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MARMARA UNIVERSITY EUROPEAN COMMUNITY INSTITUTE

THE COMMON FOREIGN AND SECURITY POLICY OF THE EUROPEAN UNION AND THE TURKIC REPUBLICS

MUSTAFA FİŞNE M.A. Thesis

Supervisor: Prof. Dr. CENGIZ OKMAN

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ABSTRACT

EPC system, which was established aiming at the consultation and cooperation in the field of foreign affairs outside but parallel to the mechanism of the EC, was the embryonic stage of European political integration and a common foreign and security policy. It was an intergovernmental approach lacking any supranational features. Its main characteristics and working methods were shaped and improved by a chain of reports in the course of time.

At the begining of 1990s, under the pressure of drastic political developments in the continent of Europe, Member States made a fundamental attempt to transform the EPC system into a Common Foreign and Security Policy by the Maastricht Treaty intended to be safe from the shortcomings of EPC system. However, the Maastricht Treaty which was signed as a response to those new challenges faced by Europe is not satisfactory enough though some progress has been achieved in that field. In reality, today Europe is not in a position to cope successfully with international conflicts and crisis as shown in the Yugoslav crisis because of many shortcomings of its new CFSP system.

The collapse of the Soviet Union and the emergence of new independent states, six of which were Turkic Republics, made Europe reconsider its traditional attitude towards this region and show an increased attention to the developments in that region in which mainly Turkic Republics are located, mainly due to the political, economical, and strategical importance of it. So, Member States began to try to establish and develop a CFSP to the Turkic Republics and the region in which they are located. However, there was no a particular and special CFSP of EU to them different from that towards CIS as a whole at least until end of 1995. Besides the ad hoc reactions to the internal and external crisis in many of the Turkic Republics, similar to those in the past, EU has begun internal attempts for the establishment of a more integrated and long-term CFSP including both diplomatic and economic instruments since the end of 1995. The main components of that CFSP are economic cooperation and assistance, establishment of new contractual relation and political and diplomatic relations, which have already been used seperately under the Community competence by EU following the independence of those Republics.

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GLOSSARY

CAP Common Agricultural Policy
CDU Christian Democrat Union

CFSP Common Foreign and Security Policy
CIS Commonwealth of Independent States

COREPER Committee of Permanent Representatives

CSCE Conference on Security and Cooperation in Europe

CSU Christian Social Union

DG-IA Directorate-General for External Political Relations of the

European Commission

EC European Community

ECHO European Community Humanitarian Office
ECMM European Community Monitoring Mission

ECU European Currency Unit

EEC European Economic Community

EMS European Monetary System
EMU European Monetary Union

EP European Parliament

EPC European Political Cooperation

EU European Union

GATT General Agreement on Tariffs and Trade
IAEA International Atomic Energy Agency

IMF Intergovernmental Conference
IMF International Monetary Fund

NATO North Atlantic Treaty Organisation
NPT Nuclear Non-Proliferation Treaty

OSCE Organisation on Security and Cooperation in Europe

SEA Single European Act

TACIS Technical Assistance for Commonwealth of Independent States

TEU Treaty on European Union

UN United Nations

UNHCR United Nations High Commissionary for Refugees

UNSC United Nations Security Council

USA United States of America

USSR Union of Socialist Soviet Republics

WEU West European Union

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INTRODUCTION

This study examines the relationship between the European Union and the Turkic Republics of the Commonwealth of the Independent States during the period from 1990 to the end of 1995 in the context of a new but deeply rooted policy of the EU, that is to say, the Common Foreign and Security Policy.

Before doing so, the European Political Cooperation system is examined in details in the first part since it both constitutes the embryonic stage of CFSP and makes up the framework for the relationship between the EU and the Turkic Republics of CIS until November 1993 on which the Maastricht Treaty that sets out the creation of CFSP came into force. In the second part, the present phase of the Common Foreign and Security Policy is examined. It should be noted that, although its full name; the Common Foreign and Security Policy, and its former abbreviation; CFSP, is used over the whole pages of this study, the focus is only on the common foreign policy field, therefore, the second part of that policy related to the security matters is excluded. In the third and the last part, the relationship between the European Union and the Turkic Republics which emerged as individual and independent international entities following the collapse of the Soviet Union in the beginning of 1990s in the context of CFSP is examined. It should also be noted that the term "Turkic Republics" is preferred to the term "Muslim Republics" though the latter seems to be more appropriate for this classification which includes Tadjikistan that shows linguistic differences from the other Turkic Republics as well as Turkey but has religious and cultural similarities with them.

What it is tried to be made in this study is to expose both the present level of the European political cooperation, particularly in common foreign policy field, among the Member States of the EU, membership of which viewed as vital by the most of Turkish foreign policy makers, and the level of the relationship between the EU and the Turkic Republics which possess the post of another significant variable in Turkish foreign policy making to get the general characters and principles of the EU's common foreign policy towards them. The following considerations are the reasons for preparing this study. The first consideration is that such a kind of study may be helpful in developing long-term strategies and policies by Turkey

towards both the EU and the Turkic Republics when taking into account the possibility of its full membership to the EU at least in very long-run. It may also be helpful for the parts debating on this subject and questioning it on the base of the concept of "sovereignty" and "national interest". It is also considered that another debate to which it may supply inputs is that whether Turkey can play a role as a bridge between Europe and Central Asia.

The first and the second part of this study is prepared by referring to the books and articles related to the subject. In the second part, the practical level and aspects of the subject is tried to be discussed rather than those written on the texts by referring to the views of the persons at the high official level in the respective departments of the EU. The third part which may be seen the most original part of this study is prepared by mostly examining and using related parts of the various official documents issued by the EU such as bulletins and yearly reports on the activities of it. Besides them, it should be noted that conference notes are more referred than books and articles in this part. Tables and charts are drawn to make clear understanding of the subject and to ensure easy comparisons.

PART ONE

THE EUROPEAN POLITICAL COOPERATION

I.1. FACTORS FOR THE ESTABLISHMENT AND EVOLUTION OF THE EUROPEAN POLITICAL COOPERATION

Generally speaking, it could be said that, as Lansing and Bye put it, "the Treaty of Rome [is] an economic agreement with no specific political dimension." However, as Lasok and Bridge point out, although the immediate aims of the Communities are economic, their long-term aims are political since the determination of the Member States for 'an ever closer union among the peoples of Europe' is clearly affirmed in the preamble of the EEC Treaty. In addition to this, Article 2 of the same Treaty also refers to the establishment of closer relations between them. Nevertheless, due to the given priority for the economical and commercial integration of Europe, the foreign policy matters had been dealt by the Member States by themselves until the year 1970 in which "the European Political Cooperation was introduced with the aim to provide a 'forum for discussing foreign issues on which, as economic partners, they are likely to have a common political interest as well."

According to Ifestos, the factors which played an important role in the establishment and evolution of the European Political Cooperation (hereafter written as EPC) can be listed as below;

¹ Paul Lansing and Paul James Bye, 'New Membership and The Future of The European Community", World Competition, Law and Economics Review, vol.15, no. 3, March 1992, p.72.

² Dominik Lasok and J.W. Bridge, Law and Institutions of European Communities, Fifth ed., (Butterworths, London, 1991), p.242.

³ Lansing and Bye, op.cit., p.72.

First factor was the emergence of a gap between the external politics which was in the hands of individual governments and economics which was subject to the cooperation. It also caused for many unintentional external political consequences and Member States realised the necessity of a common approach to deal with them. Therefore, it can be said that the EPC was an attempt to fill the vacuum between internal and external unity.

Second factor was the consideration of third countries on the European Community as an important international economic and political actor. As a result of such considerations, most of them gave a prior place to it in their foreign policy formulation. This required common or coordinated Community responses. Therefore, it can be said that the EPC was a response of the Member States to external demands and expectations.

Third factor was the need felt by the Member States to adopt themselves to the important changes of the international environment at the end of 1960s and the beginning of 1970s. Among them, there were the relaxation of the tensions between the East and the West, the tendency towards arms control negotiation between the two blocs, and the attempt in Third World for the creation of a new bloc as a new power and instabilities in that world. These developments in international environment made Member States to think to establish their own common independent policies European Governments realised the necessity for the development of more independent policies on these problems. Therefore, it can be said that the EPC was set up as a first step to speak with one voice and to increase the influence of Europe in the world affairs.

Fourth factor was the general trend towards multilateral diplomacy which means the proliferation of groups of countries within international organisations. Fitting to this trend, the EPC system was set up to combine their resources to achieve the goal of speaking with one voice. In this respect, not only the smaller European states but also the bigger ones, such as Germany and France considered the Community as an important political forum. It should be noted that, this consideration also played an important role in the evolution of EPC system.⁴

As it is obvious, all these factors mostly emanated from, or related to the external developments. Besides them, there were many internal factors which paved the way for

⁴ Panayiotis Ifestos, European Political Cooperation, towards a framework of supranational diplomacy, (Avebury-Growing Publishing, Aldershot, 1987), pp.133-141.

the beginning of efforts on EPC and, as a result, for the emergence of it at the end of the year 1969. They, referring to mostly Ifestos again and Urwin, can be listed as follows;

First factor was the fact that the transitional period of the Community came to an end, and the custom union between the Member States was completed. As a result, as Urwin states "...new stimuli were needed to prod the organisation [EC] into more effective activity." ⁵

Second factor was the starting of enlargement negotiations with other European states. Urwin explains the role of this factor as, "The desire was not just the EC moving again, but to place it firmly on a particular path of development that could not be blocked or diverted when enlargement did occur."

Third factor was the increase in positive political will among the Member States for strengthening and deepening European integration in which cooperation in foreign policy issues was considered as an essential element at the end of the 1960s.

Fourth factor was the notice of the Member States on the necessity of pragmatism for integration of Europe. As a result of this realisation, they gave up the dogmatic and ideological quarrels of the 1960s on the nature of that integration and choose intergovernmental approach.⁷

It would be better to state here the factors for the evolution of EPC system too. Besides the above mentioned factor for the evolution of EPC system as the acceptance of all Member States on Community as an important political forum, it could be said that, as given by Ifestos, another factor was its flexible framework as well as its pragmatic methods which made possible the existence of the various interpretations and the autonomy of national actions. It enabled each Member States to seek its own national objectives without provoking negative reactions in its partners. In addition, it offered an opportunity for cooperation in the field of foreign policy against the external problems faced by the Member States without requiring supra nationality in this sensitive area.

In sum, it could be said that important steps for the establishment of common foreign policy were not so much due to the structures of the EPC, but as result of changes and developments in the internal and international environment.⁸

⁵ Derek W. Urwin, *The Community of Europe: A History of European Integration Since 1945*, (Longman, London and Newyork, 1993), p.146.

⁶ Ibid.

⁷ Ifestos, op.cit., p.148.

⁸ Ibid., p.136.

I.2. EARLIER ATTEMPTS AT POLITICAL COOPERATION

Following the establishment of first European Community, namely, the European Coal and Steel Community, as Ungerer points out, there were more ambitious efforts for the creation of a European Union. The most significant two of these efforts were the attempts to create a European Defence Community and a Political Community in 1953. However, the French National Assembly refused to ratify the Treaty on a European Defence Community which meant the end of the Draft Treaty on a Political Community. But the efforts in the direction of a United Europe and speaking with one voice in foreign policy continued. After the establishment of European Communities, another attempt was made by Fouchet plan to supplement its commercial functions with a common foreign policy in a Political Union. The plan envisaged the coordination and cooperation of the foreign policy, economical, cultural and defence matters between the Member States. But, mainly due to these supranational aims of it, French President de Gaulle was against it and the smaller Member States also did not support it. So, obviously the result was failure which was also influenced by other developments, such as the vetoing British entry, and the crisis that led to the Luxembourg compromise. 9

I.3. THE EMERGENCE OF EUROPEAN POLITICAL COOPERATION

I.3.1. THE HAGUE CONFERENCE

As mentioned earlier, various external and internal factors paved the way for a new beginning in the year 1969 and the Hague Conference took place on 1 and 2 December 1969 in Hague. ¹⁰ It was actually a renewed attempt for the achievement of a political integration in Europe.

At the end of the summit conference, in their final communiqué, ¹¹ the Heads of State or Government expressed their opinion on the final stage of the Common Market as an important step towards the European integration "...paving the way for a united

⁹ Werner Ungerer, "On The Way To European Union", in Joerg Monar-Werner Ungerer-Wolfgang Wessel (eds), *The Maastricht Treaty On European Union Legal Complexity and Political Dynamic*, (European University Press, Brussels, 1993), pp.25 and 28. For the detailed information on the earlier attempts at political cooperation, see, Peter Coffey, *The Future of Europe*, (Edward Algar, 1995), pp.34-38., and also see Rita Cardozo, "The Project for a Political Community (1952-54)", in Roy Pryce (ed.), *The Dynamics of European Union*, (Routledge, London and New York, 1993), pp. 49-77.

¹⁰ For further information on the Haque Conference see, Cristian Franck, "New Ambitions from the Haque to Paris Summits (1969-72)", in in Roy Pryce (ed.), ibid., pp.141-144.

¹¹ The full text of the Haque Communiqué can be found in *Bulletin-EC*, no. 1, 1970, pp.11-18. and excerpts of it in *European Political Cooperation*, Press and Information Service, (Clausen and Bosse, Bonn, 1988) pp.22-23. The latter source is used

Europe capable of assuming its responsibilities in the world of tomorrow..." and the original nucleus for this integration was the European Communities. They instructed their Foreign Ministers "...to study the best way of achieving progress in the matter of political unification within the context of enlargement" in a report until July 1970.¹²

It could be said that since this instruction (thus the Hague summit) opened a searching era on the methods and nature of the political cooperation and integration, which continued until the end of next two summit meetings, namely Paris (1972) and Copenhagen (1973), the Hague summit has a historical meaning and importance in European political integration.

I.3.2. THE LUXEMBOURG REPORT

Following the instruction, quoted above, the Foreign Ministers set up a committee composed of their Political Directors and ordered them to discussed the subject and draw up a report. The Committee, under the chairmanship of the Belgian Political Director, Etienne Davignon, prepared a report which is often called as Davignon report or Luxembourg report, taking into account the different views and attitudes of the Member States on European political integration. They chose a pragmatic method of political cooperation outside the Community mechanism. The report was approved by the Foreign Ministers on 27 October 1970 in Luxembourg.

According to the Luxembourg report, 13 the objectives of the cooperation in the field of foreign policy were the following;

- to ensure, through regular exchange of information and consultations, a better understanding on the great international problems;
- to strengthen their solidarity by promoting the harmonisation of their views, the coordination of their positions, and where it appears possible and desirable, common actions.¹⁴

The main features of the suggested framework for the political cooperation was described in the second part of the Luxembourg report. Accordingly, its basic character was the process of regular consultations among the Foreign Ministers and the other foreign services of the Member States. It did not suggest the establishment of any special

¹² The Haque Communiqué, paragraphs 4, 3 and 15.

¹³ For the full text of Luxembourg report,, see *Bulletin-EC*, no. 11, 1970, pp.9-14.,and *European Political Cooperation*, op.cit., pp.24-31. The latter source is used.

¹⁴ Luxembourg report, Part II, para.10.

body for this purpose. The main actors in the consultation process were the Foreign Ministers whose meeting would held once every six month. Their envisaged task was to discuss and to try to create common attitudes towards the international problems. Their meetings would held under chairmanship of the Foreign Minister of the country providing the President of the Council of the European Community. A conference of the Heads of State would be held when required so. In addition, the President-in-office may call on an extraordinary meeting in case of a serious crisis.

The Foreign Ministers were backed and supported a committee of the heads of political departments of the Members' foreign ministries which is called as "Political Committee". The frequency for its meeting was not less than four in a year. Its main task was preparatory work and follow-up. There were also other several working parties which were mainly in ad hoc nature having special tasks such as expertising, collecting data, analysing and suggesting solutions to actual or potential international and regional problems faced by the Community. There was not a permanent secretariat, therefore the secretarial work would be made by the country of the chairman and the host state. Moreover, each Member State would appoint a foreign affairs official as "correspondent" with his counterparts in the other Member States.

Although this new framework for political cooperation was planned as working outside the Community mechanism, the necessity of some kind of interlink was stressed by the Luxembourg report. For this purpose, it was stated that the Commission would express its views when the activities of political cooperation affect the activities of the European Communities. Moreover, informal meetings in every six month were provided between the Foreign Ministers and the Political Affairs Committee of the European Parliament Assembly (later called European Parliament). 15

As a final word about the Luxembourg report, it could be said that it created a new base for the foreign policy cooperation. The sensitivities and different views of the Member States on the European political integration was taken into account in the report, therefore, it was welcomed by them. Since it did not establish any common permanent institution, its implementation occurred outside the institutional framework and fulfilled by the national actors. The method it envisaged was the intergovernmental cooperation depending on the good intention and willingness of the Member States. Due to the fact that it was not a treaty, Member States did not feel themselves legally bound to it. Although there was a envisaged clear distinction between activities of political

¹⁵ Ibid., Part II., heading 1,2,3,4,5, 11,12,13.

cooperation and that of the Community, there were indirect links between them since it required the meetings of Foreign Ministers who also meet in the occasion of European Council of Ministers and some informal meeting with the Parliament and Commission.

I.3.3. PARIS SUMMIT CONFERENCE

Following the Paris Summit Conference ¹⁶ on 19 and 20 October 1972, in their final statement on 21 October, the Heads of State or Government expressed the necessity for Europe making its voice heard in international scene. Explaining their satisfaction about the political cooperation, they stated their expectation that it would help for the emergence of an integrated Europe as a distinct entity. ¹⁷ For this purpose, they suggested further improvement of it and the intensified consultations at all levels by increasing number of the Foreign Ministers' meetings from two to four in a year.

They described the aim of the political cooperation as "...to deal with problems of current interest and, where possible, to formulate common medium and long-term positions..." Concerning the relation between Community activities and political cooperation activities, they stated that "On matters which have a direct bearing on Community activities, close contact will be maintained with the Institutions of the Community." They also demanded the Foreign Ministers to prepare until 30 June 1973 "...a second report on methods of improving political cooperation in accordance with the Luxembourg report." 18

In sum, it could be said that Paris Summit Conference statement showed the acceptance of the Member States on the Luxembourg report as an appropriate base for the development of political cooperation as well as their readiness for the improvement of it in this direction. This implied that they were in favour of the intergovernmental cooperation rather than supranational ones.

¹⁶ For the full text of the Statement of Paris Summit Conference, see *Bulletin-EC*, no.10, 1972, pp.15-22.,and excerpts of it can be found in *European Political Cooperation*, op.cit., pp.31-34. The latter source is used.

¹⁷ Statement of Paris Summit Conference, paragraphs begining and 7.

¹⁸ Ibid., para. 14.

I.4. THE EVOLUTIONARY STAGES

I.4.1. THE COPENHAGEN REPORT

Taken the instruction from the Paris Summit Conference, the Foreign Ministers prepared a second report on EPC and approved it in their meeting on 23 July 1973 and submitted to the EC summit meeting in the November 1973 in Copenhagen hence it was called the Copenhagen report¹⁹. In it the Ministers noted that "...the characteristically pragmatic mechanism set up by the Luxembourg report have shown their flexibility and effectiveness". According to them, this mechanism was "...a new procedure in international relations and an original European contribution to the technique of arriving at concerted action."²⁰

The Copenhagen report restated the aims laid down by Luxembourg report for the political cooperation which can be summarised as ensurance of a mutual understanding of international problems through a process of consultation and information; strengthening the solidarity between themselves through the harmonisation of views and coordination of positions; and attempting to reach a common approach when it seems suitable to do so.²¹

According to the Copenhagen report, the basic obligation of Member States was to ensure the consultation between each other on all important foreign policy matters before adopting their own final positions. They would observe the following criteria during the consultation;

- "- the purpose of the consultation is to seek common policies on practical problems,
- the subject dealt with must concern European interests whether in Europe itself or elsewhere the adoption of a common position is necessary or desirable. On these questions each state undertakes as a general rule not to take final positions without prior consultation with its partners within the framework of political cooperation machinery." 22

Part II of the Copenhagen report dealt with the improvement of framework of the political cooperation and made many practical improvements. It also brought intensified regular consultations at all levels. It increased the EPC Foreign Ministers' meetings from

¹⁹ For the full text of Copenhagen report, see *Bulletin-EC*, no.9, 1973, pp.14-18., and *European Political Cooperation*, op.cit., pp.35-43. The latter source is used.

²⁰ Copenhagen report, Part I.

²¹ Ibid.

²² Ibid., Part II.

two to four in a year. If it seems necessary, they would make consultation with each other whenever they come together. It also increased the frequency of the Political Committee meetings. It brought a process of regular contacts, consultations, and meetings for the diplomatic representatives of the Member States in each other's capitals, in third countries and in international organisations.

It set up the Group of Correspondents consisting of European Correspondents in the foreign ministries. Its task was to follow the implementation of political cooperation and to study the general and organisational problems and to assist to the Political Committee. In addition, it set up working parties consisting of senior officials, which would meet whenever it was required so, to deal with special problems. There were many other groups of experts or research groups depending on nature of the problem. It also established a special communication system among the Members' Foreign Ministries, which was called as the COREU, to facilitate the direct contact between their departments.

The Copenhagen report also explained the necessity of the collaboration between EPC and the institutions of the Community and laid down its rules. Accordingly, four colloquies would be held each year between the Ministers and the members of the Political Committee of the European Parliament. Moreover, the President-in-office would continue to submit a communication on the activities of EPC and about the political cooperation developments to the European Parliament yearly. However, the Copenhagen report maintained a distinction between the EPC machinery and the Community though it envisaged the maintenance of close contact between them, especially for matters influencing the activities of the Community. For this purpose the Commission was invited to explain its views.²³

In sum, it could be said that, as Ifestos puts it, the Copenhagen report was prepared in parallel to the Luxembourg report. It brought many practical improvement and cleared the mechanism and working procedures for the political cooperation. It designated EPC as an intensified consultation and information procedures at all levels. "The Copenhagen report, basically both outlined what was previously agreed on political cooperation and attempted to draw plans for its future development. Moreover, it gave European Political Cooperation its final character, it established its working rules throughout the 1970s and 1980s."²⁴

²³ Ibid.

²⁴ Ifestos, op.cit., p.167.

I.4.2. THE DECLARATION ON EUROPEAN IDENTITY

As an important external development in the year 1973, as Daltrop argues, the oil crisis showed lack of unity among the Member States and enforced them to increase their efforts for cooperation and for a single voice of Europe in international affairs.²⁵ As a result of this revived efforts the Document on European Identity²⁶ adopted by the Conference of Heads of State and published as a Community declaration on 14 December 1973 in Copenhagen. In the Declaration, the Heads of State or Government proposed the further development of the political cooperation system "...with a view to determining common attitudes and, where possible and desirable common action."²⁷ Noting the difficulty of dealing with then international problems by each of Member States alone, they stated that "...international developments and growing concentration of power and responsibility in the hands of a very small number of great powers mean that Europe must unite and speak increasingly with one voice if it wants to make itself heard and play its proper role in the world."28 They also stated that "...as it unites, it takes on new international obligations...[they] intend to play an active role in the world affairs...[and] in pursuit of this objective the Nine should define common positions in the sphere of foreign policy."29

According to the Document, the Community would follow the below principles to create a common policy in relation to third countries;

- "(a) The Nine, acting as a single entity, will strive to promote harmonious and constructive relations with these countries.
- (b) In future when the Nine negotiate collectively with other countries, the institutions and procedure chosen should enable the distinct character of the European entity to be respected.
- (c) In bilateral contacts with other countries, the Member States will increasingly act on the basis of agreed common positions."³⁰

²⁵ Anne Daltrop, Politics and the European Community, (Longman, 1982) p.127.

²⁶ For the full text of the Document on European Identity, see *Bulletin-EC*, no.12,1973, pp.118-122., and in *European Political Cooperation*, op.cit.,pp.48-54. The latter source is used.

²⁷ Document on European Identity, para. 2.

²⁸ Ibid., para. 6.

²⁹ Ibid., para. 9.

³⁰ Ibid., para.10.

Moreover, they proposed a progressive definition of their identity in their external relations to strengthen their own cohesion and to create a genuine European foreign policy."³¹

In their final Communiqué of summit,³² the Heads of State affirmed their common will for speaking with one voice in important world affairs. They also stated their decision "...to meet more frequently... whenever justified by the circumstances and when it appears necessary to provide a stimulus or to lay down further guidelines for the construction of a united Europe."³³ As Ifestos points out, "this decision should be regarded as the first step in the establishment of the European Council a year later and as a further step towards intergovernmentalism."³⁴

In sum, it could be said that the Declaration on European Identity showed that the Member States accepted EPC as a basic instrument for being active in world affairs by developing a common voice and a common foreign policy. However, it should be noted that it was only a declaration without establishing agreed special policies for this purpose.

I.4.3. PARIS SUMMIT CONFERENCE AND ESTABLISHMENT OF THE EUROPEAN COUNCIL

Member States was called for another summit by France in the year 1974. As it is explained in details by Urwin, despite the opposition of many smaller Member States, this French initiative became successful.³⁵ and the Heads of the Government of the Member States, their Foreign Ministers and the President of the Commission, met in Paris on 10 December 1974,³⁶ to examine various problems faced by Europe. They recognised the need for an overall approach for solving the internal and external problems on the front of European integration and therefore decided to meet three times a year. To ensure the consistency in the activities of the Communities and that of political cooperation, Foreign Ministers were entrusted as initiators and coordinators since they had the opportunity for meeting in the context of political cooperation when they come together in the Council of Community.

³¹ Ibid., para.22.

³² Excerpts of the text of it can be found in European Political Cooperation, op.cit., pp.54-55.

³³ Communqué of the Copenhagen, para. 3.

³⁴ Ifestos, op.cit., p.180.

³⁵ Urwin, op.cit., pp.172-174.

³⁶ For the text of Communiqé of Paris summit see *Bulletin-EC*. no.12, 1974, pp.118-122., and *European Political Cooperation*, op.cit., pp.56-57. The latter source is used.

In addition, the Heads of State or Government reaffirmed "...their determination gradually to adopt common positions and coordinate their diplomatic action in all areas of international affairs which affect the interests of the European Community". The President-in-office was entrusted as the spokesman for the Member States in international diplomacy.³⁷

Apart from these decisions, a more important one was the regularisation of the summits of the leadership of Member States. As a result of this decision, the European Council which composed of the Heads of State accompanied by the Foreign Ministers and the President of the Commission was established. Its meetings would be held at least three times a year " 'in the Council of the Communities and in the context of political cooperation' in order to discuss Europe's internal and external problems on the basis of 'an overall approach'". According to Urwin, the aim for the establishment of the European Council was "...to provide the missing authority by institutionalising the practice of summitry." 39

Beyond the political reasons, as Ifestos puts it, there were also structural factors for creating such an highest organ. The most important factor was the need for a highest organ which was able to provide guidelines and links among the different processes of European integration. According to him, the establishment of European Council had vital importance for European integration because it implied that the Member States preferred intergovernmental mechanism whose main actors were national bodies rather than a supranational one for this purpose. Since its decisions were not equivalent to a Treaty commitment, they were not legally binding by themselves and the necessary legislative and executive measures must be taken by other bodies. However, the European Council was accepted as a Community organ in several texts of the Community institutions.⁴⁰

As a final word it would be better to refer Lasok. According to him,

"The European Council has been hailed as an example of the Community's capacity for self-renewal in difficult circumstances. By the early 1970s a new political impetus was needed as the Community moved from the shelter of the Treaties into largely uncharted waters. It is the European Council's role to supply that impetus. By the creation of machinery for political consultation distinct from

³⁷ Communiqué of Paris summit, paragraphs 1, 2, 3, 4.

