their rhetoric. The first was mediation and impartiality in the conduct of negotiations, which presupposes dialogue with all the parties involved and the refusal to designate an aggressor: but, from November 1991, the first economic sanctions were applied to Serbia-Montenegro, against whom the West was subsequently to invoke chapter VII of the charter of the United Nations, [...], while pretending to maintain its role of mediator and refusing to denounce the aggressor by name*¹⁸².

However, once peace was established on the ground, the EU appeared as a stronger, more visible actor with regard to reconstruction issues, even though the effectiveness of the decision-making was often left to be desired. For instance, in Mostar, the EU intervention helped keep a

fragile peace between Croats and Muslims and EU money contributed to economic and technical reconstruction producing tangible benefits particularly for the Muslim part of the city. As Brian White emphasizes, *conflict resolution requires a range of different instruments and the EU clearly has a contribution to make on the basis of its existing “civilian power” capabilities*. The EU was successful at humanitarian aid delivery (although this was slow) and at defining broad political guidelines, but proved unsuccessful when it came to implement those guidelines into more precise actions.

B. The Decision-Making

The absence of a planning and analysis capability clearly prevented the EU to define a common strategy based on a European interest, a possibility that was specifically rejected during the Maastricht negotiations. Most of the time, the EEC/EU action was reactive rather than proactive. Even when there was some type of prevention and some interesting innovations such as the ECMM, the missions were doomed to failure because they were not allowed to use force. This failure to find a consensus on the use of force rested primarily of a profound misunderstanding of the conflict. A planning and analysis unit would not have resolved everything, but it would have helped to react to the events in a more informed way. The Presidency during the conflict was mainly dependent on the information the member-states were willing to share with their colleagues. Big countries have more intelligence capabilities than small one, but are very reluctant to share it.

In the same vein, the absence of a person capable of leading the various member-states and steering national positions towards a common interest or defend a common EU position was clearly felt. Every presidency came with its own agenda for the conflict. For instance, the

¹⁸² Gnesotto, Nicole, “Lessons of Yugoslavia”, *Chaillot Paper*, n. 14, March 1994

Italians pushed very hard to send the Troika for the first time in Belgrade in June 1991. Italy was a strong support of the CFSP within the IGC. However, as Nuttall underlines, *in this particular case, more immediate national interests were at stake. Italy shared a border with Slovenia, where it had important economic interests. [...] And there were only three days remaining during which De Michelis would be a member of the Troika. Whatever the motivation, the Italian initiative at the European Council showed once again that EPC suffered from the lack of an objective mechanism to define the European interest and make the necessary proposals*¹⁸³. The result was that the deliberations of the European Council became those of a diplomatic conference mediating among the domestic interests of the participants, rather than a body working out and implementing a common foreign and security policy reflecting the joint interest of the EEC/EU.

It is however clear that before the focus moved to the Contact Group, membership in the EC/EU did matter, in a positive or negative way for the EU as a whole. Collective action was the primary goal of the EU policy and had to be maintained, even if this collectivity led to inaction when there were important disagreements among the member-states or even if it was a reaction to the defection of a member-state (cfr. Germany and the recognition issue).

As Andreas Kintis underlines, *these difficulties [...] did not prevent the EU states from inventing a wide variety of new foreign policy procedures in their bid to contribute to a peaceful solution to the Yugoslav crisis. EU involvement took various forms: the dispatch of ministerial troika missions to mediate in Slovenia; successive peace conferences with a permanent EU chairman; the dispatch of teams of monitors; the deployment of an assortment of economic instruments as a means of pressure designed to support the EU's mediatory diplomacy; the imposition of economic sanction; the administration of Mostar, where the EU has assumed*

¹⁸³ Nuttall, Simon, op. cit., pg 199

*primary responsibility for the physical and political reconstruction of Bosnia's second largest city; the provision of humanitarian assistance; and support for the creation of stable political and economic systems, reconstruction and development, and the establishment of normal relations among all the states and people in former Yugoslavia*¹⁸⁴. However, this burst of creativity concerned the internal EC decision-making process. *The fact remains that when these measures failed to resolve the crisis, the EU's limited competence in security and defense matters and, more importantly, its member states' disparate foreign policy objectives together ensured that the EU's ambition to assert its presence as an international actor was impaired by its inability to maintain common positions. Even though in its initial response to the crisis, the EU succeeded in maintaining a relatively cohesive position, its later inability to compose divergent views within its own ranks undermined its effectiveness*¹⁸⁵. This statement joins the argument made in the previous chapter that member-states learnt through their mistakes and adjust the processes to increase the effectiveness of the CFSP in the treaty revisions following the Yugoslav wars.

The case of the Yugoslav wars also reinforces the argument that with regard to security and defense the most important states are France and the United Kingdom. The big member-states were also pleased to be dealing with the Yugoslav problems in other fora where they were put on equal footing with other important outside actors, such as in the Contact Group or in the UN. However, small member-states mattered too when their preferences were important to their national interests (cf. Greece and the question of Macedonia).

In addition, the rotating presidency failed in providing the necessary strong and constant leadership needed in period of crisis. This problem was especially acute when a small member-

¹⁸⁴ Kintis, Andreas, op. cit., pg. 285

¹⁸⁵ Kintis, Andreas, op. cit., pg. 285

state was at the helm of the EU. What the EU policies in the Yugoslav wars amounted to was an incredible paradox: to attempt to maintain consensus at all costs while still following national interests outside the EU.

Finally, Dayton succeeded for various reasons, one of them being that the EU and the USA worked together. It seems thus that the EU and the USA cannot solve problems in which the other has a strong interest without cooperation between them; and that in such situations it is risky to deploy European troops without American support. The earlier Vance-Owen Plan of 1993 that was not so different than the final Dayton Agreement did succeed in being accepted because of the different positions held by the US and its European allies. It is maybe not too much of an exaggeration to say that the Yugoslav Wars lasted as long as they did in part because the differences between the US and Europeans were greater than the differences within the EEC/EU itself.

CHAPTER FIVE – The CFSP-post 1999 in the Balkans – The Case of the FYROM

In the 2003 edition of the Journal of Common Market Studies' Annual Review, Allen and Smith wrote that *the Western Balkans have for a long time been symbolic of the failure of the EU's CFSP. Nevertheless, by the end of 2002, there were distinct signs that at last the EU might be beginning to pull together the political, economic, military, judicial and civilian aspects of its external policy into a coherent whole*¹⁸⁶.

Following the institutional changes referred to in chapter two of the thesis particularly since the Amsterdam Treaty, the question that arises is whether those changes impacted the action of the EU in the Balkans. One major conflict that threatened to reopen the Balkan question was the ethnic problem in the Former Yugoslav Republic of Macedonia (FYROM) between the Albanian minority and the Macedonian majority. FYROM had always been branded as the success story of ethnic cohabitation in the Balkan. However, the country seemed to slip towards more violence, especially after the 1999 war in Kosovo. Determined to avoid not only a repetition of the first Balkan Wars and of the Kosovo conflict, but also a spillover to the rest of the region, this chapter analyzes how the EU as an actor in itself, responded to the Macedonian situation. The first section gives some background on the situation in Macedonia that led to the 2001 crisis, while also briefing introducing the special relationship one EU member-state, Greece has with FYROM. The second section analyzes the EU decision-making

¹⁸⁶ Allen, Dave and Smith, Michael, "External Policy Developments", *Journal of Common Market Studies – Annual Review*, vol. 41, pg. 104

process in the conflict. Finally, the chapter concludes by taking the findings of this case-study to a more theoretical level.

1/ The Context

A. The Greek Problem

Macedonia was one of the republics of the former Yugoslavia whose independence was deemed acceptable by the Badinter Commission at the outset of the first Balkans Wars in January 1992¹⁸⁷. The then EEC however postponed recognition of the international legal personality of Macedonia, following Greek opposition to it. At the Maastricht European Council of December 1991, Greece indeed succeeded in inserting a clause in the conclusions requiring from Macedonia *a commitment to adopt constitutional and political guarantees assuring that it has no territorial claim towards a neighboring member state of the Community, and that it will not undertake propaganda hostile to that state, including the use of a name which implies territorial claims*. Greece's argument was that despite constitutional changes stating that Macedonia had no territorial claims in Greece, the use of the name "Macedonia" implied expansionist claims, because of its link with Greek history. Although the probability that such a small country, whose economy was exhausted and with no military would invade Greece (which had an important military in addition to being a NATO member and thus protected by the US) was close to none, Greece's EEC partners did not oppose its demands.

A closer look at the situation reveals however that Greece's fears were twofold. First, it was worried that Macedonia's independence would put the focus on Greece's own minorities, Macedonians, as well as Turks and Albanians. The issue was that Greece had never recognized

the Macedonian minority and referred to it as “Slavophone Greeks.” Turks and Albanians were referred to as “Muslim Greeks.” Greece thus feared that the existence of a Macedonian state would generate instability within the country¹⁸⁸. Second, Greece feared that Macedonia independence would push the country in the Bulgarian sphere of influence, whose relationship with Turkey was warming up. This would be an unacceptable position for Greece, as both Bulgaria and Turkey were Greece’s adversaries.

In the spring of 1994, individual EU countries began to establish diplomatic links with Macedonia. Macedonia was also accepted in the UN General Assembly under the temporary name of Former Yugoslav Republic of Macedonia. In November 1995, Greece and FYROM began to normalize their relationship by signing an interim agreement, not without Greece having in the preceding years imposed a unilateral embargo on Macedonia that was deemed contrary to the EC according to the Commission who took Greece to the European Court of Justice. The Macedonian case is thus a good example on how the politics of one member-state held hostage an EU foreign policy that was on the whole pretty coherent¹⁸⁹.

B. The UNPROFOR Preventive Deployment (UNPREDEP)

During the Yugoslav Wars, Macedonia was to become one of the first examples of conflict prevention by the international community. Through UN Security Council Resolution 795 adopted in December 1992, the UN decided on the deployment of a preventive force in the

¹⁸⁷ See Chapter three on the EU and the Yugoslav Wars.

¹⁸⁸ Gow also shows how the Macedonian question was linked in Greece’s cognitive map to the Cyprus question. *The island was not part of Greece – indeed it appeared to have been abortive moves by the Greek generals to invade the island which prompted the Turkish invasion. However, it was clear that Cyprus formed part of the Greek mental landscape and that, following the Cyprus model, any acknowledgement of a minority, especially Turkish, would imply eventual moves towards annexation.* – See Gow, James, op. cit., pg. 79

¹⁸⁹ The Greek policy towards Macedonia also shows however, how the foreign policy of an EU member-state has become Europeanized throughout the years of working within the CFSP structures. See for instance, Kavakas, Dimitrios, “Greece”, in Manners, Ian and Whitman Richard (eds.), op. cit., pg. 146

country, in order to avoid an extension of the on-going conflict. At the height of its power, the UNPROFOR FYROM mission comprised 1,107 troops in June 1994. This early concern with FYROM was also explained by the argument that a war in Southern Yugoslavia would probably not be contained, but would have regional ramifications, possibly involving two NATO allies, Greece and Turkey¹⁹⁰. The force was deployed along the border between Macedonia and Serbia, particularly the section with Kosovo. The scenario was that a war in Kosovo would lead to the support of Macedonia's Albanian minority, as well as of Albania and that Albania would send arms to Kosovo through Macedonia. UNPROFOR worked closely with the ECMM who had personnel in the country that was involved in mediation, for instance by assisting negotiations between Albanian factions and by providing channels for contact between the Ministries of Defense and Foreign Affairs in Skopje on the one hand and Albanian political leaders on the other hand. The UN mission only left the country in 1999.

Interestingly, the Macedonian crisis of 2000-2001 is widely seen as a left-over from the Kosovo war of 1999, a scenario already envisaged in 1992.

C. Origins of the Crisis

The origins of the Macedonian crisis can be traced in structural and more conjectural factors. Structurally, since its independence from Yugoslavia in the early nineties, Macedonia has suffered from a "security deficit"¹⁹¹. Macedonia's identity has been challenged externally and internally. Externally, three of its neighbors have grievances towards the country. Bulgaria has challenged Macedonia's language, claiming it is only a dialect of Bulgarian. Greece has challenged the country's name and flag, accusing it of irredentism. Finally, Serbia has refused to

¹⁹⁰ This also explains the important American contingent in the UNPROFOR FYROM mission.

recognize the separate existence of the Macedonian Orthodox Church. Internally, Macedonia comprises an important Albanian minority, whose relationship with ethnic Macedonians has suffered from a mutual lack of trust. Although a long history of hostility cannot really be accounted for, some specific events (such as proclamation from some Albanian parties to wish a reunification with Kosovo and Albania or Macedonian police interventions in Albanian towns in the mid-1990s) have led to question the fragile equilibrium among both ethnic groups. Such a security deficit is only reinforced when one takes into consideration the fact that FYROM is not only a young state, but had to deal with key external events during its decade of independence. Macedonia has indeed been in the midst of a regional turmoil since its independence that has affected both its security, such as during the Kosovo conflict, and its economy, which suffered from the embargoes on Yugoslavia and the trade embargo imposed by Greece in the early 1990s.

In this uncertain context, the Macedonian government showed less flexibility in dealing with the Albanian minority over the ten years of independence. The question for instance of an Albanian University was not perceived as a way of improving the quality of education offered to Albanians, but as a political claim which, if fulfilled, would further increase Albanian nationalism. Neglecting legitimate Albanian demands only accentuated the fragility of the state, because the minority began to identify the state and its government with ethnic Macedonians. Albanians thus became more responsive to groups that were calling for the use of force, as a reaction to what they saw as the failure of traditional Albanian political parties to secure crucial reforms to the Macedonian Constitution guaranteeing better minority rights.

This situation combined to more conjectural factors triggered the 2001 conflict. It is to those conjectural factors that I now turn. First, an arms smuggling and trafficking network was

¹⁹¹ See Balalovska, Kristina; Silj, Alessandra, and Zucconi, Mario, "Minority Politics in Southeast Europe: Crisis in Macedonia", *Ethnobarometer – Working Paper*, January 2002

operating in and out of Kosovo in the mountain border between FYROM and Kosovo. Second, the Kosovo war was interpreted by some Albanian factions as a victory of force against negotiations. Third, an agreement between Belgrade and Skopje on the demarcation of the border between the two countries was reached in February 2001. As a result, a mountain area in Northern Macedonia, which had been a no-man land since 1991 because of the lack of agreement on the borderline, was assigned to FYROM. Fourth, the negotiations between NATO, Belgrade, and the Albanians rebels (grouped in the PMBLA – Presevo – Medvedja – Bujanovac Liberation Army) in the Presevo Valley sealed the defeat of the Albanian rebellion in the area, while Serbian troops were authorized to enter the buffer zone in March 2001. Therefore the PMBLA had to find another area to seek refuge and take its weapons. The faction regrouped in the mountainous area of Northern Macedonia with the National Liberation Army of Macedonia (NLA) who was only then beginning to get organized, occupying some villages along the borders of FYROM, Serbia, and Kosovo. In January 2001, the first attacks against Macedonian police patrol occurred and the conflict started.

2/ The EU CFSP Decision-Making

When looking at the EU policy-making process during the crisis in FYROM, it can be fairly said that the “capability-expectations gap¹⁹²” was not as wide as in previous crisis the EU had to face. In about two years and a half, the EU made enormous progress in putting in place a whole new institutional framework for the CFSP and the ESDP. Although these institutions/structures are still today relatively new and are still trying to find their role and place

¹⁹² See footnote 70.

in the global EU decision making process, they allowed the EU action in FYROM to produce a more positive outcome than was the case in previous Balkans crisis.

A. The High Representative

First the role of the High Representative for CFSP, Javier Solana, was invaluable. The creation of the post of High Representative definitely brought the visibility/continuity element that was lacking in the EU's CFSP and was deeply felt during the first Balkan wars. Mr. Solana traveled to Skopje very frequently and put pressure on both the Macedonian and the Albanian sides to arrive at an agreement by political means. It is remarkable, to that extent, that almost each time Javier Solana was leaving Skopje, the relations between the two parties were dropping to a low level and he needed to go back to put the political process back on track. When in May 2001 a government of national unity was formed, Solana kept rushing to Skopje whenever the coalition seemed under strain. As Nicholas Whyte puts it, *rather than pompous and ineffective statements from the Council of Ministers, Europe is now sending in Javier Solana, a figure with almost the authority of an American Secretary of State*.¹⁹³

Credit should be given to Mr. Solana for its input in the position of High Representative. As was explained in the second chapter of the thesis, the post was called for in the Amsterdam Treaty, but as a new institutional structure, a lot was depending on the precedents being created through the first person holding the position. The choice of Mr. Solana was to that extent an excellent one. Mr. Solana brought to the EU his numerous international contacts made through his position as former Foreign Affairs Minister of Spain, as member of the International Socialist, and as former NATO Secretary General. He is widely respected by Europeans and

¹⁹³ Whyte, N., "L'heure de l'Europe – Enfin arrivée?", in Whyte, N.; Arbatova, N. A. and Allin, D. H., "The Macedonian Crisis and Balkan Security", *ESF Working Paper*, no 2, July 2001

Americans, a quality that was regarded as crucial by all member-states. What is more, his qualities as negotiator are unanimously praised in all diplomatic circles.