³⁸ European Political Cooperation, op.cit., p.15.

³⁹ Urwin, op.cit. p.172.

⁴⁰ Ifestos., op.cit., p.187.

yet parallel to the institutions of the Communities the Governments of the Member States distinguished between matters of international politics on the intergovernmental level on the one hand and the activities of the Communities based on legal obligations contained in the Treaties on the other. Matters of mutual political concern to the Member States which did not directly relate to the Treaties were discussed by the Foreign Ministers outside the Community structure and assisted by the Political Committee; matters which did directly relate to the Treaties were discussed within the Council of the Communities assisted by the Committee of Permanent Representatives. By the same token the European Council was a hybrid which if discussing non-Community matters was no more than a Summit Conference and manifestation of the Council of the Communities."⁴¹

It also should be noted that the Paris summit entrusted the Belgium Prime Minister Leo Tindemans to prepare a report on the concept and shape of European Union after making consultations at different levels within the Community and submit it to the Heads of Government before the end of 1975.

I.4.4. TINDEMANS REPORT AND THE HAGUE SUMMIT

Following the instruction, just mentioned above paragraph, as Vandamme points out, Leo Tindemans, the Prime Minister of Belgium, took a pragmatic approach taking into account the internal sensitivities and constraints. He made intensified consultations with several sectors in the Community as well as main institutions of it.

According to his report, the common foreign policy must have included all economic financial, commercial and political activities. Therefore it proposed common actions in the sphere of foreign and security policies as well as common policies in other areas stating the need for a complete package of measures. It proposed the transformation of the political commitment of Member States into a legal obligation. It stated many areas for obligatory consultation. Concerning the mechanism of EPC, the report demanded the abolishment of the distinction between EPC and the Community affairs suggesting a single decision-making centre. It stated the inadequacy of existing coordination mechanism of EPC within the framework of a European Union.⁴²

However, the report could not get the opportunity for being deeply discussed and negotiated, as Vandamme points out, mainly due to economic and financial difficulties

⁴¹ Lasok and Bridge, op.cit., p.244.

⁴² Jacques Vandamme, "The Tindamans Report", in Roy Pryce (ed.), op.cit., pp.152-153 and 158-162.

faced by the Community and diverging national policies of the Member States in the year 1976. So, the conclusions of the European Council in Hague⁴³on 29 and 30 November 1976 "...were restricted to extremely vague considerations concerning the Report's 'great interest' and the necessity of arriving, in due course, at a 'comprehensive and coherent political approach."⁴⁴

It could be said that, as Ifestos points out, the abandonment of the Tindemans report showed the indecisiveness of the Member States on the prospective European Union. The result is explained by him as follows;

"Consequently, European Political Cooperation ceased being regarded as a mechanism for very common foreign policy...; it lost momentum, and its image as a symbol of European Union weakened... The trend is that European Political Cooperation will continue to be a 'pragmatic' and 'realistic' forum for foreign policy coordination and consultations. A common European foreign policy through increased cooperation and common positions, seems to be a remote possibility, despite the usefulness of the coordination and consultations practices followed so far."⁴⁵

I.4.5. THE LONDON REPORT

During the period of 1970s, facing by several crisis such as oil crisis and challenging many internal problems, as Ifestos points out, the European Community, out, was looking for the creation of a European Identity and formation of necessary institutional mechanism for this purpose. In addition to the already mentioned external crisis, the invasion of Afghanistan by USSR at the end of 1970s, and the unsuccessful European attempts for solving this crisis demonstrated the fact that the Europe was still a simple international actor with a weak power and limited influence. Realising this fact, Member States accelerated their attempts for improvement of EPC especially in the sphere of foreign policy. So in November 1980, the Political Directors were entrusted with the task of examining options for strengthening EPC. As a result of their work, the third EPC report emerged and it was approved by the Foreign Ministers on 13 October 1981 in London. It was also approved by the European Council on 26 and 27 November 1981 in London.

⁴³ For the full text of Statement by the 6th European Council on European Union, see *Bulletin-EC*, no.11, 1976, pp.93-94., and *European Political Cooperation*, op.cit., pp.58-59.

⁴⁴ Vandamme, op.cit., p.165.

⁴⁵ Ifestos, op.cit., pp.197-198..

⁴⁶ Ibid., pp-283-286 and also 292-293.

In the London report⁴⁷ the Foreign Ministers noted that "...in spite of what has been achieved, the Ten were still far from playing a role in the world appropriate to their combined influence." As a result of this view, besides the restatement of the undertakings of Member States for political cooperation, the degree of obligation for consultation between them increased.⁴⁸

The London report also brought many practical improvements for existing mechanism of EPC to strengthen it. It created a small group of officials from preceding and succeeding presidencies with the aim of assisting the President-in-office which was appointed as the spokesman of the Community on the activities of EPC. The relations with the European Parliament was also increased and the Commission was fully associated with political cooperation at all levels. The distinctions between the meetings of Foreign Ministers for political cooperation and that of EC Foreign Ministers Council was loosed. It also established crisis procedures.⁴⁹

In sum, it could be said that London report did not make a radical change in the established mechanism of EPC. It brought many little and practical changes to ensure the effectiveness of that mechanism. The basic character of EPC remained the same. The institutional changes brought by it were the formalisation of the participation of the Commission to the EPC discussion, the creation of an assistant group to the Presidency and the establishment of a crisis procedures.

I.4.6. THE GENSCHER-COLOMBO PLAN AND THE 'SOLEMN DECLARATION ON EUROPEAN UNION'

As Bonvincini deeply examines it, another important attempt for adding a political dimension to the Community was the Genscher-Colombo Plan of 1981 among the other kinds of plans for the same purpose. Actually, there were various attempts to the creation further integration in Europe at the beginning of 1980s, resulting mainly from the necessity to respond internal and external challenges faced by the Europe at that time. Internally, those challenges were the enlargement problem, the need for monetary cooperation, and then hard economic conditions in the Community. Externally, they were worsening of the relations with USA on the matters of Détente and Middle East problems. Therefore, there were several proposals and initiatives concerning the nature of future European integration. An important one of this initiatives was the German and

⁴⁷ For the full text of London report, see *European Political Cooperation*, op.cit., pp.61-70.

⁴⁸ London report, Part I.

⁴⁹ Ibid., Part II.

Italian Foreign Ministers' plan in which they proposed a Draft European Act for the transformation of political cooperation into a real common foreign policy in the context of a European Union. It envisaged close interlinks between the Community and EPC to bring a single integration process. On 4 January 1982, the Council of Foreign Ministers decided to establish an ad hoc group consisting of high foreign ministry officials to discussed the plan.⁵⁰

After long negotiations by the Member States, as Ifestos points out, they finally agreed on a document called the 'Solemn Declaration on European Union' ⁵¹ adopted and signed by the European Council in Stuttgart on 19 June 1983. As a result of the long negotiation process the original formulation of the Draft European Act was mostly changed into expression of good intentions, especially those suggestions related to institutional reforms. According to him, the final text of the Solemn Declaration concerning political cooperation was more similar to the London report than Draft European Act of Genscher-Colombo. It largely preserved the legal and political status quo and the basic characteristics of EPC established in the mid-1970s, since "...the distinction between European Economic Community and European Political Cooperation, the absence of any binding obligations, the low profile in security matters, and the institutional setting, all remained essentially untouched." ⁵²

An important statement concerning foreign policy was their call for the strengthening and developing of EPC as one of their objectives, "...through the elaboration and adaptation of joint positions and joint action on the basis of intensified consultations, in the area of foreign policy,...so as to promote and facilitate the progressive development of such positions and actions in a growing number of foreign policy fields."53

As it is seen from this quoted statement, it could be said that, as Ifestos puts it,

"In the text of Solemn Declaration there is no 'common foreign policy' phrase as in the Draft European Act. Instead of this there are vague and ambiguous phrases such as 'foreign policy position', 'coordination of positions', 'in a growing number of foreign policy fields' and 'greater coherence and close coordination'. The fact that these phrases are to be found under heading 'objectives' shows that "even this

⁵⁰ Gianni Bonvincini, "The Genscher-Colombo Plan and the 'Solemn Declaration on European Union' (1981-83)", in Roy Pryce (ed.), op.cit., pp. 174-187.

⁵¹ For the full text, see *Bulletin-EC*, no.6, 1983, p.24, point 1.6.1., and *European Political Cooperation*, op.cit., pp.70-78. The latter source is used.

⁵² Ifestos, op.cit., pp.302-303.

⁵³ Solenm Declaration, point 1.4.2.

reduced form of Community foreign policy was rather regarded as a long term outcome than as a short term policy objective."⁵⁴

Nevertheless they took measures for the increasing of effectiveness of EPC. For this purpose, they stated the following measures to respond to the increasing problems of international politics;

- "-intensified consultation with a view to permitting timely joint action,
- -prior consultation with the other member states in advance of the adaptation of final positions. Each member state will take full account of the positions of its partners and give due weight to the adaptation and implementation of common European positions when working out national positions and taking national action.
- development and extension of the practice by which the views of the Ten are defined and consolidated in the form of common positions,
- progressive development and definition of common principles and objectives as well as the identification of common interests,
- coordination of positions of member states on the political and economic aspects of security,
- increased contacts with third countries,
- closer cooperation in diplomatic and administrative matters between the mission of the Ten in third countries,
- the search for common positions at major international conferences covering questions dealt with in political cooperation,
- increasing recognition of the contribution which the European Parliament makes to the development of a coordinated foreign policy of the Ten.

In sum, it could be said that the Solemn Declaration on European Union which resulted from the Genscher-Colombo Plan were completely different from it both in the content and in scope. Instead, it followed the direction of the London report and was more similar to it. There was no innovation concerning the scope, procedure and method of EPC. As a final word about the Solemn Declaration, it should be quoted here what Bonvincini says, "[It] was not a credible instrument of progress toward European Union nor did its wording help to clarify the concept of European Union. It was just another

⁵⁴ Ifestos, op.cit., p.305.

⁵⁵ Solemn Declaration, point . 3.2.

attempt to move toward and will probably remembered more as a missed opportunity than for the role it has played or will play in the future." ⁵⁶

I.5. TOWARDS A LEGAL FRAMEWORK

I.5.1. DEVELOPMENTS BEFORE INTERGOVERNMENTAL CONFERENCE

Another attempt for establishing a European Union was made by the European Parliament which has been trying to solve institutional questions following the first direct elections for itself. As Schmuck gives the details of it, on 14 February 1984, it voted a Draft Treaty on the European Union, the main aims of which were the inclusion of political areas into the Community competence under a single framework and creation of a more democratic and efficient decision-making process. The Parliament choose a different strategy to secure the acceptance of its Draft Treaty by Member States. It tried to get the support of the public and of national parliaments to create some pressures on Member States for the establishment of a European Union. Although the Parliament did not become successful in this strategy meaning the failure of the attempt, its Draft Treaty made Member States' attentions to return on the issue of the political integration and on reform attempts on the Community structure by revising the main Treaties.⁵⁷

At the same year, as Keatinge and Murphy point out, following the solution of disputes among the Member States mainly related to the matters of the budget and of the enlargement, the European Council of Fontainebeau on 25-26 June 1984 agreed on setting up two committees to improve the concept of European Union. It should be noted that, as the two authors points out, the circumstances both at the national and the Community level were appropriate for a new initiative on European Union in the same direction with the Solemn Declaration on European Union and the Draft European Union Treaty of the Parliament. One of the committees consisting of the personal representatives of the Heads of States called as the Ad Hoc Committee on International Affairs (or Dooge Committee) was entrusted to make suggestions for the advancement of the cooperation at both the Community and the political spheres. More specifically, the task of the Committee was "...[to] attempt to translate a wide range of existing views

⁵⁶ Bonvincini, op.cit., p.186.

⁵⁷ Otto Schmuck, "The European Parliament's Draft Treaty Establishing The European Union (1979-84), in Roy Pryce (ed.), op.cit., pp.192 and 197, and also 204-211.

on the nature of European integration into politically acceptable terms which would lead significant political reforms"⁵⁸

As the same authors mentioned just above point out, it could be said that, after long and intensified discussions between the members of the Committee themselves and with the representatives of the Commission and the Parliament, a report was drawn up consisting of three sections. The first section was related to 'priority objectives' dealt with substantive policies, the second section was about 'the means' dealt with decision-making and the third section was on 'the method' recommended a procedures for implementation. It called for convening an intergovernmental conference to negotiate a Draft European Union Treaty based on and with the same direction with the recent attempts. Although the report made clear the points of disagreements between the Member States, it did not reduce them.⁵⁹

On 29 June 1985, the European Council of Milan, as Corbett puts it, decided -by a majority voting- to convene the proposed intergovernmental conference despite the British, Danish and Greek opposition for it. However, the Presidency submitted a formal proposal to revise the EEC Treaty on 2 July 1985. At its meeting on 22 and 23 July 1985, the Council of Ministers agreed on convening of an intergovernmental conference without facing any opposition from the Member States. Two working groups was set up. The first group whose main task was to deal with the revision of the EEC Treaty consisted of Permanent Representatives of the Member States. The second group whose main task was to draw up a draft treaty on political cooperation including a common foreign and security policy consisted of the Political Directors of the Foreign Affairs. Later on, the European Parliament also associated with the work of the conference. 60

After intensive negotiations, as Ifestos points out, the works of the intergovernmental conference from June to December 1985, paved the way for the adoption of the Single European Act. The Luxembourg European Council on 2-3 December 1985 agreed on the work of the Intergovernmental Conference mainly on the reform of institutions of the Community and on the foreign policy cooperation. Foreign Minister met in Luxembourg on 16 and 17 December 1985 and finalised the work of the Intergovernmental Conference into a Single European Act. 61

⁵⁸ Patrick Keatinge and Anna Murphy, "The European Council's Ad Hoc Committee on Institutional Affairs (1984-85)", in Roy Pryce (ed.), op.cit., pp.217-218.

⁵⁹ Ibid, pp.226-228.

⁶⁰ Richhard Corbett, "The 1985 Intergovernmental Conference And The Single European Act", in Roy Pryce (ed.), op.cit. pp.238-241.

⁶¹ Ifestos, op.cit., pp.347-348.

I.5.2. THE SINGLE EUROPEAN ACT

The Single European Act⁶² (hereafter written as SEA) was signed by the Member States on 17 February 1986 "aware of the responsibility of Europe to aim at speaking ever increasingly with one voice and to act with consistency and solidarity in order more effectively to protect its common interests and independence." It entered into force on 1 July 1987 after ratification by all Member States.

The Title III of the SEA dealt with EPC containing "Treaty Provisions on European Cooperation in the Sphere of Foreign Policy" which were in accordance with and in addition to "...the procedures agreed in the Luxembourg (1970), Copenhagen (1973), and London (1981) reports, the Solemn Declaration on European Union (1983), and the practices gradually established among the Member States." 64

As Wyatt and Dashwood put it, Article 30 of SEA set out "...a series of principles designed to bring about closer and more systematic cooperation in the formulation and implementation of foreign policy." 65 Concerning the commitment of the Member States for political cooperation in the field of foreign policy, it could be said that according to the Article 30, paragraphs 1,2(a,b,c,d), as Lasok and Bridge put it,

"It is now a formal legal obligation of the Members of the Community to endeavour jointly to formulate and implement a European foreign policy. Through a process of mutual information and consultation the Member States undertake to maximise the impact of their combined influence on foreign affairs through coordination, convergence, joint action and the development of common principle and objectives...Common positions in relation to international institutions and at international conferences is another aim."

There are also many institutional arrangements in the established mechanism and procedure of EPC. First of all, as Charlesworth and Cullen point out, a legal status was given to the European Council which would meet at least twice a year from then on. A status within EPC was also given to the Commission by Article 30(3) and to the European Parliament in a limited extent by the paragraph 4 of the same Article.⁶⁷ Other

⁶² For the full text of Single European Act, see, Europen Political Cooperation, op.cit., pp.79-87.

⁶³ Single European Act, Preamble.

⁶⁴ Ibid., Common Provisions, and Article 1.

⁶⁵ Derrick Wyatt and Alan Dashwood, *European Community Law*, third edition, (Sweet & Maxwell, London, 1993), p.15

⁶⁶ Lasok and Bridge, op.cit., pp.245-246.

⁶⁷ Andrew Charlesworth and Holly Cullen, European Community Law, (Pitman Publishing, 1994), p.69.

changes related to the procedures of EPC can be summarised, referring to Lasok again as, the foreign Ministers of Member States would held at least four meetings in a year within the framework of EPC but they could also make discussion on foreign policy matters at the meetings of the Council of the Community. The Presidency is entrusted with the task of initiating action and representing the Member States against third countries. The meetings of the Political Committee or at ministerial level would be convened within forty-eight hours at the request of at least three Member States. A Secretariat with the task of assisting in preparing and implementing the activities of EPC is also established in Brussels.⁶⁸

As the comments on the provisions of SEA related to political cooperation it could be said that, as Charlesworth and Cullen put it, "these amendments did not significantly change the practice of EPC, but laid the foundation for the move to a common foreign policy. The divergence between the aspirations of Article 30 and the requirement of consensus led to delayed action or inaction particularly in sensitive areas..."69 Nevertheless, it could be said that, as Lasok and Bridge put it,

"[the] removing [of] the earlier distinction between Community matters proper and matters of political cooperation and making the latter legitimate matters of Community concern,...mark(s) a major advance in the development of the Community as a political force...[It] provided the opportunity to develop a coherent foreign policy consistent with the overall policy objectives of the Community."70

In sum, it could be said that, Wyatt and Dashwood put it, the SEA gave an end to the ad hoc character of EPC by creating a legal framework for it. However, regarding its provisions on foreign policy cooperation, it should be noted that since it was not more than a codification and transformation of previous EPC documents and texts, it has the same characteristics of them, and more similar to them rather than a Treaty.⁷¹

⁶⁸ Lasok and Bridge, op.cit., pp.59 and 246. ⁶⁹ Charlesworth and Cullen, op.cit., p.69.

⁷⁰ Lasok and Bridge, p.246.

⁷¹ Wyatt and Dashwood, op.cit., p.15.

1.6. THE NATURE OF EUROPEAN POLITICAL COOPERATION

I.6.1. THE INSTITUTIONS OF EPC

It could be easily said that the nature and working methods of EPC were completely different from that of the Community. As Lord Cockfield puts it,

"the important difference is that while matters of Community competence are governed by the rules of the Treaties, particularly on questions of voting, the Commission's sole right of initiative applies, the Parliament is involved and the Court of Justice has jurisdiction, none of this applies to Intergovernmental Cooperation -here unanimity is the rule, the Commission is sidelined, the Parliament has no formal status and the Court of Justice is entirely excluded."⁷²

During the long life of EPC some kind of institutional mechanism was gradually established as it is seen from the previous pages. The main actors in this mechanism were the national representatives of the Member States. Since the SEA gave it the final form which was governed the EPC until the date that the Maastricht Treaty (and thus the CFSP) come into the force, it should be better to give a brief information on the main organs of that mechanism here before examining the era of Common Foreign and Security Policy under the Maastricht Treaty.

I.6.1.1. The European Council:

As mentioned before, the European Council which was established in 1974 by the Paris summit conference was the highest political organ of EPC. It composed of the Heads of State or Government, their Foreign Ministers, the President, and one member of the Commission. It dealt with both the matters under the Community competence and that of political cooperation. Its most significant role was the creation of links between the activities the Community and that of EPC, therefore, it became an essential organ of EPC. It approved the reports of the Foreign Ministers on political cooperation.

The basic functions of the European Council in Community politics, as Ifestos cites them, can be given as below;

"First, it provides a forum for free and informal exchanges of view between the Community leaders,

⁷² Lord Cockfield, *The European Union, Creating the Single Market*, (Wiley Chancery Law, London, 1994), p.152.

Second, it deliberates and decides on issues within the jurisdiction of the Treaty, on political cooperation and common European concerns not belonging to any framework or obligation,

Third, it generates overall impetus, mobilising the Community's resources on major issues facing the Member States,

Fourth, it acts as a 'court of appeal' on difficult dossiers when agreement is not reached at lower decision-making levels."⁷³

Another similar categorisation of the European Council's functions, summarising from Ifestos again, can be given as;

- functions related to purely Community matters,
- functions related to primarily Community matters but which contain some elements of political cooperation,
 - functions related to purely political cooperation matters,
- functions related to political cooperation matters with Community implications.⁷⁴

It should be noted that the subject of the European Council's meetings varied from period to period according to the internal and external circumstances faced by the Community and its Member States. In this respect, Urwin makes a general classification of the periods as below;

"Between 1974 and 1979, the Council summits, reflecting the international problems of the decade also the personal concerns of the governments leaders...concentrated more on world problems as they affected the EC. Two themes were important. First, there were international political questions and the role of EPC...Second were problems created by the international economic and monetary crisis...After 1980 European Council sessions turned to matters more directly pertaining to the EC: further enlargement, new policies and modification of existing policies, and institutional and procedural amendments to the EC framework. Between 1980 and 1984 the most prominent theme of debate was probably the CAP and its soaring costs. With the signing of the Single European Act the Council entered a new phase...Of course, these periods are purely

⁷³ Ifestos op.cit., p.186.

⁷⁴ Ibid.

arbitrary. The EMS has remained a subject for debate after 1979...And the question of political union was also a theme of Council and EC discussions from the 1974 Paris summit through to the Single European Act."⁷⁵

Concerning the European Council, it should be noted as a last point here that the European Council has given a legal status by SEA. Its decisions were not legally binding and their implementation was in the hand of the Council of Foreign Ministers since only it could take necessary legislative and executive measures.

Generally speaking, it could be said that, the work of EPC was carried out by the Foreign Ministers of the Member States who assisted by a Political Committee and various ad hoc working groups. A brief information on the other organs of EPC, referring to Ifestos, could be given as below;

I.6.1.2. The EPC Ministerial Conferences:

It could be said that the Foreign Ministers' Conference, which met at least four times in a year in the capital of the President Member States, functionally was the principal organ of EPC. Actually after SEA, it became possible that the meetings of them could be held on the occasion of the monthly Foreign Ministers Council of Community in the context of political cooperation. In addition, there were their informal meetings with President of the Commission two times in a year for exchanging of views about the problems faced by the Community. As just mentioned above, it was only the Foreign Ministers Conference of EPC who made possible the implementation of the political cooperation decisions of the European Council.

I.6.1.3. The Political Committee:

The Political Committee which composed of the heads of political departments of the foreign ministries of the Member States was another important and central organ of the EPC. Its meetings took place once a month but also on other occasions whenever it was required so. Its main tasks were the supervising the various working groups, preparing the agenda for ministerial meetings, and fulfilling other tasks instructed by Foreign Ministers. It could establish working groups and subcommittees, or groups of experts on general or specific problems.

⁷⁵ Urwin, op.cit., pp.177-178.

I.6.1.3. The Group of Correspondents:

There was also the group of Correspondents composed of European Correspondents in the foreign ministries assisting to the Political Committee. Its main tasks were the following the implementation of political cooperation and studying the general problems related to organisation and coordination. It served for direct contact between the counterparts in the Foreign Ministry' departments of the Member States. It helped to the Political Committee in elaborating the national positions.

I.6.1.5. Ad hoc Working Groups:

There were many working groups composed of the chiefs of the political departments in the foreign ministries or experts or researchers. As already mentioned, they were established by the Political Committee for specific aims.

I.6.1.6 The COREU system:

It was a special communication system among the Foreign Ministries of the Member States which helped for maintaining a direct contact between them.

I.6.1.7 Other bodies:

They were the embassies of the Member States both in the capitals of the Member States and that of a third country regularly meeting between themselves for consultations and exchanging views and information. The same was true for the permanent representatives of the Member States to major international organisations.

I.6.1.8. The Presidency:

The Presidency rotated among the Member States in every six month. Since there was no permanent secretariat until the SEA, the Presidency had significant role in organisation and in functioning of political cooperation. It did the secretarial work, gave the final shape to the agenda, prepared proposals and working documents, and made the contacts with the European Parliament. The President-in-office was entrusted as the spokesman of EPC. To an extent, the President-in-office provided the dynamism by taking the initiatives and convening the meetings. Therefore, it was among the main organs of EPC.⁷⁶

⁷⁶ Ifestos, op.cit., pp,225-234.

It should also be noted that, as Ifestos points out, there was an evolution from the original rigid distinction between the activities of EPC and those of the Community. Especially, the SEA brought EPC closer to the Community in functional terms and it continued in this form rather than institutional one until Maastricht Treaty.⁷⁷

In sum, it could be said that the Member States preferred preservation of the mechanism and working procedures of political cooperation outside those of the Community. They gradually established and adopted many new institutional arrangements for this purpose. The SEA gave the final shape to this framework in which the activities of the political cooperation were carried out until the Maastricht Treaty on European Union came into force in 1993.

I.6.2. THE CHARACTERS OF EPC

In the light of what was said above, it would not be a mistake to describe the EPC as a pure intergovernmental cooperation depending on unwritten rules and good intentions and willingness of the Member States. The basic characters of EPC, referring to Ifestos, can be summarised as below;

An obvious and important character of EPC was its decentralised and loose structure and limited scope. Because, as mentioned before, national officials were the main actors and decision-makers in the mechanism of it. It should be noted that there was a degree of confidence among those actors mainly derived from the practice that except the agreed points no information was given to public about the views of the Member States during the discussions in the meetings at any level.

EPC had also a pragmatic, flexible and informal character which prevented the happening of sharp controversies among the Member States. This character permitted the discussion of important issues by them. It mainly derived from its aim at the encouragement of common foreign policy-making rather than creation of a supranational European foreign policy system.

The EPC also developed a habit of working together among the participating officials at all levels. This habit was called as concertation reflex meaning that the participants were trying to find out common solutions to the problems taking into account common interests in a European level.

⁷⁷ Ibid., pp. 220-221.

EPC was regarded as a new diplomatic techniques since it increased and intensified the diplomatic contacts among the Member States. As a new system in this sensitive area, it based on the consultation, coordination and harmonisation of national foreign policies, when possible and desirable. It did not created binding policies.⁷⁸

As a final word it should be noted that besides the advantages of this characters of EPC, they had also many disadvantages which limited the effectiveness of the mechanism and brought many burdens to it. Those shortcomings mainly resulted from the above mentioned characters of EPC are examined below.