In addition, the creation of the policy unit allowed the High Representative to have a permanent representative in Skopje when he himself could not be there¹⁹⁴. The Policy Unit, also established in the Amsterdam Treaty and previously referred to as the Policy Planning and Early Warning Unit¹⁹⁵, is the think-tank of Solana. However, it is more and more obvious than rather than being a long-term policy unit, it is becoming the support staff of the High Representative on his day-to-day work. This is a consequence of the small entourage who works directly for Solana. The DG CFSP of the Council of the EU, although working closely with the High Representative is first and foremost responsible for helping every Presidency.

B. The Commission

Mr. Solana however, could not have accomplished the results he achieved, without using some sort of incentives, which were in the hands of the European Commission. The looming signature of the Stabilization and Association Agreement (SAA)¹⁹⁶ between the EU and FYROM was certainly the stronger incentive Mr. Solana could have used to pressure the two parties in the conflict to conclude a political deal. Indeed the SAA gives FYROM the status of a potential EU candidate, thus opening up the possibility of future accession to the EU¹⁹⁷. On April 9, the EU

¹⁹⁴ However, it is also important to note that this shuttle diplomacy went in both directions, Macedonian officials being also invited in Brussels. The Macedonian Foreign Affairs Minister visited Brussels several times, while the President of FYROM attended the European Council of Stockholm in June 2001.

¹⁹⁵ See chapter 2 of the thesis.

¹⁹⁶ The Council of the EU adopted on January 24, 2000 its negotiating directives to the Commission. The negotiations were launched by the Commission in Skopje on March 5, 2000 and the agreement was signed on April 9, 2001.

¹⁹⁷ As the preamble of the Agreement states, 'the European Union's readiness to integrate to the fullest possible extent the former Yugoslav Republic of Macedonia into the political and economic mainstream of Europe and its status as potential candidate for EU membership on the basis of the Treaty on European Union and fulfillment of the criteria defined by the European Council of Copenhagen in June 1993, subject to successful implementation of this Agreement, notably regarding regional co-operation.'

made Macedonia the first southeastern European country to sign the Stabilization and Association Agreement, the most important first step established by the EU in the process toward institutional integration. Interestingly enough, the final deal over the SAA was reached during the negotiations for the formation of a grand coalition government, a key demand of the EU to put an end to the threat of civil war in the country (all the parties represented in parliament were invited to Luxembourg to the signing ceremony of the Agreement). The very fact that the Agreement was signed by the EU even though Skopje was still far from the required standards is a sign of the political capital the EU and its member-states were ready to invest to bring political stability in FYROM.

The process of the SAA has important political, economic, and symbolic significance and is one of the most important elements of a multiple EU strategy designed to favor a progressive process of integration of the countries of the Western Balkans into the EU. To support this statement one just needs to look at the different parts of the agreement: respect of international peace and stability; political dialogue between the EU and FYROM; enhanced regional cooperation among the Western Balkans countries; perspective of the establishment of a free-trade area between the EU and FYROM; movement of workers; commitment by FYROM to approximate its legislation to that of the EU; and cooperation between the EU and FYROM in a wide range of areas, including issues of the third pillar. The creation of the SAA dates back to April 1997, when the EU General Affairs Council adopted a Regional Approach towards the Western Balkans, establishing political and economic conditionality for the development of bilateral relations with Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, and FYROM. In 1999, the Commission proposed the establishment of a Stabilization and Association Process (SAP) for Albania, Bosnia and Herzegovina, Croatia, the

Federal Republic of Yugoslavia, and FYROM. The SAP provided a new framework for the development of relations between these countries and the EU. For the first time, it offered those countries a prospect of EU integration, based on a progressive approach adapted to the situation of each country. The SAP offers major incentives to these countries, but also sets political and economic conditions. In order to develop a closer relationship with the EU, these countries have to gear their political, economic, and institutional development to the values and models underpinning the EU: democracy, respect for human rights, and a market economy. According to Michael E. Smith, these agreements are also the result of a Commission strategy to increase its influence in the EU foreign policy. Indeed, *rather than wasting its resources and inviting disputes by initiating numerous CFSP actions, the Commission has tended to pursue a strategy of embedding foreign policy issues in broader sets of EU agreements or policies, such as "Association Agreements" [...]. These agreements are in fact an institutionalized framework to help achieve coherence among the EU's policies toward important areas of interest.*¹⁹⁸

The much-awaited bureaucratic battle between the Council and the Commission did not occur in FYROM. The factor of urgency played an important role: there was a strong sense among the EU institutions and the EU member-states that FYROM was on the verge of a civil war. In addition, the failed experiences of the wars in Bosnia and the experience in Kosovo were other important factors that help understand the relative easiness with which the relations between the Council and the Commission developed and the willingness of and consensus among the member-states to delegate authority to the High Representative. The personalities of

¹⁹⁸Smith, M. E., "The Quest for Coherence: Institutional Dilemmas of External Action from Maastricht to Amsterdam", in Sweet, A. S.; Sandholtz, W. and Fligstein, N. (eds.), *The Institutionalization of Europe*, New York: Oxford University Press, 2001, pg 185

both Mr. Solana and Mr. Patten are also quite compatible, one not trying to hinder the other over his job. Both try to respect as much as possible their own competencies.

In addition, the External Relations Directorate General (DG) under Commissioner Patten, is not a DG trying to push for more Commission visibility in the field of CFSP, but rather is a DG that is trying to protect the competencies acquired in the past and to deliver efficient and effective policies. The focus is on delivering and managing, rather than on a political vision about the role of the Commission in the second pillar. Part of the reason that might explain why this is so should be looked for in the Santer Commission debacle of 1999¹⁹⁹. The actual Prodi Commission is still a Commission that is trying to recover from that episode. On the overall, *Javier Solana, the EU high representative for the common foreign and security policy, and Chris Patten, the EU external relations commissioner, have made great strides in exercising Europe's political clout and improving its speed and performance in delivering assistance and providing access to European markets and institutions.*²⁰⁰

Finally, the EU, through the Commission, promised to organize a donors' conference for FYROM on condition that the Macedonian parliament approved and implemented the agreement on constitutional reforms. The new Rapid Reaction Mechanism (RRM) was also first utilized in the FYROM crisis. The mechanism was created in February 2001 to allow the European Commission to dispatch Community funds rapidly in case of emergency²⁰¹. The creation of the RRM was a response to the new EU development in crisis management/crisis prevention. One can wonder if the creation of the RRM was not a specific response from the Commission to the development of new structures within the Council on crisis management such as the Situation

¹⁹⁹ The Santer Commission resigned in 1999 amid accusations of fraud and mismanagement of funds.

²⁰⁰ "Taking Stock and Looking Forward – Intervention in the Balkans and Beyond", *United States Institute for Peace Special Report*, February 22, 2002, n. 83

²⁰¹ The funds available through the RRM are 20 million euros for 2001 and 25 million euros for 2002.

Center. What is more, the Commission was really handicapped by the fact that it was responsible for the Community funds but had no way to deploy them rapidly. The first action undertaken under the RRM dates back to March 2001 and concerned the houses destroyed or damaged by the fighting in the areas of Tetovo and Skopska Crna Gora. In October 2001 the Commission adopted a decision to finance a Confidence Building Program for FYROM, also with the funds of the RRM. The 10.3. Million euro budget for this action was conditional on full ratification of all the amendments to the FYROM Constitution, as well as on the adoption of a new law on local government, as was requested by the Ohrid agreement signed in August 2001. The Commission also proposed to extend to FYROM the mandate of the European Agency for Reconstruction for Kosovo and Yugoslavia. Europe Aid, the EU agency for development too was involved in the management of the crisis. It set up a special working group in Brussels and a local team to support projects in FYROM.

Although most of the financial incentives were part of the EC (1st pillar), it is a fact that the diplomatic visibility was more in Mr. Léotard and Solana hands, rather than with the Commission Delegation in Skopje. The Commission Delegation in Skopje kept a rather low profile, due to the personality of the head of the delegation. Also the whole system of Commission delegations was in the process of being reformed, as part of a broader reform of the Commission external aid management decided by Patten.

C. The Member-States

To now turn to the member-states, they also realized that they should act together to maintain their credibility. They consistently spoke with one voice. The June 16, 2001 statement of the EU Foreign Affairs Ministers read: “We urge the Macedonian authorities to achieve tangible progress now. The Macedonian government must present a report on interethnic peace

efforts to EU Foreign Affairs ministers on 25 June”. Losing aid was the alternative, something Macedonia could not afford, especially considering the hole in the budget due to the war efforts. On June 25, a special meeting of the EU foreign ministers was convened in Luxembourg to discuss the crisis. Summoned there was the Macedonian Foreign Affairs Minister Ilinka Mitreva. Determined to bring the ethnic Macedonian leadership and ethnic Albanian politicians to a compromise, the EU foreign affairs ministers appointed former French Defense Minister François Léotard as special EU envoy to Macedonia²⁰². They also warned Skopje not to count on new financial assistance unless the Macedonian government and the ethnic Albanian opponents settled their differences. That same condition, they made clear, applied to any prospect for integration into the EU. The constitutional French lawyer Robert Badinter who had been very active in the first Yugoslav Wars²⁰³, was summoned up to help reform the Macedonian Constitution.

The system of the rotating Presidency quite paradoxically was not a hindrance in the FYROM crisis. The crisis worsened in March 2001 under the Swedish Presidency. As a matter of fact, Sweden does not have an embassy in FYROM and Sweden’s interests are represented by the British Ambassador in Skopje. However, there was just a change in Ambassador at the time and the new British Ambassador was quite young. What is more, since Sweden was holding the Presidency, the British Ambassador could not represent the UK, Sweden, as well as the EU as a whole, if it is just for practical reasons. This is when the consensus was reached that there should be an EU Special Envoy to Skopje. The choice was set up on François Léotard, a former

²⁰² The appointment of an EU representative, acting under the authority of the High Representative for CFSP was confirmed at the European Council of Göteborg on 15 and 16, June 2001.

²⁰³ See chapter three of the thesis.

French Defense Minister.²⁰⁴ Quite surprisingly, the discussions were not so difficult regarding the person who should hold the position, but proved more difficult regarding who, from the European Commission, the Council of the EU, or the member-states should fund Mr. Léotard's costs, reflecting once more the awkwardness of the pillars division. The decision was finally reached that it was the Council who should pay for the costs of the Special Envoy. It was clear that the Commission did not want to establish a precedent, especially if it meant taking money from the Community budget to pay for the representative of the member-states!

D. NATO and the US

Going besides the EU policy making during the crisis, a word should be said of NATO role that was also deeply involved in the management of the crisis. NATO and EU collaboration on the matter was remarkably good and close, something that one could not even have imagined about four years ago. It was all the more remarkable that at the time of the crisis, NATO and the EU were embroiled into finding an agreement on the use by the new ESDP of NATO assets²⁰⁵.

NATO was needed in the crisis management process as the military deterrent. Mr. Solana went several times to Skopje with Lord Robertson, NATO Secretary General to increase the pressure on the Macedonian government and on the Albanian side. NATO was necessary because the EU ESDP had not yet been declared operational. What is more, NATO was already on the other side of the northern border of FYROM, i.e. in Kosovo, closely watching the developments in FYROM. And although NATO's relationship with Skopje and particularly with the Macedonian public soured during the crisis, the situation was almost schizophrenic in the

²⁰⁴ Mr. Léotard has now been replaced by Mr. Leroy. This change reflects the progress made in the management of the crisis. Mr. Léotard was a higher diplomatic figure and had more visibility than Mr. Leroy who is less politically known.

²⁰⁵ See chapter two of the thesis

sense that the vulnerability of Macedonia made the presence of Western forces an indispensable guarantee²⁰⁶. Moderate leaders often recalled UNPREDEP (UN Prevention Deployment Mission) as a presence they would have liked to see reestablished. For all the resentment it attracted in 2001, NATO had somewhat taken over the security role played in the 1990's by the UN force. That, and the enduring desire to join the alliance²⁰⁷, explained why even the most nationalistic parts of the Macedonian political spectrum respected the Alliance. For the Albanians, NATO and the EU were an indispensable element of the political equilibrium in Macedonia. In addition, NATO had earned a lot of capital with the Albanians since the Kosovo war. For instance it was NATO and the EU that convinced the NLA to change its claim from territory to rights for the minority. And after the signing of the Ohrid Agreement it was the NATO representative, Peter Feith who concluded a separate agreement with NLA leader Ahmeti in which the Albanian fighters agreed to demobilization under NATO control.

With regard to the involvement of the US²⁰⁸ in the conflict, Washington sent a resident envoy -James Pardew²⁰⁹ - to FYROM to help conclude the Framework Agreement of August 13, 2001. In addition, one of the important moments in the conflict was the agreement on “common

²⁰⁶ Schizophrenic because at the same time, the majority of the Macedonians resented NATO as being bias towards the Albanians, because of NATO military campaign against Serbia in 1999.

²⁰⁷ There were expectations related to NATO enlargement as a consequence of the important role FYROM played during the Kosovo war.

²⁰⁸ Following a now classical division of labor, while the EU was supporting the peace with “soft instruments”, the US was providing the Macedonian government with military help. The US for instance sent two unmanned spy planes to help the government track the movements of the guerrillas. Washington was however also very generous with aid. The Bush administration requested an increase in bilateral aid to Macedonia to about 45 million dollars, in addition to 11 million in military aid.

²⁰⁹ Pardew was the second Western envoy to be designated as *persona non grata* after Robert Frowick. After Pardew vehemently protested with Prime Minister Ljubco Georgievski against the way in which the police-training program (funded by the US) was being run, and what he called mistreatment of the Albanians who were recruited for the first training course, Georgievski reacted angrily. He told the American envoy that he would no longer be allowed into the Prime Minister's office or into any other government building and ordered the police to kick the ambassador out should he not comply with that order. In November, Pardew left the country.

action” struck in Prizren in late May 2001 between the NLA²¹⁰ and the two main Albanian political parties, the DPA and the PDP²¹¹. As Balalovska, Silj, and Zucconi note, *the agreement was secretly negotiated by Robert Frowick, an American OSCE official in Skopje, who was de facto special envoy of President Bush to President Trajkovski. [...] When the news of Frowick’s mission leaked out, it produced an outcry in the Macedonian public and among political leaders, and Frowick was asked to leave the country. But by then his mission had been accomplished*²¹².

Both sides also asked for a NATO presence in the country, but NATO did not want to get involved in the fighting²¹³; therefore the West increased its pressure to arrive at the peace agreement before sending in troops. A Western approach that mixed aggressive pressure on the local parties and the offer of substantial financial assistance was therefore consistently followed in the period after June 25. On July 5, both parties signed an agreement on a new cease-fire. The talks began on July 9 on a platform suggested by Léotard and Pardew. The plan contained provisions on local government, the use of the Albanian language, changes in the preamble of the constitution, and Albanian representation in public administration. Talks ensued and the plans were modified several times to accommodate both Albanians and Macedonians. The final agreement, known as the Ohrid Agreement was signed in August 2001. Interestingly, after stating that it was concluded under the auspices of the President of the Republic and listing the names of the representatives of the political parties who signed it, the final provisions also

²¹⁰ National Liberation Army

²¹¹ This agreement is one of the most obscure episodes of the conflict. It is still in the open as to whether this was a unilateral American initiative taken without consulting NATO or the EU. When the agreement was announced, the office of the President of the EU Commission condemned it, issuing a statement that said that “the EU and its member countries have already made clear that there is no place for the NLA and its political representatives at the negotiating table.” The US Embassy in Skopje also condemned the agreement as “totally unacceptable”, counting on the fact that no one in Skopje was supposed to know that Frowick (officially with the OSCE) had acted under direct instructions from Washington.

²¹² Balalovska, Kristina; Silj, Alessandro, and Zucconi, Mario, “Minority Politics in Southeast Europe: Crisis in Macedonia”, *Ethnobarometer*, Rome: 2002, pg. 30

named as witnesses Léotard and Pardew. Of course, Léotard and Pardew were not there as simple witnesses; they had engineered the whole negotiation and the final deal. Special representatives of Brussels and Washington had been in Macedonia in the previous phase. Observers consistently talk of “heavy pressures” by the outside actors aimed at making the two local parties come to a compromise. The Macedonian government was the party targeted with the heaviest pressure. However, as mentioned before, substantial rewards were also put on the table for its compliance, such as the SAA. The tandem EU-NATO definitely had authority on the turn of events. Even the nationalistic Macedonian Prime Minister Ljubko Georgievski, while denouncing the pressures that had compelled his government to “accept to reward terrorism,” warned that “it is obvious we should not gamble with NATO’s authority²¹⁴.”

E. Evaluation

Although it is true that the EU faired well in the case of FYROM, the situation was relatively less complex than the previous Balkan conflicts the EU had to deal with. First, none of the neighboring countries supported the Albanian guerilla. Second, the government in power in FYROM could be considered on the overall as a relatively moderate government, if one compares it for instance to the Serb leadership in Bosnia during the first Yugoslav Wars.

It thus seems that the Balkans, because of the institutional improvements in the EU second pillar, because of their geographical closeness, and because of the possible use of the “soft” instrument of candidacy for a future enlargement, are globally not an area of contention

²¹³ Reversing its previous, repeated stand of no troop commitment in Macedonia, on June 27, President Bush said that he was not ruling out the possibility that US armed forces be sent to that country, and that no option was “off the table.”

²¹⁴ Cited in Zucconi, Mario, “The “external factor”: the Macedonian state’s security deficit and the international community”, in Balalovska, Kristina; Silj, Alessandro; Zucconi, Mario, op. cit., pg 87

among the EU Member-states anymore and it can safely be said that it is the only area in the world where there is a true *European foreign policy*.