1.6.3. SHORTCOMINGS OF THE EPC SYSTEM

Generally speaking, it could be said that, the mechanism of the EPC served for intensive and flexible discussions and consultations the on political cooperation and foreign policy. However, there were many shortcomings of it, and they can be summarised, referring to Ifestos again, as follows;

The first shortcoming of EPC was its pragmatic character which restricted the political cooperation to deal with then immediate international problems rather than to set up long-term objectives. This limited its effectiveness and influence against the outside world.

The second shortcoming of EPC was its decentralised and loose structure which reduced the coherence of actions and policies towards the external challenges. This system also prevented the creation of a common policy as well as implementation of it.

The third shortcoming of EPC was the voluntary nature of the commitment of the Member States for the political cooperation rather than being a legal obligation. As mentioned above, although the SEA brought a legal framework to these commitments, it did not fundamentally changed the existing situation. There were no legal instruments to enforce a member state to carry out its commitment of political cooperation. This character together with the rule of unanimity limited decision-taking in a speedy manner.

The forth shortcoming of EPC was the fact that the main actors and decision-makers in the EPC system were national officials particularly the Foreign Ministers. This character also caused, as others did, a shortcoming and limited its effectiveness, since there was a possibility for preference of the national interests instead of common

⁷⁸ Ibid., pp.238-243.

European interests by the Foreign Ministries. As a result of this possibility, it became so difficult to create a common European foreign policy. Instead of this there were independent national foreign policies requiring coordination which created many problems.

The fifth shortcoming of EPC was its character of lacking the necessary instruments and means for the implementation of its decisions. The instruments which could be used for this purpose by EPC system were limited and indirect such as common declarations and statements and political support in international politics and organisations. Although there were many other potential and more direct means for this purpose such as using the opportunity of accession to the Community or diplomatic relations as a threat, Community aids and economic sanctions, using of them was not easy because of the interest divergences among the Member States. Therefore, it could be said that the necessary instruments for implementation of the EPC decisions were mainly bound to the Member States and their interests which limited the usefulness of them and thus decrease the effectiveness of EPC.⁷⁹

In sum, it could be said that EPC had many shortcomings deriving from its characters related to its scope and working methods. Those shortcomings limited the effectiveness and influence of EPC. They also decreased its credibility and caused many disappointments among the Europeans who wanted to see a Europe speaking with one voice. Towards the beginning of 1990's, Member States more realised these facts mainly due to the drastic developments in the continent of Europe which pave the way for a new, however this time more fundamental, attempt to transform the EPC system into a Common Foreign and Security Policy intended to be safe from those shortcomings. Whether it become a successful attempt or not will be discussed in the Second Part.

⁷⁹ Ibid., pp. 250-257.

PART TWO

THE TRANSFORMATION OF EUROPEAN POLITICAL COOPERATION INTO COMMON FOREIGN AND SECURITY POLICY

II.1. THE MAASTRICHT TREATY ON EUROPEAN UNION

II.1.1. DRIVING FORCES BEHIND THE MAASTRICHT PROCESS

Following the SEA, as Dahrandorf points out, many developments occurred and brought fundamental changes for the economic and political integration of Europe. Ro As a result of those developments, as Jopp points out, the idea of creating a European Union with a Common Foreign and Security Policy (hereafter written as CFSP) was relaunched and began to be discussed among the Member States to respond to these changes. According to him, as an internal factor, "it was the SEA and the 1992 internal market programme which together created a new dynamic for the EC." In other words, "the road to Maastricht began in earnest in 1985 when the Community adopted the 1992' single-market programme..." In this point of view, it could be said in short that, the Maastricht Treaty is considered as "a logical follow-up of the SEA". Another internal factor could be given as the notice of the Member States on the anbsence of a common and global thinking on matters affecting external relations of the Community. They realised that then situation on foreign policy could not continue as the same since economic action by the Community had been increasingly required political analysis before major decisions in this field was taken. Reference and political analysis before major decisions in this field was taken.

⁸⁰ Ralf Dahrendorf, "The New Europe", Journal of European Social Policy, 2(2) 1992, p.79.

⁸¹ Mathias Jopp, "The Strategic Implications of European Integration", *Adelphi Paper 290*, (Brassy's Ltd, for the International Institute For Strategic Studies, London, July 1994), p.6.

⁸²Louise B.van Tartwijk-Novey, *The European House of Cards, Towards a United States of Europe?*, (St. Martin's Press, Newyork, 1995), p.3.

⁸³ Dahrendorf, op.cit., p.79.

⁸⁴ Europe/Documents, no.1699-Atlantic Doc. no.72 in Bulletin Quotidien Europe, 13 March 1991, p.6.

There were also many external reasons (as were for the establishment of EPC) for relaunching the projects for creation of a political union. The first and most important external reason was the major changes in all Eastern European countries which caused for the end of the cold war, for the break up of the Soviet Union and of Yugoslavia and for the reunification of Germany. It would not be a mistake to say that, as Keohane points out, the end of the Cold War accelerated the drive of Member States towards European Union.⁸⁵ As Gallis puts it, "[it] has freed the Europeans to redefine their future."86 Because, as Jopp points out, as a result of the break up of the Soviet Union, the direct threat to the security of Western Europe ended and they felt themselves less dependent on the United States. This paved the way for the reappearance of the ideas on Europe as a third power on the agenda of the Member States. However, according to him, the most driving force for the restarting of the attempts for adding a political dimension to the Community was the German unification in 1989-90 which changed the internal power balance of the EC. As a result of this unification, "many EC states became increasingly willing to deepen integration in order to embed the new Germany in tight structures."87 According to those Member States, "German unification was to take place within a European framework and unified Germany was to devote itself to the political strengthening of the Community." 88 As Keohane points out, the implications of the reunification of Germany for future European order took the principal focus of attention in Europe⁸⁹.

As Lodge points out, the second external factor was the American policy on the liberalisation of the trade, particularly during GATT negotiations which was conflicting with that of the Community. Since these divergences between the two parts affected interest of the Member States in a period of economic recession, it increased their sensitivities. As a result, they realised the necessity for closer cooperation among themselves. According to her, the third external factor, (same with of those for the establishment of EPC as mentioned earlier) was third states' expectations from the EC to speak with one voice. 90 For the explaining of this latter point, it could be said that, as

⁸⁵ Robert O. Keohane, "Redefining Europe: Implications for International Relations", Hugh Miall (ed.) Redefining Europe, New Patterns of Conflict and Cooperation, (Pinter Publishers for the Royal Institute of International Affairs, London and New York, 1994,) p.229.

⁸⁶ Paul E. Gallis, "European Perspectives on Trends in Atlantic Relations", CRS Reports for Congress, (Congressional Research Service, The U.S. Library of Congress, November 2, 1992), p.3. ⁸⁷ Jopp, op.cit., p.6.

⁸⁸ Emile Noel, "Reflections on The Maastricht Treaty" in Biblio post-Maastricht, no. 04-1994, p.14.

⁸⁹ Keohane, op.cit., p.229.

⁹⁰ Juliet Lodge, "From Civilian Power To Speaking With A Common Voice: The Transition To A CFSP" in Juliet Lodge (ed.), The European Community and the Challenge of the Future, 2nd edn., (Pinter, London, 1993), p.230.

Ungerer puts it, as a result of the above mentioned developments in the continent of the Europe, "it appeared as if the Community would emerge as the unique economic and political force in Europe."91

As a final word, it could be said that, as Jenkins puts it, "although not mentioned in the Treaty, the need to adapt the EC for a very changed role and for the prospect of substantial enlargement as a result of these changes must have been at the back of the minds of member governments and the Commission throughout the negotiations." 92

II.1.2. THE INTERGOVERNMENTAL CONFERENCE ON POLITICAL UNION ·

After examining the factors for starting of the Maastricht process, it should be better to give some major developments before and during the intergovernmental conference which makes the background of that process. As Jopp puts it, beginning by June 1988, the European Council had already agreed to negotiate monetary union in the framework of an Intergovernmental Conference (IGC). This created an opportunity for the discussion on political integration again taking into account "the growing gap between economics and politics." As Noel points out, in April 1990, President Mitterand and Chancellor Kohl proposed to the other Member States to begin the negotiations on political union with the intention for underlining Germany's commitment to Europe. 94

Following this proposal, in June 1990, the European Council decided to convene a second intergovernmental conference to negotiate a Treaty on European Union. This decision was basically based on "an assessment of the challenges for the Community." As Corbett points out that only three years had passed from the entry into force of the SEA when Member States agreed to revise the Community Treaties to achieve "a higher level political integration." It could be said that, as Jopp points out, Member States saw the possibility for creating a Union as a major actor in international scene, by taking into account "the new strategic environment and the redistribution of political weight at the end of the Cold War." As a result of these considerations and attempts, the Maastricht

⁹¹ Ungerer, op.cit., p.33.

⁹² Charles Jenkins, "The Maastricht Treaty" in Biblio post-Maastricht, no. 04-1992, p.25.

⁹³ Jopp, op.cit., p.6.

⁹⁴ Noel, op.cit., p.14.

⁹⁵ Ungerer, op.cit., p.33.

⁹⁶ Richard Corbett, "The Intergovernmental Conference on Political Union", Journal of Common Market Studies, vol. XXX, no.3, September 1992, p.271.

⁹⁷ Jopp, op.cit., p.3.

process began, but soon after, further disagreements than traditional British reservations on the shape and scope of the envisaged Union also appeared especially during the Italian Presidency at the second half of 1990.⁹⁸

As Jopp points out, the two Intergovernmental Conferences on EMU and on Political Union which were "comparable only with the Conference of Messina which founded the European Economic Community in 1956-57"99 began in Rome in December 1990. The IGC on political union from December 1990 to December 1991 covered also the establishment of a CFSP with majority voting. However, due to the profound interest divergences among the Member States, a practical approach to a CFSP had to be followed during the conference. 100

As a general comment on the two Intergovernmental Conferences, it should be stated that, as Noel puts it, "The two conferences adopted different methods of work. "In spite of appeals for cohesion, the negotiations, which should in theory have formed a single whole, did not advance at the same pace, and there was little interaction between them. The gap between the two parts of the Treaty was the direct consequence of this imbalance." 101

The background of the negotiations during the conference, referring to Jopp can be given briefly as follows; first round in the negotiations on political union covered the period from December 1990 to June 1991. The main players during this negotiations were France, Britain, and Germany. However, there were differences between their views, especially between the views of France and Britain. Germany tried to pursue its own interests although it was more close to the French position. Actually, it could be said that there were two main groups negotiating the CFSP. The smaller group composed of the Netherlands, Portugal, Denmark and Ireland favoured British thinking of pragmatic reform of the EPC, preserving the rule of unanimity as a principle. The second group composed of Belgium, Luxembourg, Italy, Greece and Spain was closer to the Franco-German position favouring the establishment of a CFSP.

One of the Germany's aim was to ensure the other Member States, notably France, that the unified Germany would not leave from the Western institutions. Apart from this, it maintained its traditional foreign-policy view defending gradual integration to unite the Europe. Although Germany accepted the guiding role of European Council

⁹⁸ Noel, op.cit., p.14.

⁹⁹ Jopp, op.cit., p.12.

¹⁰⁰ Ibid., p.7.

¹⁰¹ Noel, op.cit., p.15.

and the CFSP basically having intergovernmental characters (the French view), it supported the idea of increasing the role of the Commission and acceptance of majority voting in the CFSP.

Under these conditions and having the above explained views and positions, the Member States at the Luxembourg European Council in June 1991 was not able to reach an agreement on the main points of a CFSP, mainly due to the structure of the Luxembourg Pressidency's draft treaty in which the CFSP was separated from the competence of the EC. Because, most of the Member States such as Italy and Germany were willing a more integrated EU. Moreover, it was affected by the escalation of Yugoslav crisis which led to different assessments on the prospect CFSP.

The second and last round of negotiations took place during the period from July 1991 to December 1991. In this round, the Dutch Presidency drew up a new draft treaty bringing foreign and security policy more under the competence of the EC. However, it could not get the necessary support from the Member States, therefore, they returned to negotiate the Luxembourg draft treaty as a basis for political union and CFSP. Towards the end of this period, many other initiatives and proposals were made by Britain-Italy and France-Germany. Despite the intensified consultations at various levels during the last weeks before the Maastricht summit, four points remained unagreed and were left to be discussed by the European Council at Maastricht. Those unagreed issues were namely "the majority voting in the area of the CFSP; the definition of a European defence identity; concrete relations between WEU and the EU as well as NATO; and whether a review in 1996 or 1998 should be general or committed to a specific task." 102

The European Council in the Dutch city of Maastricht on 9 and 10 December 1991 completed the two Intergovernmental Conferences which lasted a year. It agreed on left points and finalised the shape of its work. The incorporated text of both agreements was signed by Member States' Foreign and Finance Ministers on 7 February 1992. After ratification by all the Member States, in a problematic and longer lasted ratification process, the Treaty came into force on 1 November 1993 instead of 1 January 1993. 103

¹⁰² Jopp, op.cit., pp.7-11.

¹⁰³ Commission of the European Communities, "From Single Market To European Union", cote, EU 8/4211 in *Biblio post-Maastricht*, no.07-1992, p.23. And see the 1. footnote in P.S.R.F. Mathijsen, *A Guide to European Union Law*, Sixth Edition, (Sweet & Maxwell, London, 1995), p.3.

II.1.3. COMMENTS ON THE TREATY ON EUROPEAN UNION

Generally speaking, it would not be a mistake to accept that, as Hans-Dietricht Genscher puts it,

"the Treaty on European Union... represents the preliminary high point of a decade of continuous renewal and deepening for the European Communities. The Solemn Declaration on European Union (1983), the launch of the Single Market programme (1985) and the implementation of the Single European Act (1987) can be seen as milestones on the road to the Treaty of Maastricht, a road which has led to the most important development in the European unification process begun more than forty years ago." 104

This fact can be given more shortly as; "...the Maastricht Treaty marked a decisive turning point in the Community's decades-old integration process...[It] was the most dramatic step forward the Union had made since it was created..." ¹⁰⁵ In parallel to this fact, as Ungerer points out, the preamble of the Treaty itself affirms that " 'the Treaty marks a new stage in the process of European integration' and 'continues the process of creating an ever closer union among the peoples of Europe'. [This clearly means that] it is not the end of the way towards a European Union, but just a further stage on that way." ¹⁰⁶

As Lansing and Bye point out, the options for the scope and character of a European Union, even a federal one, was discussed at the Maastricht Summit. "However, there was no mention of a federal goal and a 'subsdiarity' clause limited the European Union's power to cases where 'the objectives of the proposed action can not be sufficiently achieved by the Member States and can therefore, by reason of the scale of effects of the proposed action, be better achieved by the Community." Noting the British resistance as the reason for the avoidance of the Member States from mentioning of the term "federal", Jopp states that;

"The Maastricht Treaty does not lay the foundation for a United States of Europe...It increases the complexity of policy-making in order to protect national

 $^{^{104}}$ Hans-Dietrich Genscher, "Foreword", in Joerg Monar-Werner Ungerer-Wolfgang Wessels (eds), op.cit.

¹⁰⁵ van Tartwijk-Novey, op.cit., p.3.

¹⁰⁶ Ungerer, op.cit., p.29.

¹⁰⁷ Lansing and Bye, op.cit., p.73. For the discussions on the subsidiarity principle see, Ursula Kalbfleisch-Kottsieper, "The Principle of Subsidiarity: A Critical Evaluation", in Joerg Monar-Werner Ungerer-Wolfgang Wessels (eds.), op.cit., pp.73-77.

sovereignty as far as possible. Overall, this strengthens the trends in European integration which were already discernible before the Maastricht process started;

- the extension of the scope of common policies...accompanied by the transfer of competencies to common institutions;
- the fact that the same institutions have to play a dual role in both Community affairs and intergovernmental cooperation. This can be interpreted either as 'communitarisation', or as undermining supranational structures;
- the growth in exception rules for certain member-states, thus leading to a more multi-layered structure or multiple-speed integration. Examples include Britain's opting-out of the social chapter, the special rules for Britain and Denmark regarding monetary union, and the general stipulation that the final stage of monetary integration can begin even if not all member-states do meet the necessary economic preconditions to participate. ¹⁰⁸

Nevertheless, it could be easily said that the Maastricht Treaty makes it clear that it has obvious political goals and in reaching them, as Feldstein put it, "[it] embodied and extended the strategy of gradualism." Another important aspect of it which should be noted here is that, "it sets out, for the first time, a contractual basis for political unification." However, it should not be forgotten that "it is overall less than 'saut qualitatif' into a Federal Constitution in the sense of the classical federal concept, but is also clearly more than a Single European Act warmed up" 111 though it did not significantly change the conclusions of SEA. Taylor notes that "in general terms, no new powers were granted which could be seen as diminishing the sovereignity of states." It should be noted that, as van Tartwijk-Novey point out, at Maastricht, leaders of the Member States chose to use such key terms as 'federal' and 'union' in an unclear manner to prevent strong opposition from many Member States for acceptance and ratification of the Treaty. Instead, they preferred ambiguous wording in the text of the Treaty to make possible different interpretation and thus to ensure the acceptance and ratification of it. 113

¹⁰⁸ Jopp, op.cit., p.12.

¹⁰⁹ Martin Feldstein, "Why Maastricht Will Fail", The National Interest, no.32, Summer 1993, p.12.

¹¹⁰ Jopp, op.cit., p.16.

Wolfgang Wessels, "The Results of Maastricht: Limited but Real Progress-The Attempt of An Overall Analysis and Evaluation" in Joerg Monar-Werner Ungerer-Wolfgang Wessels (eds.), op.cit., p.183.

¹¹² Paul Taylor, *International Organisations in Modern World*, (Pinter Publishers, London and New York, 1993), p.105.

¹¹³ van Tartwijk-Novey, op.cit. p.20.

As Jenkins puts it, the Maastricht Treaty composed of two parts. The first part deals with the matters of political integration including CFSP. The second part deals with the amendments of the EEC Treaty for the establishment of an Economic and Monetary Union. 114 As Jopp notes, there are various protocols and declarations annexed to the Treaty expressing the political will and intention of the declaring Member States but they are not legally binding. 115 Church and Phinnemore point out that, as a result of this complicated structure and the fact that it contains general principles together with detailed provisions as in the case of the part of the Treaty dealing with monetary union, "it technically very complex and hard to follow." 116

There is a wide range of common views among the authors considering the European Union based on three pillars under a single framework. Accordingly, the first pillar is the changed EC Treaties including the articles on the Economic and Monetary Union and other changes; the second pillar is the provisions for the CFSP; and the third pillar is the provisions related to the cooperation in the sphere of Justice and Home Affairs. The common provisions represents a single framework for all three pillars, though it is not much successful in doing so. Moreover, it is accepted that the strength and power of the pillars are different from each other. For example, the EC is viewed as the strongest one among the pillars. Regarding the CFSP pillar it is said that its strength and power is uncertain and not clear enough and it would be shaped by the Member States in practice. It should also be noted that the texts of CFSP and that of the cooperation in the fields of Justice and Home Affairs have legally different nature from that of EC pillar. 117

Concerning the place and meaning of Maastricht Summit and its result in the history of European integration, it should be noted that the Maastricht Summit and thus the Maastricht Treaty is viewed as "a major landmark in European integration" ¹¹⁸ since ambitious goals "commensurate with the hopes entertained by its founding fathers" ¹¹⁹ was set for the Community by the Member States in Maastricht. In this connection the Maastricht Treaty on European Union is seen as the document of "a new

¹¹⁴ Jenkins, op.cit., p.25.

¹¹⁵ Jopp, op.cit., p.12.

¹¹⁶ Clive H.Church and David Phinnemore, European Union and European Community: A Handbook and Commentary on the post-Maastricht Treaties, (Harvester-Wheatsheat, New York, 1994), p.2.

¹¹⁷ Those auothors who state the three pillars structure are P.S.R.F. Mathhijsen, op.cit., pp. 4 and 5., Jenkins, op.cit., p.26., Lord Cockfield, op.cit., p.152., Wessels, op.cit., pp.188-189., Ungerer, op.cit., p.30.

¹¹⁸ Dahrendorf, op.cit., p.79.

¹¹⁹ Commission of the European Communities, "From the Single European Act to Maastricht and Beyond", Com(92) final, Brussel, 11 February 1992, in *Biblio post-Maastricht*, no.01- 1992, p.6.

and even more far-reaching phase of European integration." ¹²⁰ As Wessels points out, although the Maastricht Treaty does not represents a radical change in European history, it sets out long-term trends for European integration.

"The destinies of the Member States will be interlocked to new, never experienced, degree...inefficiencies of institutions and ineffectiveness of policy actions will affect the system as a whole. Crises of Member States can no longer be isolated...The overall costs of any failures will be considerable. This system must be stable in itself. In this sense the Maastricht Treaty is...a milestone in the evolution of West European countries." 121

However, although all these assessments have the value of the truth, the fact should be underlined that "...it is still miles away from what is needed for Europe in a period of turmoil in Eastern Europe and rapid changes in the world...[It] might just be another signpost the way to European Union. The Treaty is certainly not a masterwork, nor does it correspond to the challenges with which Europe is confronted. But it represents progress in relation to what exists." 122

Nevertheless, it is obvious that, "compared with the status quo ante, Maastricht offers instruments and procedures for limited, but real progress." 123 Especially, as Gencsher puts it,

"The symbolically important establishment of a European Union between the Member States of the Community...with the transformation of European Political Cooperation into a Common Foreign and Security Policy [is one of] the improvements brought about by the Treaty of Maastricht...[which] will lead historians in the future to distinguish between the Community before and after Maastricht." 124

In sum, it could be said that the Maastricht Treaty as a whole reflects an achievement in both economical and political integration of Europe. Given the different views and interests among the Member States, this achievement is not a small one though not big enough. It should also be noted that, as already mentioned in discussing the term of "federal" above, Member States preferred to use vague and open to interpretation wording in many provisions of the Treaty to avoid the sharp controversies and to ensure

¹²⁰ Commission of the European Communities, "From Single Market to European Union", op.cit., p.23.

¹²¹ Wessels, op.cit., pp.183-184.

¹²² Ungerer, op.cit., p.34.

¹²³ Wessels, op.cit., p.191.

¹²⁴ Hans-Dietrich Genscher, op.cit., foreword.

the signing and ratification of it by all of them. This is particularly true for the provisions of CFSP. Nevertheless, it should be noted that, as Lodge points out, the TEU is a step towards speaking "increasingly with a *common* if not a *single* voice" by the Member States. 125

II.2. COMMON FOREIGN POLICY PROVISIONS OF TEU

Generally speaking, as laid down in the Maastricht Treaty, one of the objectives of the Union is "to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence." ¹²⁶ In order to obtain this objective, as the Commission points out, at Maastricht, the Member States decided to create a CFSP based on the previous EPC system with the aim of safeguarding "the fundamental interests of the Community and reinforce its world role." ¹²⁷ As Jopp points out, they tried to make a synthesising of the EC, the CFSP and the WEU by the Maastricht Treaty to overcome the weaknesses and shortcomings of the previous EPC system which are discussed in the first part of this study, and to provide a more coherent and efficient framework. However, as the author notes, although the scope and the strength of the provisions of the CFSP was increased compared to EPC, "the word 'common' only expresses the intention to achieve greater unity in foreign and security policy, not that the CFSP will work in a communitarian way as, for example, does the common trade policy of the EC." ¹²⁸

Title V, Article J, of the Treaty on European Union deals with the CFSP replacing the Title III of the SEA which dealt with the same subject under the EPC system. According to Charlesworth and Cullen, the main reason for this replacement is "the failures of EPC [which] led to something of a crisis, in that the choice seemed to be between the abandonment of EPC altogether, or the development of a better foreign policy system. The *status quo* did not appear to be an option." So the result is the CFSP.

¹²⁵ Lodge, op.cit., p.248.

¹²⁶ TEU, Article B. For the text of the provisions of the TEU referred in this study, the book by Robert M. MacLean, European Union Law, (Old Bailey Press, Great Britain, 1995), pp.261-284 is used as a source.

¹²⁷ Commission of the European Communities, "From the Single Market to European Union", op.cit., p.26.

¹²⁸ Jopp, op.cit., pp. 16 and 12.

¹²⁹ Charlesworth and Cullen, op.cit., p.70.

Articles J1 to J4, sets out and describes the basic elements of CFSP and establish the procedures for deciding and implementing joint actions.

Article J declares the establishment of a CFSP, definition and implementation of which is left to the Union and its Member States by the Article J1(1). Article J1(2) sets out the objectives of that CFSP as below;

- "- to safeguard 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 promote and consolidate democracy, the rule of law and respect for human rights and fundamental freedoms."

Concerning the objectives, when compared to those of EPC, it should be noted that, as it is seen from the above quoted paragraph and as Charlesworth and Cullen put it, they are "...far more specific, far broader, and far more security-oriented than EPC even under the SEA." According to the Article J1(3), these far-reaching objectives will be pursued through systematic cooperation and the gradual implementation of joint action, but only in those areas in which the Member States have important interests in common. According to the Article J1(4), Member States have to support "the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity" refraining "from any action which is contrary to the Union's interests or likely to impair its effectiveness as a cohesive force in international relations." The Council has to check that "these principles are complied with."

Article J2 sets out the rights and obligations of the Member States. They are mainly related to information, consultation and coordination of the policies on the matters of general interest in the area of CFSP with the aim of increasing their combined influence. The stated available means for this purpose are "concerted and convergent action. "It should be noted here that, as Lodge puts it, "this latitude permits deviations and does not require a uniform or harmonised policy." According to Article J2(2), it is in the hand of the Council to define a "common position", if is required so, and Member States have to conform their national policies with the CFSP. By Article J2(3) Member

¹³⁰ Ibid.

¹³¹ Lodge, op.cit., p.245.

States agreed on the coordination of their action and to uphold "common positions" in international organisations and conferences, including those in which not all Member States participate. It could said that this demonstrates the intention of them to speak with one voice in these forums. Since the provision of the Article J5(4) also related to this subject it would be better to mentioned it here. According to this Article, Member States represented in international organisations or international conferences where not all Member States participate have to inform the others on any matter of common interest. In case of the UN Security Council, it states that the Member States which are also members of UN Security Council have to concert with each other and fully inform the others. Those Member States which are the permanent members of the UNSC have to "ensure the defence of the positions and the interests of the Union' within that framework.

Article J3 sets out the procedure for adopting joint action in the area of CFSP. According to Article J3(1) the Council decides which matters are subject of a joint action "on the basis of general guidelines from the European Council." The Council also specifies the "scope", "objectives", "duration" of the joint action as well as "the means, procedures and conditions for its implementation." According to Article J3(2) it defines the matters on which qualified majority voting is applied in taking decision. Article J3(3) states that the Member States are committed by the joint action once it is adopted until it is changed by the Council. In the case of a change in the circumstances the Council shall review it. Article J3(4) states the Member States commitment to the decided joint action in adopting their positions and in conducting their activity. Under Article J3(5), Member States are obliged to inform to, or, if necessary, make prior consultations with the Council whenever they intends to adopt a "national position" or "national action pursuant to a joint action""except for transposition measures." Article J3(6) deals with the case of urgency and states that in such cases Member States may take the necessary measures respecting to the general objectives of the joint action and carrying out the condition of informing the Council immediately. Article J3(7) gives an escape clause on the implementation of joint action stating that in case of major difficulty, Member States may refer them to the Council for discussion and solution which may not be contrary to the joint action's goals or impair its effectiveness, but they could be equal to a derogation.

Concerning the term of "joint action" it should be noted here that, as Nuttal puts it, the exact meaning of it is not clearly defined by the Treaty but it is left to be discovered in the course of the time. The Court of Justice can not contribute to this discovery, since its purview is not extended to Title V related to CFSP, as mentioned

earlier. The author points a danger that "an action, which might otherwise be taken in the Community framework and increasingly by majority voting, could be labelled a 'joint action' and be made subject to prior unanimous decision. This would be serious setback to the Community process..." 132

Article J4 concentrated on the concept of security. Since the focus of this study is on the aspects of "common foreign policy" of CFSP, it is left unexamined here. The other Articles deals with the institutional questions and working procedures of CFSP, therefore, they are examined under the related Title, Institutional Setting For CFSP below.

As a final word, it should be noted that, as Jopp points out, although Member States declares their commitments to support a CFSP established by EU in a spirit of loyality and mutual solidarity, any of them who do not obey to CFSP decisions cannot be sanctioned. However, the psychological pressure on such a country could be much greater than it was under the previous EPC system.¹³³

II.2.1. COMMENTS ON COMMON FOREIGN AND SECURITY POLICY

As it is already mentioned above, CFSP is created by the Member States on the basis of the previous EPC system, the characters and working methods of which already examined in the first part of this study. Therefore, it could be easily said that it is not a new and original but a more developed one. Deriving from this fact, there are basic similarities between these two systems, the old and the new ones, concerning their basic characteristics: scope, commitment, working procedures etc. To support this view, it would be better to refer to Nuttal,

"The method followed by European Political Cooperation has been different. Pragmatic progress has been made, by inventive response to circumstances, and at more or less regular intervals has been written down in a text which has been presented as 'progress' on the way to a common European foreign policy. This is known as the 'codification' process, not in the sense of the rationalisation of legal texts, but of the putting into words of what has already become a habit...Certainly, the Maastricht Treaty contains elements of codification." 134

¹³² Simon J. Nuttall, "The Foreign and Security Policy Provisions of the Maastricht Treaty: Their Potential for the Future" in Joerg Monar-Werner Ungerer-Wolfgang Wessels (eds.), op.cit., p.135. 133 Jopp, op.cit., p.13.

¹³⁴ Nuttal, op.cit., p.133-134.

It could be said that, this codification is particularly true for the Articles J1 to J7 which, as mentioned earlier, sets out and describes the basic elements of CFSP and establish the procedures for it together with the other Articles. As Monar puts it, in particular, they represent "an effort towards a more committing codification of rules regarding mutual information, consultation, coordination and common positions developed in the EPC framework. The wording used here is clearly more 'hard' than that used in Title III SEA." 135

Another similarity is that, as Lodge puts it, the provisions of the CFSP are still "strictly intergovernmental though subject to the general exhortation in Article C of the common provisions to ensure consistency in the Union's 'external activities as a whole' and to assertion of the Union's international identity in the preamble, common provisions and Article B"136 which sets out the objectives of the Union. In addition to this, concerning the wording of the text of the provisions related to CFSP, it should be noted that, as Monar points out, although it is more hard than that of EPC, there are still many vague terms such as 'as effectively as possible' or 'matters of common interest' in those provisions. As it can be remembered, this kind of wording was one of the main character of basic texts of the former EPC system offering Member States an escape clause to pursue their own national interests. 137 In parallel with this view, Lodge points out the openness of wording of those provisions to interpretation. According to her, "[The aspirations] are not yet matched by sufficient supranational decision rules to permit the development of a restrictive CFSP. Nor is such intended. It is instructive that commitment to a single foreign policy is absent. The intergovernmentalism of the SEA is retained."138 But she also notes that there is a clear message towards supra nationalism. "Whereas Title III of the SEA referred to member states as 'the High Contracting Parties', thereby stressing their sovereign status, Title V of the TEU refers throughout to the Union and its 'Member States'. This is a subtle but extremely important change." 139 As a final word on this connection, it would be better to mention the view of the present Commissioner responsible "the Common Foreign and Security Policy of the European Union is to some degree a misnomer. For the CFSP, it is less a policy, in the sense of a specific course of action,

¹³⁵ Joerg Monar, "The Foreign Affairs System of the Maastricht Treaty: A Combined Assessment of the CFSP and EC External Relations Elements" in Joerg Monar-Werner Ungerer-Wolfgang Wessel (eds.), op.cit., p.144.

¹³⁶ Lodge, op.cit., p.243.

¹³⁷ Monar, op.cit., p.144.

¹³⁸ Lodge, op.cit., p.244.

¹³⁹ Ibid.

than a process. It is a means to bring to bear the combined resources of the Union to achieve certain political objectives. 140

In sum, it could be said that, as Lodge puts it, "the CFSP is not a sudden break with past practice...It represents a refinement and a limited rationalisation of EC external activities including trade, aid, and diplomacy." ¹⁴¹ As Jopp points out, the problem faced by the Member States related to the CFSP at Maastricht and beyond is the necessity for keeping some balance between the implementation of both national policies and a common foreign policy. ¹⁴² It is obvious that this is not easy given the fact that Member States are most conservative in this field considering it as a symbol of their sovereignty. As mentioned earlier, the CFSP is based on the previous EPC system but it is a more developed one when compared to it. However, it does not change the basic nature of that cooperation. Some see the provisions of it "...as adequate, where as others see them as potential sources of paralysis." ¹⁴³ It is clear that CFSP has not yet get a true shape. Therefore, it should always beard on the mind that, as Nuttal puts it, "[CFSP] can be assessed only to a limited extent on the basis of the text; a full assessment will depend on the future choices of the participants", ¹⁴⁴ since it is stated in Article J1 that it will be defined and implemented by the Union and its Member States.

II.3. NATURE OF CFSP SYSTEM

II.3.1. INSTITUTIONAL SETTING FOR CFSP

It is a clear fact that the Maastricht Treaty provides a foreign affairs system for the European Union though it is not a proper one. It is also not a new and original one, as already mentioned before, since it is based on the previous EPC system.

As mentioned before, the EU is said to be constructed on three pillars, one of which is CFSP provisions, under a single institutional framework. As Wessels points out, this single institutional framework basically includes "...the Council, the EP, the Commission, the COREPER and the Council Secretariat in all policy areas, though their exact roles in the different policy sectors need to be defined..." 145

¹⁴⁰ See, Van Den Broek's statement on the implementation and functioning of the CFSP, in *Bulletin Quatidien Europe*, 22 October 1994.

¹⁴¹ Lodge, op.cit., p.243.

¹⁴² Jopp, op.cit., p.7.

¹⁴³ Commission of the European Communities, "From the Single Act to Maastricht and Beyond", op.cit., p.5.

¹⁴⁴ Nuttal, op.cit., p.135.

¹⁴⁵ Wessels, op.cit., p.189.

II.3.1.1. The European Council:

According to Article J8(1), the right for defining "the principles of and general guidelines" is in the hand of the European Council. Therefore, as Jopp puts it, "[it] is the central supervising body for both EC affairs and intergovernmental cooperation." ¹⁴⁶ In other words, it has an overall responsibility and authority on these two three pillars as well as the third one.

II.3.1.2. The Council of Ministers:

As it is known, the Council is purely a EC organ composed of Foreign Ministers in principle, but it may also composed of other related Ministers according to the subject on the agenda. As it was discussed in the first part of this study, the Council of Foreign Ministers was the main legal decision-taker on the matters of political cooperation under the former EPC system. This role of it was mostly preserved and improved under the new CFSP system. As Ungerer puts it, "it is subordinated to the European Council...as the main decision-making body for all three pillars of the Union", 147 one of which is the CFSP. Article J8(2) states the Council as the body for taking "the decisions necessary for defining and implementing [CFSP] on the basis of general guidelines adopted by the European Council" and ensuring the "unity, consistency and effectiveness of action" by the Union. For the latter purpose, as Nuttal points out, there were already many steps such as removing the distinction between EPC Ministerial Meetings and meetings of the EC Council of the Ministers under former EPC system by incorporating both EPC and Community items on the same agenda since 1990. 148

As it is clear from the above paragraph and mentioned Article, the Council of Foreign Ministers is the main responsible body for conducting CFSP. The procedure for adopting joint action in matters of CFSP, in which the Council is the main actor, is dealt with the Article J3 and already examined above. As a final word, It would be better to give the examination by Lodge on the role of the Council in conducting foreign policy;

"the locus of action remains the Council...[It] is the primary decision-making organ. Building on experience in EPC and especially under the SEA, its role is expanded by the TEU...The Council assumes an equally strong position in determining whether, on the basis of European Council guidelines, an issue should

¹⁴⁶ Jopp, op.cit., p.14.

¹⁴⁷ Ungerer, op.cit., p.30.

¹⁴⁸ Nuttal, op.cit., p.134.

be subject to joint action. While this could be source of discrepancy and disagreement, the Council lays down the specific scope, the Union's general and specific objectives in carrying out joint action, its duration, means procedures and conditions for its implementation This is normally to be done by unanimity. Since this is severe constraint, the result is either likely to be a weak CFSP or a lowest-common-denominator approach to joint actions which might deter a bold approach and the adaptation of joint action in the first place." 149

Π .3.1.3 The Commission:

Concerning the Commission, Article J8(3) states that the Commission may refer to the Council any questions on the CFSP, or may submit proposals on the matters in this field to the Council. As Jopp puts it, this provision means to grant a non-exclusive right of initiative for the Commission which is purely a supranational organ. It increases the influence of the Commission over CFSP by strengthening its position in decision-making, "even if it does not have a voting right." However, it should be noted that, as Monar points out, following the SEA which set out a "full association", for the first time, for the Commission under EPC system and as a result of its increasing international role, "the Commission has already...increasingly presented its views and suggestions in EPC, so that the new non-exclusive right of initiative is more a reflection of existing practice than a real innovation." He also notes that "[the Commission's] right of initiative in the CFSP sphere is completely different in nature from its exclusive right of initiative in the Community, which allows it to play a key role in decision-making on EC policies." 151

In addition to this, Article J9 states that the Commission is to be "fully associated with the work carried out in CFSP field." As mentioned just above, the phrases that the Commission is to be "fully associated" is not a new and an original one but it is still open to interpretation, as was under EPC system after SEA. However, as Lodge points out, it derives from the operational reasons, 152" since trade and aid policies for which the Commission has always been responsible are inseparable from political relations with other countries." 153 As a result of this fact, as Lodge points out, the Commission made an internal reorganisation at the end of 1992 to ensure more coherence among its external activities. 154 It set up a new Directorate General for dealing with CFSP matters

¹⁴⁹ Lodge, op.cit., pp.245-246.

¹⁵⁰ Jopp, op.cit., pp.14-15.

¹⁵¹ Monar, op.cit., p.145. and also see, Nuttal, op.cit., p.134.

¹⁵² Lodge, op.cit., p.244.

¹⁵³ Jenkins, op.cit., p.31.

¹⁵⁴ Lodge, op.cit., p. 247.

(DG IA) showing "its determination to use fully its right under CFSP rules." ¹⁵⁵ According to the Article J5(3) the Commission is fully associated in representing the Union in the matters of CFSP and in implementation common measures. It should be remembered that it has large number of delegations all over the world.

II.3.1.4 The European Parliament:

Concerning the Parliament, Article J7 states that it has to be consulted on the main aspects and basic choices of the CFSP and its views are duly taken into consideration by the Presidency which -together with the Commission- also has to regularly inform the Parliament on the development of the CFSP. The Parliament also has the right to ask questions of the Council or make recommendations to it and hold an annual debate on progress in the implementation of the CFSP. As a comment on these provisions it should be noted that, as Monar puts it, "since neither the 'consultation' nor the 'recommendations' have any legal consequences, both innovations are not reaching very far...[However] the EP may be able to use these new instruments for a systematic political dialogue with the Council on foreign affairs issues." 156 Moreover, as Lodge points out, these provisions are so much similar to the relevant provisions of SEA. The new addition is that the consultation of the Presidency with the Parliament on the CFSP is stated in more obligatory form and its views are ensured to be taken into account by the Presidency. According to her, the Parliament will use these powers "in conjunction with its other powers of intervention, own initiative and urgency procedures which often involve foreign policy issues." She also notes that "since the EP sets its own agenda, it may deliberate on foreign-policy issues that fall outside the scope of the CFSP." In addition, there is a great hardness for making prior consultation with the EP in case of an emergency or an extraordinary Council meeting due to the lack of time. Therefore it could be said that "consultation with the EP is likely to be post-hoc and sporadic or of limited usefulness..." 157 However, the fact should not be forgotten that, as Jenkins puts it "the European Parliament's potential for influence is likely in the short term to be through the questioning of ministers and, in the longer term, through publicised debates." 158

It should be also noted that, as Wessels points out, as a result of the increased influence of EP on the EU's relations with third countries by the new EC Article 228, the influence on CFSP may indirectly increase too. 159 More specifically, it could be said that,

¹⁵⁵ Monar, op.cit., p.145, footnote 5.

¹⁵⁶ Ibid., p.147.

¹⁵⁷ Lodge, op.cit., pp.146-147.

¹⁵⁸ Jenkins, op.cit., p.29.

¹⁵⁹ Wessels, op.cit., p.187.

as Jenkins points out, as a result of the EP's new right as to give assent for the agreements with budgetary and legal implications such as trade, association and cooperation and enlargement agreements, its lack of power over the CFSP is compensated to an extent. 160

In sum it could be said that the EP has a limited role in the area of CFSP in which it wanted more increased one. This limited role is given by the Article J7, mainly similar to the relevant provisions of SEA under former EPC system, in the form of a consultations and information procedure in which it has the right to "ask questions", to make "recommendations" and to hold an "annual debate".

II.3.1.5. The Presidency:

Concerning the Presidency Article J5(1) sets its task as to represent the Union in CFSP matters and Article J5(2) added that it is responsible for the implementation of common measures and expressing the position of the Union in international conferences and organisations. According to Article J5(3) in carrying out these tasks, it will be assisted by the previous and next Presidencies as well as the Commission. Moreover, as mentioned above in discussing the role of the Commission, Article J7 makes obligatory for the Presidency to consult and to inform the Parliament. Concerning the representation function of the Presidency, it should be noted that, as Nuttal points out, although the former EPC Secretariat which was the main assistant for the Presidency is incorporated to the Council Secretariat to be strengthened, it does not still have the necessary apparatus for fulfilling its assistance task for the Presidency especially in its representational function. The fact should be noted that the Presidency can stay in the same city for only six months as a result of its rotation among the Member States. 161 Given these facts, it could be said that the problems with the representation of the Union in the era of EPC such as discontinuity and confusion are not overcome completely under the CFSP provisions.

II.3.1.6. The Political Committee:

Concerning the Political Committee which is consisting of Political Directors and an organ of former EPC system, already mentioned in the first part of this study, Article J8(5), reserving for the Committee of Permanent Representatives to the EC the task to prepare all aspects of Council meetings, states that the Political Committee is responsible

¹⁶⁰ Jenkins, op.cit., p.29.

¹⁶¹ Nuttall, op.cit, p.137.

for monitoring international situation for CFSP and also its implementation. It also contributes to the elaboration of CFSP at the request of the Council or its own initiative. Monar notes that, due to the strong position of Political Directors in the national Foreign Ministries,

"the reserve...in favour of the COREPER's key role in preparing the Council's work will lead to some kind of subordination of the Political Committee and of the various working groups it has set up to COREPER. Like in the past, therefore, the preparation of EC items on the Ministers' agenda will be largely separated from that of foreign policy items." 162

II.3.1.7. The Other Actors:

According to Article J6, diplomatic and consular missions of the Member States and the Commission Delegations in third countries and in international conferences as well as the Member States' representatives to international organisations have to cooperation in implementation of the Council's common positions and measures taken by it. The Cooperation among those bodies includes information exchange, joint assessments and joint protection of EC citizens.

It should be noted here that according to the Article J11(2) the administrative expenditure for the institutions of the CFSP will be funded from the EC's budget and operational expenditure for CFSP financed by the EC budget or by the Member States on the basis of a unanimous decision.

It should also be remembered that by virtue of Article L TEU the European Court of Justice has no right to control CFSP provisions. However, according to Monar, this can not prevent its review over decisions of CFSP on their compatibility with Community law depending on the Article M TEU which states that nothing in TEU can affect the established Community law. As a result, it could be said that there is an indirect scrutiny of the Court of Justice on CFSP. 163 In addition, it should be noted that, as Weiler points out, this exception does not mean that CFSP provisions do not create binding legal obligations. On the contrary, as it is set out in the provisions under Title V, especially Article J2, there are many duties of the Member States for each other on CFSP such as

¹⁶² Monar, op.cit., 146.

¹⁶³ Ibid., p.150.

to consult, to inform, to conform national positions to common positions, to coordinate action in international organisations and conferences. 164

As a final word on the institutional structure for CFSP pillar, it would be better to give here the assessment made by Monar;

"The Union continues to have a strongly dualistic system of foreign affairs mainly because of

- the persistence of totally different decision-making procedures for the two spheres of external activity,
- the exclusion of Title V from jurisdiction by the European Court of Justice (Article L TEU)
- the maintenance of the parallel existence of COREPER and Political Committee (Article J.8(5) TEU) and
- the still very different role of the Commission in both spheres.

...The Possibility to charge CFSP administrative and operating expenditures to the EC budget...and the possibility to make use of EC instruments for CFSP ends (the new Article 228a EC Treaty), creates solid links between the EC and the CFSP frameworks...The merging of the small Political Cooperation Secretariat with the General Secretariat of Council is consistent with the creation of a common institutional framework of the Union by virtue of Article C TEU and may help to harmonise EC and CFSP working procedures. Yet, the fact remains that the Union's decisions in both spheres will continue to be prepared and implemented by different procedures and different sets of officials with all the problems of coordination and of the diversity of often concurring spokesman it has created in the past." 165

II.3.2. DECISION-MAKING PROCEDURE FOR CFSP

Generally speaking, it could be said that, the new decision-making procedure for CFSP is a composition of many of the previous EPC and EC procedures. However, as Ungerer points out, it is more similar to those of intergovernmental cooperation than that of the Community. As mentioned before, Article J3 sets the procedure for adopting joint action. Monar examines this procedure as below;

¹⁶⁴ Joseph H.H. Weiler, "Neither Unity Nor Three Pillars-The Structure of The Treaty on European Union", in Joerg Monar Monar-Werner Ungerer-Wolfgang Wessels (eds.), op.cit., p.53.

¹⁶⁵ Monar, op.cit.,144-146.

¹⁶⁶ Ungerer, op.cit., p.30.

"The new procedure laid down in Article J.3. on CFSP provides for three successive acts for arriving at 'ommon actions':

- a) 'general guidelines' to be adopted by the European Council (Articles J.3(1) and J.8(1));
- b) a 'decision' of the Council on the principle and on the details of a 'joint action' (Article J.3(1) and J.3(2));
- c) a 'definition' by the Council on those matters of the 'common action' on which decisions are to be taken by a qualified majority (Article J.3(2)).

All these acts have to be adopted by unanimity." ¹⁶⁷

It should be noted that, as Wessels points out, majority voting can be applied only under very specific conditions. ¹⁶⁸ As Ungerer points out, it is mostly related to procedural matters and to the methods for implementation of joint action. ¹⁶⁹ It should be also noted that, as already mentioned before, according to Article J3(2) the Council selects the matters for qualified majority voting at any stage of development of a joint action.

Taking into account the past experiences, Jopp states the high possibility for a restrictive use of majority voting by the Member States despite their declaration as to "avoid preventing a unanimous decision where a qualified majority exists in favour of that decision' in one of the annexes to the TEU." 170

In sum, it could be said that, as the Commission puts it, "main decisions will be taken unanimously, but there will be limited majority voting on the implementation of specific policies or actions." 171

II.3.3. SHORTCOMINGS OF CFSP

Generally speaking, it could be said that, as Januazzi points out, the necessary components of an effective foreign policy are good intelligence, clear ideas, appropriate structures and means. But, according to him, the most important factor is the political will which "implies either total harmony among the partners or adequate rules for overcoming the divergence." When taking into account this view as a criteria, it is

¹⁶⁷ Monar, op.cit., p.140.

¹⁶⁸ Wessels, op.cit., p.185.

¹⁶⁹ Ungerer, op.cit., p.32.

¹⁷⁰ Jopp, op.cit., p.15.

¹⁷¹ Commission of the European Communities, "From Single Market to European Union", op.cit., p.26.

¹⁷² Giovanni Januzzi, "The European Union's Common Foreign and Security Policy and Its Contribution to Global Security", *Nato Review*, Dec.94-Jan.95, p.16.

seen that the CFSP also has many shortcomings like the former EPC system. Those shortcomings are more obviously stated by Jacques Santer, the President of the European Commission as follows;

"the lack of political will, the absence of a common definition of European essential joint interests, the difficulty of activating the unanimous decision-making system, the crippling budgetary procedures, the ambiguity of the roles of the Presidency and the Commission, the European Union's lack of a legal identity, and the problem of its external representation." 173

It is not suprising to see that most of shortcomings are the same with those of EPC system since the already mentioned fact that CFSP is based on EPC and has not changed its nature fundamentally. Some of those shortcomings of CFSP can be examined as below;

II.3.3.1. Lack of Political Will and Absence of a Common Definition of Essential Joint Interests Among the Member States

As mentioned just above, lack of political will means here the lack of total harmony among the Member Sates and lack of adequate rules for overcoming the divergence. In this connection, it could be said that, as Goldstein puts it, "for now there is little evidence of a cohesive foreign policy within the [Union]" 174 since "the interests of member-states vary according to domestic and international developments." 175 It should be noted that, as Lodge points out, even the TEU does not prevent unilateral action by Member States mainly due to the fact that the "domains reservés approach which tries to separate national interests sharply from the EC's general interest" is retained to a large extent. According to her, the possibility of happening such a kind of result is high when it is unclear for Member States that "what issues are subject to CFSP and which are not...The relative importance of issues may account for sharp disagreement at times." 176 Therefore it would not be a mistake to make a guess that, as Lodge does it, by taking into account the different historical backgrounds of the Member States, their different overseas obligations, and their diversed interests, tensions and conflict of interests among the Member States will continue as an obstacle on a genuine CFSP. 177 This is more likely

¹⁷³ Jacques Santer, "The European Union's Security and Defence Policy" *Nato review*, no.6, November 1995, p.7.

¹⁷⁴ Walter Goldstein, "Europe After Maastricht", Foreign Affairs, Winter 1992/93, p.127.

¹⁷⁵ Jopp, op.cit. p.7.

¹⁷⁶ Lodge, op.cit., p.247.

¹⁷⁷ Ibid.

to happen, as Jopps points out, in times of acute crisis as the current Yugoslav experience, in which West European interests strongly diverge from each others, has obviously shown to the world. 178 Another fact which should be mentioned here, as Lodge points out, is that "in times of crisis, member states do not always honour their commitment to consult each other in advance of taking action...The new TEU does not prevent or significantly discourage unslateral action by Member States." 179 As a result of these facts, the credibility of the CFSP could decrease. It could be said that, as Jopp points out, the worst result of internal division of the EU is the possibility for the preference of a policy of establishing strong bilateral ties with individual West European powers by third countries. Such a policy would prevent development of CFSP paving the way for traditional great power diplomacy. According to him, the most current example is "the internal division of the EU in the case of the former Yugoslavia [which] has weakened the prospects of a CFSP and strengthened moves towards great-power diplomacy." 180 Concerning this subject, according to Lodge, the real problem is to establish a balance between supranationalism and intergovernmentalism which made Member States able "to act efficiently, credibly and coherently in accordance with its selfproclaimed norms and values, financial and logistical resources and allowing [them] to retain freedom of action in areas of particular national interest." 181

II.3.3.2. Lack of Appropriate Structure

In addition to the above mentioned shortcoming, there are many institutional and procedural shortcomings of CFSP. Generally speaking, as stated in a report by Karel de Gucht, they are the dual structure of TEU, insufficiently formulation of the objectives of the Union in an unbinding manner, the limited possibility of using majority voting, low involvement of the Parliament and the Commission. 182

II.3.3.3. The Problem of Dual Structure

As previously examined and as Nuttall points out, the TEU sets out different structures and different procedures for international relations in the scope of EMU which

¹⁷⁸ Jopp, op.cit.,p.46.

¹⁷⁹ Lodge, op.cit., p.247.

¹⁸⁰ Jopp, op.cit.,pp.60,and 65.

¹⁸¹ Lodge, op.cit.,p.247.

¹⁸² See, the Report of Karel De Gucht on relations between the European Union, the WEU and the Atlantic Alliance adopted by the Parliament on 24 February 1994, Europe/Documents, no.1873-Atlantic Doc. no.84, *Bulletin Quotidien Europe*, 4 March 1994, p.3.

are separate from those of CFSP. According to him, "this incoherence will be a source of weakness for the future." 183

II.3.3.4. Confused External Representation Problem

As already discussed above, and as Ungerer points out, the TEU does not change the fundamental character of EPC that is intergovernmental cooperation which continues to be a character of CFSP. As a result of this obvious fact, it is clear that the main international actors of the European Union are still mostly national persons rather than those of Union's. They are the foreign ministers and the diplomats of the Member States who place the Presidency of the Council and not the EC Commission. Since the reputation of the Presidency of the Council every six month, this kind of representation may cause problems and weakness for the Union's policy and relations. Because "the foreign partners of the Union will be confronted every six months with new faces and weight."184 of different political In this connection. personalities Nuttall points out the confusion in representation as a result of the fact that "the Presidency, the EPC Secretariat, the Commission, and the Member States all proclaim to the world that they conceive to be and what is taken to be the Community position. The diversity of spokesman, each cancelling the others out, is not only an operational weakness, but also an institutional aberration." 185

II.3.3.5. Lack of Rapid Decision-Making

It could be said that this shortcoming is the direct result of the difficulty for applying unanimous decision-making. As Monar points out, the continuation of the problems and weaknesses of former EPC system related to this subject threatens the new procedure for reaching unanimous decision. According to him those problems and weaknesses faced by unanimous decisions in most cases are the high degree of the possibility for the lack of political substance among the Member States due to the common denominator formula, for arriving too late because of the difficulty of consensus-building, and for a complete failure as the worst.

He gives the following scenario concerning the unanimous decision-making under the new procedure which is most likely to be happened in case of sensitive issues as follows;

¹⁸³ Nuttall, op.cit., p.137.