However, for all the smoothness with which the EU decision-making process worked during the FYROM crisis, several points of contention need to be identified. First, the problem of the inter-pillar coherence is still at the core of the CFSP decision-making process. As David Hannay states, *for all the success so far of the Solana/Patten duo, the welcome truce in the traditional turf fighting between the Commission and the Council still rests on the fragile basis of two outstanding individuals determined to repress the natural tendencies of their officials.*²¹⁵ The best solution would be the adoption of an inter-institutional agreement between the Council and the Commission to define who does what, but the prospects of such an agreement are very thin. Charles Grant rightly pointed to the fact that *the current institutional arrangements, with responsibilities split between the Commission and the Council, Coreper and the PSC, and Patten and Solana, are sub-optimal. A potential strength of the EU compared with other international organizations, is that it should be able to draw upon a wide range of foreign policy tools – ranging from technical assistance, to humanitarian aid, to trade sanctions, to warplanes. At the moment, the EU makes a poor job of coordinating these various instruments, and is weaker as a result.*²¹⁶

The second area where things also need to be improved is the area of conflict prevention. The EU still does not fare good at policy prevention. To that extent, it is interesting to note with Christopher Hill that *the concept [of conflict prevention] is still nowhere referred to in the*

²¹⁵ Hannay, D., “Europe’s Common Foreign and Security Policy: Year 1”, *European Foreign Affairs Review*, n. 5, 2000, pg. 279

²¹⁶ Grant, C., “A European View of ESDP”, Presented at a CEPS-IISS meeting in Brussels, 10th September 2001

*revised Title V even after the Treaty of Nice.*²¹⁷ Some early signs were pointing to the fact that a crisis might emerge in FYROM, especially since the Kosovo conflict in 1999. First the growing importance of Albanian refugees from Kosovo in FYROM following Milosevic crackdown on Albanians in Kosovo and the NATO air campaign from March until June 1999. Repeatedly the Macedonian government warned the international community that it could not take more refugees on its soil, for economic reasons, but also by fear of reverting the fragile ethnic composition of the country. Second, there was a lot of evidence that a massive activity of arms smuggling in the region of Kosovo-northern FYROM and Southern Serbia was occurring²¹⁸. Reports were available showing that Albanians in FYROM border villages were arming themselves. Third, the EU failed at establishing a linkage between the crisis of the Presevo Valley²¹⁹ and a possible crisis in FYROM. The participation of ethnic Albanians from Macedonia in a number of meetings in Kosovo but also in Macedonia, in part related to the activities of the KLA²²⁰ and PMBLA²²¹ in the Presevo Valley and more generally, to the problem of pan-Albanian extremism should have alerted the Macedonian government and the international community. Finally, warnings had also come from ethnic Albanian political leaders to the effect that there were

²¹⁷ Hill, C, "The EU's Capacity for Conflict Prevention", *European Foreign Affairs Review*, vol. 6, issue 3, Autumn 2001, pg. 322

²¹⁸ It was however widely known that members of the Macedonian government participated in the arms trafficking, one of the reasons why this issue was not well dealt with.

²¹⁹ The crisis of the Presevo Valley can be analyzed as a consequence of the Kosovo war. After NATO stopped its air campaign, Milosevic had to agree to the withdrawal of its security forces from Kosovo and to the establishment of a five kilometers-deep demilitarized zone along Kosovo's border with Serbia. In this zone, an Albanian guerilla force emerged: the Liberation Army of Presevo, Medvedja and Bujanovac from the names of these three municipalities with an important Albanian population. Initially the stated goal of the guerilla was to protect the Albanian population of the region from Serbs repressive actions. Step by step however, the stated claim of the guerilla became to unite their region with Kosovo. A perspective that could not be accepted by the Serbs, already worried that they might lose the province of Kosovo, actually under a UN administration. This perspective also worried FYROM because the Presevo Valley is located on the Northern border of FYROM. The Presevo Valley is internationally recognized as part of Serbia. Following Milosevic political defeat and the arrival of the Kostunica government in Serbia, the international community finally allowed the Serbian army to come back in the Presevo Valley, under NATO supervision in March 2001. This, in turn, led those guerrillas "to lose their jobs" and they were "recycled" in the fight for Albanians in FYROM.

²²⁰ Kosovo Liberation Army

radical elements in the ethnic Albanian community who may take action if the parties failed to convince the governments and the parliament to approve reforms that would meet Albanian claims. The attention of the international community was more focused on Kosovo and Serbia, and FYROM was regarded as a relatively stable country and a model for the other countries in the Balkans²²².

The EU's capacities to manage crisis have quite improved, but prevention still poses a problem. Most of the work of crisis prevention lies within the Commission and the Commission has been doing crisis prevention for a very long time, even though it was politically incorrect to label this work as conflict prevention, since it sounded "too political". What seems to emerge with the new developments in CFSP/ESDP within the EU is a division of labor between the Secretariat General of the Council and the Commission, the former doing short term work, while the later is focusing on long term work. This is probably not an ideal division, but unless the member-states decide to reform the way the EU acts as an international political actor, this is the tendency that is emerging at the moment. To be fair, the EU did help FYROM with different projects in the years preceding the crisis. The EU sponsored reforms of the judicial and administrative system. In addition FYROM was included in the NATO Partnership for Peace and the negotiations for the Stabilization and Association Agreement were begun early. These last two choices reflect the will of the EU and NATO to show that FYROM was on the road of becoming part of the "West".

Finally, the rotating-Presidency system needs to be reformed. Although the system did not prevent the EU of showing continuity in its work in the FYROM case, the problem is still present and could be a very striking one in another case, when the convergence of interests is less

²²¹ Presevo, Medvedja, and Bujanovac Liberation Army

²²² This was so since the first Balkan Wars.

strong and now that the EU is a group of 25 states. What is more, there are important disparities in member-states diplomatic resources in international affairs and the six-month rotating presidency system often confuses third parties, even though in the Macedonian case the Presidencies relied almost entirely on the High Representative.

3/ Conclusions

This final section of the chapter is an attempt to make sense theoretically of what the empirical case study has shown.

I will label the CFSP decision-making in the case of FYROM as a *transgovernmental/transinstitutional system of governance*; this denomination will be used as the theoretical roof characterizing/generalizing the CFSP decision-making. This concept emphasizes the empirical finding that the policy-making in the EU second pillar is located between intergovernmentalism and supranationalism, to refer to terms borrowed from EU integration theories. Indeed, when studying the decision-making process of the EU second pillar different questions arise such as: when is it fair to say that a group of member-states civil servants/ambassadors cannot be considered anymore as delegates from their member-states but as a supranational institution, or at least as a group who transcends a simple intergovernmental college? When do the member-states decide that it is less costly for them to delegate power, rather than being involved at every stage of the decision-making process? If the Commission does not use its right of proposal in the second pillar, is it because it has another strategy in mind that could strengthen its role in the CFSP process with less visible means?

What the analysis of the EU second pillar decision-making process in the FYROM crisis emphasizes above all is the fact that to understand the functioning of the EU CFSP, one needs to look beyond the treaties i.e. at the actual implementation of the policy. Indeed, although the

second pillar is legally intergovernmental (the Commission has only a shared right of initiative together with the member-states; neither the European Parliament nor the European Court of Justice are involved in the CFSP decision-making process), it appears that it is becoming more and more transgovernmental/transinstitutional. I purposively do not use the term “communitarized”, as this would imply an identical decision-making process as the one found in the first EU pillar, which is obviously not the case. In addition, if the process were intergovernmental, the most important actors in the decision-making of the EU second pillar would be the member-states. However, we have seen in the case study analyzed that CFSP is in fact a process that is not only intergovernmental. Of course, member-states were important actors in the process²²³, but other actors, previously established such as the Commission or more recent, such as the High Representative and his team were also part of the decision-making and member-states had to work with them.

Indeed, what is emerging in CFSP, next to the European Commission, is a more and more autonomous Council Secretariat General, with the High Representative at its center. From a role similar to a secretariat general of a classic international organization, i.e. mainly drafting minutes of meetings, the Secretariat General of the Council is acquiring more and more political power since the creation of the post of the High Representative. To that extent, it is interesting to note with one of the interviewees that some three and a half years ago, the civil servants of the Council Secretariat General were very much silent during the meetings of the Council Working Groups or/and the meetings of the Council of the European Union. Today, they do not hesitate anymore to express themselves during these meetings. Although it is still very early to talk

²²³ It is the member-states who are giving mandate to the High Representative to act as a deal-broker in a crisis.

about general theoretical conclusions, one can wonder if the “unintended consequences” identified by historical institutionalism²²⁴ are not slowly emerging.

Indeed most of the member-states’ desire is to keep the Commission as much outside the CFSP decision-making process as they can. The creation of the post of High Representative, originally a French idea, was intended to fill in the gap in EU visibility vis-à-vis third parties. But to some member-states, and particularly France, it was also intended to show the Commission that the EU second pillar was remaining in their hands²²⁵. However, the way Javier Solana is modeling the position, might make some member-states have second thoughts. Solana is getting more and more identified by external actors as being the EU. Time will tell if the notion of “path-dependency” advanced by Pierson is useful in understanding some of the aspects of the institutional developments in the CFSP decision-making process. Historical institutionalists argue that it is important to look at *how prior institutional commitments condition further action, limit the scope of what is possible and cause agents to redefine their interests*,²²⁶ what in other words they call the “lock-in effect” of previous decisions taken and difficult to change later on because of their unintended consequences.

Intergovernmentalism would thus not be an appropriate tool to understand the decision-making process of the second pillar in the case of Macedonia. Neo-functionalism would not be neither as it would give preeminence to supranational institutions, with the Commission playing an entrepreneurial role. The Commission, or rather the instruments that the Commission has

²²⁴ For historical institutionalism, see Pierson, P., “The Path to European Integration: A Historical Institutional Analysis”, *Comparative Political Studies*, vol. 29. n. 2

²²⁵ The Amsterdam Treaty states in its article 26 that ‘the Secretary-General of the Council, High Representative for the Common Foreign and Security Policy, shall assist the Council in matters coming within the scope of the common foreign and security policy, in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties.’

²²⁶ Schneider, G. and Aspinwall, M. (eds.), *The Rules of Integration: Institutional Approaches to the Study of Europe*, Manchester: Manchester University Press, 2001

under its responsibility, were important factors that needed to be used by Solana to strike a deal in FYROM, but the Commission as such was not the preeminent actor the neo-functionalists like to see in the EU decision-making process. Therefore the need to look for a new concept to understand the implementation of the CFSP.

The notion of transgovernmental is preferred over the notion of transintergovernmental because the latter would refer to a decision-making process that involves high-ranking level political figures such as heads of state and of government. However, although there is no doubt that this is true when the fundamental mechanisms for CFSP/ESDP were created and written in the EU treaties, what this article is concentrating on is the actual implementation and every day working of the EU second pillar. What appears to be happening, especially in our case study on FYROM is an increasing involvement of Brussels-based diplomats, beside the figurehead of Solana on the ground. This is particularly true in the case of the European Commission with a foreign policy based more and more on expertise and technical matters.

Transinstitutional refers to the importance of the relations between institutions. To that extent, the relations between the Council Secretariat General and the Commission will be essential to the development of a coherent foreign policy of the EU. This seems to have been taken into account in the new constitutional treaty and the decision to appoint an EU Foreign Affairs Minister who will also be Vice-President of the Commission.

Finally, the notion of transinstitutional puts the emphasis on the external factors relevant to the crisis, the relationship with NATO and the US. Without the inclusion of these variables, an understanding of the governance system in the CFSP is not complete. In the case of FYROM, there was a strong convergence of views between the transatlantic allies, a convergence that was absent for a long time during the first Balkan Wars. In this context, Washington let the European

allies take the initiative in the military dimension and assisted with logistic and transportation. It is even striking, that due to the Macedonian resentment against NATO, during the negotiations of the Ohrid Agreement, Washington probed the Europeans on the possibility of a military EU operation. However the logistics of a NATO-EU agreement were not in place yet and most Europeans did not feel confident enough to let the EU take the lead of a military operation.

CHAPTER SIX - The CFSP-post 1999 in the Middle East

Europe's interests in Middle East are numerous and stem mainly from the geographical proximity of the region to some EU member-states. Those interests include the dependency on Middle Eastern oil; the question of Muslim/Arab immigration to Europe; the need to neutralize threats from the region (proliferation of WMD, religious extremism, international terrorism and various smuggling activities, etc.); and the need to assist the economic and political development of the region. It is thus understandable that when the EU CFSP was established in the Maastricht Treaty, the Mediterranean region was singled out as one of the priority areas for the new policy. In addition, when Solana took his post, the Middle East conflict quickly became one of its priorities. The Middle-East case is interesting in that the EEC already had since the 1970s a set of unified positions vis-à-vis the Arab-Israeli conflict, the best example of socialization at work in the EPC²²⁷. These unified positions were however held in parallel with the member-states foreign policies. For this reason, the appointment of Javier Solana as High Representative, although less prominent than in the Balkans, has increased the visibility of the Union and the coherence between the member-states foreign policy and the EU CFSP, even though from time to time member-states still like to put forward their ideas on the future of the region. The key difference also vis-à-vis the post-1999 Balkans situation is the still important role of the Presidency in the formulation of the Middle-East foreign policy. The first section of this chapter gives an historical background on the EEC/EU position vis-à-vis the Israeli-Arab and Israeli-Palestinian conflict up until the aftermath of the Oslo agreements. The second section analyzes the major actors of the EU foreign policy decision-making process in the recent crisis that erupted in 2000. Finally the last section draws theoretical conclusions from the case-study.

1/ Historical Background

A. From Divergences to the Venice Declaration

The EU foreign policy vis-à-vis the Israeli-Palestinian conflict has witnessed – such as its policy in the Balkans - an important evolution. From member-states holding complete opposite positions, to member-states' positions coming together – but with still un-coordinated diplomatic action -, to member-states holding common positions and attempting to appear more united in their diplomatic action, the changes are astonishing. More recently the appointment of the High Representative created more coherence in the EU CFSP vis-à-vis the Middle East. To understand this evolution, it is necessary to look at where the EEC/EU foreign policy in the region is coming from.

Until the oil crisis of 1973, the EEC member-states were very much holding different positions with regard to the Arab-Israeli conflict with Germany and The Netherlands closely supporting Israel and France at least since 1967, developing a foreign policy closer to the Arab states. However, the issue would quickly become one of the first items on the EPC agenda and one of the most successful stories of EPC in coordinating European foreign policy. As Ben Soetendorp notes, *in spite of the original different views among the member-states with respect to the Arab-Israeli conflict, the EC member-states managed during several years to bridge their differences and to compromise on a common foreign policy towards the Arab-Israeli conflict and the preferred course of action to solve this conflict. Moreover, this common policy was a deliberate effort to follow an independent course towards the Arab-Israeli conflict and the*

²²⁷ See chapter two.

*resolution of that conflict, by which the EC as such distinguished itself from the other major Western player in the Middle East, the United States*²²⁸.

The literature on this area shows that the major reason the Arab-Israeli conflict ended up on the EPC agenda, was due to France's pressures to have it so. The goal was to bring the EEC partners closer to the French position, i.e. supporting the Arab side, while at the same time, defining an independent policy from the US. However, before the oil crisis of 1973, neither Germany, nor The Netherlands were ready to side with France, although they realized the increased European dependency on Middle-Eastern oil.

The oil crisis proved to be the catalyst for Europeans to start speaking with a more unified voice. In order to increase their influence on Europeans and on the US, the Arab states organized themselves in the Organization of Arab Petroleum Exporting Countries (OAPEC) and divided the oil consumers into different categories depending on their positions vis-à-vis the Arab-Israeli conflict. The friendly countries, such as France and the UK, continued to enjoy free flow of oil. Most of the other EC members were subjected to some cut-backs, while The Netherlands, who had consistently defended Israel, was categorized as enemy and was completely embargoed.

A joint EEC declaration was adopted in November 1973, following Franco-British pressures. The declaration called for Israel to withdraw from the territories occupied since the war of 1967, while restating the right of each state in the region to live in peace within secure and recognized borders. In addition, for the first time, the then nine EEC member-states recognized that account had to be taken of the legitimate rights of the Palestinians in the establishment of a just and lasting peace. The evolution was put in motion. In 1974, the Nine

²²⁸ Soetendorp, B., *Foreign Policy in the European Union: Theory, History, and Practice*, New York: Longman, 1999, pg. 93

started to refer to the Palestinians as the Palestinian people. A year later, they stated in the UN General Assembly that a Middle East settlement should include recognition of the right of the Palestinian people to the expression of their national identity. In 1977, the member states endorsed, under British Presidency, the French opinion that the Palestinians have a right to their own homeland. The declaration also stated that the Palestinian people should participate in the negotiations on an overall settlement.

This led in 1980 to the Venice declaration, a milestone in the EEC/EU common position with the Arab-Israeli conflict. The declaration acknowledged that the Palestinians were entitled to fully exercise their right to self-determination and that Israel had the right to exist in a secure environment. The declaration also for the first time called for the PLO to be associated with the negotiations on a peace settlement. As Soetendorp underlines, *within ten years France managed to push its views on the content of the common EPC declarations regarding the Middle East conflict. The EC as a whole endorsed the French belief that the recognition of the rights of the Palestinians is the key to a Middle East peace settlement*²²⁹. For a long time, the Venice declaration was to remain the point of reference of the EU policy vis-à-vis the Middle East conflict.

It is also in the context of the oil crisis that the separation between the EPC and the EC ended, when the EC decided to enter talks with the Arab world in 1974. The talks demonstrated that it was no longer possible to separate political matters from commerce. Soon after, the European Commission, which had been excluded from the EPC, became involved in coordinating links between the EPC and the Council.

However, the influence of the EC on the ground remained limited both because the US did not want any extra-involvement and because Israel did not trust the EEC/EU to be an honest

broker. For instance at the start of the peace negotiations between Egypt and Israel, following the Arab oil embargo, the USA did not really want the EEC to be involved in the negotiations, mainly because the two had very different opinions as to where the process ought to go. While the US adopted a gradualist approach concentrated on separate bilateral agreements between Israel and its Arab neighbors, the EEC member-states favored multilateral negotiations that would involve all parties concerned and would lead to an overall peace settlement. In addition, while the US left it to the parties to agree on solutions, the EEC formulated itself what the final solution should be. Israel and the US exerted considerable pressure on the EEC to support the Camp David Agreements and to avoid making any different unilateral move. The US at the time had already become the major player in the Middle East and Israel trust in the EEC had greatly declined. As Hazel Smith writes, *the EC promised a new political initiative in the peace process but in practice was unable to offer much of substance given US and Israeli hostility. Instead the EC found itself reluctantly continuing to support US initiatives [...]. In general, the EC failed to play a significant part in securing amelioration of the conflict or in making any significant contribution to peace*²³⁰.

B. The End of the Cold War and the Peace Process

When the Cold War ended and the US managed to re-launch the peace process between Israel and its neighbors after the first Gulf War, the EU was not invited to act as a co-sponsor of the peace talks²³¹, although it was invited to the Madrid Peace Conference²³². Responding to the

²²⁹ Soetendorp, B., op. cit., pg. 103

²³⁰ Smith, H., *European Union Foreign Policy: What It Is and What It Does*, London: Pluto Press, 2002, pg. 169

²³¹ This is not for lack of trying to have a role. On June 5, 1991, the Foreign Affairs Minister of Luxembourg and President of the Council of the EU declared that the EEC would participate together with the US and the USSR to the peace process whose goal was to reopen the Israeli-Palestinian question.

²³² The Madrid Peace Conference begun in October 1991 and inaugurated two negotiations tracks, a bilateral one and a multilateral one. The bilateral talks were between Israel and Jordan, Israel and Syria, Israel and Lebanon, and

changes in the international system, the USSR was instead chosen as the co-sponsor of the peace process. The EU was also excluded from the separate bilateral negotiations between Israel and its neighbors Syria, Lebanon, and a joint Jordanian-Palestinian delegation. The EU was however given a more prominent role in the multilateral track of the Madrid Peace Process, as the US expected the EU to contribute a substantial share to the funding of the peace process.

At about the same time the Madrid process was launched, the Maastricht Treaty signed in December 1991 assigned to the Council the task of elaborating a report on the possible evolution of the CFSP with a view to determining the areas in which joint actions (which was a newly created foreign policy instrument) could be developed. The report was presented in June 1992 at the Lisbon European Council and contained the first orientations on possible joint actions for the Mediterranean region: *In the current phase, some of the determining factors of important common interests can be enumerated. The following, among others, are those factors that must be taken into consideration when defining the issues and areas of joint actions:*

- *geographic proximity of regions or specific countries;*
- *an interest in the political and economic stability of the regions or countries;*
- *the existence of threats to security interests of the Union*²³³.

The report also listed several geographical areas where the EU should adopt joint actions. The Mediterranean region, particularly the Maghreb and the Middle East was one of them. With regard to the Middle East, the Council's report recalled that the region had been a source of constant concern for the Europeans. When defining the spheres that could generate joint actions, the following were mentioned:

Israel and the Palestinians. The multilateral track was in charge of building a future for the Middle East region, by focusing on key issues in the region, such as water, environment, arms control, refugees and economic development.

²³³ Bulletin of the European Communities, 1992, 6:20

- *supporting the peace process and guaranteeing active participation of the Union in the said process;*
- *influencing Israel to change its attitude in relation to the settlements and convincing the Arabs to renounce their commercial boycott;*
- *supporting the actions aimed at regional integration;*
- *guaranteeing that countries in the region comply with the treaties on disarmament and arms control;*
- *examining foreign policy aspects in matters of terrorism and drug trafficking.*

At the Brussels European Council in October 1993, the European Council reaffirmed that the Middle East was one of the five priority areas for the implementation of joint actions on the basis of article J.3 of the Maastricht Treaty. The developments of events that would follow and the continuing strong presence of the US in these events would make it difficult for the new EU to implement the proposals of the Lisbon report. As will be later developed, the EU however succeeded in adopting a joint action with regard to the MEPP, but it was extremely limited in scope and did no more than supporting the other EU activities being developed outside the CFSP framework.

The secret peace negotiations between Israel and the PLO at Oslo produced an Israeli-Palestinian Declaration of Principles on Interim Self-Government Arrangements in September 1993. Although neither the US nor the EU played a mediating role in the Oslo negotiations, the US regained quite soon its leading role in the management of the implementation process, this time both in the political and economic components of the peace process. The EU however, deprived of political clout, exploited its economic power to increase its influence in the peace process through concrete financial contributions. It became the world largest donor to the PA

and to the Palestinian refugees via the UN Relief Works Agency (UNRWA). It also co-chairs the Ad Hoc Liaison Committee for assistance to the Palestinians. It not only underwrites the PA institutions, but also contributes to its operating budget. Following the Oslo agreements²³⁴, the EU indeed chaired the Regional Economic Development Working Group (REDWG) and co-organized the working groups on environment, water, and refugees. The important financial support the EU brought/brings to the PA is based on its projection of the creation of a Palestinian state. As Ginsberg notes, *the Palestinians have come to depend as much on the EU for an economic lifeline and diplomatic support as the Israelis have come to depend on the US for diplomatic support, military cooperation and economic aid.*²³⁵”

Since the EU had failed to convince the US to invite the PLO to the Madrid conference, it attempted to impose its line in the REDWG. It refused for instance to accept Israel’s request that Palestinians from outside the West Bank and Gaza should not participate in the REDWG meetings. Israel threatened to boycott the REDWG meetings, but the EU went ahead and started the negotiations without an Israeli representation. In addition, the EU held hostage a new bilateral trade agreement with Israel until Israel gave up on Palestinian representation in the working group²³⁶. The group made little progress towards achieving its goal, i.e. to increase regional integration through joint economic development, but it nevertheless facilitated political ties and cooperation between Arabs and Israelis. As David Lennon underlines, since then, there has been a clear transatlantic division of labor with regard to the MEPP. *While the United States as the global superpower seeks accommodation, the Europeans have been helping by providing*

²³⁴ The original Oslo Agreement was signed in Washington in September 1993 and included a clause of mutual recognition between the PLO and Israel, as well as steps to arrive at a solution to the conflict based on the principle of land for peace. The agreement was renegotiated in 1995.

²³⁵ Ginsberg, R., *The European Union in International Politics: Baptism by Fire*, Maryland: Rowman and Littlefield Publishers, 2001, pg. 136

²³⁶ Hollis, R., “Europe and the Middle East: Power by Stealth?”, *International Affairs*, vol. 1, 1997, pg. 19

*services, development funds, and humanitarian aid to the needy. The EU describes its role as being complementary to US political leadership: essentially, the United States supports and protects Israel, while the EU provides the Palestinian side with funds and political support*²³⁷.

Israel still does not accept Europeans as official brokers in the political process because it sees them as pro-Palestinian. However, individual European diplomats and leaders have played facilitating roles, most notably in creating the framework for the peace negotiations that began in Oslo in 1993.

As mentioned above, the EU adopted in April 1994 a joint action within the CFSP framework²³⁸. The joint action referred to some general policies, such as contributing to redefining the relations between the countries of the region, monitoring Israel settlements in the occupied territories, participating in the international conventions to guarantee peace in the region in the context of the process initiated at Madrid, supporting measures to promote democracy and human rights, and working to lift the Arab boycott of Israel. Other aims focused on areas where the EU was more active: developing its role in the *Ad Hoc* Liaison Committee (AHLIC); maintaining its prominent role in the REDWP and intensifying its participation in other multilateral groups; and working to speed up the application of aid programs for the Occupied Territories. The joint action specified a number of instruments such as support for the establishment of a Palestinian police force, help in organizing and monitoring elections in Gaza and the West Bank, and participation in the temporary international presence in the occupied territories if needed. To reward Israel, the joint action also provided support for the organization of an international economic conference on infrastructure projects in the region and the conclusion of a new association agreement.

²³⁷ Lennon, D., "The European Union and the Middle East", in Guttman, R. (ed.), *Europe in the New Century: Visions of an Emerging Superpower*, Boulder, CO: Lynne Rienner Publishers, 2001, pg. 113

As Barbé and Izquierdo note, *logically, the practical results of the joint action are more clearly visible in those areas where the EU has greater weight and experience: economic aid to the Occupied Territories [...] and participation in the AHLC as prime donor; presidency of the REDWP; and concrete commitments referring to the Palestine Police Force and the preparation of Palestinian elections. However, the EU's activities with respect both to aid for the Palestinian Territories as well as the fora of economic cooperation did not require the joint action procedure within the CFSP framework as they were already being developed. The same was true of the contribution to the creation of the Palestine Police Force which could be included in the assistance for developing Palestinian governmental and administrative structures. Thus, the central political element of the joint action became the contribution to the preparation of Palestinian elections and coordination of the international observation operation*²³⁹. The Joint Action was thus in line with the low profile exerted by the EU in the MEPP. The policy implemented in the Middle East is based to a large extent, on the EC pillar. In the more political area, agreement was still difficult to reach and member-states were much less inclined to relinquish sovereignty. Also, the joint action was taken in haste, more to show what the EU could do with its CFSP, than because of its content. It was very broad, lacked clarity of purpose, and was not adequately operational. Much of what is in the action had already been done or could have been done by the EC in conjunction with the old EPC.

Another way the EU has sought a greater diplomatic role in the MEPP was by appointing in 1996 its first Special Representative to the region, Miguel Moratinos. However, analysts agreed that the EU's diplomatic role remained extremely limited relative to its economic

²³⁸ See decision 94/276/CFSP

²³⁹ Barbé, E. and Izquierdo, F., "Present and Future of Joint Actions for the Mediterranean Region", in Holland, M. (ed.), *Common Foreign and Security Policy: The Record and Reforms*, Virginia: Pinter, 1997, pg. 130

presence²⁴⁰. National reflexes were still at the forefront with, for example, the dispatch of the French foreign minister to Lebanon during the April 1996 Middle East crisis. The appointment of a Special Envoy to the Middle East was to that extent a double-edge instrument. On the one hand, it reinforced the EU visibility in the region. On the other, his mandate, although broad²⁴¹, is to be applied within the context of intergovernmentalism, since he cannot commit the EU without the previous agreement of the member-states. *As a consequence, Mr. Moratinos has encountered great difficulties in cutting for himself a role beyond that of “facilitator” of the peace talks, although he has taken part directly in many stages of the negotiations, earning the trust and respect of all the main actors involved*²⁴². Moratinos became indeed a very valuable partner to the US Special Envoy in the Middle East, Dennis Ross, in helping mediate political agreements between the Palestinians and Israel, using the leverage the EU had with the Palestinians. The appointment of a Special Envoy was also seen with a lot of skepticism from both Israel and the Arab states. For Israel, it was seen as a further sign of the EU’s desire to meddle in the peace process. The Arab states questioned Moratinos’ experience as well as his ability to play a significant political role. His mandate was very broad and it was thus unclear what his specific functions would be and how his activities would complement the existing EU/European institutional framework²⁴³. However, as Peters writes, *the presence of a European special envoy has allowed European Middle East policy to become more visible to regional and*

²⁴⁰ Hollis, R., “Europe and the Middle East; Power by Stealth?”, *International Affairs*, vol. 73, n. 1, 1997, pg. 15

²⁴¹ His responsibilities include: to establish and maintain close contacts with all the parties to the peace process, and all other key regional and international countries and organizations; to observe negotiations and to be ready to offer the EU’s advice and good offices should the parties request this; to contribute, where requested, to the implementation of agreements reached between the parties, and to engage with them diplomatically in the event of non-compliance with the terms of these agreements; to engage constructively with signatories to agreements within the framework of the peace process in order to promote compliance with the basic norms of democracy, including respect of human rights and the rule of law.

²⁴² Muzu, C., op. cit., pg.46

²⁴³ See Peters, J., “Europe and the Arab-Israeli Peace Process”, in Behrendt, S. and Hanelt, C.-P. (eds.), *Bound to Cooperate – Europe and the Middle East*, Germany: Bertelsman Foundation Publishers, 2000, pg. 159

*extra-regional actors, to become more flexible and responsive to developments in the peace process and to identify specific areas where Europe can undertake practical measures to help build confidence between the parties and support agreements reached*²⁴⁴. The appointment of the Special Envoy for the Middle East was also met with great reluctance by the Commission. As one interviewee pointed out, the EU Delegation in Israel was even wary of providing him logistical support.

2/ Post-1999 Changes?

The period under investigation here is the one going from the breakdown of the Camp David Agreement under President Clinton sponsorship in 2000 and the subsequent launch of the second Intifada until the present. The outbreak of the second Intifada and the subsequent election of Ariel Sharon as Israel's Prime Minister in February 2001 made a return to the negotiating table extremely difficult. In addition, at first, the new Bush Administration operated a fallback from direct involvement in the conflict. An analysis of the role the EU played during the ongoing crisis is relevant to understand the decision-making process of the CFSP in time of crisis.

There has been four phases to the recent crisis: the Sharm el-Sheik and Taba negotiations of winter 2000-2001; the Mitchell Commission; the dialogue on security and humanitarian matters in spring 2002 (which was particularly effective in bringing an end to the siege of the Basilica of the Nativity in Bethlehem); and the creation of the Quartet. During the crisis, it has been noted that *the presence of Javier Solana as representative of the Union as a whole rather than any particular member states is a novel concept that has helped to raise the profile of*

²⁴⁴ Peters, J., op. cit., pg. 160

*Europe's policy on the conflict*²⁴⁵. Three stages can be differentiated in the EU involvement in the current crisis. First, from September 2000-2001, the EU – as an entity or through its member states – was very active in order to set up a lasting cease-fire, in coordination with the Clinton administration in the Sharm el-Sheik summit, then alone, as the new Bush administration stayed in the background. These attempts failed because the parties were unwilling or unable to stop the violence. Then, after 9/11, the Bush administration came back to the MEPP with a more multilateral approach to the situation. On the other hand, 9/11 led to the association of Arafat with terrorism. Then came the third phase, which saw a reassessment by the Europeans of their position: force is not the only solution. Europeans came with an array of proposals, aiming at restarting the peace process. Two ideas were recurrent in the proposals: elections or referendum in the PA in order to give a new legitimacy to the Palestinian leaders and immediate proclamation of a Palestinian state whose precise outlines would then be negotiated with Israel on the basis of UN Resolutions 242 and 338. Differences among member-states were however present with the UK and Germany insisting on the priority of security considerations.

A. The High Representative

Since the changes introduced in the Amsterdam Treaty and the appointment of Javier Solana as the High Representative, the EU coherence and visibility in its foreign policy in the Middle East has increased. However, contrary to the Balkan situation, where Solana's position is almost comparable to the US Secretary of State, in the Middle East, member-states still like to

²⁴⁵ Ortega, M., "Conclusions: Peace Lies in Their Hands", in Ortega, M. (ed.), *The European Union and the Crisis in the Middle East – Chaillot Paper* 62, July 2003, pg. 53

be directly involved – when they sense that their own position would reach further than the common EU denominator²⁴⁶.

Solana became very involved in the various international attempts to deal with the crisis that broke out in October 2000. The crisis developed into a violent confrontation between Israel and the Palestinians, leading to a cycle of retaliations and counter-retaliations with the Israeli military intervention in the Palestinian-ruled territories and the destruction of the infrastructure of the PA. The goal of the international community at that point, was to achieve a truce between the parties, so that the peace process could be saved and restarted. A summit was held in October 2000 in Sharm el-Sheikh, Egypt with the Israeli Prime Minister Ehud Barak, Yasser Arafat, Bill Clinton, Kofi Annan, the leaders of Jordan and Egypt, and Javier Solana, as the EU representative²⁴⁷. After long negotiations, the parties agreed in principle to end the violence and to establish a commission of inquiry into the crisis. Solana became one of the five members of the Sharm el-Sheikh Fact Finding Committee, also known as the Mitchell Committee, for the name of the former US Senator who led it. The recommendations of the Mitchell Committee were to end the violence, to rebuild confidence, and to resume negotiations. However, neither side was ready to implement them. The fighting continued and the peace process actually collapsed.

The EU was also present at the Taba negotiations in January 2001. Since the beginning of the second Intifada, the EU, as a whole, seems to have involved itself more into the search for a solution to the crisis. In February 2002, the EU Special Envoy published an article in the

²⁴⁶ Improvements are definitely present since the time when the foreign ministers in the EU bumped into each other without knowing they were going to meet in the region. For instance in 1996, the Council President and Italian Foreign Affairs Minister, Susanna Agnelli, toured the Middle East on behalf of the EU at the same time as the then French Foreign Affairs Minister, Hervé de Charette was doing so²⁴⁶.

²⁴⁷ His presence was specifically requested by Arafat.