¹⁸⁴ Ungerer, op.cit., p.32.

¹⁸⁵ Nuttall, op.cit.,p.137.

"The European Council's 'guidelines' will be very general and will not be very helpful for decision-making on the Foreign Minister's level. The Council (of Ministers) itself will need considerable time for deciding on the 'principle' of a common action. The envisaged 'common action' will be subject to all sorts of conditions and reserves which will make it impossible to agree on majority voting for other than ephemeral implementation measures.

It should be noted that the wording of Article J.3(2) makes it quite difficult to apply qualified majority voting to more than minor questions of the implementation of 'common actions'. This means that the Union will continue to be paralysed on the international stage if only one Member State decides definitely to block the adoption of a 'common action'." 186

He completes his assessment stating that there is no major improvement in the new procedure for unanimous decision-making and this limits the capacity of the Union for an effective response to external challenges. He also points out the weakness of the new emergency meeting procedure of the Council laid down in Article J.8(4) deriving from the time-table problems of the Foreign Ministers. As a result of these facts, it should be noted that there a difficulty related to decision taking and its speed, especially when the Member States have different views on a given subject.

II.3.3.6. Lack of Effective Instruments

It is an obvious and accepted fact that a foreign policy requires effective instruments to be successful in reaching its objectives. In this sense, it could be said that, as Januazzi points out, there is an uncertainty and doubt about the potential effectiveness of the CFSP. He also notes that, although the CFSP sets ambitious objectives, it does not have appropriate and adequate instruments for achieving them. ¹⁸⁸ In parallel, in one of his statements, Mr. Van Den Broek, the present Commissioner for CFSP, states the same idea and gives the reason for it as the incomplete construction of a CFSP. According to him, the problem is the unability of the Union for going beyond joint declarations regarding international problems. He reminds that although a number of joint actions under the CFSP has been launched since the establishment of it, no one of them had the character of becoming "...a decisive action needed to prevent conflict, to manage crisis when they do break out, or to resolve disputes which threaten international peace and stability." ¹⁸⁹ It should be noted that this character is still unchanged. In this connection, it

¹⁸⁶ Monar, op.cit.,p.140-141.

¹⁸⁷ Ibid., p.141.

¹⁸⁸ Januzzi, op.cit.,pp.15-16.

¹⁸⁹ Van Den Broek's statement, op.cit.

should also be mentioned that, as Monar puts it, there is no clear definition of a common action and the instruments in the hand of the European Union for such actions are not comprehensive and remain vaguely defined. Those instruments are mainly in the form of diplomatic ones such as demarches and declarations (as were under the former EPC system). The new measures are very few one of which is the European Community Monitoring Mission (ECMM) to Yugoslavia. ¹⁹⁰

It could be said that, as Ungerer puts it, the main reason for the weakness of the CFSP is its unchanged character of being as an intergovernmental cooperation which prevents rapid and forceful action against crises. According to him, the only condition for the European success in this field is to have competencies for such action and those competencies must be represented by clear and appropriate personalities and supported by necessary economic and political power. 191 A more obvious condition is given by Januazzi as that there can not be an effective foreign policy without a military instrument. On this point, he reminds that the Maastricht Treaty does not go much far because of the given circumstances, therefore, "the problem exists, and its effects are seriously felt." 192 As a final word on this point, it should be mentioned here that, as Lodge puts it, "without the means to match its goals, the EC/Union will prove disappointing. Without the institutions and procedures to lend continuity and stability to the venture, little may be achieved." 193

The following statement of the European Commissioner responsible for external political relations and the CFSP briefly summarises the shortcomings of CFSP just mentioned above:

"If Europe...has failed to act decisively in Bosnia or in Rwanda, it is partly a question of political will but partly also because our sense of joint European interests is still insufficiently developed and because we have not yet learned how to take decisions together quickly and how to carry them out. The Union's capacity to act, when a crisis threatens, cannot depend on the inclination of its most reluctant member state on any given issue. Ways and means must be found to streamline decision-making on the CFSP, while being realistic about member states' prerogatives...A member state may not wish to send troops for a particular operation, but it should not stand in the way of an action desired by other member

¹⁹⁰ Monar, op.cit.,p.141.

¹⁹¹ Ungerer, op.cit.,p.34.

¹⁹² Januzzi, op.cit.,p.15.

¹⁹³ Lodge, op.cit., p.248.

states and, in the absence of its own military force, it should show its solidarity in other ways." 194

Same consideration on the shortcomings of CFSP is stated by the Parliament in its resolution on progress in implementation the CFSP during the period from November 1993 to December 1994. Accordingly, its shortcomings are mainly resulted from "its intergovernmental nature, the need to reach a unanimous decision before action was taken and to there being little or no common perception of the European Union's own interests as distinct from the Member States' individual interests" 195

In sum, it could be said that although at the present the CFSP has many shortcomings which are similar or even identical to those of EPC, it is a clear fact that it is much more advanced than EPC. However, it should be noted that, as Jenkins puts it, "it is unlikely to make an impact on the world commensurate, unless it is organically linked with the institutions of the EC." 196 There are many suggestions made by the authors to overcome the shortcomings and the weaknesses of CFSP and thus to create a true and complete one. One of those authors is Jopp suggesting the establishment of more common structures of the CFSP, real involvement of the Commission in building the CFSP, the ensurance of the common interests against the individual national interests, development of the procedures especially those related the foreign-policy representation of the EU.¹⁹⁷ Parliaments suggests establishment of an analysis and assesment center to evaluate risks and threats to EU's interests, less use of declarations and greater use of common positions and joint actions by the Council, revising of unanimity rule. 198 It is wished that the decided Intergovernmental Conference in 1996 for the reviewing the results of Maastricht Treaty could help to overcome the shortcomings of Treaty as a whole and particularly those mentioned shortcomings of the CFSP. 199

II.4. TESTING THE CFSP: THE WAR IN THE FORMER YUGOSLAVIA

There is a common view among the authors as such that the Yugoslav crisis can be generally seen as a test for the capacity and ability of the Europe to act together and consequently they agree that the Europe is unsuccessful in doing so. As an example for this argument, Wessels states that "every day, the Yugoslavian case demonstrates the

¹⁹⁴ Van Der Broek's statement, op.cit.

¹⁹⁵ Bulletin EU 5-1995, point. 1.4.1.

¹⁹⁶ Jenkins, op.cit., p.26.

¹⁹⁷ Jopp, op.cit., p.67.

¹⁹⁸ Bulletin EU 5-1995, point.1.4.1.

¹⁹⁹ Ungerer, op.cit., p.34.

limits of common approaches..."²⁰⁰, and Goldstein states that "when it came to moving against Yugoslavia's murderous strife and ethnic cleansing the EC again proved ineffective."²⁰¹ In addition, this crisis is also seen as the "...most telling example for the shortcomings of CFSP"²⁰²some of which are already examined above. Therefore, the attitude of the EU against the disputes and the war in the former Yugoslavia is examined here to show clearly the implementation problems and shortcomings of CFSP.

The Yugoslav crisis began in the era of EPC not that of CFSP. Soon after, as Lodge points out, as a result of the international expectations for playing a determinant role in mediating and solving the crisis, the Community and its Member States under the framework of EPC involved with the crisis during the time of the IGC process. Therefore it could be said that this crisis shaped CFSP to a large extent. After the involvement of EC into the crisis, the shortcomings and weaknesses of EPC and later those of CFSP came to the surface and has been obviously seen during the crisis. As a result of those shortcomings and weaknesses, particularly the absence of a single and central political authority on foreign affairs field, lack of political will and absence of a common definition of essential joint interests among the Member States, "the member governments were divided over whether to intervene and, if so, what form any intervention should take."203 As Brenner puts it, "It has revived visions of a Europe racked by discord and ancient rivalries...Most troubling, the EC has shown itself to be lacking the unity..."²⁰⁴ Jopp also points out, emergence of those old rivalries among the Member States which prevented to take any effective measure to the crisis. For example, both Britain and France were interested in maintaining the status quo, therefore, they were hesitant to move against Serbia as a result of their good relations with that country. On the other hand, as a result of its traditional friendship with Slovenia and Croatia, Germany urged them to declare independence and recognised them in July 1991 and increased pressure on their EC partners to recognise individual Republics. This policy increased some kind of negative perceptions in France, Britain and other partner countries on the new unified Germany. Another point which should be noted here is the fact that the agreed principles for recognition had not been followed strictly by the Member States. For example, as a result of Greek resistance to the recognition of Macedonia, that country was not recognised collectively though it had the most of the decided criteria. Greece's unilateral blockade of Macedonia to force it to change its name

²⁰⁰ Wessels, op.cit., p.186.

²⁰¹ Goldstein, op.cit., p.127.

²⁰² Januazzi, op.cit., p.15.

²⁰³ Lodge, op.cit., pp.248-249.

²⁰⁴ Micheal Brenner, "EC:Confidence Lost", *Foreign Policy Magazine*, no.91, Summer 1993, pp.24-43, p.24.

and amend parts of its constitution has created problems among the Member States.²⁰⁵ It should be noted that the European Court of Justice has taken a decision against Greece later on. The agreement concerning the given matters between Greece and Macedonia could be reached just in 1995 after a long conflictual period.

It could be said that, referring to Jopp again, most measures and their methods applied by the Member States during the crisis became inadequate since the fact that they came either too late or they were not obligatory enough. For example, the first measure taken by the Member States as the recognition of entities after long and conflictual debates could not become an effective measure to end the fighting. In eastern Croatia, it resulted in this direction but in Bosnia-Herzegovina, it gave the way for an escalation of the conflict. Another measure was the economic sanctions against Serbia and Montenegro but it took months to gain the necessary international support through the UN. Moreover, the arms embargo applied to the whole of the former Yugoslavia resulted as an obstacle for Bosnians in protecting themselves. The organisation of a peace conference with the initiative of the Europe was also ineffectual because of the unwillingness and unability of the Member States in making pressure on all parties to agree on a negotiated solution.

The military options could not been used due to the disagreement among the Member States. For example, they did not accept a Franco-German initiative for a WEU interposition force in Croatia in 1991. In fact, the main reason was the British resistance. As a result of this deep disagreement among the Member States, they accepted the leadership of the UN in the management of military options for solving the crisis in the end of 1991. It chose the policy of establishing protection forces rather than using other military options because the Europeans, notably the British and the French rejected the American proposals on using military instruments to pressure the Bosnian Serbs for peace. Those European attitudes and measures for the crisis were not changed although the degree of the war and violence by made Serbs increased as a result of the military siege of Sarajevo, concentration camps and the policy of ethnic cleansing in summer 1992. This only changed to some extent after the shelling of Sarajevo's market place on 5 February 1994. As a result of strong public pressure, France together with the Americans launched the NATO's Sarajevo ultimatum. The outcome of these differences among the major European States was the unsucces that reduced credibility of them and proved the weaknesses of CFSP and paved the way for the leadership of the United States in solving the crisis. The recent agreement reached by the conflicting parties in Dayton as a result of

²⁰⁵ Jopp, op.cit., pp.42-43.

the American diplomacy proved on the one hand the global leadership of the USA and on the other hand the weaknesses of the Europe and thus the CFSP.

According to the author, besides their unwillingness for doing more, one reason for this failure is the member governments' failure in estimating the effectiveness of the measures and the intentions of the Serbs and Croats mainly as a result of the lack of common supranational permanent institution dealing with the issue, like the Foreign Affairs Department of a nation state. Other reasons referring to Lodge can be given as; the lack of necessary financial resources, unexistence of military instruments, the unapropriate personnel and political capacity as such that a an individual government has, and the lack of long-term planning and of technical expertise. One

As it is seen from the above paragraph, the Yugoslav crisis obviously showed the shortcomings and deficits of the CFSP. It also showed the weak binding manner of the commitments of the Member States which made possible occurrence of many unloyalities by them mainly as a result of its wording.

As an example, it could be given that although both the experience of former EPC system and the CFSP requires coordination among the Member States in UN, they do not always to do so. As Jopp reminds it, on 10 May 1993, Foreign Ministers Member States took a decision supporting the Vance-Owen Plan, soon after, France and Britain as the permanent European members of the UNSC and Spain as a regular member, agreed on a new action plan without doing prior consultation with the other Member States of EU. This caused many unfeelings especially in Germany, Italy and the Netherlands.²⁰⁸ It could be argued that, as a reaction and a measure for this kind of disappointments, Germany is now trying to gain permanent membership of the UNSC.

In sum, it could be said that, as Januazzi points out, as a result of changes in international system at the end of beginning of 1990s, although the role solving the crisis was left to the Europe, there was an obvious failure of it both in preventing the escalation of war and in ending the conflict. The main reason was the lack of appropriate structures and adequate diplomatic, economic and military instruments of the Union to play such a role. ²⁰⁹ As a result of this failure, a loss of confidence in CFSP happened and its shortcomings and weaknesses are clearly being observed. As Brenner puts it, "Yugoslavia has sapped the EC's confidence and undermined its credibility, thereby

²⁰⁶ Ibid., pp.43-44.

²⁰⁷ Lodge, op.cit., p.249.

²⁰⁸ Jopp, op.cit., pp.46.

²⁰⁹ Januazzi, op.cit., p.15.

contributing to the crumbling of popular support for Maastricht Treaty."²¹⁰ As Gallis points out, this failure also causes many doubts on the possibility of a political union and availability of a European identity in which minority rights are respected. Those doubts threatens the process of European integration which is accelerated by the Maastricht Treaty.²¹¹ In order to overcome these shortcomings and avoid new failures, it is suggested in a document of the CDU/CSU Parliamentary Group in the German Parliament (Bundestang) on the future of European unification that the European Union in the field of CFSP should "...clearly define common interests and objectives and stipulate the conditions and procedures as well as the political, economic and financial means."²¹²

II.5. VIEWS ON FUTURE OF THE EUROPEAN INTEGRATION

After the end of Cold War, as stated in De Gucht Report, the new European geopolitical situation was characterised by proliferation of conflicts and instabilities mainly derived from the economic and minority problems, unstability of regimes, and the rise of nationalism and religious fanaticism.²¹³ In a such kind of international environment, as Gallis points out, mainly as a result of the changes in its economic and political interests, the European Union has been trying to become a global economic and political power since 1990. It could be said that this effort has not resulted in a positive manner yet though the Maastricht Treaty which is the most enormous attempt in this direction was signed.²¹⁴ Soon after the signing of the Maastricht Treaty, as Feldstein puts it, there was common view that the envisaged monetary union would gradually pave the way for a centralised European government. In other words, "[the] dream of a United States of Europe looked as if it would become reality before the end of the century."²¹⁵

However, this European optimism was destroyed soon by the occurrence of two major events which resulted in a crisis that was described by Monti as "...the most severe crisis in the history of its integration." Those events were namely, as Feldstein puts it,

²¹⁰ Brenner, op.cit., p.24.

²¹¹ Gallis, op.cit., pp.20-21.

See, "Document of the CDU/CSU Parlimantary Group in the German Parliament (Bundestang) on the Future of European Unification", Europe Documents,no.1895/96, Bulletin Quotidien Europe, 7 September 1994, p.7.

²¹³ De Gucht Report, op.cit., p.1.

²¹⁴ Gallis, op.cit., p.23.

²¹⁵ Feldstein, op.cit., p.12.

²¹⁶ Mario Monti, "Integration after the Crisis of 1992:Is Maastricht Dead?", presented at the 1993 Washington meeting of the Trilateral Commission, 27-29 March 1993, *Trialoque 46: The Trilateral Comission 1993 Washington Meeting*, p.51.

the collapse of the European Monetary System (EMS) which regarded as a major step for monetary union and rejection of the Maastricht Treaty by the citizens of Denmark in a referendum which increased the debates on the content and the approval of the Maastricht Treaty and caused for serious divisions among the Member States.²¹⁷ In addition to these two events, referring to Gallis, other factors for the European crisis of 1992 which are the potential obstacles for the achievement of the Treaty's objectives and thus for further unification could be given as; the failure of the European Community in taking concerted action for the Yugoslavian war which causes a decrease in public support for the European unification process, and uncertain support among the individuals of the Member States for Maastricht Treaty mainly derived from their "...misgivings about the costs and benefits of further unification." ²¹⁸ As Bocquet points out, the British traditional opposition for the deepening of the European integration, the increase in the nationalistic feelings that causes hostility and violence against foreigners in many Member States could be given as other factors. Therefore, it could be said that "the Community spirit has been undermined overtime by the doubts of the people"²¹⁹ mainly derived from all these factors.

It should be mentioned here that there are also many authors having same kind of doubts about the achievement of the further unification and thus the availability of the establishment of a European Union, in practice, especially via the Maastricht Treaty. According to one of them, Feldstein, as a result of end of the Soviet threat which was one of the most powerful driving force for European political integration, at the present, Member States are more hesitant to limit and to delegate their national sovereignty and independence than they were in the past. 220 However, as an opposite view it should be noted that, as Gallis does it, the realisation of German unification has become a new driving force for further European integration by increasing the desire among the Member States to bind Germany fully into the Europe. 221 But Feldstein is not agree with this argument by noting that;

"The generation of Europeans who dreamed of a United States of Europe as a way of preventing a repetition of the horrors of World War II by containing Germany in a larger political entity is shrinking rapidly in both size and political influence. For most young people, the prospect of German militarism is not a palpable concern that justifies sacrificing national identities...It is unlikely to

²¹⁷ Feldstein, op.cit., p.12.

²¹⁸ Gallis, op.cit., p.5.

²¹⁹ Dominique Bocquet, "The EC's Democracy Deficit", *The American Enterprise*, May-June 1993, p.56.

²²⁰ Feldstein, op.cit., p.13.

²²¹ Gallis, op.cit., p.6.

provide a powerful motive for political union in either Germany and or elsewhere in Europe...It seems unlikely that Britain, France and other countries of Europe will want to form a continental government in which Germany has the largest population and strongest economy as a way of limiting Germany's future power or the military exercise of that power."²²²

According to the same author, there are many other reasons for becoming doubtful about the further European integration and the viability of the Maastricht Treaty. One basic reason is the limitness of the potential economic benefits expected from the monetary union when compare to the potential political consequences for the Member States such as the possibility of a fundamental loss in their national sovereignty and self-determination. The fact should be stated here that, as Jopp puts it, the end of the Cold War has not reduced the oppositions and hesitations for further European unification mainly derived from the concept of national sovereignty in the most of the Member States. 224

Another reason Feldstein gives is the possibility that the current European political leaders who binds their personal success to the achievement of the goals of Maastricht Treaty and thus to the success of some kind of European monetary and political integration would replace with a new generation of political leaders who would not have same considerations. Therefore, it could be argued that it is a high possibility that next political leaders may choose to pursue new goals other than those set out in Maastricht Treaty, when they realise the low public support for them. 225 In this connection, it should be noted that, as Jopp points out, the increase in the effectiveness of the domestic factors increased the influence of the national Parliaments and public opinion on national governments by making the national interests more carefully to be taken into consideration. It is obvious that such a development does not favour for further European unification. 226 Wallace points out the existence of many intentions and talks among many of the Member States on loosening integration in favour more intergovernmentalism at the present. 227

It could be said that such kind of doubts about the future of the European integration are also shared on a more formal level over the Europe. For example, in a

²²² Feldstein, op.cit., pp.13-14.

²²³ Ibid., p.14.

²²⁴ Jopp, op.cit., p.64.

²²⁵ Feldstein, op.cit., p.14.

²²⁶ Jopp, op.cit., pp.64-65.

Helen Wallace, "The EC and Western Europe after Maastricht", in Hugh Miall (ed.) op.cit., p.28.

document of the CDU/CSU Parliamentary Group in the German Parliament (Bundestang) on the future of European unification, the European unification process is described as such that it has reached "a critical point in its development". The main causes for this are given as below;

- Overextension of the EU's institutions which, originally set up for six member countries,...[and now rose to 15].
- A growing differentiation of interests, fuelled by differences in the level of socioeconomic development, which threatens to obscure the basic commonality of interests.
- Different perceptions of internal and, above all, external priorities (e.g. Maghereb/Eastern Europe) in a European Union stretching from the North Cape to Gibraltar.
- A process of profound structural economic change. With its mass unemployment, which it will be impossible to overcome in the short term, this crisis poses a threat to already overstitched social systems and to social stability. The economic crisis is one aspect of the general crisis of modern siciety in the West.
- An increase in 'regressive nationalisms' in (almost) all member countries, which is the product of deep-seated fears and anxieties caused by the internal crisis of modern society and by external threats, such as migration. Fear and anxiety tempt people to seek, if not a solution, then at least refuge in a return to the nation state and all things national.
- The highly debilitating effect of the enormous demands placed on national governments and parliaments by the above problems.
- The open question, at least as regards the 'when' and 'how', of the involvement of the countries of (Eastern) Central Europe in the European Union. For the present members of the European Union, eastward expansion constitutes both a challenge and a test not only in terms of the material contribution they are able and willing to make but also in terms of their moral and spiritual self conception." ²²⁸

According to the document, unless these causes are overcome soon, the Union would remain only a some kind of sophisticated free-trade area contrary to the goal of ever closer union stated in the Maastricht Treaty. The Union's response to those problems will show its ability and willingness for further unification and thus for becoming a real power in the world affairs.²²⁹

²²⁸ Document of the CDU/CSU..., op.cit., pp.1-2.

²²⁹ Ibid.

After giving many doubtful views on the future of the European integration, it would be helpful to mentioned here many potential factors that would play a significant role in shaping it. As Gallis points out, the first and the most important factor is Germany whose role is believed as critical in shaping the European destiny. Germany derives this potential from its geographic position at the centre of Europe and its economic power as the engine of the European Union. As a result of this fact, most Member States tries to balance Germany by binding it to common European structures.²³⁰ It should be given that, at the present as it was at the past, this kind of policy is agreed and shared by it has a special interest in preventing the process of European Germany since interest is explained in the Document of the CDU/CSU..., integration. This special mentioned above, as; "if Europe were to drift apart, Germany would once again find itself caught in the middle between East and West, a position which throughout its history has made it difficult for Germany to give a clear orientation to its internal order and to establish a stable and lasting balance in its external relations."231 However, pointing out the existence of a debate in Germany about Germany's role in Europe since the end of 1980s as well as the increase in anxieties among many of its European neighbours about Germany's future course following its reunification, Marsh states that Maastricht Treaty which was aimed to end this debate and anxieties by binding it into common European structure did not become successful in doing so and offering solution to Germany's European future. The author points out a strange dilemma faced by Europe concerning Germany as that "Europe was afraid of both German strenght and German weakness."232 It should not be forgotten that, as Jopp points out, the German factor may only work as a confederator not a federator, since the other major Member States such as Britain and France are not so willingness to limit their political autonomy as much as Germany is ready to do so. According to him, the development of the relationship between Germany and France would accelerate the European integration process. In other words, the main condition for the establishment a closer union and a more effective CFSP is the development of joint views and initiatives between these two countries as well as the ensurance of the participation of other Member States to this initiatives, "...notably Britain which holds the key to many questions of Europe's future."233

Besides German factor, as Feldstein points out, another potential factor in shaping the future of the European integration is the amount of the expected economic benefits

²³⁰ Gallis, op.cit., p.6.

²³³ Jopp, op.cit., pp.16 and 65-66.

²³¹ Document of the CDU/CSU..., op.cit., p.2.

²³² David Marsh, Germany and Europe, The Crisis of Unity, (Mandarin, Great Britain, 1995), p.137.

and costs from the monetary union by the Member States.²³⁴ However, it should not be forgotten that, as Jopp points out, at the present, there are also many problems in this field. Even many Europeans believe that economic and monetary union (EMU) is an illusion²³⁵

According to Moller, new orientations which is influencing future shape of Europe are as follows;

- "1. The transition from the industrial to the immaterial society.
- 2. The replacement of a world order with the United States as the indisputable leader possessing military, economic, and cultural suprenacy by more complicated world order; at first, tripolar but gradually settling into a power game dominated by transnational economic centers and supranational enterprises.
- 3. A stronger economic integration and a more international world.
- 4. A stronger drive for cultural decentralisation by individual peoples wishing to shape their own cultures and their own identities while the hitherto diminant Anglo-Saxon culture is under attack." 236

The same author gives the challenges for Europe during the 1990s which will, of course, affect the future of Europe. Those challenges are as follows;

- "1. A double economic challenge: in the high-technology sector from the United States and Japan; in the low-technology, labor-intensive, and low-price sectors from developing countries and some parts of Central and Eastern Europe.
- 2. The large number of European countries wanting to join the European Union. For some, that poses political problems; for others, it poses economic problems. For few, it seems to be a smooth process.
- 3. The risk of conflicts in geographical Europe like the one...seen in the former Yugoslavia.
- 4. Immigration from adjacent, less affluent countries.
- 5. Improving the environmental standard in the European Union itself, contributing to the cleanup of Central and Eastern Europe and the former Soviet Union, and at the same time coping with the problem of the lower environmental standards of many trading partners."²³⁷

²³⁵ Jopp, op.cit., pp.16 and 3.

²³⁴ Feldstein, op.cit., p.14.

Orstrom Moller, The Future European Model Economic Internalisation and Cultural Decentralisation, (Praeger, Westport, 1995), p.122.

237 Ibid.

It should be noted that Wallace states further enlargement and multilateral partnerships with many other European countries, as a response to the second challange given above paragraph, as a crucial factor for the future of Europe. 238

In sum, it could be said that in a few years after the end of the Cold War and after the signing of the Maastricht Treaty as a major response to this development, as Gallis points out, the European Union still debates the question about the method and speed for establishing a European integration and identity in mid-1990s.²³⁹ As Van Den Broek points out, the intergovernmental conference which began on 29 March 1996 will deal with those questions as well as issues arising from the implementation of the Maastricht Treaty and from the 1995 enlargement. "It will have to define what amounts to a new constitution if the momentum of integration is to be maintained and if Europe's political influence in the world is to match its economic power."²⁴⁰ Monti gives two conditions for the continuance of the European integration process in the same direction of the Maastricht Treaty. The first condition is the creation of a more proper political basis, and the second one is to take into consideration the possibility of the Europe with two or multiple speeds. Nevertheless, according to him "the process of European integration does not turn out to have been as weakened as might first appear."²⁴¹

²³⁸ Wallace, op.cit., p.28.

²³⁹ Gallis, op.cit., p.4.

²⁴⁰ Van Den Broek's statement, op.cit.

²⁴¹ Monti, op.cit., p.54.

PART THREE

THE COMMON FOREIGN AND SECURITY POLICY AND THE TURKIC REPUBLICS

III.1. DEVELOPMENT PROCESS FOR THE INDEPENDENCE OF TURKIC REPUBLICS AND FOR CFSP TO THEM

As previously mentioned in the second part of this study, the developments after the year 1989 in the Soviet Union is one of the driving force -together with the events in Eastern Europe- behind the acceleration of European integration via Maastricht process in the beginning of 1990s.

In a theoretical point of view, it could easily be said that there were many good reasons for the European Community and its Member States to show an increased attention to the region where those developments were occurring. As Kaleağası points out, the first reason was related to the security considerations derived from the emergence of the new problems in this region threatening the new international and European order as a result of the end of the cold war and the collapse of the Soviet Union. Those problems were in the form of various kind of conflicts or potential sources of conflicts such as territorial, ethnical, tribal, linguistic and religious ones. In addition to the high possibility of spreading a major conflict in this region to its around, many other uncertainties and risks emerged as a threat for the political stability of the region itself and also to Europe,²⁴²as Van Eeckhaute points out, another significant security consideration to the Community and its Member States was the danger of the nuclear proliferation. In addition to those problems, many other problems such as environmental problems and drugs traffic could be added. Two other reasons as the second and the

²⁴² Bahadır-Bige Kurtman Kaleağası, "New Eurasian Area: General Presentation", paper presented at the Conference *European Union*, *Turkey*, *Eurasia New Trends in EU-Turkey Cooperation*, Istanbul 22-23 September 1994, organized by the European Community Institute, Marmara University and TEPSA Trans European Policy Studies Association, p.4.

third reason for the European Community and its Member States to show an increased attention to the region could be given, referring to the same author, as follows;

Second reason was the existence of threats to the significant economic interests of Europe as well as its political leadership in the post-cold war era since the region in question is politically very sensitive and economically very rich in the terms of natural resources. Third reason was the strategic importance of the Central Asia and the Caucuses region, in which mainly Turkic Republics located, since it situated at the cross-roads of different civilisations and binds Asia to Europe. 243

It could be said that bearing in mind all these political, economical, and strategical importance of the region, as Kaleağası puts it, Europe became one of the parts for the new geo-political game whose major issues were "...political and economic transformation, search for a new identity, control over the energy resources, new emerging markets and the war of influence over the new Republics by neighbouring countries." 244

As a result of this fact, following the signing of Maastricht Treaty which sets out the creation of a CFSP as a response to those developments, Member States began to try to establish and develop a CFSP towards those states and the region in which they located. Before examining the general characteristics of that policy, it would be better to remember those developments as well as the Community reactions to them briefly to get an idea on the background of CFSP towards the Commonwealth of Independent States (hereafter written as CIS) and thus towards the Turkic Republics of it.

III.1.1. EPC REACTIONS TO THE DEVELOPMENTS IN USSR IN 1990S

It would not be wrong to say generally that there was a wide Community concern to the political developments took place in the Soviet Union more than it was at the past in the beginning of 1990s though there was no mentioning of the Soviet Union in the EPC statements issued in 1990.²⁴⁵ As a result of the Community interest and worry about the success of the reform attempts for the establishment of democracy and market economy in the Soviet Union, the Dublin European Council on 25 and 26 June 1990 instructed the Commission to prepare proposals for supporting reforms in that country.

²⁴³ Jean-Charles Van Eeckhaute, "The Bilateral relations between the EU Member States and the Newly Independent States of Central Asia and the Caucasia: Synthesis and Comments", paper presented at the Conference *European Union, Turkey, Eurasia New Trends in EU-Turkey Cooperation*, op.cit., p.5. ²⁴⁴ Kaleağası, op.cit., p.4.

²⁴⁵ See, Commission of the European Communitites, 24th General Report on the Activities of the European Communities, (Office for Official Publications, Luxembourg, 1991), points 874-895.

On the basis of the prepared report, the Rome European Council on 14 and 15 December 1990 adopted several measures for reorganising and revitalising Soviet economy. For this purpose, it decided to give the short term aid for its urgent needs and, in the longer term, to supply technical assistance. It also set several guidelines for the continuation of this support. Therefore, theoretically, it could be said that Turkic Republics of the Soviet Union were also concern to the Community at the years 1990 and 1991. However, it was at the end of 1991 that they were explicitly mentioned in the statements of EPC a result of their declaration of independence in the same year.

It could be said that since the events in the Soviet Union accelerated during the year 1991, it was among the great challenges faced by the Community and its Member States and more frequently took place at their agenda during that year.²⁴⁷ Those events could be given briefly as follows;

On 17 March 1991, as Duignan and Gann state, a referendum on continuance of the Soviet Union as a new type of federation composed of equal sovereign Republics was held over the Soviet Union. Although many Republics did not participate, the Turkic Republics participated and voted yes for the creation of this new political structure with high majorities.²⁴⁸ As Goldman points out, as a result of the efforts which was encouraged from the yes votes that constitutes 70 percent of those participating votes, a treaty called as the "nine plus one agreement" was agreed on 23 April 1991 at Novo-Ogarevo. This agreement was delegating enough power to the Republics and making possible for them to control their economic resources but maintaining the authority of the centre on national politics, foreign policy, military and security matters. It was decided to make a formal signing ceremony on 20 August 1991.²⁴⁹ However, as Duignan and Gann put it, the declining of the power of the centre did not stop and demands to decentralise authority in many Republics increased²⁵⁰ and as Goldman points out, attempts for gaining independence accelerated in various Republics. During this period of chaos which began after 1989, in many Republics such as Georgia, Azerbaijan, and Lithuania, Soviet government troops used force against nationalist demonstrators. This policy increased

²⁵⁰ Duignan and Gann, op.cit. p.201.

²⁴⁶ Ibid., points 658 and also 684.

²⁴⁷ Commission of the European Communities, 25th General Report on the Activities of the European Communities, (Office for Official Publications, Luxembourg, 1992, point 1087.

²⁴⁸ Peter Duignan and L.H. Gann, *The USA and the New Europe*, (Blackwell, Oxford UK & Cambridge USA, 1994), p.200.

²⁴⁹ Marshall I. Goldman, Lost Opportunity, Why Economic Reforms in Russia Have Not Worked, (W.W. Norton & Company, New York and London, 1994), pp.53-54.

secessionist pressures in those Republics²⁵¹as well as the attention and worries of the outside world, particularly the USA and Europe.

In a such kind of environment, an unsuccessful coup attempt whose main cause, according to Golan, was the new union treaty which was decided to be formally signed on 20 August 1991, as mentioned before, was made but ended with incalculable results for the Soviet Union.²⁵² As Sakwa points out, it accelerated the decentralisation process and paved way for many formally anti-constitutional steps in the most of the Republics including Russian Federation.²⁵³

Watching all these events, the Community and its Member States made a EPC statement on 19 August 1991, about the Soviet Union, explaining their concern to the removal of Mikhail Gorbachev from office. On 20 August, in another statement, they strongly condemned the seizure of all power by a 'State Committee for the State Emergency'. On 22 August 1991, they stated their profound relief and satisfaction derived from the collapse of the coup and their decision to revoke their previous decision of 20 August, taken as a reaction to the coup, to suspend economic aids including food aid and technical assistance given to the Soviet Union. 254

As Sakwa points out, the period following the failure of the coup witnessed the acceleration the transformation of the declarations of sovereignty of the Republics into declarations of independence including Turkic Republics except Kazakhstan. This development weakened the authority and power of the centre so much and limited its role, since those newly independent states were unwilling to delegate their functions to the centre and were trying to set up new kind of relationships with each other. Although as a result of the strong efforts from Russian Federation and Kazakhstan for the establishment of a new Union of Sovereign States, a new Draft Union Treaty aiming at the creation of a confederation was proposed in November, it was refused by several Republics. As Goldman points out, another attempt was made by Russian Federation and Ukraine for the creation of an alternative to the Soviet Union similar to the British Commonwealth consisting of only the major Slav Republics, namely Belarus, Ukraine,

²⁵¹ Goldman, op.cit., pp.54-55.

²⁵² Galia Golan, *Moscow and the Middle East, New Thinking on Regional Conflict*, (Pinter Publishers for the Royal Institute of International Affairs, London, 1992), p.74.

²⁵³ Richard Sakwa, Russian Politics and Society, (Routledge, London and New York, 1994), p.17.

^{254 25}th General Report...op.cit., point 1095.

²⁵⁵ Sakwa, op.cit., pp.17 and 22.

and Russia. This attempt became successful and new commonwealth agreement was signed in Minsk on 8 December 1991.²⁵⁶

As Sakwa puts it, the Central Asian Turkic Republics' leaders who were disappointed for their exclusion from the initial design of CIS met in the capital of Turkmenistan and agreed to join the new entity on 2 December 1991. Soon after on 20 December 1991, eleven Republics except the Baltic states and Georgia met in the Kazak capital, Alma Ata and signed a protocol to join the Commonwealth as the equal High Contracting Parties with the original founder Republics. As a great result of this development, the USSR whose last President Gorbachev announced his resignation on 25 December 1991, formally came to an end on 31 December 1991.²⁵⁷

As a reaction to the creation of the CIS, on 23 December 1991, the Community and its Member States adopted a statement concerning to the future status of Russia and the other Republics taking note the creation of CIS and the transfer of the international rights and obligations of the former Soviet Union to Russia. Two days later, in another statement, they took note of resignation of Gorbachev from his post as President of the Soviet Union.²⁵⁸

III.1.2. EPC REACTIONS TO THE INDEPENDENCE OF TURKIC REPUBLICS

As mentioned earlier and as Sakwa points out, the period following the failure of the coup witnessed the acceleration the transformation of the declarations of sovereignty of the Republics into declarations of independence. Among them there were also Turkish Republics. Azerbaijan on 30 August 1991, Kyrgyzstan and Uzbekistan on 31 August 1991, Tadjikistan on 9 September 1991, and Turkmenistan on 27 October 1991 declared their independence. Only Russian Federation and Kazakhstan formally remained in the Soviet Union.²⁵⁹

On 9 November the Community and its Member States, using both two terms "the Soviet Union" and "its Republics" to show their separateness, expressed their support for the citizens of them in their efforts for rebuilding their economies and their societies on a democratic basis. They underlined the essentiality of the respect for the

²⁵⁶ Goldman, op.cit., pp.55-56

²⁵⁷ Sakwa, op.cit., p.23-24.

²⁵⁸ 25th General Report...op.cit., point 1097.

²⁵⁹ Sakwa, op.cit., p.17.

principles and commitments of the CSCE and for the rights of minorities to develop good relations with Europe.²⁶⁰

Apart from this statement, as a response to the emergence of new independent states in Eastern and the Soviet Union, the Foreign Ministers of the Member States made an extraordinary meeting in which they agreed on the guidelines for the formal recognition of them on 16 December 1991.²⁶¹ According to the statement which was adopted at the same date, the main conditions for the recognition, as cited by Algieri and Regelsberger, were as follows;

- "- keeping the principles of the UN Charter as well as those of the Final Act of Helsinki and the Charter of Paris, especially with regard to the rule of law, democracy and human rights;
- to guarantee the rights of ethnical and national groups as well as minorities relative to the CSCE obligations;
- to respect the inviolability of borders which can be only changed by peaceful means and among mutual agreement;
- to take over all existing obligations with regard to disarmament, the non-proliferation of atomic weapons as well as security regional stability;
- to commit that regional disputes and questions concerning the succession of states have to be agreed upon peacefully, especially through arbitration." 262

Following the acceptance of those conditions by the Azerbaijan, Kazakhstan, Turkmenistan and Uzbekistan together with some other Republics, the Twelve declared on 31 December 1991 to recognise these states. In their statement, the Community and its Member States welcomed the declaration made by Azerbaijan, Kazakhstan, Turkmenistan, and Uzbekistan together with some other Republics as that they were ready to fulfil the conditions for the recognition mentioned above. They explain their preparation to recognise those Republics. They also reaffirmed that Kyrgyzstan and Tadjikistan would also be recognised once they had given the same assurances. They provided that those Republics having nuclear weapons on their territory should have acceded in the near future to the Non-Proliferation Treaty. ²⁶³

²⁶⁰ 25th General Report...op.cit., point 1101.

²⁶¹ Ibid., point 1102.

²⁶² Franco Algieri and Elfriede Regelsberger, "Central Asia and Trans-Caucasia No Priority Areas for EPC/CFSP" paper presented at the Conference European Union, Turkey, Eurasia New Trends in EUTurkey Cooperation, op.cit., p.6.

²⁶³ 25th General Report...op.cit., point 1097.

Soon after, Kyrgyzstan and Tadjikistan also declared their acceptance for those conditions. So, on 15 January 1992 the Member States announced the recognition of them as well by making a joint statement welcoming the willingness of both Republics for the acceptance of the common conditions on the recognition. They also restated the importance of the single control for nuclear weapons and the fulfilment of other obligations of the former Soviet Union. ²⁶⁴ As it is seen from the above two statements, all those Republics forming the CIS and having atomic weapons were expected to sign the treaty on non-proliferation of atomic weapons.

On 23 March 1992, the Community and its Member States made another joint statement in which they noted their satisfaction derived from expression of the commitments made by all the Republics of the former Soviet Union to the guidelines for the recognition of new States in Central Europe and the former Soviet Union. ²⁶⁵ It should be noted that apart from this commitment, the political leaders of Turkic Republics have expressed their attachment to the principles of democracy, human rights and free market economy in every occasion following their independence.

III.2. COMPONENTS OF CFSP TO THE TURKIC REPUBLICS

III.2.1. THE EPC/CFSP STATEMENTS ON THE TURKIC REPUBLICS

It could be argued that besides above given EPC/CFSP reactions to the developments in the former Soviet Union, EPC/CFSP reactions to the developments in Turkic Republics following their independence constitutes the background and fundamentals of a CFSP towards those Republics which Member States began to try to establish and develop after the signing of Maastricht Treaty which sets out the creation of a CFSP. In other words, the EPC/CFSP statements on the Turkic Republics are one of the components of CFSP towards them. Therefore, it would be better to examine those statements to get an idea on the main thoughts and principles of the EU in developing such a policy.

It could be said that, as Goldman points out, the break-up of the Soviet Union increased national feelings and encouraged nationality groups in the new independent states. This development was a natural result of the end of the Soviet control which had prevented the emergence of nationalism, ethnic, religious, and boundary conflicts in

²⁶⁴ Commission of the European Communities, 26th General Report on the Activities of the European Communities, (Office for Official Publications, Luxembourg, 1993), point 1037. ²⁶⁵ Ibid., point 1038.

many of its Republics some of which were the Turkic Republics.²⁶⁶ As Algieri and Regelsberger point out, following the end of the Cold War, as a result of many external and internal considerations which tried to be discussed above, European attention to that region increased and Europe gave place to those developments more often on its agenda. However, it could be argued that the Turkic Republics have not been given much place on the EPC/CFSP agenda as much as the close neighbouring regions of the European Union such as Eastern and Central Europe, Balkans and the Mediterranean and Russia which were considered as the priority areas for joint actions. Therefore, Turkic Republics took lower concern in the context of EPC/CFSP discussion.²⁶⁷

The Community and its Member States have dealt with only some of the Turkic Republics in the framework of EPC and later on CFSP. Among them, there were Azerbaijan, Kazakhstan, Kyrgyzstan and Tadjikistan which were namely mentioned in the statements of EPC/CFSP. As mentioned earlier this became possible after the beginning of 1992, following their declaration of independence and being recognised by Europe at the end of 1991. For the Azerbaijan, this is mainly due to the existence of a conflict between Azerbaijan and Armenia over Nagorno-Karabakh region and for Tadjikistan, it is due to the civil war and instability in that republic derived from this internal war. The reason for the mentioning of Kazakhstan is its character of possessing nuclear weapons and later on the emergence of an internal crisis, and for Kyrgyzstan is due to its accession to the Non-Proliferation Treaty. The number and the dates of the statements from December 1991 to September 1995 are given in a table below;

²⁶⁶ Goldman, op.cit., p.58.

²⁶⁷ Algieri and Regelsberger, op.cit., pp.11and 14.

Table-1 The Number and the Dates of the EPC/CFSP Statements on Turkic Republics (December 1991 to September 1995)

Dates	The name of the Turkic Republics of CIS							
	Azerbaijan	Kazakhstan	Kyrgyzstan	Tadjikistan	Turkmenistan	Uzbekistan		
10 March 1992	1							
22 May 1992								
18 June 1992	Ī							
15 March 1993	[
7 April 1993								
17 June 1993	I				1.			
24 June 1993	ı							
29 June 1993				I				
23 July 1993				l				
29 July 1993			l					
3 Septem, 1993	<u> </u>							
9 Novem, 1993								
22 Decem, 1993		l l						
17 January 1994	<u> </u>							
9 March 1994		1						
17 May 1994				1				
28 July 1994								
5 August 1994	1							
15 Septem, 1994	[
7 April 1995		I						

Source: Respective Issues of Bulletin-EC/EU

III.2.1.1. Azerbaijan

As it is seen from the table. Azerbaijan is the most mentioned country among the Turkic Republics of CIS by the Member States in EPC/CFSP statements and most frequently took place at the agenda of them. The number of the statements about Azerbaijan during the given period is 12. The reason for this, as mentioned earlier, is the conflict between Azerbaijan and Armenia about the region of Nagorno-Karabakh located in the territory of Azerbaijan as a part of it. A short history of the development of the conflict could be given, referring to Duignan and Gann as follows; the armed struggle began in 1988 as a result of the Armenians demand from the former Soviet Union to change the status of Nagorno-Karabakh which had been attached to Azerbaijan since 1921. Following their independence, the two Republics obtained heavy weapons and this increased the degree of war and the extent of the fighting zone. There has been a growing militarization of this conflict paving the way for its internationalisation affecting many of the neighbouring countries. Although in February 1992, negotiations began for the settlement of the conflict, a satisfactory solution has not found yet. ²⁶⁸ At the present.

²⁶⁸ Duignan and Gann, op.cit., p.187.

many parts of the territory of Azerbaijan are still in the capture of Armenia forces and there is a cease-fire between the conflicting parties.

On 10 March 1992 in a joint statement, the Community and its Member States together with the Russian Federation demanded the warring parties to make an immediate cease-fire and ensure the movement of humanitarian aid. After that statement, at the escalation of the fighting in Nagorno-Karabakh, on 22 May 1992, the Community and its Member States made another statement condemning the use of force by both sides and demanding them to work for convening of a rapid CSCE peace conference on the conflict. In a further joint statement on 18 June 1992, they urged the all concerned governments to use their influence to stop the fighting and make an effective cease-fire. They also recalled Azerbaijan and Armenia to respect human rights. ²⁶⁹

As stated in Algieri and Regelsberger, in 1993 the conflict was again on the agenda of the Member States and so in a statement on 15 March 1993 they supported the CSCE efforts at the Minsk conference.²⁷⁰ At the worsening of the situation in the conflict region, in another statement on 7 April 1993, they regretted the enlargement of the fighting zone. They demanded the Armenian Government to influence the Nagorno-Karabakh forces for their withdrawal from the Azeri territory by giving an end for fighting as soon as possible and called all parties to continue the Minsk negotiations.²⁷¹

As a reaction to the armed rebellion and internal crisis happened in Azerbaijan, on 17 June 1993, the European Community and its Member States made a joint statement expressing their fear for the possibility of a civil war. They condemned all unconstitutional attempts and urged all the Azeri political leaders to try to find a peaceful and political solution to the crisis by respecting for democratic institutions, the constitution and the rule of law. They also expressed the essentiality of the stability and constitutionality of Azerbaijan to the continuance of negotiations for a peaceful solution to Nagorno-Karabakh conflict. As a reaction to the attacks of Armenian forces on Azerbaijan's territory, on 24 June 1993, the Community and its Member States made another joint statement in which they firstly welcomed the acceptance of the CSCE plan by all the parties to the conflict. Then, they wished Armenians to refrain from any offensive operation by exploiting the internal difficulties of Azerbaijan. They urged the

^{269 26}th General Report...op.cit., point 1038.

²⁷⁰ Algieri and Regelsberger, op.cit., p.9.

²⁷¹ Bulletin-EC 4-1993, point 1.4.6.

²⁷² Bulletin-EC 6-1993, point 1.4.9.

parties to continue to support the plan and accept the withdrawal of their troops from occupied territories as soon as possible and guarantee the security of CSCE observers.²⁷³

The Community and its Member States, in a statement on 3 September 1993, underlined their support for the results of the CSCE conference of 31 August in Minsk aiming to provide a cease-fire. They reaffirmed their support for the territorial integrity and sovereignty of the States in the region. They also condemned the attacks of local Armenian forces to the Azeri territories which were extending the fighting zone and creating a very serious refugee problem. They demanded both parties to develop the recently established dialogue between themselves. They wished the withdrawal of Armenian forces from the occupied Azeri territories. They recalled Armenia to influence the Armenians of Nagorno-Karabakh and not to give them material means for such attacks. 274

As a result of the coming into force of the Maastricht Treaty, the period of EPC ended and the era of CFSP in the foreign policy area began on 1 November 1993. The first mentioning of Azerbaijan in the CFSP statement was on 9 November 1993 in which the European Union condemned the breach of the cease-fire agreement on 24 October 1993 and called all forces to withdraw from the recently occupied territories. It restated its support for the territorial integrity and sovereignty of Azerbaijan. Its another concern was the refugee problem which increased the risk for internationalisation of the conflict and thus, threatened the stability of the region as a whole. As result of this consideration, it expressed its view that the international community must have given the priority for receiving and protecting those refugees. For this purpose, it demanded the continuation of its humanitarian aid to them and called all the regional States to facilitate the convoying of the aid. It also reaffirmed its support for the efforts of the CSCE Minks Group for the political solution to the conflict. Finally, it demanded the conflicting parties to restore the broken cease-fire.²⁷⁵

As a reaction to the escalation of the fighting and the danger of its internationalisation, the support for the principle of the territorial integrity of Azerbaijan and the call for a peaceful solution to the conflict was restated by the European Union on 17 January 1994 in the presidency press statement. It requested the concerned parties to

²⁷³ Bulletin-EC 6-1993, point 1.4.10.

²⁷⁴ Bulletin-EC 9-1993, point 1.4.5.

²⁷⁵ Bulletin-EC 11-1993, point 1.4.4.

stop fighting and try to conclude their negotiations immediately, and not to make further suffering on the civilian population.²⁷⁶

On 5 August 1994 in the presidency statement, the European Union welcomed the written cease-fire agreement which was reached on 27 July 1994, considering it as a constructive step for a political solution. It also welcomed the agreement allowing the deployment of CSCE monitors and called on the parties for close cooperation with the CSCE Minks Group for this purpose. It renewed its support for the efforts for finding a lasting solution.²⁷⁷

On 15 September 1994 in the presidency press statement, the European Union welcomed the commitment of the conflicting parties for upholding the cease-fire until a solution for the conflict has been reached, considering it as an important step in consolidating the cease-fire and finding a political solution. It renewed its support for the CSCE Minsk Group's work and expressed its hope for convening of an immediate Minsk Conference. Finally, it encouraged direct dialogues between parties.²⁷⁸

III.2.1.2. Tadjikistan

Tadjikistan is the second country name of which is mentioned by the statements of EPC/CFSP. The number of these statements is 4 during the given period, as it is seen from the table. As stated earlier, the reason for its taking place on the agenda of the Community and its Member States is the internal political crisis and civil war in that country and thus instability which also causes many problems and threat to its neighbours in the region as a whole.

The first mentioning of it was on 29 June 1993, due to the decision of the Tadjik authorities to ban the four main opposition parties. The Community and its Member States condemned the actions and mistreatment of the Tadjik authorities against the members and leaders of opposition groups contrary to human rights and fundamental freedoms as well as the principles of the democracy and political pluralism. They also considered those actions contrary to the objective of national reconciliation. They stated their wish for the abolition of the ban by the Tadjik parliament soon. As stated in Aliegri and Regelsberger, on 23 July 1993, the Community and its Member States showed reaction to the violence at the borders of Tadjikistan and supported the

²⁷⁶ Bulletin-EU 1/2-1994, point 1.3.7.

²⁷⁷ Bulletin-EU 7/8-1994, point 1.3.5.

²⁷⁸Bulletin-EU 9-1994, point 1.3.5.

²⁷⁹Bulletin-EC 6-1993, point 1.4.14.

involvement of UN and CSCE for a global, peaceful and final solution of civil war in that country. ²⁸⁰

In the presidency press statement on 17 May 1994, the international efforts for creating a political dialogue on national reconciliation in Tadjikistan was welcomed by the European Union. It welcomed extension of the mandate of the UN Special Envoy as well as the establishment of a permanent CSCE mission in Dushanbe. The European Union urged the Tadjik Government and all political forces to assist the UNHCR in solving the refugee problem and make close cooperation with the representatives of the UN and CSCE to achieve a national reconciliation and stability by establishing a new political structure. ²⁸¹

In the presidency press on 28 July 1994, the European Union restated the necessity for an immediate peaceful solution for the internal conflict in Tadjikistan. It wished the stop of the violence by the conflicting parties, and called on States in the region to try to influence the conflicting parties to use only peaceful means to actualise their political objectives. It expressed its belief that willingness of the Tadjik Government for initiating a process of democratisation was an essential condition for the progress on national reconciliation. To this end, there was a need for a constitution and an electoral law.²⁸²

III.2.1.3. Kazakhstan

Kazakhstan is the third country which took place on the agenda of the Twelve, as it is mentioned earlier, mainly due to the fact that it possesses atomic weapons inherited from the former Soviet Union. It signed a CIS agreement which guarantee collective control of nuclear weapons and strategic forces with Russia. It should be noted that, as Kaleağası points out, apart from its nuclear potential, Kazakhstan is considered as an important actor in the region because of its large size, natural resources, and its geopolitical position. However, the number of the statements of EPC/CFSP on that country during the given period is only 3, as it is seen from the table.

The first mentioning of Kazakhstan was on 22 December 1993, following its Parliament's decision regarding to the fulfilment of the commitments of the Lisbon Protocol, in particular, accession to the Non-Proliferation Treaty. The European Union

²⁸⁰ Algieri and Regelsberger, op.cit., p.10.

²⁸¹Bulletin-EU 5-1994, point 1.3.18.

²⁸²Bulletin-EU 7/8-1994, point 1.3.19.

²⁸³ Kaleağası, op.cit., pp.32 and 25.

welcomed this decision stressing its importance. It expressed its wish for a quick deposition of the instruments of accession to the NPT and an immediate beginning of negotiations with the IAEA for an agreement on generalised guarantees.²⁸⁴

The second statement on Kazakhstan was on 9 March 1994 concerning the actualisation of its accession to the NPT. The European Union welcomed the deposition of Kazakhstan's instruments of accession to the NPT as a non-nuclear-weapon state. It restated its hope, expressed in its first, statement for an immediate beginning of negotiations between Kazakhstan and the IAEA.²⁸⁵

The third statement on Kazakhstan was on 7 April 1995 concerning with a different subject from those of above two statements on the same country. The subject of the third statement was the internal situation and developments in Kazakhstan at that time. The EU expressed its concern to the developments which caused for the emergence of a crisis seen as undermining the democratic institutions in that country, as a result of the issuance of a presidential decree on 25 March 1995 aiming at organising a referendum on 29 April 1995 on the extension of the President's term of office until the year 2000. Reminding its commitments to the OSCE as well as to the EU under the cooperation and partnership Agreement signed in January 1995, the EU demanded an immediate return to normal political life. In this connection, it called for the early holding of free, multi-party legislative elections on democratic basis and the organisation of the presidential elections scheduled for 1996, in accordance with the constitution of that country.²⁸⁶

III.2.1.4. Kyrgyzstan:

The number of the EPC/CFSP statement on Kyrgyzstan during the given period is only 1, and its due to the accession of it to the NPT. In its statement, the European Union welcomed Kyrgyzstan' deposition of instruments as a non-nuclear-weapon state on 5 July 1993. It stressed the importance of an immediate beginning of negotiations between Kyrgyzstan and the IAEA to complete the requirements derived from accession to the NPT.²⁸⁷

²⁸⁴ Bulletin-EC 12-1993, point 1.4.15.