Israeli Haaretz newspaper about the 2001 Taba negotiations, detailing the points of agreement as well as the open questions. This way Moratinos tried to shift the public debate in Israel and Palestine back to the issues to be resolved in talks on the final status – building on the European assessment that the Israeli and American approach of dealing with security matters first would not work without a political vision.

Solana launched into a discrete shuttle diplomacy, meeting Israeli and Palestinian leaders. He proposed a plan that was endorsed by the Göteborg Council of June 2001²⁴⁸ and was to become the main EU strategy for dealing with the crisis. The Solana report recognized that the US was an indispensable partner in the crisis. Europe and the US may have different approaches but they have the same goal and must therefore constantly consult each other to make sure that their efforts are complementary. Solana indicated that the EU should also undertake close consultations with the UN Secretary General, Russia, and Japan. The High Representative wanted to improve the political dialogue with Israel and to pursue a relationship of trust with the Palestinians, as he realized that any initiative to solve the crisis that did not receive the support of both sides was doomed to fail. He also noted that any plan to solve the crisis had to be based on the Mitchell report, though he admitted that there was an urgent need for a plan that translated the recommendations of that report into reality.

Throughout the second Intifada, Solana maintained a high profile in the Middle East, trying at all times to keep the EU united whilst seeking to keep the US interested in pressurizing Israel into moderating its increasingly intolerant behavior towards the Palestinian Authority. In 2002, Solana was twice denied access to Arafat by Israel and, during one meeting between Arafat and the EU Special Representative Miguel Moratinos, Arafat headquarters came under fire from Israeli helicopters. Despite lack of trust from Israel towards the EU, Solana did

succeed in maintaining the EU's profile in the MEPP in particular via the role that he played in the work of the quartet. In October 2002, under Danish Presidency, the Quartet presented the road map that was supposed to lead to a negotiated settlement to be reached by the end of 2005 with the creation of a Palestinian state. The initiative was mainly based on EU proposals, as we will see later on.

In the first section of this chapter, we saw how in the past, member-states would pursue their own diplomacy if the EU common denominator was lower than their own foreign policy. This was especially the case of France. As Soetendorp writes, *Solana ended this practice and achieved a higher level of coordination among the Member States. Through close cooperation with the European Council, the Council of Ministers and the rotating Presidencies, the High Representative has established himself as a valuable agent of the Member States rather than a threat to their sovereignty. The Nice Treaty has in fact reinforced the central position and responsibility the High Representative has in the making of a common European foreign policy*²⁴⁹.

B. Member-States and Presidencies

Some member-states wanted the EU however to play a greater role in the process. France and Germany presented two separate peace plans. The French plan called for a declaration on the return of Israeli troops to the positions they held before the beginning of the 2000 Intifada; an independent Palestinian state and its recognition by Israel; general elections in the Palestinian Authority under international supervision to give the Palestinians a new and more democratic leadership; and final status negotiations between Israel and the Palestinians. The German plan

²⁴⁸ See Report of the Middle East to the Göteborg Council, June 15, 2001, pg. 195

²⁴⁹ Soetendorp, B., op. cit., pg. 294

called for a cease-fire; the withdrawal of Israeli troops; international peacekeeping troops to patrol a buffer zone between Israel and the Palestinian areas; the declaration of a Palestinian state; an end to Jewish settlements in Palestinian occupied territories; and a negotiation on Israel's borders and the status of Jerusalem. The two plans were discussed at the General Affairs Council of February 2002 and received broad support from the other member-states, but did not become the basis for a new EU peace plan. Indeed, divergences remained among member states. For instance Fischer, the German Foreign Affairs Minister stated that at that stage, elections could further radicalize Palestinian society. The UK was also opposed to any move out of line with the US policy.

After the diplomatic mission to Israel in April 2002, where Solana and the Spanish Presidency were not permitted to visit Arafat in his HQ failed, the EU became more divided on its approach towards Israel. The European Parliament recommended and the Commission proposed taking trade sanctions against Israel, but the Council failed to reach consensus on the issue with Germany, The Netherlands, and the United Kingdom opposing such a move, preferring instead to back the peace mission of the American Secretary of State, Colin Powell. In May 2002, in a meeting in Washington DC, the US formed the Quartet Group on the Middle East, composed of the US, the EU, the UN, and Russia. As Ben Soetendorp writes, *thus, more than twenty years after the Venice declaration and ten years after the Madrid conference, the EU is at last fully involved in Middle East peacemaking*²⁵⁰.

Up until the second Intifada, the EU had significant political influence over the PA, as was underlined above. Although the EU leverage over Israel is quite weak (most notably because Germany and The Netherlands are very reluctant to do anything against Israel), it could

²⁵⁰ Soetendorp, B., "The EU's Involvement in the Arab-Israeli Peace Process: The Building of a Visible International Identity", op. cit., pg. 293

exert some pressure, as it takes the bulk of Israel's total exports, many of which are tariff free or subject to significant tariff preferences. On the other hand, whilst the EU is Israel most important trading partner, Israeli exports to the EU are worth \$7.6 billion compared to EU exports to Israel amounting to \$13.9 billion. Israel made it also clear that any attempt to apply political conditionality under the terms of the 1995 EU-Israel trade agreement would result in the exclusion of the EU from the Middle-East peace process. In addition, the EU's political impact is limited by a still deep seated Israeli distrust of the EU for what it considers a pro-Arab policy and of the Europeans in general given the long shadow of the past that still hangs over European-Israeli relations following the Holocaust. Israel has indeed constantly denounced the European declarations on the Middle East for their one-sidedness, for pre-judging the outcome of the negotiations, and for the way in which they reflect the views of the Arab states. The Venice declaration reflected a low point in Israel's relations with the European Community from which it has never fully recovered. Under the Sharon government, Israel has pursued a boycott of EU/European officials who visited Arafat²⁵¹.

The Quartet Group was born mainly out of the 9/11 attacks on the US and the new way the Bush administration decided to approach the MEPP. When the Bush administration first came into power, it decided to step back from direct involvement in the peace process, basing his judgement on the failure Presidency Clinton encountered towards the end of his Presidency with the Camp David negotiations. Combined with the 9/11 attacks, paradoxically, the new US administration opted for a more multilateral approach to the process, through the creation of the

²⁵¹ One of the most now "infamous" episodes of EU-Sharon relations was in April 2002, when the EU Foreign Affairs Ministers decided to send Solana and Josep Piqué, the Spanish Foreign Affairs Minister and head of the EU Presidency to the region. The result was failure and humiliation for the EU. Not only, did Israel not allow the delegation to meet Arafat, but the Israeli Prime Minister also refused himself to see the EU representatives. Later on however, Sharon authorized, under pressure from President Bush, the US envoy, Anthony Zinni, to meet Arafat. – See Osborne, A., "At least we tried", *The Guardian*, April 5, 2002

Quartet Group. With the Quartet, both the High Representative for CFSP and the EU Special Envoy to the Middle East have increased their power of negotiation. The road map was first agreed upon at an informal meeting of the EU foreign ministers in Elsinore, Denmark on August 30, 2002. That paper had a significant influence on the Quartet's own road map²⁵², which can be seen as an important success for EU diplomacy. First, the EU was successful in pushing and having the EU approach accepted – the need to have a political perspective and a clear timetable, as well as immediate gains for both parties. Second, the EU was successful in keeping the US working on finding a common approach, even though there have clearly been different priorities. Third, the EU was successful in convincing the US administration not to physically eliminate Arafat. The road map accepted by the Quartet differed however in various points from the declaration accepted by the EU foreign affairs ministers. For instance the Quartet document does not mention the 1967 borders as a point of reference and makes entry into each of the following phases conditional on the achievement of certain benchmarks. The EU was also not successful in persuading the US to release the road map before the Israeli elections. The US instead went with Israel's request that the road map be not published before the legislative elections of January 2003. The US on the other hand did not succeed in imposing its view to the Europeans/EU that Arafat be sidelined from the peace process. Hill notes that *from a cynical perspective it could even be said that it (the Quartet) is a way of keeping the EU and Russia compromised – and therefore quiet - through conceding them a superficial share in US-sponsored mediation. At the same time it was being set up, during the crisis over presumed*

²⁵² The road map comprises three phases. First, from 2002 until the first half of 2003, the map calls for Israeli withdrawal to their positions of September 28, 2000 and support for the Palestinians holding free, fair, and credible elections early in 2003, based on the recommendations established by the Quartet's International Task Force on Palestinian Reform. In the second phase, efforts will be focused on the option of creating a Palestinian state with provisional borders based upon a new constitution in 2003. The third and final phase would see Israeli-Palestinian negotiations aimed at a permanent status solution in 2005.

Palestinian terrorists holed up in the Church of the Holy Nativity in Bethlehem during May, the Europeans were being treated by the US as merely useful for “clearing up”, with Italy in particular being expected to provide exile for the Palestinians despite not having been consulted²⁵³.

It should however be emphasized that the peace plan accepted by the EU and presented to the Quartet was the result of good diplomacy led by the Danish Presidency rather than by Solana. Solana helped on the ground, but it was more of a Danish tour de force. In addition, within the Quartet the EU is still a triad and is represented by Solana, Patten, and the Presidency. What is more, various proposals still surface from the member-states when the Quartet meets. For instance at its July 2002 meeting, Germany presented a non-paper to the Quartet proposing a three-phase process: first, Arafat would nominate a Prime Minister who would reform the PA until elections would be held. Second, a provisional Palestinian state would be created. Third, negotiations on the final status would be over by 2005 at the latest, which would allow the creation of a real Palestinian state. France proposed an international conference that would re-launch the peace process. Denmark for its part, who at the time was holding the EU Presidency suggested setting up working groups to solve practical problems²⁵⁴.

Thus, Presidencies and member-states have also kept an important role in the crisis, but that role has tended to be more consistent and coherent with the EU role as a whole. The EU has been successful in negotiating cease-fires in some limited conflict situations. For instance, EU mediators were able to secure early in the second intifada a cease-fire between Gilo and Beit Jalla. However, these mediations were limited and did not prevent on the whole further escalation of violence.

²⁵³ Hill, Christopher, op. cit., pg. 17

C. The Commission

The Commission is also involved in the MEPP, but more indirectly through its role in the Barcelona process. The Barcelona Conference in 1995 set up what is now referred to as the Barcelona Process, a wide-range policy bringing together the 25 member-states and 12 Mediterranean countries, including Algeria, Cyprus (now a EU member), Egypt, Israel, Jordan, Lebanon, Malta (now a EU member), Morocco, Syria, Tunisia, Turkey (an official candidate country), and the Palestinian Authority. The aim was to create an area of peace and stability with the perspective of a Euro-Mediterranean free trade zone by 2010. The partnership is based on three baskets: human rights and democracy, prosperity, and a social and cultural partnership. The EU has now signed a bilateral trade agreement with all the partners, except Syria. These agreements are similar to the European agreements concluded with the Central and Eastern European states, as they provide for cooperation in the economic, social, cultural, and financial fields as well as a dialogue on foreign and security policy issues. The Barcelona process has not produced the results it was hoped for, in great part because of the stalemate on the MEPP. The EU wanted to keep both separate, but this was an idealistic vision that did not survive the reality on the ground. The Euro-Mediterranean framework continues however to be an important and accepted multilateral meeting place for all those states involved in and affected by the peace process. The network of bilateral Mediterranean agreements provides another important set of economic contacts that can be exploited by those working towards political objectives within the second pillar.

²⁵⁴ See Mouma, N., “Réuni à New York, le “quatuor” tente de sortir de l’impasse le conflit du Proche-Orient”, *Le Monde*, July 17, 2002, pg. 4

In addition, the important aid provided to the Palestinian Authority comes from the EC budget, which gives the Commission a clear visibility in that particular area. The Commissioner for External Relations Christopher Patten is for instance credited to have forced the PA to agree to set up an independent judiciary to replace a system of military courts²⁵⁵. Such as in the Macedonian case, Commission and Secretariat General of the Council worked well together during the crisis, one not trying to impede the work of the other. As Soetendorp underlines, *although it looks as if the creation of the function of a High Representative for the CFSP has introduced a new contender to the title of the EU foreign policy spokesperson, in reality it has reduced the competition between the Presidency and the Commission in the external representation of the EU and has helped the EU to develop a single voice and face*²⁵⁶.

The old reflexes of a dissenting choir have not completely receded however, with at times, the HR, the Presidency, the Commissioner for External Relations, and sometimes the Commission President, expressing their views after each major development, views that do not always converge. However, as long as the Commissioner for External Relations and the HR cooperate and complement each other, the division of labor is not a hindrance to the development of the EU as an international actor. Let's not forget that it was because of its economic involvement, managed through the Commission services, that the EU got involved in the MEPP and not because of its second pillar.

²⁵⁵ Shelley, J., "Patten Clinched Judicial Reform Vow from Arafat in Return for Aid Package", *European Voice*, 7-13, June 2001, pg. 4

²⁵⁶ Soetendorp, B., "The EU's Involvement in the Israeli-Palestinian Peace Process: The Building of a Visible International Identity", *European Foreign Affairs Review*, vol. 7, pg. 284

D. The Transatlantic Link

One of the key variables to understand the EU policy towards the Middle East is the transatlantic relationship. The relationship is evident in the division of labor between the EU and the US. The US guarantees the security of Israel and of moderate Arab governments. The EU for its part, gives political backing to the US, while keeping open a number of channels with other Arab states, such as Syria. In addition, the EU financially supports the MEPP and attempts to bring economic betterment for the states in the region, through for instance the Barcelona process. The EU thus needs to work in close cooperation with the United States, as its policies cannot be effective if it is acting against the superpower. Countries in the region – Israel and the Arab states - indeed expect the US to give guarantees for a final settlement.

Although the Clinton Administration tried to keep the EU at arm's length in the MEPP, the Bush Administration is more welcoming of or at least tolerant of the EU role, not so much for love of the EU but because it recognizes that the Americans alone cannot revive the peace process and when and if peace comes, the EU resources will be needed to rebuild Palestine. Frédéric Charillon speaks of *diplomatie du créneau* to show how the EU, faced with the omnipresence of the US in the Middle East had to invest in the “niche” that was left, i.e. the economic side of the peace process²⁵⁷. A good example of this lies in the 1999 episode where Yasser Arafat, the President of the PA, frustrated by the lack of progress in the negotiations decided to unilaterally declare a Palestinian state on May 4, 1999, a day before the Israeli elections. Both the US and the EU worked together to prevent such a declaration. Then American President Bill Clinton sent a letter to Arafat promising that the US would make a major push for a final-status agreement within a reasonable period of time in a Washington

Summit meeting. Clinton also expressed his support for the Palestinian aspirations to have their own state. The EU on the other hand repeated earlier declarations recognizing the Palestinian right to self-determination, including the option of a state and the Berlin Council conclusions of March 1999 mentioned for the first time that the Heads of state and of government of the EU were ready to consider the recognition of a Palestinian state in due course. It is interesting to note that the Berlin declaration²⁵⁸ was drafted in close consultation with the US. Both assurances led Arafat to withdraw his threat of declaring a state.

Thus, even though the EU is still not a mediator in the peace process, it has become an important actor together with the US and likes to define itself as a facilitator.

3/ Conclusions

First, there has been – historically - a definite convergence of opinions within the EU. More recently, the coherence between the two pillars and the visibility within the CFSP has been increased. The EU policy towards the MEPP is discussed at all levels within the EU, in the second pillar but also in the first, because as in the Balkans, first pillar instruments are used to implement decisions taken within the second pillar, but also because the Commission is responsible for long-term projects of economic assistance to the Mediterranean region. As Muzu reminds us, *it was actually in the context of EU Middle East policy that the boundaries between the EC and the EPC were broken down for the first time in the 1970s: the Euro-Arab Dialogue,*

²⁵⁷ The English translation would read “niche diplomacy.” See Charillon, F., “La stratégie européenne dans le processus de paix au Moyen-Orient: Politique étrangère de proximité et diplomatie du créneau”, in Durand, M.-F. and de Vasconcelos, A. (eds.), *La PESC: Ouvrir l'Europe au monde*, Paris: Presses de Sciences Po, 1998

²⁵⁸ The Berlin Conclusions state that *the European Union reaffirms the continuing and unqualified Palestinian right to self-determination including the option of a state and looks forward to the early fulfillment of this right. [...] The European Union is convinced that the creation of a democratic viable and peaceful sovereign Palestinian state on the basis on existing agreements and through negotiations would be the best guarantee of Israel's security and*

*for instance, had for the first time a special inter EPC-EEC working group, which reported to both the COREPER and the Political Committee of the EPC; this EPC procedural innovation was then institutionalized with the Amsterdam Treaty 20 years later*²⁵⁹.

Second, because of this convergence, the EU visibility has increased. For instance, the budgetary assistance the EU has been providing to the Palestinian Authority has become crucial to the survival of the Palestinian Authority.

Third, although the EU was able to develop through EPC and then CFSP a consensus on the major issues concerning the Middle-East conflict, this has not prevented some member-states to continue defining their own foreign policy when the EEC/EU position was not far-reaching enough for them. Over the years however, these separate national proposals and endeavors have been more embedded within the European framework, through the work of the Presidencies, or more recently through the work of the High Representative.

Finally on a more theoretical note, the CFSP in the Middle East is definitely a system of governance, as we have seen that the EU takes and makes decisions in the area. It seems however that this system of governance is a bit fuzzier than the one in the Balkans. In the FYROM case, the balance of power was definitely shifting towards the High Representative and his team. In the case of the Middle East, the balance is also shifting towards the Council, but within the Council there is more power going towards the DG CFSP that helps the Presidencies. In addition, the member-states, particularly the big ones, are more susceptible to get involved in the process. The crisis analyzed in the case-study however shows that even when they launch a national initiative, it goes first to their EU colleagues who attempt to find a compromise. The

Israel's acceptance as an equal partner in the region. The European Union declares its readiness to consider the recognition of a Palestinian State in due course.

²⁵⁹ Muzu, C., "European Foreign Policy: A Collective Policy or a Policy of "Converging Parallels?", *European Foreign Affairs Review*, vol. 8, pg. 45

reason for a less high-profile involvement of the High Representative might be that when Solana came into office, the EPC/CFSP machinery had been well in place since the late 1970s already. Solana's position was thus added in the Middle East case on a previous institutional design that had already showed its worthiness. In addition, when Solana took up his post, a Special Representative of the EU, Miguel Moratinos had already been in the region for three years, and had succeeded in building a network of contacts and being accepted not only by the parties of the conflict, but also by the member-states. In addition, the Middle East shows another key variable in understanding the CFSP: the EU - be it represented by the High Representative, the Special Envoy, the Presidencies, or the member-states - always works in the shadow of the US, who is the real mediator in the region.

4/ Some Preliminary Remarks about the Three Case-Studies

Before the general conclusions of the thesis, it seems appropriate, now that the three empirical cases have been presented, to dwell a bit in the CFSP governance system that was analyzed throughout the thesis. More precisely, it seems particularly relevant to take each of the main actors – institutions, member-states, outside state – and make some generalizations about their positions in the second pillar.

A. The High Representative

There were fears when the post of High Representative was created in the Amsterdam Treaty that the member-states would designate somebody with a low profile and carrying no political authority. The reality though has proven different. Even though Solana's task is very difficult (he cannot challenge the authority of the Council, nor of the presidency which is still

responsible under the Treaty for the management of CFSP), he has succeeded in making the position of High Representative more than just a new Council's Secretary General²⁶⁰.

The choice to create such a position did not come from an empty background. There were institutional precedents to a "Mr. CFSP." As Brian Crowe rightly writes, *a policy [in Bosnia] the EU had: from the Cutilhero Plan through the Vance-Owen Peace Plan, the Invincible Plan and the European Action Plan: the product of giving a leadership role to someone, mainly David Owen, to propose, persuade, negotiate, and implement, with the authority and ability to deal not only with the parties on behalf of the 12, but also within the Council to persuade member states of what was necessary. In a lesser way and at a lower level the EU's Special Envoys for the MEPP and Great Lakes illustrate the same point*²⁶¹. The fact that member-states decided to anchor "Mr. CFSP" in the Council and make him wear a double hat (as High Representative for the CFSP and Secretary General of the Council) testifies to the fact that there were limits to what they were envisioning for the position. In addition, as the institutional historical overview in chapter two made clear, the decision to combine the position of Mr. CFSP with the position of Secretary General of the Council was the result of a steady and continuous reinforcement of the Secretariat General of the Council since the early days of the EPC, as well as an attempt to improve the continuity of the EU foreign policy. Finally, the new position was greatly dependent on how the member-states, especially the big ones were going to deal with the person appointed to the post. The choice of Solana helped since the EU states were used to deal with him as NATO Secretary General.

²⁶⁰ Solana gained its acceptance by the member-states when he traveled to Ankara in December 1999 to persuade Turkey to accept the conclusions of the Helsinki Summit, which recognized Turkey as a candidate country, but did not fix a date to open accession negotiations.

²⁶¹ Crowe, Brian, op. cit., pg. 321

Solana's priorities when he came into office were first the development of the ESDP, second the Balkans, and third the Middle East. The Lisbon European Council of March 2000 gave him a mandate together with the Commission to ensure the coherency of EU policies towards the Balkans, to strengthen the impact of the EU contribution, and to enhance coordination with other actors. In Solana's own words one year after he was appointed High Representative, *my objective is to use the post of High Representative to create new momentum within the CFSP. We have to ensure that the EU provides a more coherent approach to the rest of the world. The Council has to guarantee that the member states deliver on this*²⁶². The approach towards the Balkans has indeed been more targeted and decisions have been delivered. As he goes on, *there are plenty of smaller developments which taken together are beginning to add up to a sea change in the way the Union conducts its foreign policy, and in how it is perceived by the outside world. Firstly, the role of the Union's Special Representatives is being reappraised and enhanced. They are a highly effective tool for projecting the policy of the Union in a particular region. I am determined to use them to best effect. Secondly, I have on behalf of the Presidency chaired meetings between the EU and third countries. This is a small but important step, which will provide continuity across our relations with third countries. Thirdly, for the first time the Union was able to express itself as a single voice in the UN Security Council when I addressed a debate in June on the subject of the Balkans*²⁶³. [...] *The High Representative operates within the framework of the Council, and over the last year much of my work has been determined by a number of specific mandates from the European Council. The post fills an institutional vacuum, and sets in motion policies and activities in areas where the EU was previously either inactive, or irrelevant as an actor. It can help to provide better focus*

²⁶² Solana, Javier, "Developments in CFSP Over the Past Year", *European Policy Center Commentary*, October 12, 2000

*for the Council, both internally within the Union, by helping to ensure greater coherence between members of the Council and other EU institutions, and externally with third countries and international organizations. During my first year as holder of this post, I have seen at first hand a new willingness from all sides to promote the interests of the European Union*²⁶⁴. The two cases have shown that Solana has indeed succeeded, not only in being accepted by the member-states, but also in being given important tasks that have allowed him to reinforce the EU coherence and visibility. Although his staff is still not comparable to that of a regular foreign affairs ministry, it is an improvement from the extremely limited resources that were given to the Council Secretariat in the Maastricht Treaty to deal with the second pillar.

In the Balkans, Solana has become the point EU person. In the Middle East, Solana has indeed increased the consistency and visibility of the EU, without yet being able to completely supplant the member-states.

B. The Commission

The appointment of a High Representative located within the Council Secretariat was met with a lot of resistance from the Santer Commission, who during the Amsterdam negotiations fought for increased power for the Commission in the second pillar. This is the traditional reaction of a bureaucratic structure pursuing its own interests, with the purpose of increasing its power within the decision-making process. It has constantly been the goal of the Commission throughout the three case-studies, from the early days of the CFSP in the Yugoslav wars to the Middle-East Peace Process and the management of classic bureaucratic politics argument, this leads to incessant competition among bureaucracies the Barcelona Process. According to the *for*

²⁶³ Ibid.

²⁶⁴ Ibid.

power, prestige, and position. In addition these struggles lead the members of the bureaucratic structure to acquire a sense of belonging to the particular structure, which in turn influences the perceptions of the individual or to say it simpler, “where you stand depends upon where you sit”. The appointment of Solana corresponded with the appointment of a new Commission, after the resignation of the Santer Commission in 1999. Although the new Commissioner for External Relations, Christopher Patten has enjoyed a great working and personal relation with Solana, mistrust is still palpable between the services of the Commission and those of the DG CFSP in the Secretariat of the Council. In the Council Secretariat, there is a perception that the Commission is defensive about the potential loss of influence in external relations as the Council Secretariat builds up its institutional strength in this respect. On the Commission’s side, concerns are being voiced about the dangers of duplication of tasks and expertise. In an internal document of June 2000, Patten’s services accused Solana *to have taken over tasks that should have been given to the Commission*. According to the document, the creation of the High Representative position led to new institutional complexities. The Commission is very sensitive not to lose the competencies it has acquired in external relations and the emergence of this new political actor worries it²⁶⁵. The Commission is particularly suffering from being understaffed – especially when one compares it to national foreign ministries. The Secretariat General of the Council and Solana’s team do not have a big staff either, but they can rely on contacts and information from the member-states. Indeed most of the people that have been placed around Mr. Solana are coming from national administrations and have thus access to national information. In addition, the professional background of the people who have recently been hired to work in the new EU areas, such as ESDP, is a job in NATO or the WEU. That

²⁶⁵ In addition, there is a certain jealousy among the Commission’s civil servants, because the Council’s civil servants with a grade A are paid more than the Commission civil servants with the same grade.

sociological element creates a difference of culture that is making the Commission's civil servants and the Council's civil servants relationships difficult. Most of the people working on CFSP/ESDP in the Secretariat General of the Council never had to deal with EU first pillar matters and are not very acquainted with them. Their background is mainly on security and the Commission is just not part of their mental maps. So they have some difficulty to integrate the Community matters in their daily work.

However, both sides understand their mutual dependence, as both our cases have shown. Christiansen underlines that *Commission-Council Secretariat cooperation here has some formal aspects, but is on the whole a question of informal contacts and ad hoc meetings to address specific issues. Given the nature of the policy area, cooperation is to a large extent problem-driven rather than process-driven, and has been most intensive in case of crises, in particular with respect to EU policy on the Balkans. Either side professes a recognition of mutual dependence between the institutions*²⁶⁶. The Council Secretariat for instance is well aware of the expertise and resources of the Commission and knows the necessity of developing a well-functioning working relationship to obtain what it wants. The Commission possesses a network of delegations across the globe that allows it to gather information on the ground. The Council is keen to have access to this information, as more than often, member-states are very protective of their own information. In addition, the Commission also controls the "soft instruments" of foreign policy, such as humanitarian aid, technical assistance, and economic sanctions, to name a few. The Commission on the other hand, recognizes that the Council has close contacts with member-states (for instance through the fact that a lot of the new civil servants working on CFSP in the Secretariat General of the Council are seconded national diplomats). The Commission also appears to have given in to demands from the Council Secretariat that Solana be accorded a

more senior status in the diplomatic protocol than Commissioner Patten, even though this breaks with past inter-service conventions.

Another example of the way the Commission is reacting to the CFSP developments in the second pillar lies in the parallel development of the tasks of conflict prevention and conflict management in the Commission²⁶⁷. As Antonio Missiroli notes, *the new focus of the EU on conflict prevention and crisis management met a specific bureaucratic interest – that of the Commission, in whose remit fall many aspects of conflict prevention – and a contingent political interest: that of the forthcoming Swedish presidency of the Union, which saw in that an opportunity to play on its national strengths and to convey to its domestic public opinion a more acceptable and familiar image of CFSP/ESDP*²⁶⁸. It seems that as our cases study have shown, the EU is moving towards an institutional division of labor between the Council Secretariat with the High Representative at the center of the institution dealing with shorter term, diplomatic crisis on the one hand, and the Commission, with all the instruments at its disposal, dealing with long term involvement in the resolution of the crisis (the SAA in the FYROM case; the Barcelona Process in the MEPP case).

²⁶⁶ Christiansen, T. op. cit., pg 763

²⁶⁷ In an April 2001 Communication (COM (2001) 211), the Commission developed conflict indicators in order to systematically evaluate risks in unstable countries. The Commission's work in conflict prevention was not easily acknowledged by the Council. For instance, as an interviewee reminded me, in the preparation of the GAC of 28 and 29 of January 2002, an annex was attached on conflict prevention (SI (2002) 57). Even though its object concerned the Commission very much, the Commission itself was not mentioned. The end result was however a double mention of the Commission's work thanks to, among others, the help of The Netherlands. The Commission was of course extremely keen in having its work recognized, as it did not want to establish a precedent. The final text was the following: *The Council underlined the importance of a coherent approach of conflict prevention and welcomed the action undertaken by the Commission in this field. [...] This work should build upon information from relevant working groups and more detailed thematic, regional and sub-regional analyses by the Commission and the Council Secretariat, including the Policy Unit.* Where the conclusions read, *the Council asked the Political and Security Committee to develop and monitor conflict prevention actions within the CFSP including ESDP and to make operational recommendations*, the original draft added that *the PSC would make recommendations [...] including in the first pillar*, which of course met with resistance from the Commission.

²⁶⁸ Missiroli, Antonio, "Introduction", in Missiroli, Antonio (eds.), *Coherence for European Security Policy: Debates – Cases – Assessments*, Occasional Paper – The Institute for Security Studies of the WEU, n. 27, June 2001, pg 6

Formal mechanisms also exist that allow for greater coherence in the Council-Commission relations in foreign policy. First the new Troika, as set in the Amsterdam Treaty comprises the President of the Council, the Commission, and the High Representative. This allows for a regular meeting place for the Commission and the Council Secretariat, even though the purpose of the troika is external representation and not internal cooperation. In addition, the Commission is present in the Council working groups, including the PSC. Even though its role in the working group is different from its role in the first pillar working groups in that it does not possess the monopoly of initiative, the Commission's presence allows for exchange of information between the two institutions.

Nevertheless, just as in other policy areas, informal networks are prominent in external relations and officials working in a specific area of CFSP within the Council are in daily telephone and e-mail contact with their counterparts in the Commission and vice-versa. Sometimes personalities clash and contacts suffer, as in every bureaucracy/organization. In general though, informal contacts are effective in overcoming the physical distance between the institutions. These personal contacts particularly when Commission and Council Secretariat are required to react collectively and quickly to a crisis in the area of foreign policy, as was the case in Macedonia. They are also key to forge a coherent EU-level foreign policy, as instruments are still divided among the two institutions.

The Commission has thus succeeded in developing for itself, through its expertise of different dossiers (especially with very technical matters, humanitarian aid or with questions related to enlargement) and various instruments (Community funds and information from its network of delegations for instance), a parallel and important, but still secondary role to the High Representative, the PSC, and the Council. It has made rather limited contributions to the CFSP

*per se*²⁶⁹, focusing instead on areas where it knows it can increase its power through a comparative advantage that will be needed by the member-states and the Council's Secretariat. The three case-studies have shown the dialectical relationship between Commission and Council, with the Commission indeed providing the material resources of the EU foreign policy in terms of expertise and soft foreign policy instruments.

C. The Presidency

Before the creation of the post of the High Representative, the management of the CFSP was carried out by the national foreign ministry of the country holding the six-month rotating Presidency. A tendency nevertheless developed, to share some tasks with officials from the Council's General Secretariat, in order to bring some continuity to the day-to-day activities of the CFSP. Each Presidency was thus assisted, in the preparation of the Council meetings and the implementation of the decisions taken, by a separate unit of the Council's Secretariat General, dealing exclusively with CFSP issues and part of the DG for External Relations. The unit was - still is - rather small and acts as some sort of a collective memory for the rotating presidencies. It is staffed by European civil servants (who are supposed to act independently from their country of origin) and an equal number of national civil servants seconded to the unit, to avoid that it develops into an autonomous structure.

²⁶⁹ This attitude varies from one Commission to the other. The Patten Relex DG is, as was mentioned in chapter five, a DG that is not looking to increase its power in CFSP, but is rather focused on increasing the effectiveness of the areas it already has under its control. This is a reaction to two circumstances. First, the resignation of the Santer Commission led the Prodi Commission to adopt a lower profile as a whole and focus on "cleaning the house." Second, the memory of Delors' idea to transform DG Relex into an EU foreign affairs ministry after the Maastricht Treaty came into force and the negative reaction of the member-states have made the following Commissions reluctant to use their joint right of initiative.

Although the relationships between the High Representative and the Presidency were left ambiguous in the Amsterdam Treaty²⁷⁰ (thus leaving the Presidencies to learn how to use the High Representative for the benefit of the EU), most of the Presidencies since Solana came into office, gave him a large room of maneuver at least with regard to the Balkans and the Middle East. In the Middle East, Presidencies still hold a lot of power (cfr. the Danish Presidency in the second half of 2002 and the Quartet Group) probably because the Middle East is an issue close to the heart of several member-states for historical reasons and of interests to all the member-states since 9/11. Another reason lies in the fact that the Middle East question is also one of the key issues on the transatlantic agenda and different views about that relationship often prevents the policy to be completely “Europeanized”. In the Balkans, Europeans and Americans have the same basic understanding of the future of the region and Americans are willing to let Europeans play a greater role.

Competition is sometimes to be found within the Council Secretariat, between the DG CFSP/ESDP and Solana’s own team. The DG CFSP is indeed the unit in charge of helping the work of the Presidency. Although contacts are permanent between both groups, competition is reduced when a big member-state holds the presidency because larger state tend to rely more on their national resources and less on the EU-based resources such as the DG CFSP. Small member-states make greater use of EU-based resources, which then increases the competition between both units to win the favors of the Presidency.

²⁷⁰ According to the Treaty, the High Representative shall “assist” the Presidency, while the Presidency “represents” the Union in matters concerning the CFSP and is responsible for the implementation of decisions taken under the CFSP.

D. The Member-States

Member-states still are at the core of the decision-making process with the European Council and the new GAERC defining the general orientations of the second pillar, and the PSC and the High Representative dealing with the more day-to-day work. They are the actors who need to engineer the delegation to the European level. In some areas, those covered by the dissertation, member-states have agreed to delegate a considerable amount of power to new institutions. The Balkans case is one of the areas where it is now fair to speak of a true EU foreign policy, as envisioned in the second pillar of the Maastricht Treaty. In the Middle East, matters are less clear, but the evolution is there with an increased EU visibility and coherence and a constant declarative policy since the EPC. Member-states such as France who used to launch in “unilateral” initiatives when the EEC/EU common denominator was below their own positions, are now embedded in an EU framework.