²⁸⁵ Bulletin-EU 3-1994, point 1.3.17.

²⁸⁶ Bulletin-EU 4-1995, point 1.4.11.

²⁸⁷ Bulletin-EC 7/8-1994, point 1.3.14.

III.2.1.5. Turkmenistan and Uzbekistan

As it is seen from the table, Uzbekistan and Turkmenistan were not mentioned in the EPC/CFSP statements during the given period. The reason for this is their character of not involving any internal or external conflict and their political stability, contrary to Azerbaijan and Tadjikistan. Another reason is their lack of possession of nuclear weapons inherited from former Soviet Union, contrary to Kazakhstan. It should be noted that, as Van Eeckhaute points out, there is a positive consideration about them due to their relatively stable regimes in a such kind of problematic region. ²⁸⁸

It could be said that the fact that only many of the Turkic Republics of CIS, which have an internal or external conflict and crisis situation, as in the case of Azerbaijan and Tadjikstan, or possess atomic weapons inherited from the former Soviet Union, as in the case of Kazakhstan, were mentioned and took place on the agenda of EPC/CFSP reflects the reactive character of EPC, even of CFSP, rather than being preactive which means that, as Algieri and Regelsberger put it, the agenda setting of EPC/CFSP has been determined according to the emergence and developments of international crisis or conflicts as an actual or potential threat for stability and peace as well as for a common European interest.²⁸⁹

Parallel to this agenda setting character of EPC/CFSP, the Turkic Republics of CIS have been given place in the agenda of the EPC/CFSP. However, it should be noted that, as Algieri and Regelsberger put it, this does not mean that they are viewed as the countries bearing higher interest and necessitating a specific policy²⁹⁰at least until mid-1995, even the fact that they have a great economic potentials and rich natural resources. The main reason for European Union's concern is its stability and security consideration derived from the existence of internal or external conflicts in many Turkic Republics and atomic weapons in the hand of many of them inherited from the former Soviet Union.

As it could be derived from the above statements, it could be argued that the main policy of the EU towards the solution of the crisis, conflicts and disputes in those mentioned Turkic Republics, namely in Azerbaijan and Tadjikistan, generally speaking in the whole region, is to support efforts of the CSCE as a mediator. Actually, as Mayall and Mial point out, the EU itself has the capability to play a role in finding solution for

²⁸⁸ Van Eeckhaute, op.cit., p.7.

²⁸⁹ Algieri and Regelsberger, op.cit., p.2.

²⁹⁰ Ibid.

the conflicts among the former Soviet Republics.²⁹¹ However, it could be said that, mainly as a result of many of the shortcomings of CFSP, which reduce the effectiveness of the EU towards the outside, particularly the lack of common definition of joint interest and political will, lack of effective instruments except diplomatic means such as declarations, demarches, fact finding missions, and existence of a dual structure in foreign affairs, it choose the framework of CSCE and support the involvement of CIS Republics, including Turkic Republics, into that framework and at the same time their dialogue with the EU is supported.

Those EPC/CFSP statements on Azerbaijan and Tadjikistan also demonstrates the fear of the EU for the internationalisation of the conflicts spreading to neighbouring regions by the involvement of other neighbouring countries. This fear paved the way for the calls on the neighbouring countries to contribute to the solution of the conflicts by using their influence on the parties to the conflict. Apart from calls made in the statements, the stability of the region is an important aspect in talks with neighbouring countries. In fact, Russia and Ukraine took a very special place in the agenda of the Community due to the security considerations that their stability is as an essential factor for the peace and stability in Europe as well as in the world. It looked to Russia "...to promote its diplomacy based on the principle of law and justice and to continue to play constructive and responsible roles in the international community." As a result of this Community view on Russia, as Algieri and Regelsberger point out, it also supported mediating policy of Russia in the Nagorno-Karabakh conflict which became another important mediator in this conflict after the return of Azerbaijan into the CIS in September 1993. 293

As mentioned before and derived from the above given statements, another driving motives for taking place of the many Turkic Republics of CIS on the EPC/CFSP agenda, is the existence of atomic weapons in the hand of many of them such as Kazakhstan. European Union gives a very important place to this issue as an aspect of their general stability consideration. The policy of the European Union on this matter is to persuade and influence those Republics to become a non-nuclear-weapon state by accepting the accession to NPT and ensure this status by giving generalised guarantees. It accept the leading role and framework of another international organisation that is IAEA.

²⁹³ Algieri and Regelsberger, op.cit., p.8.

²⁹¹ James Mayall and Hugh Miall, "Conclusion: Towards A Redefinition of European Order", in Hugh Miall (ed.) op.cit., p.275.

²⁹² Bulletin-EC 7/8-1993, point 2.2.3., paragraph 5.

It could be said that since the sources of the problems and conflicts and thus the instabilities in the those Turkic Republics and also in the region as a whole have not been removed yet, it seems that they will remain on the agenda of the CFSP. As a result of its stability and security consideration, the EU will continue to react to the developments which have the possibility of becoming a threat for the geo-political stability and thus to the peace in Europe as well as in the world. However, it should be noted that besides the ad hoc reactions similar to those in the past, it seems that EU has begun internal attempts for the establishment of a more integrated and long-term CFSP including both diplomatic and economic instruments since the end of 1995. Before examining it, it is necessary to examine here the aspects of the CFSP towards CIS region as a whole, since it makes up another components of CFSP towards Turkic Republics.

III.2.2. THE CFSP TO THE CIS REGION AS A WHOLE

Generally speaking, it could be said that, as Algieri and Regelsberger point out, there was no a particular and special CFSP of EU towards the Turkic Republics different from that towards CIS as a whole at least until end of 1995. Because, at the beginnings, the Turkic Republics were not viewed as bearing essential common interest for Europe. For example, it was not stated as being so in the report of the Foreign Ministers which was approved by the Lisbon European Council of 26 and 27 June 1992 on the development of the CFSP and determination of areas for joint action. Later on, the Special European Council in October 1993 selected the Central and Eastern Europe, and those CIS Republics near to Europe, particularly Russia as the first areas for joint actions. Another point should be noted here that there is one working party of the Council in the administrative set-up of the CFSP responsible for CIS as a whole, therefore, those Turkic Republics are dealt within the same working party together with other countries of CIS.²⁹⁴

As a result of these facts, following the examination of the EPC/CFSP statements on the developments of former Soviet Union as well as on the Turkic Republics of CIS, it is also necessary to examine here the general characteristics of the CFSP of EU towards CIS as a whole to understand the CFSP towards Turkic Republics. The main aspects of that policy could be deduced from the statements of the Presidency and from the speeches as well as the reports of representatives of other institutions especially the Commission and to some extent the Parliament.

²⁹⁴ Ibid., pp. 4 and 5-6.

In brief terms, as reflected in a speech given by Mr. Willy Cleas, then Belgium's Minister for Foreign Affairs and President of the Council of Ministers of the European Community, to the United Nations General Assembly on 28 September 1993, it was considered by Europe that those new independent Republics were trying to establish a new political, economic and social structure and to develop their national identity and sense of independence. Bearing in mind this fact, Europe together with other Western countries and institutions must have helped them in those efforts.²⁹⁵ As a result of this consideration, the Member States and the Community together with other major industrial nations supported and encouraged their reform efforts whose success together with the full integration of them into the world economy were considered essential to the peace and stability in Europe as well as in the World. They looked forward to democratic, stable and economically strong societies in those countries as well as close cooperation with them in international affairs.²⁹⁶ For example, Edinburgh European Council on 12 December 1992 confirmed its support for the transition towards democracy and for cooperation with them.²⁹⁷ The answer given by the Commission to a parliamentary question regarding the relations with the CIS, as cited in Mathijsen, summarises that policy. The Commission stated that Community policy towards CIS did not have the same perspectives with those for the countries of Central and Eastern Europe. It aims at giving full support to the political and economic reform process there to facilitate "the transition from totaliterianism to democracy, the transition to a market economy and free enterprise and those States' full integration into the global economic system."298

Another important consideration for the Community and its Member States, as mentioned before, is the danger of proliferation of nuclear weapons. Enhanced cooperation is considered necessary for preventing this threat from becoming actualised. So, they encourage the concerned Republics of CIS to ensure rapid, safe and secure elimination of nuclear weapons and provide effective assistance to this end.²⁹⁹ Regarding this issue it should be noted that, as Algieri and Regelsberger put it, the Special European Council in October 1993 underlined the importance of the relevant arms control treaties and nuclear safety in the CIS.³⁰⁰

²⁹⁵Bulletin-EC 9-1993, point 2.2.1.

²⁹⁸ Mathijsen, op.cit., pp.380-381.

²⁹⁶Bulletin-EC 7/8-1993, point 2.2.2., paragraph 9.

²⁹⁷ 26th General Report...op.cit., point 1037.

²⁹⁹ Bulletin-EC 7/8-1993, point 2.2.3., paragraph 6.

³⁰⁰ Algieri and Regelsberger, op.cit., p.7.

In sum and in a more clear form, as stated by Van Eeckhaute, the main goals of the CFSP of the EU towards CIS and, thus towards the Turkic Republics of the region, could be listed as below;

- "- to integrate the newly independent states of the former Soviet Union into the international system of multilateral economic, political and security organisations,
- to support the transition process to democracy and market economy,
- to support all actions undertaken by separate countries or by multi-lateral organisations (mainly CSCE and UN) to secure or restore peace in the region ,
- to encourage regional groupings."³⁰¹

III.3. NATURE OF THE PROPOSED CFSP TO THE TURKIC PUBLICS

It should be noted that apart from the above given general aims of the policy of the EU towards the CIS as a whole, the Commission began for the efforts to set up a more particular and integrated CFSP by using for the first time its right of initiative in this field under Article J.8. of the Maastricht Treaty in mid-1995. For the establishment of such kind of CFSP, it classified the members of CIS into different groups according to their common characteristics and proposed a particular CFSP towards each of those country groups in a communication to Parliament and to the Council. To supplement its communication, the Commission also presented the Council a draft common position to translate into action the measures proposed in its communication.

One of the Turkic Republics, Azerbaijan, is dealt together with the other two Caucuses Republics that are Georgia and Armenia. The Commission communication underlined the energy interest³⁰²of the EU in this region. The proposed overall strategy for the ensuarance of this interest includes partnership and cooperation Agreements with each of the three Republics, food aid and humanitarian aid, and the technical assistance. It makes the implementation of the strategy dependent on the acceptance of the sovereignty, independence, and territorial integrity of each of the Republics as well as settling of disputes, promotion of human rights and democratic institutions, repatriation of refugees and fulfilment of economic reform. It emphasises the important role of bilateral and regional political dialogue between the partners and with Russia, Turkey and the Economic Cooperation Organisation of which Azerbaijan is a member. In the light of these aims, the Commission presented the Council a draft common position under Article

³⁰¹ Van Eeckhaute, op.cit., p.5.

³⁰² For deeply examination of this interest see, Mehmet Öğütcü, "Eurasian Energy Prospects: Need For a Long-term European Strategy" paper presented at Conference European Union, Turkey, Eurasia New Trends in EU-Turkey Cooperation, op.cit., pp.1-55.

J.2 of TEU which sets out priorities for political cooperation, backing for democratic institutions and the other forms of aid stated in the communication by using its right of initiative in CFSP matters under Article J.8 of the Maastricht Treaty for the first time.³⁰³

The other five Turkic Republics are dealt within the same group by the Commission by its communication to the Parliament and to the Council entitled "Relations with the Republics of Central Asia: a strategy for the European Union". According to this communication, the EU has substantial geopolitical and economic interests in the Central Asian region where the five Turkic Republics of CIS, namely Kazakhstan, Kyrgyzstan, Tadjikistan, Turkmenistan and Uzbekistan are located. Those interests of EU are mainly derived from its role as being a major potential consumer of fuels and a provider of investment capital, services and equipment. The main aspects of the proposed overall strategy for relations between EU and those Turkic Republics to ensure these EU's interests are the preservation of the region's stability which seen as utmost important, establishment of democratic institutions, overcoming of the sources of conflict and continuance of the support for economic reforms.

For the achievement of these aims, a number of instruments mainly related to the issues of economic cooperation and assistance, establishment of new contractual relation and political and diplomatic relations were proposed but they will be chosen according to the situation of each country. Regarding economic cooperation and assistance, it proposed a rapid ratification of Kyrgyzstan's Partnership and Cooperation Agreement and its Interim Agreement. For that of Kazakhstan, it proposed that the postponement of the ratification of the Partnership and Cooperation Agreement with that country as a result of suspension of its parliament should have not prevent the negotiations for sectoral agreements such as for steel or nuclear materials. It also proposed the continuation of TACIS operations including a stepping-up of the democracy programme in these five Turkic Republics as well as the reextension of new food aid operations for Transcaucasia to Kyrgyzstan and Tadjikistan, if it becomes necessary. In this connection, the continuation of humanitarian assistance of the European Community Humanitarian Office for some of Turkic Republics was also proposed. Regarding new contractual relations, the Commission implied that the political conditions set by the EU for the negotiation of Partnership and Cooperation Agreement with Turkmenistan and Uzbekistan have not been fulfilled yet. So, the contractual relations between these two Turkic Republics and the EU will continue to be based on the 1990 Agreement on trade and commercial and economic cooperation between the Community and the former

³⁰³Bulletin-EU 5-1995, point 1.4.79..

Soviet Union. However, it could be supplemented by sectoral agreements in areas such as textiles, nuclear materials, and hardous waste. Regarding political and diplomatic relations, it proposed discussion of political matters as a part of present political contacts with Russia, Turkey and Pakistan, both bilaterally and in international forums. As in the case of Azerbaijan, the strengthening of the Community's influence with the Economic Cooperation Organisation of which those Republics are members was proposed. Increasing of the number of its diplomatic representation in the region is considered to the extent of budget permitting. Moreover, the Commission presented to the Council a draft common position on the objectives and priorities regarding those Turkic Republics to translate into action those various proposed measures which mainly includes political cooperation, support for democratic institutions and assistance in specific areas.³⁰⁴

It should be noted that those instruments proposed by the Commission in its communications and draft common positions given above paragraph are not new and most of them have been used by EU in the form of separate policies from CFSP under the Community competence since the independence of those Republics, being allowed by the dual structure of foreign affairs system of EU which causes a shortcoming for an effective CFSP. It could be said that by preparing such a common position under Article J.2. of Maastricht Treaty using its right of initiative under Article J.8. of the same Treaty, the Commission aimed at to ensure the consistency and effectiveness of the actions of the EU and to overcome this shortcoming and weakness of CFSP towards those Republics derived from the dual structure of the foreign affairs system of the EU set up by the Maastricht Treaty as discussed above, in the second part of this study.

It could be said that since those instruments have already been used by EU, the proposed more integrated and particular CFSP will be accepted by the Council. The background of the use of those instrument and measures is discussed in details in the following pages.

III.3.1. PARTNERSHIP AND COOPERATION AGREEMENTS AND THE TURKIC REPUBLICS

Following the emergence of the new Independent States including Turkic Republics in the area of the former Soviet Union, as Mathijsen points out, the EU decided to conclude partnership and cooperation agreements in the political, economic, scientific and technical spheres for the creation of new contractual links and close

³⁰⁴ Bulletin-EU 6-1995, point 1.4.87.

cooperation with those countries depending on each characteristics. Partnership and Cooperation Agreements are non-preferential agreements which do not aim at ensuring free movement of goods, services, capital and labour among the parties. In other words, unlike the "European Agreements" concluded with Central and Eastern European States, the aim of Partnership and Cooperation Agreements is not to integrate those States into the Community but to integrate their economies into the global economy. 305 However, as Van Eeckhaute points out, the positive results of those agreements such as the acceleration of political dialogue, economic cooperation and close relationship should be noted here. It also increases the access of those States' products to the Community market 306, while their accession to the EU as a member is a remote prospect, as stated by Mayall and Miall. 307

Those agreements were established in the spirit of equality and partnership and created the framework for future political, commercial, economic and cultural cooperation as well as a new legal basis for the development of trade and investment. They are also seen as a way for the integration of those states into the global economy by supporting the transition to market oriented economic systems based on human rights and democratic principles. 308

The development process of the establishment of those agreements, particularly of those with Turkic Republics, could be given as follows.

15 July 1992 Commission adopted recommendation for decision on negotiation of Partnership and Cooperation Agreements to finalise its contractual relations with each of Independent States of former Soviet Union. On 5 October 1992, the Council adopted a negotiating directives authorising the Commission to negotiate such an agreement with those states for closer links and broader cooperation, and the establishment of a dialogue with them taking into account the political and economic circumstances of each of them as well as the extent of their relations with the Community. Main conditions for the conclusion of those agreements were the declaration of the parties' commitment to the principles of the CSCE and respect for human rights. 309

The internal discussions and negotiations on development of the Community's relations with those new independent States continued during the year 1993 as envisaged

³⁰⁵ Mathijsen, op.cit., p.381.

³⁰⁶ Van Eeckhaute, op.cit., p.8.

³⁰⁷ Mayall and Miall, op.cit., p.275.

³⁰⁸ Ibid.

³⁰⁹ 26th General Report...op.cit., points 783 and 784, and also see p.244.

at the Commission 1993 Programme.³¹⁰ On 7 March 1993, the Council adopted guidelines for a case-by-case approach to the establishment of contractual relations with the countries of the CIS. It called for a flexible and evolutionary approach in the negotiation process of Partnership and Cooperation Agreements with those countries due to their constantly changing economic and foreign policies. Regarding Kazakhstan and Kyrgyzstan, it favoured for the continuation of negotiations for Partnership and Cooperation Agreements. Regarding Turkmenistan and Uzbekistan, it stated the possibility of negotiations with them for a "first generation" trade and cooperation agreement which would have been transformed to a Partnership and Cooperation Agreement when the appropriate conditions were met. In the case of Tadjikistan, it stated the impossibility for the establishment of an institutionalised cooperation due to the instability there for that time. In the case of Azerbaijan, it stated then situation there as an obstacle for the proper establishment of a contractual basis for cooperation. However, it stated the intention to begin negotiating agreements once the situation showed signs of improving. ³¹¹

Following this positive view of the Council on Kazakhstan and Kyrgyzstan, Draft Partnership and Cooperation Agreement between the European Community and Kazakhstan initialed on 20 May 1994 in Brussels and on 31 May 1994 with Kyrgyzstan as well. On 18 July 1994, the Council adopted a negotiating directives on draft interim agreement on trade and trade-related matters between the European Community and each of Kazakhstan and Kyrgyzstan separately to allow implementation of the trade provisions of the Partnership and Cooperation Agreement pending its entry into force. On 15 December 1994 Council adopted Decision on the signing of the Draft Partnership and Cooperation Agreement between the European Communities and their Member States and each Kazakhstan and Kyrgyzstan separately.

On 23 January 1995 Draft Partnership and Cooperation Agreement between the European Communities and their Member States, of one part, and Kazakhstan, of the other part was signed. It would replace the 1990 Agreement with the USSR and would regulate political, economic and trade relations between the two parties by laying the foundations for cooperation on social and cultural matters, finance, science and technology, keeping to the principles of the market economy. It also provides for

³¹⁰ Commission of European Communities, *Bulletin of the European Communities Supplement 1/93*, (Office for Official Publications, Luxembourg, 1993), p. 21.

³¹¹ Bulletin-EU 3-1994, point 1.3.49.

³¹² Bulletin-EU 5-1994, point 1.3.35 and 1.3.36.

³¹³ Bulletin-EU 7/8-1994, point 1.3.41 and 1.3.42.

³¹⁴ Bulletin-EU 12-1994, points 1.3.49 and 1.3.51.

extensive political dialogue emphasising the respect for human rights and democratic principles. The same agreement was signed with Kyrgyzstan on 9 February 1995.³¹⁵

It should be noted that until those agreements were signed, the European Union's formal relations with them had been based on the old 1990 Agreement on trade and commercial and economic cooperation between the Community and the former Soviet Union. 316

On June 1995, the Commission proposed a rapid ratification of Kyrgyzstan's Partnership and Cooperation Agreement and its Interim Agreement in its communication aiming at the establishment of a more particular and integrated CFSP, mentioned above. Regarding Kazakhstan, it proposed that the postponement of the ratification of the Partnership and Cooperation Agreement with that country as a result of suspension of its parliament should have not prevent the negotiations for sectoral agreements such as for steel or nuclear materials. Regarding Turkmenistan and Uzbekistan, the Commission implied that the political conditions set by the EU for the negotiation of Partnership and Cooperation Agreement have not been fulfilled by them yet. So, the contractual relations between these two Turkic Republics and the EU will continue to be based on the 1990 Agreement on trade and commercial and economic cooperation between the Community and the former Soviet Union. However, it could be supplemented by sectoral agreements in areas such as textiles, nuclear materials, and hardous waste.³¹⁷

Regarding Azerbaijan, it should be remembered that the proposed overall strategy by the Commission in its related communication given above also includes the conclusion of partnership and cooperation Agreements with each of the three Caucasian Republics but was made dependent on the fulfilment of many conditions. Regarding Tadjikistan, there is no statement on this matter since there is no development in the previously described situation there.

III.3.2. TACIS PROGRAMME AND TURKIC REPUBLICS

As Mathijsen points out, the EU's TACIS programme is the main source of supply of technical and financial aid to the Republics of CIS, including Turkic Republics for their reform efforts.³¹⁸ It aims at the development of economic and political links

³¹⁵ Bulletin-EU 1/2-1995, points 1.4.97 and 1.4.99.

³¹⁶ European Commission, What is Tacis? Partnership and Cooperation with the New Independent States, (Tacis Information Office, Brussels, 1994), p.2.

³¹⁷ Bulletin-EU 6-1995, point 1.4.87.

³¹⁸ Mathijsen, op.cit., p.381.

between the EU and those partner countries. For this purpose, it supports their attempts for the development of political freedoms and economic prosperity by providing finance to their transformation to market economies and democratic societies. It set the declaration of a commitment by each country for a liberal social and economic system and a democratic society as a fundamental condition for its support. TACIS programme serves for understanding of such system and provides know-how and pre-investment and feasibility studies. It also helps for the cooperation between the partner countries for the solutions of their common problems. Since the partner countries are at different stages of transformation, close partnership and cooperation are necessary in implementing that programme.³¹⁹

It could be said that the establishment of such an assistance programme was begun by the Rome European Council in December 1990. Considering the support to the reform attempts of the Soviet Union essential to peace and stability in Europe as well as in the world, it prepared an aid programme and approved the Commission's proposals for helping this country in its major economic problems.³²⁰ The priority was given to technical assistance in various areas.³²¹ In spite of the uncertainties in that country during that year, the Community tried to implement this first technical assistance programme³²²which was formally established by a regulation adopted by the Council of Ministers on 15 July 1991.³²³ The break up of the Soviet Union and the emergence of the new Independent States including Turkic Republics soon after the start of TACIS programme in 1991 did not interrupt its operation by the Community. It quickly adapted the TACIS programme which was originally set up for only one country to those new independent states. It recognised and established relationships with them to allow the operation of this programme to continue and develop.³²⁴ However, as a result of these radical political developments, the implementation of the 1991 programme became possible only in March 1992.³²⁵

In the year 1992, the European Community continued to supply aid to those new independent states to support the political and economic reform insisting on the

³¹⁹ European Commission, op.cit., pp.2, 5 and 14.

³²⁰ Ibid., p.2.

³²¹ See, "The Commission's programme for 1991" adress by Jack Delors, then President of the Commission, to the European Parliament and his reply to the debate, Strasbourg, 23 January and 20 February 1991, Bulletin of the European Communities Supplement 1/91, (Office for Official Publications, Luxembourg, 1991), pp. 9 and 21.

³²²²⁵th General Report...op.cit., pp. 2 and also 250.

³²³ Ibid., point 820.

³²⁴ European Commission, op.cit., p.3.

³²⁵ Bulletin-EC 7/8-1993, point 1.3.16.

introduction of market economies and democracy. It participated to the international conferences on this issue held in Washington, Lisbon and Tokyo. Internal works and debates on this issue were also continued by the Commission, the Council and even the Parliament.³²⁶ Indicative programmes identifying priority sectors were signed with each independent State.³²⁷

However, as the Commission pointed out in its annual report on the implementation the TACIS programme in 1991 and 1992 adopted on 28 July 1993, a large part of the 1992 programme could not been implemented until the first quarter of 1993. In it, the Commission described TACIS programme as the central pillar of the Community's overall programme of assistance for the new independent states in establishing market economies and democracy. By the end of 1992, TACIS included 12 partner countries among which there were the Turkic Republics but the programme for Tadjikistan was suspended until political stability is restored. 328

In the year 1993, the main issue for the Community was to improve the effectiveness of technical and financial cooperation with those organisation and countries in which the ethnic confrontation and power struggles made difficult the creation the political and administrative structures for effective use of foreign aid.³²⁹ For this purpose, a new and revised regulation (no 2053/93) was adopted by the Council on 19 July 1993. This new TACIS Regulation would govern the Community's technical assistance to them for the years 1993, 1994 and 1995 taking into account the extent of progress of reform in the recipient countries. Special support would be given for measures aiming the transition to a market economy and strengthen democracy. As an important change the implementation of technical cooperation was decentralised paving the way for close involvement of them.³³⁰ At the end of 1993, TACIS was the world's largest programme of technical assistance for the new independent States of the former Soviet Union.331

^{326 26}th General Report...op.cit., points 771 and 772.

³²⁷ Ibid., pp.244-245. For further information on these Indicative Programmes see, Commssion of European Communities, Summary of Tacis Indicative Programmes 1993-1995, (Tacis Information Office, Brussels, 1993).

³²⁸ Bulletin-EC 7/8-1993, point 1.3.16.

³²⁹ See, The adress by Jack Delors, then President of the Commission, to the European Parliament on the occasion of the investiture debate of the new Commission, Strasbourg, 10 February 1993, in Bulletin of the European Communities Supplement 1/93, (Office for Official Publications, Luxembourg, 1993), pp. 12and 21.
330 Bulletin-EC 7/8-1993, point 1.3.15.

³³¹ Bulletin-EC 11-1993, point 1.3.11.