The place of the member-states in the CFSP testifies to the paradox of the second pillar. On the one hand, policy and institutional learning, as well as path-dependency have led the member-states toward an increasingly EU centered foreign policy making; they are also required by the EU treaty not to prevent the formation or implementation of a collective policy (without however any mechanisms/institutions to sanction them if they do not). On the other hand, member-states retain their sovereign rights since the second pillar is legally intergovernmental and there is no institution, such as the European Court of Justice in the first pillar that is able to force a member-state to adopt a common policy. Thus, member-states have the option of dealing with any particular foreign policy issue unilaterally, bilaterally, multilaterally (through institutions such as the UN and NATO or through ad hoc coalitions), or through the EU. In the case of the Balkans to a great extent and the Middle East to a lesser extent, a collective EU

foreign and security policy has become defined by member-states policy elites as being intrinsic to the pursuit of their national interests, therefore allowing the delegation of power to EU-level institutions.

Of course there are still areas where the foreign policy of the member-states prevails and where member-states block the adoption of a common policy. During the pre-war Iraq crisis in the spring of 2003, the EU was almost completely absent of the picture and the CFSP incapacitated, with the member-states pitched against each other²⁷¹. Although cases like this have and will happen, it is clear, as the dissertation has shown, that there is now a system of governance in CFSP that is well anchored in the EU and that might explain why even though the CFSP has gone through tremendous strains, such as the first Yugoslav Wars or the Iraq war, it has not disappeared. Even at the height of the crisis, the EU CFSP and its many other important foreign policy issues, which predated the crisis have continued to occupy the EU and the member-states.

Hill rightly points out that *a dialectical relationship exists between the national instinct and the perceived need for solidarity. It is evident partly when a foreign policy failure leads to renewed efforts at cooperation, but it occurs more subtly in the way that member-states diverge from each other within broad limits set by the tacit acceptance of common interests and outlooks*²⁷².

With regard to the new Political and Security Committee, it is only step by step that this new Brussels-based institution is finding its place within the second pillar institutional framework. Although the PSC is recognized in the Nice Treaty, it is not easy to know where it

²⁷¹ It is however worth reminding that even during the crisis, the then Greek Presidency called for an emergency European Council meeting in February 2003 and succeeded in pulling together a declaration accepted by the fifteen member-states.

²⁷² Hill, Christopher, op. cit., pg. 30

positions itself vis-à-vis other institutions. Indeed, according to the Nice Treaty, ‘the Political and Security Committee will deal with all aspects of the CFSP, including the CESDP[...]’. However, it is relatively difficult to define what in foreign policy falls under the responsibility of the PSC and what falls under the responsibility of the Coreper, besides hard core military instruments. Struggle has been happening between the Coreper and the PSC, both being in addition Brussels-based institutions. The Coreper supervises all EU matters and prepares the Councils meeting, while the PSC is legally dealing strictly with foreign and security issues. However, this division of labor is difficult to maintain as such since numerous instruments of foreign policy are part of the first pillar. In addition finances –non military related - are also part of the Community matters. Bureaucratic politics is certainly visible here; particularly the PSC finds himself an advantage when one knows that Coreper meets the day before the PSC, thus sometimes having a tendency to revise what the Coreper has agreed on before the Councils meetings. On the other hand, there is a feeling of seniority within the Coreper who thinks that the Ambassadors in the PSC are juniors, which does not always correspond to reality –although they could be considered junior to the extent that most of them are relatively new to the EU processes. It sometimes happens that the Ambassadors on the Coreper and the PSC from a similar country end up defending a different position. This of course also refers to a national problem among the diplomatic services within the national capitals. Personalities also play an important role, some Ambassadors from the same country in the PSC and the Coreper getting along pretty well, other being really antonymous.

Analysis of the role of Coreper in the first pillar²⁷³ have shown how this institution tasked to prepare the Councils of the EU meetings, as well as the European Councils, and thus

²⁷³ See for instance, Peterson, John and Shackleton, Michael (eds.), *The Institutions of the European Union*, Oxford: Oxford University Press, 2002

representing the member-states and composed of the national ambassadors to the EU, has developed a true “esprit de corps”, through a socialization effect. Because Coreper is a Brussels-based institution, the participant Ambassadors really know each other and are embedded in an EU framework, contrary to national delegates or foreign affairs ministers who are stationed in national capitals. The PSC is also a Brussels-based institution and an esprit de corps is also developing there. It is to that extent truly remarkable that the PSC was codified in the Nice Treaty, so quickly after it was set up in an interim fashion. Indeed a number of member-states were not ready to see the political directors disappear completely in favor of the PSC. This is understandable when one realizes that political directors were actually national civil servants based in foreign affairs ministries, who had been at the center of the EPC and CFSP up until 2000. As Andréani puts it, *putting political directors at the core of CFSP decision-making reflected considerable ambivalence among member-states. They were entrusting it to the officials in charge of formulating national foreign policies, who therefore had less stake in developing a common foreign policy than, say, a group of ambassadors in residence in Brussels. The latter, as can be seen in the NATO Council, tend to develop a collective ethos of their own, and often end up acting as representatives of their institution’s interests vis-à-vis their capitals, in a way political directors do not. The choice of a high-level body in Brussels would mean a CFP that would begin to take influence away from capitals, and it is no surprise that its exact powers remain a contentious issue as a result*²⁷⁴. It is worth remembering also the lack of enthusiasm from the foreign affairs ministers (and less from the European Council) for the proposal to have the High Representative chair the new PSC.

²⁷⁴ Andréani, Gilles, op. cit., pg. 85

E. The Transatlantic Relation

Although the US is not an intrinsic actor to the CFSP, the transatlantic relation is an important variable in understanding the EU second pillar, especially when the use of force might be included. In the case of FYROM, although the EU did most of the diplomatic work, the US, through NATO was involved because it was clear early on that any peace keeping operation in the country would involve some elements of NATO because of the organization's presence in neighboring Kosovo. In the case of the Middle East, the US is the major actor in the region, not only through its link with Israel, but also because both sides of the conflict recognize that a peace agreement can only be guaranteed by the US.

To that extent, as chapter two has shown, ESDP was as much the product of a genuine willingness from the EU member-states to be able to deal with a crisis in their own backyard, as it was an attempt to reinforce the transatlantic relationship, badly shaken during the first Yugoslav wars, as fundamental differences opposed both sides of the Atlantic. The lesson learned from this episode was that to succeed in facing a crisis, both the US and Europeans had to work together. It also seems that when the transatlantic relation is not an issue of contention among the member-states with regard to a particular foreign policy issue, a consensus among the EU states is easier to achieve. Chapter two and the case-studies seem to point out to two generalizations about transatlantic relation and the development of an EU voice in international affairs. First, the EU tends to act or at a minimum to define itself in *re-action* to US positions, i.e. elaborating positions to differentiate itself from US positions (if not with regard to long-term objectives, at least with regard to the means used to attain those objectives²⁷⁵.) Second, with regard to the development of military capabilities at the EU level, this is done in close

²⁷⁵ See for instance both the EU attempt to define a European identity in the 1970s, as well as the EU Security Doctrine of 2003

cooperation with the US, because ESDP needs both France and the UK to be credible, and thus a compromise is always to be found between those two states regarding their particular views of the transatlantic relationship and the role of NATO.

CHAPTER SEVEN – CONCLUSIONS: EU Governance in the CFSP

The dissertation has studied the decision-making processes of the EU CFSP since the changes introduced by the Amsterdam Treaty of 1999. The central research question was to understand if the institutional changes introduced in the Amsterdam Treaty and afterwards in the decision-making process of the CFSP made a difference by progressively allowing member-states to produce a more concerted foreign policy. More explicitly, the dissertation evaluated the role of different actors in the EU foreign policy decision-making process and assessed the coherence of the process. Today there are still legal characteristics that do not allow for such a coherent process. The EU has no president to take decisions, only a Presidency of the Council who is little more than the manager of a multi-headed college that has to reach decisions by consensus. The means for implementation are dispersed among the Commission for trade and aid, with political responsibility for foreign and security policy falling to a Presidency lasting only for six months. Depending on the point of view, there is nobody consistently responsible for policy formulation or follow through or on the other hand, there are too many actors involved in the process. Even though there is now a High Representative for the CFSP, he takes his mandate from the member-states and reports to them. In short, the EU still seems *de jure* to lack leadership²⁷⁶. The dissertation has shown that in reality, the Council Secretariat, in the form of Solana and of the DG CFSP has increasingly assumed the leadership role, more directly in the

²⁷⁶ In summary, the CFSP procedural decision regime might be defined as follow:

- the European Council defines the overall principles of the CFSP and specifies the general guidelines for the common positions and the joint actions;
- the Council of the EU takes the actual decisions necessary for the adoption and implementation of the common positions and joint actions;
- the Presidency, assisted by the High Representative acts as the executive in the area of CFSP and represents the EU in issues related to the CFSP.

Balkans, and more indirectly in the Middle East where the member-states still like to have their voice heard.

To answer the research question, the thesis adopted a FPA approach, but a revised FPA approach to adapt the framework to the study of the foreign policy of a non-state actor. To do just that, the dissertation combined FPA with EU integration institutionalist approaches. The combination of these two approaches allowed for an analysis of the decision-making process of the CFSP. While FPA was useful as a general framework to include the actors, instruments, and context of the foreign policy decisions, institutional approaches were needed to isolate the various actors intervening in the process and to understand their *de facto* roles.

In these conclusions, I first go back to the case-studies to generalize the findings. Then, I restate the argument for a revised FPA, to finally conclude with some brief remarks about the future of the CFSP in light of the constitutional treaty and the recent EU enlargement.

1. Generalizing the Empirical Findings

Dave Allen has suggested that two cultures are competing for control of the EU's foreign policy; one represents the desire to preserve national autonomy in foreign policy (institutionalized in the Council of the EU), while the other aims at creating a common foreign policy (institutionalized in the Commission.) The possibilities of strengthening the EU's performance in international relations while maintaining what is essentially an intergovernmental framework are considered limited. However, even though most of the treaty's changes happened within an intergovernmental framework, they seem to have gained a life of their own and created

In addition, the PSC is responsible for the preparation and implementation of the Council's decisions in CFSP. The PSC work is prepared in specialized working groups composed of national officials from the Permanent

something that the realists could not have anticipated and that has make Allen's two cultures less relevant. Ironically, the new EU constitutional treaty brings the two branches of CFSP together by creating the post of EU Foreign Affairs Minister and locating it in the European Commission, as Vice-President of that institution. In addition, one of the CFSP's great under-utilized resources - the worldwide diplomatic network of EU representations abroad – will be put at the service of the EU and include officials from the Commission, the Council, and the member-states²⁷⁷.

What the case-studies have shown is a gradual reinforcement of governance in the second pillar that was entitled *transgovernmental and transinstitutional*. The reinforcement has occurred in two ways. On the one hand, the member-states did not want CFSP to be totally different from the old EPC and thus wanted the process to remain essentially in their hands. On the other hand, questions of efficiency and effectiveness have led them to strengthen and centralize the process in the hands of the Secretariat General of the Council of the EU. By doing so, they have reinforced the capacity of the Council, not as the institution acting as a traditional Secretariat General as it used to, but as the locus of the CFSP/ESDP. The Commission meanwhile raised its profile by proposing the use of various foreign policy instruments that are part of a longer term strategy to increase (or at least to not lose) its power in foreign policy.

The case-studies have also shown however that the process is still bifurcated, i.e. an understanding of collective action in CFSP must include the EU *AND* the national level. Member-states are indeed still key to an understanding of the CFSP, and this at two different levels in the process. First, they are the ones who “formally” create the institutions and the decision-making processes, generally through intergovernmental conferences (IGC). This first

Representations and the national foreign ministries.

²⁷⁷ See chapter two – Section E.

(“history-making” as Smith refers to it) step was not the focus of the dissertation, even though it mentioned in chapter two covering the historical evolution of the EU foreign policy. The second level where member-states are also crucial variables in our understanding of the CFSP decision-making processes is to be found in the actual policy implementation of the CFSP, first when states decide to delegate power to the EU-level and second when they agree to comply with the EU institutions’ decisions. The process is thus not as one-sided as Smith is arguing. In the case of Macedonia, the balance was definitely tilting towards the EU institutions of the first and second pillars, *once the states gave a mandate to the High Representative to act*. In the Middle-East case, the member-states delegated power more reluctantly to the High Representative, as they wanted to keep a higher profile in the region. Transatlantic differences in the approaches were also more marked in that region than in the Balkans.

The empirical cases thus showed that a system of governance definitely exists in the second pillar and that some aspects of this governance are exercised at the EU-level. It is a type of governance that will be familiar neither to students of the EU first pillar, nor to students of international relations, studying “traditional” inter-states cooperation. Governance in the second pillar is confusing, because on the one hand, it does not make use of the decision-making processes and institutions to be found in the first pillar. But on the other hand, it does not operate as a traditional intergovernmental system, such as those to be found in the UN or in bilateral relationships for instance.

Governance in the second pillar also cannot be understood if an external variable is not taken into consideration, mainly the “US factor”. Ignoring external-EU variables has been a traditional criticism of EU integration theories. However the analysis presented in this thesis has shown that a thorough understanding of the second pillar cannot be accomplished while ignoring

the US. Through NATO which represents the institutionalization of the US presence in Europe, the US has intimately been linked to the security of Europe. The US is indeed a “European power” and even though it is willing to let the Europeans take a more active role in the Balkans, it is not willing to be completely left out of the picture, as the recent debates about the EU taking over for NATO in Bosnia have shown. EU foreign policy decisions, especially those with military implications are closely watched by the US and usually taken in close cooperation with the US. In the Balkans, the US has wanted since the first Yugoslav wars a pro-active EU. Because the crisis had military implications, the EU was not able to reconcile differences about which organization was best to get involved. By the time of the Macedonian crisis, the EU had set up a new institutional framework to deal with foreign affairs crisis and had started to learn from its mistakes. The action was much more coherent, but still developed in close cooperation with the US (primarily in the case military coercion was needed). Since the Yugoslav wars, the Balkans has thus become a much less contentious area of the transatlantic relationship, therefore allowing the EU to step in as a more unified actor.

In the Middle East case, the US is still the key actor, recognized by both sides as indispensable to a lasting peace in the region. Middle East stability is also a key foreign policy goal for the US. Because the region is considered a national vital interest to the US national security (be it analyzed from a realist, neo-liberal, or hegemonic stability theoretical perspective), the US is not ready to let the EU have a bigger political role in the region, while Israel is not willing to accept the EU has a honest peace broker party. The EU has however increased its clout, by speaking with a more unified voice. Ironically this unified voice was already present during the days of the EPC, nevertheless running in parallel with independent national actions. This parallel diplomacy has receded since 1999, but has not completely

disappeared, as member-states still like to have their voice heard, especially if it denotes a different view from that of the US.

2/ Foreign Policy Analysis Adapted

The dissertation has shown that FPA is still a useful framework to understand foreign policy, even if foreign policy outcomes are the product not of states, but of a novel actor in international politics, the EU. FPA has allowed to take into consideration the systemic context of the CFSP decision-making, the constant relationship between the three levels of analysis that are at the core of the CFSP (the national level through the member-states, the transgovernmental level through the Secretariat General of the Council, and the supranational level through the European Commission), the bureaucratic processes between EU institutions and within EU institutions, and the various instruments used within the framework of the second pillar. Studying foreign policy through the lenses of process approaches stresses that there are other factors in understanding foreign policy than structural factors related to the international system. Of course these are also important, but too often in international relations theories, the focus is only on those structural aspects and/or external factors, leaving aside the decision-making processes.

That being said, FPA needed adaptation if it was to grasp the complex institutional design of the EU CFSP. The adaptation put forward in the thesis was that FPA could be applied to the study of the EU foreign policy if it interacted with the EU institutionalist approaches that are well developed in the study of the first pillar. This interaction was able i) to focus the analysis on the important role of various institutions (old and new) in the CFSP decision-making process; ii) to isolate processes such as the socialization taking place within the member-states and within the EU institutions. The framework used in the thesis also had to be flexible i) to take into

account the different decision-making processes over the areas of CFSP, in our case the Balkans and the Middle East; ii) to be able to integrate the changes that have occurred so quickly in the second pillar (and that will still occur once the new constitutional treaty enters into force); iii) to understand a multi-layered and less hierarchical decision-making process with numerous actors involved, the absence of a true leader in the process, the presence of transnational elements next to national foreign policies, and an formal agenda-setting actor that is changing rapidly (the six-month rotating Presidency). The thesis thus illuminated the usefulness of the dialogue between FPA and institutionalist approaches for an understanding of the EU foreign policy. While FPA puts the emphasis on organizational processes, the institutionalist literature puts the emphasis on the specifics of the EU institutional framework.

The thesis showed that EU institutions played a crucial role in the EU second pillar, as they do in the EU first pillar, even if those institutions have different roles and different respective importance in both pillars. As Gilles Andréani writes, *institutions matter for the EU in a unique way: the process of European integration is a joint exercise in norm setting and institution-building. Institutions are supposed to provide for fairness and predictability, and inspire EU countries with a sense of purpose and belonging. Since the 1980s, each new step in European integration, each new common policy, has brought along its own set of institutional requirements: the single market stimulated the extension and the effective use of qualified majority voting; economic and monetary union, and the justice and home-affairs policies called for their own specific arrangements and bodies. Defense will inevitably do the same, all the more so because the EU is currently devoid of any defense culture: only in a specialized institutional setting will such a culture hopefully be imported into, and solidify*²⁷⁸. To summarize the findings of the thesis, the CFSP process identified through the case-studies starts when an

intergovernmental bargain occurs over the establishment and general development of the foreign policy in a specific area. From this initial step, flows some transgovernmental governance among foreign ministers, PSC Ambassadors, and other foreign policy specialists, helped in their endeavor by the authority of the High Representative. Also to be singled out is the increased involvement in some areas of the CFSP of the Commission and its technical expertise. Finally the result is a fairly coherent policy process that has increasingly been linked to the policies and procedures of the first pillar both in the Balkans and the Middle East.

Institutionalization was in addition shown to matter in that it establishes strong socializing pressures on the part of those participating, both within the formal structures and within the more informal processes and procedures that surround them, such as everyday interactions between the Secretariat General of the Council and the Commission, despite mutual mistrust of the bureaucratic structure. Such pressures can be resisted, if for instance national interests are too strong. However, in other areas, the institutionalization has led to a more effective and visible foreign policy at the EU-level, after a long and slow path of integration.

This socialization is best understood through a dialogue between institutionalist approaches and constructivist approaches and further research needs to be conducted in that realm. Lets look at the Council for instance, the key institution of the CFSP²⁷⁹. From an intergovernmental perspective, the Council is the locus of intergovernmental bargains where member-states come with their national position and, adopting a rational choice perspective,

²⁷⁸ Andréani, Gilles, "Why Institutions Matter", *Survival*, vol. 42, n. 2, Summer 2000, pg. 83

²⁷⁹ See for instance, Hayes-Renshaw, F. and Wallace, H., *The Council of Ministers*, New York: St Martin's Press, 1997; Edwards, G., "National Sovereignty vs. Integration?: The Council of Ministers", in Richardson, J. (eds.), *European Union: Power and Policy-Making*, New York: Routledge, 1996, pg. 127; Van Schendelen, M., "The Council decides: does the Council decide?", *Journal of Common Market Studies*, vol. 34, n. 4, pg. 531; Wessels, W., "The EC Council: the Community's Decision-making Center", in Keohane R. O. and Hoffman, S. (eds.), *The New European Community: Decision-making and Institutional Change*, Boulder, CO: Westview Press, pg. 133

attempt to gain the most out of the negotiations²⁸⁰. However, as Lewis notes, *this image remains incomplete and partial. In particular, models of EU decision-making need to allow for the possibility where sociability and the density of the normative environments can affect bargaining outcomes by constructing interests and identities in the first place. [...] where the intergovernmentalist image emphasizes individual strategic rationality and the asymmetrical advantages of relative power, the sociological institutional image stresses collective, communicative rationality and a culture of compromise where the reflex to behave consensually has become more instinct than ideal*²⁸¹. What the study has demonstrated is that even in some areas of foreign policy, such a logic can be seen operating. It was shown for instance how through even the EPC, member-states positions became more unified on the question of the Middle East. These developments in CFSP, although not using the traditional “Community method” seem far too ambitiously collective to still be labeled intergovernmental. The constructivism in the making in CFSP might not yet be extremely thick, but it is clear that there is now a European level in foreign policy, created by the interactions among the member-states. This new European layer might not yet consistently shape the behavior of individual states but it has clearly imposed some constraints on the substance and the process of foreign policy making in the individual member-states. Winn and Lord point to the right questions: *at what point, for example, does it cease to be analytically plausible to treat a working party of national officials as a series of loyal delegates of their governments? At what point does such a body become indistinguishable from a supranational body? When it starts to take a lead in forming preferences? When it becomes costly for political principals to monitor every move taken by the*

²⁸⁰ For this perspective, see Moravcsik, A., *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Ithaca, NY: Cornell University Press, 1998; Milner, H. V., *Interests, Institutions, and Information: Domestic Politics and International Relations*, Princeton: Princeton University Press, 1997

*working party?*²⁸² These questions again point to a decision-making regime that is not purely intergovernmental anymore and will become increasingly relevant over the years of implementation of the CFSP decision-making.

Institutions may in addition make cooperation possible by facilitating an agreement among the member-states, but if the interests are too divergent, then institutions in foreign policy will be of no use, since they cannot create a common interest. The changes brought to the institutional design and decision-making process of the CFSP were every time intended to rationalize the process, to facilitate the exchange of views among member-states, to facilitate common analyzes, and to provide the means to cooperate if common interests exist or can be forged. The new institutional design was successful in achieving this goal in the case of Macedonia and less so (in its implementation) in the case of the MEPP.

The empirical cases covered the EU and the Balkans as well as the EU CFSP in the Middle East. More precisely, the EU CFSP during the first Yugoslav Wars and during the 2001 crisis in FYROM was analyzed, as well as the role of the EU in the Middle East Peace Process during the second Intifada started at the end of 2000. In the FYROM case, the key EU actors were Solana and Patten, while in the Middle East, the key EU actors were Solana and the EU Presidencies. In both cases, the transatlantic relationship was taken into consideration and the analysis revealed that it was a more important variable in the Middle East case.

This *CFSP decision-making regime* was shown to be adequately grasped with the notion of governance, which implies a less hierarchical decision-making process and puts the emphasis on more informal decision-making, while at the same time allowing for policies to be elaborated

²⁸¹ Lewis, J., "The methods of community in EU decision-making and administrative rivalry in the Council's infrastructure", *Journal of European Public Policy*, vol. 7, n. 2, June 2000, pg. 266

and implemented. More precisely, I have conceptualized the EU foreign policy decision-making by using the notion of *transgovernmental/transinstitutional system of governance* as the overarching concept. Transgovernmental was intended to grasp the continuous involvement of member-states in the CFSP, but at another level than the traditional intergovernmental level traditionally associated with the EU second pillar, visible for instance in the esprit de corps developed in the Brussels-based PSC. Transgovernmental was also intended to grasp the involvement of lower-level national civil servants in the CFSP working groups, rather than higher level politicians. Transinstitutional was deemed useful to understand the involvement of various EU institutions in the process, as well as the interactions within each institution.

3/ Final Remarks - Looking into the Future

Even though the EU still does not have a fully-formed foreign policy, it does have a system of governance in CFSP that has, over the years, converged towards EU institutions and away from national capitals. What will the consequences of the May 2004 enlargement be on this peculiar system of governance?

During the accession negotiations, most Central and Eastern European countries did not have problems to accept the *acquis politique* of the EU. During the Constitutional Convention, the appointment of an EU foreign minister or the inclusion of a solidarity clause in the treaty were generally acceptable to them, while some newcomers had reservations about the extension of QMV or the transformation of the EU into a military alliance. The 2004 enlargement will probably reinforce the central place of the Secretariat General of the Council in the EU CFSP, as new members will have to rely on it because of their lack of experience in dealing with the EU

²⁸² Winn, N. and Lord, C., op. cit., pg. 10

machinery. If the Constitution is however ratified, the EU will have a single person playing the role of both foreign affairs minister and Commission Vice-President, an arrangement that will reinforce the bi-furcated system of governance identified in the thesis, while hopefully better streamlining its resources, rather than making it dependent on personality's compatibility.

APPENDICES

1/ Provisions on CFSP in the Nice Treaty

2/ The Formal Decision-making Process in the Second Pillar

Appendix A: The Provisions on CFSP in the Nice Treaty - Title V

Article 11 (ex Article J.1)

The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:

- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;
- to strengthen the security of the Union in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council shall ensure that these principles are complied with.

Article 12 (ex Article J.2)

The Union shall pursue the objectives set out in Article 11 by:

- defining the principles of and general guidelines for the common foreign and security policy;
- deciding on common strategies;
- adopting joint actions;
- adopting common positions;
- strengthening systematic cooperation between Member States in the conduct of policy.

Article 13 (ex Article J.3)

1. The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defense implications.

2. The European Council shall decide on common strategies to be implemented by the Union in areas where the Member States have important interests in common. Common strategies shall set out their objectives, duration and the means to be made available by the Union and the Member States.

3. The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines defined by the European Council.

The Council shall recommend common strategies to the European Council and shall implement them, in particular by adopting joint actions and common positions.
The Council shall ensure the unity, consistency and effectiveness of action by the Union.

Article 14 (ex Article J.4)

1. The Council shall adopt joint actions. Joint actions shall address specific situations where operational action by the Union is deemed to be required. They shall lay down their objectives, scope, the means to be made available to the Union, if necessary their duration, and the conditions for their implementation.
2. If there is a change in circumstances having a substantial effect on a question subject to joint action, the Council shall review the principles and objectives of that action and take the necessary decisions. As long as the Council has not acted, the joint action shall stand.
3. Joint actions shall commit the Member States in the positions they adopt and in the conduct of their activity.
4. The Council may request the Commission to submit to it any appropriate proposals relating to the common foreign and security policy to ensure the implementation of a joint action.
5. Whenever there is any plan to adopt a national position or take national action pursuant to a joint action, information shall be provided in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of Council decisions.
6. In cases of imperative need arising from changes in the situation and failing a Council decision, Member States may take the necessary measures as a matter of urgency having regard to the general objectives of the joint action. The Member State concerned shall inform the Council immediately of any such measures.
7. Should there be any major difficulties in implementing a joint action, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the joint action or impair its effectiveness.

Article 15 (ex Article J.5)

The Council shall adopt common positions. Common positions shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the common positions.

Article 16 (ex Article J.6)

Member States shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that the Union's influence is exerted as effectively as possible by means of concerted and convergent action.

Article 17 (ex Article J.7)

1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defense policy, which might lead to a common defense, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defense policy of certain Member States and shall respect the obligations of certain Member States, which see their common defense realized in the North Atlantic Treaty Organization (NATO), under the North Atlantic Treaty and be compatible with the common security and defense policy established within that framework.

The progressive framing of a common defense policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.

2. Questions referred to in this Article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.

3. Decisions having defense implications dealt with under this Article shall be taken without prejudice to the policies and obligations referred to in paragraph 1, second subparagraph.

4. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the Western European Union (WEU) and NATO, provided such cooperation does not run counter to or impede that provided for in this Title.

5. With a view to furthering the objectives of this Article, the provisions of this Article will be reviewed in accordance with Article 48.

Article 18 (ex Article J.8)

1. The Presidency shall represent the Union in matters coming within the common foreign and security policy.

2. The Presidency shall be responsible for the implementation of decisions taken under this Title; in that capacity it shall in principle express the position of the Union in international organizations and international conferences.

3. The Presidency shall be assisted by the Secretary-General of the Council who shall exercise the function of High Representative for the common foreign and security policy.

4. The Commission shall be fully associated in the tasks referred to in paragraphs 1 and 2. The Presidency shall be assisted in those tasks if need be by the next Member State to hold the Presidency.

5. The Council may, whenever it deems it necessary, appoint a special representative with a mandate in relation to particular policy issues.

Article 19 (ex Article J.9)

1. Member States shall coordinate their action in international organizations and at international conferences. They shall uphold the common positions in such fora. In international organizations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.

2. Without prejudice to paragraph 1 and Article 14(3), Member States represented in international organizations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest. Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defense of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

Article 20 (ex Article J.10)

The diplomatic and consular missions of the Member States and the Commission Delegations in third countries and international conferences, and their representations to international organizations, shall cooperate in ensuring that the common positions and joint actions adopted by the Council are complied with and implemented. They shall step up cooperation by exchanging information, carrying out joint assessments and contributing to the implementation of the provisions referred to in Article 20 of the Treaty establishing the European Community.

Article 21 (ex Article J.11)

The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy.

The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy.

Article 22 (ex Article J.12)

1. Any Member State or the Commission may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.

2. In cases requiring a rapid decision, the Presidency, of its own motion, or at the request of the Commission or a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.

Article 23 (ex Article J.13)

1. Decisions under this Title shall be taken by the Council acting unanimously. Abstentions by members present in person or represented shall not prevent the adoption of such decisions.

When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the decision, but shall accept that the decision commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council qualifying their abstention in this way represent more than one third of the votes weighted in accordance with Article 205(2) of the Treaty establishing the European Community, the decision shall not be adopted.

By derogation from the provisions of paragraph 1, the Council shall act by qualified majority:

- when adopting joint actions, common positions or taking any other decision on the basis of a common strategy;
- when adopting any decision implementing a joint action or a common position
- when appointing a special representative in accordance with Article 18(5).

If a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.

The votes of the members of the Council shall be weighted in accordance with Article 205(2) of the Treaty establishing the European Community. For their adoption, decisions shall require at least 62 votes in favor, cast by at least 10 members. This paragraph shall not apply to decisions having military or defense implications...

3. For procedural questions, the Council shall act by a majority of its members.

Article 24 (ex Article J.14)

1. When it is necessary to conclude an agreement with one or more States or international organizations in implementation of this Title, the Council may authorize the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect. Such agreements shall be concluded by the Council on a recommendation from the Presidency.

2. The Council shall act unanimously when the agreement covers an issue for which unanimity is required for the adoption of internal decisions.
3. When the agreement is envisaged in order to implement a joint action or common position, the Council shall act by a qualified majority in accordance with Article 23(2).
4. The provisions of this Article shall also apply to matters falling under Title VI. When the agreement covers an issue for which a qualified majority is required for the adoption of internal decisions or measures, the Council shall act by a qualified majority in accordance with Article 34(3).
5. No agreement shall be binding on a Member State whose representative in the Council states that it has to comply with the requirements of its own constitutional procedure; the other members of the Council may agree that the agreement shall nevertheless apply provisionally.
6. Agreements concluded under the conditions set out by this Article shall be binding on the institutions of the Union.

Article 25 (ex Article J.15)

Without prejudice to Article 207 of the Treaty establishing the European Community, a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission.

Within the scope of this Title, this Committee shall exercise, under the responsibility of the Council, political control and strategic direction of crisis management operations. The Council may authorize the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation, without prejudice to Article 47.

Article 26 (ex Article J.16)

The Secretary-General of the Council, High Representative for the common foreign and security policy, shall assist the Council in matters coming within the scope of the common foreign and security policy, in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties.

Article 27 (ex Article J.17)

The Commission shall be fully associated with the work carried out in the common foreign and security policy field.

Article 27a

1. Enhanced cooperation in any of the areas referred to in this Title shall be aimed at safeguarding the values and serving the interests of the Union as a whole by asserting its identity as a coherent force on the international scene. It shall respect:

- the principles, objectives, general guidelines and consistency of the common foreign and security policy and the decisions taken within the framework of that policy;
- the powers of the European Community, and
- consistency between all the Union's policies and its external activities.

2. Articles 11 to 27 and Articles 27b to 28 shall apply to the enhanced cooperation provided for in this Article, save as otherwise provided in Article 27c and Articles 43 to 45.

Article 27b

Enhanced cooperation pursuant to this Title shall relate to implementation of a joint action or a common position. It shall not relate to matters having military or defense implications.

Article 27c

Member States which intend to establish enhanced cooperation between themselves under Article 27b shall address a request to the Council to that effect.

The request shall be forwarded to the Commission and to the European Parliament for information. The Commission shall give its opinion particularly on whether the enhanced cooperation proposed is consistent with Union policies. Authorization shall be granted by the Council, acting in accordance with the second and third subparagraphs of Article 23(2) and in compliance with Articles 43 to 45.

Article 27d

Without prejudice to the powers of the Presidency or of the Commission, the Secretary-General of the Council, High Representative for the common foreign and security policy, shall in particular ensure that the European Parliament and all members of the Council are kept fully informed of the implementation of enhanced cooperation in the field of the common foreign and security policy.

Article 27e

Any Member State which wishes to participate in enhanced cooperation established in accordance with Article 27c shall notify its intention to the Council and inform the

Commission. The Commission shall give an opinion to the Council within three months of the date of receipt of that notification. Within four months of the date of receipt of that notification, the Council shall take a decision on the request and on such specific arrangements as it may deem necessary. The decision shall be deemed to be taken unless the Council, acting by a qualified majority within the same period, decides to hold it in abeyance; in that case, the Council shall state the reasons for its decision and set a deadline for re-examining it.

For the purposes of this Article, the Council shall act by a qualified majority. The qualified majority shall be defined as the same proportion of the weighted votes and the same proportion of the number of the members of the Council concerned as those laid down in the third subparagraph of Article 23(2).

Article 28 (ex Article J.18)

1. Articles 189, 190, 196 to 199, 203, 204, 206 to 209, 213 to 219, 255 and 290 of the Treaty establishing the European Community shall apply to the provisions relating to the areas referred to in this Title.

2. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the budget of the European Communities.

3. Operational expenditure to which the implementation of those provisions gives rise shall also be charged to the budget of the European Communities, except for such expenditure arising from operations having military or defense implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the budget of the European Communities it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defense implications, Member States whose representatives in the Council have made a formal declaration under Article 23(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

4. The budgetary procedure laid down in the Treaty establishing the European Community shall apply to the expenditure charged to the budget of the European Communities.

Article 207(2):

2. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General, High Representative for the common foreign and security policy, who shall be assisted by a Deputy Secretary-General responsible for the running of the General Secretariat. The Secretary-General and the Deputy Secretary-General shall be appointed by the Council, acting by a qualified majority.

The Council shall decide on the organization of the General Secretariat.

Declaration on the European security and defense policy

In accordance with the texts approved by the European Council in Nice concerning the European security and defense policy (Presidency report and Annexes), the objective for the European Union is for that policy to become operational quickly. A decision to that end will be taken by the European Council as soon as possible in 2001 and no later than at its meeting in Laeken/Brussels, on the basis of the existing provisions of the Treaty on European Union. Consequently, the entry into force of the Treaty of Nice does not constitute a precondition.

Appendix B: The Formal Decision-Making Process in the Second Pillar

Decision-Making

European Council



Council of the EU



Coreper / PSC



Council Working Groups

Representation/Implementation
Presidency



Secretary General of the Council



Special Representatives

COMMISSION is associated at all levels and has a joint right of initiative.

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