In 1994, the European Union continued to use the TACIS programmes for supporting the reforms already under way in these countries with the aim of developing closer ties and cooperation with each of them.³³² A new dimension to this programme was added by a Commission Decision adopted on 21 June 1994. This was the TACIS democracy programme to promote pluralist democracy and the rule of law in the recipient countries.³³³

It should be noted that TACIS operations continued in 1995 which was the last year of this programme according to the related Regulation adopted in 1993, given above. However, as previously mentioned, in mid-1995, the Commission proposed the continuation of TACIS operations including a stepping-up of the democracy programme in these five Turkic Republics in its communication aiming at the establishment of a more particular and integrated CFSP. The continuation of technical assistance together with a special IMF assistance for Azerbaijan was also proposed in its related communication given above.

The Commission on behalf of the Union is responsible for the management of the TACIS Programme through the Directorate General for External Economic Relations. This programme is funded from the EU's budget and operates under its laws. In its first years of operation, 1991-1994, ECU 1.870 million was spent for more than 2,000 projects. During the given period, the EU through TACIS programme contributed 27 % of the global funding of know-how provided to those states and Member States also provided an additional 11 % in the same period.³³⁴

The budget of TACIS per year (including humanitarian aid for 1993 and 1994) is given in the Table-2 below;

Table-2 TACIS budget from 1991 to 1994 (ECU Million)

years	amount	
1991	4()()	
1992	450	
1993	510	
1994	510	
TOTAL	1870	

Source: What is Tacis? (Tacis Information Office, Brussels, 1994), p.4.

³³² See, "Commission's Legislative Programme for 1994", in *Bulletin of the EU Supplement 1/94*, (Office for Official Publications, Luxembourg, 1994), p.6.

³³³Bulletin-EU 6-1993, point 1.3.28.

³³⁴ European Commission, op.cit., pp.15 and 4.

As it is seen from the Table-2, first annual budget of TACIS started in 1991 was ECU 400 Million and it rose to ECU 510 Million in 1994. The amounts for each of Turkic Republics and other partner countries in this budget during the given period between 1991-1994 is shown in the Table-3 and each of the Turkic Republics' shares in this total share in Chart-1 below:

Table-3 The Amounts for Turkic Republics in TACIS funding 1991-1994 (Million ECU)

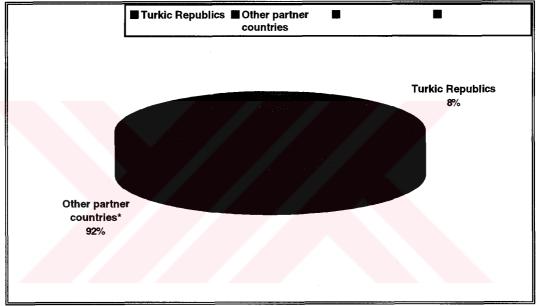
Republics	Amount
Kazakhstan	56.4
Uzbekistan	35.27
Azerbaijan	28.5
Kyrgyzstan	19.93
Turkmenistan	17.8
Tadjikistan	0.5
Total	158.4

Other partner countries	1711.6
TOTAL	1870.0

Source: Figures are derived from What is Tacis? (Tacis Information Office, Brussels, 1994), p.4. and Avrasya Dosyası, Sayı:46, Aralık'95/1, p.7.

As it is seen from the table the total amount for Turkic Republics in the total TACIS funding during the years 1991-1994 is very limited. It covers only 158.4 ECU Million of the total TACIS budget of 1870 ECU Million during the given period. The remained 1711.6 ECU Million goes to the other partner countries. To make an easy comparison, the share of all Turkic Republics as one part and that of other partner countries as another part during the same period is given below in Chart-1;

Chart-1 The Total Share of All Turkic Republics in the TACIS Funding during 1991-1994.

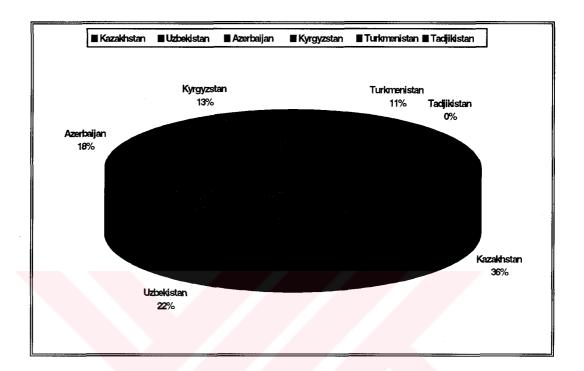


^{*} The term other partner countries includes Armenia, Belarus, Georgia, Moldova, The Russian Federation, Ukraine and Mongolia (after 1994)

Source: The Chart is drawn by using the figures given in Table-3

As it is seen from the chart, the total share of all Turkic Republics in the TACIS funding during the given period is 8% and that of other partner countries is 92% of the total budget which makes it clear that there is a high difference between the shares of those two parts. To make a comparison between the Turkic Republics themselves, shares of each of them is given below in Chart-2

Chart-2 The Shares of Each Turkic Republics in the Total Share of TACIS Funding for Turkic Republics during 1991-1994.



Source: The Chart is drawn by using the figures given in Table-3

When making a the comparison, it should be taken into account that the criteria in deciding country shares are their population, gross domestic product and many qualitative ones such as commitment to reform.³³⁵

III.3.2.1. Kazakhstan

As it is seen from the Chart-2 the share of Kazakhstan (36%) is the highest among the Turkic Republics during the given period, confirming the fact that those criteria are mostly followed. The consideration of Europe on that country as having high importance derived from its size, its geopolitical position and its nuclear potential should be noted here again. TACIS funds given for that country in each year between 1991-1994 according to the sectors are given below in Table-4a;

³³⁵ Ibid.,p.4.

Table-4a The Sectors for TACIS funding in Kazakhstan during 1991-1994 (Million ECU)

Sectors	1991	1992	1993	1994	Total for sectors
nuclear safety and environment					
restructuring of state enterprises and private sector development		6.55	6.3	6.3	19.15
public administration reform, social services and education	4.9	1.4	3.15	1.8	11.25
agriculture	2.2	3.05	3.15	3.15	11.55
energy	0.7	3.2			3.9
transport					
policy advice		6.4		1.63	8.03
telecommunication					
humanitarian aid					
other sectors			1.4	1.12	2.52
TOTAL	7.8	20.6	14	14	56.4

Source: Avrasya Dosyası, Sayı:46, Aralık'95/1, p.7.

As it is seen, Kazakhstan benefited from the TACIS funds in each of the years during the given period. The highest amount is given in 1992 and the amounts given in both the years 1993 and 1994 are equal to each other. The sector to which the highest amount of TACIS fund was spent during the given period is restructuring of state enterprises and private sector development. Although the sector of agriculture and public administration reform, social services and education were supported in each of the years during the given period, these two sectors are the second and third respectively. There is no spending for the sectors of nuclear safety and environment, energy, telecommunication and humanitarian aid.

III.3.2.2. Uzbekistan

As it is seen both from Table-3 and Chart-2 Uzbekistan is the second Turkic Republic whose share (22%) in the total share of all Turkic Republics is high following that of Kazakhstan. Its large population size among those Republics and relatively stable regime should be noted here. TACIS funds given for that country in each year between 1991-1994 according to the sectors are given below in Table-4b;

Table-4b The Sectors for TACIS funding in Uzbekistan during 1991-1994 (Million ECU)

Sectors	1991	1992	1993	1994	Total for sectors
nuclear safety and environment					
restructuring of state enterprises and private sector development		2.26		3.35	5.61
public administration reform, social services and education		3.51		6.8	10.31
agriculture	0.8	3.05		3.35	7.2
energy	0.4	5.28			5.68
transport	0.29	1.68		- '	1.97
policy advice		3			3
telecommunication					
humanitarian aid					
other sectors				1.5	1.5
TOTAL	1.49	18.78		15	35.27

Source: Avrasya Dosyası, Sayı:46, Aralık'95/1, p.7.

As it is seen, Uzbekistan benefited from the TACIS funds in three of the years during the given period. It did not use any TACIS fund in 1993. The amount given to that country in the first year 1991 was low. The highest amount was given in 1992 and the amount given in 1994 was near to that of 1992. The sector to which the highest amount of TACIS fund was spent during the given period was the public administration reform, social services and education. It was followed by the sectors of agriculture as the second, energy as third, restructuring of state enterprises and private sector development as fourth. The policy advice sector was supported only in 1992. There was no spending for the sectors of nuclear safety and environment, telecommunication and humanitarian aid.

III.3.2.3. Azerbaijan

As it is seen both from Table-3 and Chart-2 Azerbaijan is the third country among the Turkic Republics by a share of 18% in the total share of all Turkic Republics in benefiting from TACIS funds during the given period. In addition to above criteria, as Van Eeckhaute points out, its rich oil fields as a determinant factor in relations with Europe³³⁶should be beard in mind. TACIS funds given to that country in each year between 1991-1994 according to the sectors are given below in Table-4c;

³³⁶ Van Eeckhaute, op.cit., p.7.

Table-4c The Sectors for TACIS funding in Azerbaijan during 1991-1994 (Million ECU)

Sectors	1991	1992	1993	1994	Total for sectors
nuclear safety and environment					
restructuring of state enterprises and private sector development		2.6		1.9	4.5
public administration reform, social services and education		3		1.8	4.8
agriculture		2.5			2.5
energy				3.6	3.6
transport					
policy advice		4.4			4.4
telecommunication					
humanitarian aid		<u>:</u>	8		8
other sectors				0.7	0.5
TOTAL		12.5	8	8	28.5

Source: Avrasya Dosyası, Sayı:46, Aralık'95/1, p.7.

As it is seen, Azerbaijan benefited from the TACIS funds in three of the years during the given period. It did not use any TACIS fund in the first year 1991. The highest amount was given in 1992 and the amounts given in 1993 and 1994 were equal to each other. In 1993 only humanitarian aid was given to that country. In fact, it was the only Turkic Republic that was given humanitarian aid under TACIS programme. This was the sector to which the highest amount of TACIS fund was spent during the given period. It was followed by the sectors of the public administration reform, social services and education as the second, restructuring of state enterprises and private sector development as third, the policy advice sector which was supported only in 1992 as fourth. There was no spending for the sectors of nuclear safety and environment, telecommunication and transport.

III.3.2.4. Kyrgyzstan

As it is seen both from Table-3 and Chart-2, Kyrgyzstan is the fourth country among the Turkic Republics by a share of 13% in the total share of all Turkic Republics in benefiting from TACIS funds during the given period. Its great success in actualising democratic reforms³³⁷and its chance for economic recovery³³⁸should be noted here. TACIS funds given to that country in each year between 1991-1994 according to the sectors are given below in Table-4d;

³³⁷ Ibid.

³³⁸ Avrasya Dosyası, op.cit., Sayı:21, Kasım'94/2, p.6.

Table-4d The Sectors for TACIS funding in Kyrgyzstan during 1991-1994 (Million ECU)

Sectors	1991	1992	1993	1994	Total for sectors
nuclear safety and environment					
restructuring of state enterprises and private sector development		0.82			0.82
public administration reform, social services and education			2.6		2.6
agriculture		2.71	4		6.71
energy	O.7		2.4		3.1
transport					
policy advice		5.7			5.7
telecommunication					
humanitarian aid					
other sectors			1		1
TOTAL	0.7	9.23	10		19.93

Source: Avrasya Dosyası, Sayı:46, Aralık'95/1, p.7.

As it is seen, Kyrgyzstan benefited from the TACIS funds in three of the years during the given period. It did not use any TACIS fund in the year 1994. The highest amount was given in 1993 and the amounts given in 1992 was near to that of 1993. In 1991 support to that country was given only for energy sector and in a very limited amount. Agriculture was the sector to which the highest amount of TACIS fund was spent during the given period. It was followed by the sectors of the policy advice which was supported only in 1992 as second, energy as third and public administration reform, social services and education as the fourth. There was no spending for the sectors of nuclear safety and environment, telecommunication, transport, humanitarian aid.

III.3.2.5. Turkmenistan

As it is seen both from Table-3 and Chart-2, Turkmenistan is the fifth country among the Turkic Republics by a share of 11% in the total share of all Turkic Republics in benefiting from TACIS funds during the given period. TACIS funds given to that country in each year between 1991-1994 according to the sectors are given below in Table-4e;

Table-4e The Sectors for TACIS funding in Turkmenistan 1991-1994 (Million ECU)

Sectors	1991	1992	1993	1994	Total for sectors
nuclear safety and environment					
restructuring of state enterprises and private sector development		0.6		1.8	2.4
public administration reform, social services and education		1.05		1.8	2.85
agriculture	1	3.65		3.6	8.25
energy		1			1
transport					
policy advice		2.5			2.5
telecommunication					
humanitarian aid					
other sectors	0	0		0.8	0.8
TOTAL	1	8.8		8	17.8

Source: Avrasya Dosyası, Sayı:46, Aralık'95/1, p.7.

As it is seen, Turkmenistan benefited from the TACIS funds in three of the years during the given period. It did not use any TACIS fund in the year 1993. The highest amount was given in 1992 and the amounts given in 1994 was near to that of 1992. In 1991 support to that country was given only for agriculture sector and in a very limited amount. Agriculture was the sector to which the highest amount of TACIS fund was spent during the given period. It was followed by the sectors of the public administration reform, social services and education as second, policy advice which was supported only in 1992 as third, and energy as the fourth. There was no spending for the sectors of nuclear safety and environment, telecommunication, transport, humanitarian aid.

III.3.2.6. Tadjikistan

As Van Eeckhaute points out, since Tadjikistan is involved in a civil war which paved the way for Russian hegemony and influence there and thus for political instability, it could not establish ties with other countries.³³⁹ As mentioned earlier, the programme for Tadjikistan was suspended until political stability is restored by the end of 1992. However, it was given a very limited amount from TACIS fund during 1991-1993,³⁴⁰ therefore its share is so tiny and could not seen in Chart-2.

The TACIS Programme is considered as a essential and beneficial mean for economic restructuring and modernisation by actualising economic growth and political

³³⁹ Van Eeckhaute, op.cit., p.7.

³⁴⁰ European Commission, op.cit., p.4.

stability, and the development of trade and investment.³⁴¹ However, it should be noted that, as Van Eeckhaute points out, the capacity of EU in dealing with those countries' problems and supporting their reform attempts is limited when compared to the extent of the need. Taking into account the limits of its budget and hardness of creating new resources as well as the extent of the global demand for financial assistance from EU by its traditional beneficiaries,³⁴² it could be argued that, as Algieri and Regelsberger point out, the EU's limited role as a partner for these Republics will not fundamentally change in the future.³⁴³ It should be noted that, as Schmidhuber points out early 1992, the increased need for such foreign policy actions cause extra expenditures and "the financial burdens of these new pgolitical responsibilities can not be borne by [Europe] alone."³⁴⁴

HI.3. 3. HUMANITARIAN ASSISTANCE PROGRAMME AND TURKIC REPUBLICS

Another form of support for the new Independent States and thus for Turkic Republics is the humanitarian assistance programme of the European Union independent from humanitarian aid operations under TACIS programme adopted by the new TACIS Regulation in the year 1993 and places a ceiling of 10% of its annual budget for this purpose, as already mentioned above. 345 In the same year, the Commission stated that it would be presenting further proposals in the course of the year on food aid and environmental protection 346 and during the same year it worked for this purpose.

As being among the new Independent States for which the EU and its Member States developed a humanitarian and food aid programme following their emergence as independent entities, many of Turkic Republics, particularly Azerbaijan, have benefited from that program. Besides Azerbaijan, Kyrgyzstan and Tadjikistan have also benefited from those humanitarian and food aids as the following examples derived from the examination of various numbers of Bulletin-EC/EU and Avrasya Dosyasi shows it.

On 9 September 1992, the Commission approved an emergency aid package of ECU 2.5 million for the people of Armenia and Azerbaijan affected by the conflict in Nagorno-Karabakh.³⁴⁷ On 27 July 1994, the Council adopted a Regulation (EC) No

³⁴¹ Ibid., p. 16.

³⁴² Van Eeckhaute, op.cit., p.6.

³⁴³ Algieri and Regelsberger, op.cit., p.14.

³⁴⁴ Peter M. Scmidhuber, "A Changing Europe in a Global Economy", *Aussen Politik*, quarterly edition, vol.43, no.3,1992, p.211.

³⁴⁵ Bulletin-EC 7/8-1993, point 1.3.15.

³⁴⁶ See, Bulletin of the European Communities Supplement 1/93, op.cit., p. 21.

^{347 26}th General Report...op.cit., point 781.

1999/94 for the supply of agricultural products free of charge to Azerbaijan, Kyrgyzstan, Tadjikistan including Georgia and Armenia providing ECU 165 million of agricultural products drawn from intervention stocks to these countries.³⁴⁸ In the same month, it was decided to send 2500 tons meat to Azerbaijan to help the refugees whose numbers continuously increased in that country due to the Armenian attacks.³⁴⁹ The Commission provided for Kyrgyzstan 43 tons wheat powder for the Winter 1996. It is aimed at the acceleration of the reforms in agricultural sector in that country by selling this powder.³⁵⁰ 20 tons was provided in the year 1995 as a result of the memorandum signed between the European Council and Kyrgyzstan in Brussels.³⁵¹

Table-5 which is derived from the examination of various numbers of Bulletin-EC/EU shows the amount of those assistance during the period 1992-1995.

Table-5 Humanitarian and Food Assistance to the Turkic Republics during 1992-1995 (ECU Million)

Country	Motive	Amount
Azerbaijan	refugees and displaced person	13.5
Tadjikistan	refugees and displaced person, aid for vulnerable section of population, medical assistance, internal difficulties and ECHO coordination	7.425
Kyrgyzstan	refugees and displaced person, aid for vulnerable section of population,	6.6
Azerbaijan together with Nagorno- Karabakh, Armenia and Georgia	refugees and displaced person, internal clashes, and fighting	11.4
Tadjikistan and Kyrgyzstan with Caucuses and Moldova	internal clashes, blockade, and food aid	30.5

Source: Various numbers of Bulletin-EC/EU during 1992-1995

As previously mentioned, in mid-1995, the Commission proposed the reextension of new food aid operations for Transcaucasia to Kyrgyzstan and Tadjikistan, if it becomes necessary. In this connection, the continuation of humanitarian assistance of the European Community Humanitarian Office for some of Turkic Republics was also proposed in its communication aiming at the establishment of a more particular and integrated CFSP.

³⁴⁸ Bulletin-EU 7/8-1994, point 1.3.40.

³⁴⁹ Avrasya Dosyası, op.cit., Sayı:10, Haziran'94/1, p.6

³⁵⁰ Avrasya Dosyası, op.cit., Sayı:39, Ağustos'95/2, p.6.

³⁵¹ Avrasya Dosyası, op.cit., Sayı:45, Kasım'95/2, p.6

III.4. THE FACTORS AFFECTING THE NATURE OF THE CFSP TO THE TURKIC REPUBLICS

As it mentioned earlier, there is a low concern and a lack of specific policy of the European Union towards the Turkic Republics though they have a great natural resources and a strategic location. As given before, one reason for this is the consideration on the region as not having primary interest for Europe unlike Central and Eastern Europe, and the European CIS Republics, particularly Russia.

As Van Eeckhaute points out, another reason is the limitness of the number of Member States having a specific interest and a bilateral policy towards the region, due to the hardness of the adaptation of their policies to the new situation which bears risks, uncertainties, and many difficult problems emerged as a result of the end of Cold War and the collapse of the Soviet Union. Besides having other priorities, most of the Member States, especially the smaller ones, are not able to develop and implement a specific and comprehensive policy towards these Republics. Therefore, besides EU, they also choose other international forums such as the UN, the CSCE, IMF or World Bank rather than bilateral relations. This preference limits their individual and common policies towards the region paving the way for the policy of supporting the actions of those organisations. Only three big countries of the Member States, namely Germany, France and Britain seem to have active and specific policies towards the region as a whole, thus towards Turkic Republics there, by virtue of their diplomatic experience and skills. Among the three, Germany is the most active one who has always shown particular interest in the East. It is the leading Member States in the EU' relations with the region and serves for the approachment of the Central Asian Republics to Europe. This German interest derives not only the political and economic importance of the region but also the presence of important German minorities in Kazakhstan and Kyrgyzstan. The Second country is France which is mainly interested in Armenia but has also shown increased interest in Central Asia. The third Member States is Britain whose particular attention has been on Azerbaijan especially on the South Caspian Sea oil fields of that country.³⁵²

In the light of above explanation, a third factor affecting the CFSP of EU could be given as the differences of the priorities of Member States as well as the divergencies of their national interests. As given by Van Eeckhaute, the following case is an example for this divergencies and interest differentiation among the Member States. On 6 April 1993, in the UN Security Council, Britain opposed to France for the extension of the impact of

³⁵² Van Eeckhaute, op.cit., pp.5-8.

the declaration claiming the end of hostilities and the withdrawal of the Armenians from the occupied Azeri zone.³⁵³

The fourth factor could be given as the hesitation and reluctance of the Member States for causing a negative reaction in Russia which has a primary interest for Europe as a result of its security consideration. European Union notices the reestablishment of closer cooperation between the most of the Turkic Republics and Russia. In other words, it notices the appearance and development of a strong Russian politics to those Republics which is declared in the "near abroad" concept. It could be argued, as Zagorski points out, that Russia views the CIS framework as an instrument for the eventual reintegration of the former Soviet Union Republics. This Russian policy became more apparent after 1993 when the Charter of the CIS was approved by seven CIS states and entered into force one year later. The States in the Wall Street Journal based on the statements of then Foreign Minister of Russian Federation, Andrei Kozyrew, "there can hardly be any question that [Russian Federation] regards the CIS...as a Russian domain, even though its member states are, in their own view, independently sovereign." The Member of the Manual Properties of the CIS...as a Russian domain, even though its member states are, in their own view, independently sovereign.

In this connection, the recently stated ideas and attempts in Russia for recreation of the Soviet Union should be remembered. It should be noted that, as Duignan Gann point out, although the Turkic Republics of CIS are distinct from Russia by culture and religion, there are still strong dependencies between the two parts at least in economic terms. In addition, the presence of about 25 million Russian minorities living in the other Republics of CIS including Turkic Republics should be noted as a main factor for increasing the attention of Russia on the policies towards the region pursued by other countries. Therefore, in sum, it could be said that taking into consideration the definition of Russian interests, the European Union is very careful on not to injure them and this attitude affects its policy towards the region. 356

³⁵³ Ibid., p.6.

³⁵⁴ Andrei Zagorski, "Russia and the CIS" in Hugh Miall (ed.), op.cit., p.77.

³⁵⁵ The Wall Street Journal, "Russia in Europe", 28.06.94, p.10.

³⁵⁶ Duignan and Gann, op.cit., p.187.

PART FOUR

CONCLUSION

It could be said that EPC system was the embryonic stage of European political integration and a emmon foreign and security policy. The attempts for reaching such an integration in Europe began at early 1950s and were encouraged by the establishment of European Communities which aimed at mainly economic integration. Towards the end of 1960s, many internal and external factors accelerated the attempts for adding a political dimension to those European Economic Community. It should be noted that the role of external factors was more effective and dominant than that of internal factors for the acceleration of those attempts for reaching a European union and establishment of a common foreign and security policy.

As a result of those accelerated attempts, EPC system was established, aiming at the consultation and cooperation in the field of foreign affairs outside but parallel to the mechanism of the EC. Its main characteristics and working methods were shaped and improved by a chain of reports in the course of time. The Single European Act gave it final shape by providing a legal framework. It was an intergovernmental approach lacking any supranational features. It main actors were national persons, particularly Foreign Ministers of the Member States assisted by a Political Committee and various working groups in ad hoe nature.

At the begining of 1990s, under the pressure of drastic political developments in the continent of Europe, Member States made a fundamental attempt to transform the EPC system into a Common Foreign and Security Policy intended to be safe from the shortcomings of EPC system which limited its effectiveness and influence in international issues causing a decrease in its credibility and many disappointments among the followers of a politically more integrated Europe. However, it could be said that Maastricht Treaty, which was signed as a response to the new challenges faced by Europe as a result of the changes in Europe as well as in international system after 1989, such as the end of the Cold War and the collapse of the former Soviet Union, is not satisfactory enough though some progress has been achieved.

In a theoratical point of view, the EU is an exact international actor having necessary means for this position and for influencing both European and world affairs. However, in reality today Europe is not in a position to cope successfully with international conflicts and crisis as shown in the Yugoslav crisis because of many

shortcomings, most of which inherited from the former EPC system. Therefore it could be said although CFSP system of the Maastricht Treaty represents an improvement when compare to the previous EPC system and increased the EU's capacity in foreign policy field, this is not big enough for it to respond effectively to external challenges and international problems as a real power. In other words, it can be said that the CFSP has only been developed to a small extent. It remained mostly as an intergovernmental approach. The main condition for the EU to have a genuine CFSP is the abandonment of that approach and acceptance of some kind of supranationality in this field. However, at this stage of European integration, it seems unlikely that Member States would be able to do so. Nevertheless, the CFSP remains an important starting point and issue of a more completed CFSP is under discussion at the agenda of the present intergovernmental conference.

It should be noted that EU and its CFSP system can only use diplomatic, political and economic instruments to cope with international problems and future challenges to itself. The improvement of those instruments is necessary for Europe to be viewed as credible and unique actor in new international system.

The analyse of CFSP of EU to the Turkic Republis of CIS confirms above given facts on CFSP. The collapse of the Soviet Union and the emergence of new independent states, six of which were Turkic Republics, in its former territories made Europe reconsider its traditional attitude towards this region and show an increased attention to the developments there, mainly due to the political, economical, and strategical importance of the region, in which mainly Turkic Republics are located, which affects security consideration as well as economical interests of Europe. It could be said that bearing in mind all these facts, following the signing of Maastricht Treaty which sets out the creation of a CFSP, Member States began to try to establish and develop a CFSP to the Turkic Republics and the region in which they are located. However, there was no a particular and special CFSP of EU to them different from that towards CIS as a whole at least until end of 1995. Because, at the beginning, the Turkic Republics were not viewed as bearing essential common interest for Europe though they have rich and strategic natural resources such as energy. Besides the ad hoc reactions to the internal and external crisis in many of the Turkic Republics, similar to those in the past, EU has begun internal attempts for the establishment of a more integrated and long-term CFSP including both diplomatic and economic instruments since the end of 1995. The main components of that CFSP are economic cooperation and assistance, establishment of new contractual relation and political and diplomatic relations, which have already been used seperately by EU following their independence. It could be said that the newly proposed CFSP will ensure the consistency and effectiveness of the actions of the EU and to overcome some of the shortcoming and weakness of CFSP to the Turkic Republics derived from the dual structure of the foreign affairs system of the EU set up by the Maastricht Treaty

It could be said that, besides this new, more integrated and long-term CFSP, as a result of its stability and security consideration, the EU will continue to react to the developments in the Turkic Republics since the sources of the problems and conflicts and thus the instabilities in their region have not been removed yet.

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