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THE COMMON FOREIGN POLICY OF THE EUROPEAN UNION

M.A. Degree Thesis

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ABSTRACT

For understanding the foreign policy of the EU, the foreign policy concept and the factors for having such a policy or the ones to prevent it must have been examined. The EU has an evolutionary transformation since it has been established. This ongoing process had been used as an arena between the intergovernmentalist and supranationalist approaches which is also available for the foreign policy area of the Union.

The first attempt to have political integration had made early Fifties in the Community. The integration on this area has started by the EPC, and it transformed to CFSP at the beginning of the nineties by the Maastricht Treaty. As the time passed the events showed that the Treaty could not probably response the problems. Hence the Amsterdam Treaty has taken the place of the Maastricht Treaty. But internal and external events had gone in the presence of the Union and the Nice Treaty ratified by the Members of the Union in December 2000.

As a result, the foreign policy area is very important for the Member States and they do not want to loose their sovereignty over it so they prefer to follow the intergovernmentalist approach. But as the years passed it will be lost ground against supranationalist approach and as an ongoing process the common foreign policy of the EU is shaped by the external and internal challenges. The people of the Union work for the fully integrated Union on every subject.

ÖZ

AB'nin dış politikasını anlamak için, dış politika konusunu, onun oluşmasına neden olan veya engelleyen nedenlerin araştırılması gerekir. AB kurulduğundan bu yana evrimsel bir dönüşüm geçirmektedir. Bu süreç ise, diğer alanlarda olduğu gibi dış politika alanında da birlik içinde, hükümetlerarasıcılık ve ulus üstücülük yaklaşımlarının bir arenası olarak kullanılmıştır.

Toplulukta, politik bir entegrasyon için ilk teşebbüs ellilerin başında yapılmıştır. Bu alanda entegrasyon Avrupa Politik İşbirliği ile başlamış ve doksanların başında da Maastricht Antlaşması ile Ortak Dış ve Güvenlik Politikasına dönüşmüştür. Ancak zamanla, Antlaşmanın, meydana gelen sorunları çözmekte yetersiz kaldığı görüldü. Böylelikle Amsterdam Antlaşması Maastricht Antlaşmasının yerini aldı. Ama iç ve dış olaylar Birliğin ön gördüğünden daha hızlı geliştiği için Aralık 2000 de Nice Antlaşması imzalandı.

Sonuç olarak, dış politika konusu üye devletler için çok önemli ve bu konu üzerindeki egemenliklerini kaybetmemek için hükümetlerarasıcılık görüşünü takip etmeyi tercih etmektedirler. Ancak yıllar geçtikçe bu yaklaşım ulus üstücülük karşısında gerileyecek ve AB'nin dış politikası iç ve dış gelişmelerle şekillenecektir.

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LIST OF ABBREVIATIONS

ACP	Africa, Caribbean and Pacific
CFSP	Common Foreign Security Policy
EC	European Community
ECSC	European Coal and Steel Community
EDC	European Defence Community
EEC	European Economic Community
EMU	European Monetary Union
EP	European Parliament
EPC	European Political Cooperation
ESDI	European Security and Defence Identity
EU	European Union
FAO	Food and Agriculture Organization
IGC	Intergovernmental Conference
ILO	International Labour Organization
IMF	International Monetary Fund
JHA	Justice and Home Affairs
NATO	North Atlantic Treaty Organization
PPEWU	Policy Planning and Early Warning Unit
QMV	Qualified Majority Voting
SEA	Single European Act
TEU	Treaty on European Union
UN	United Nations

UK	United Kingdom
USA	United States of America
USSR	Union of Socialist Soviet Republics
WEU	West European Union



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INTRODUCTION

The Second World War was a catastrophe for Europe. At the end of the War, it was clear that the European states could regain their old power and welfare by working together and by the help of a new kind of co-operation. The former co-operations were intergovernmental which means that there is no transfer of sovereignty of the member states to the international organisation. The Founding Fathers of the European Union had known that the new kind of co-operation must be a supra-national Community, where the member states share their sovereignty to creating a secure Europe.

The integration process has started at the sectors of the coal and steel industries, which are known as the war machine industries. In 1951 the European Coal and Security Community (ECSC) was founded between France, West-Germany, Italy, Belgium, Luxembourg and the Netherlands. After the successful establishment of the ECSC, in 1957 two major treaties were signed between the six members of the ECSC instituting the European Economic Community (EEC) and the European Community for Atomic Energy (EURATOM). These treaties have become the corner stones of the European integration process.

The integration process on economic area had been carrying out very successfully since it has launched. On the other hand, integration on political and defence areas do not successful as the first one. The most important reason for this, foreign policy has been one of the most difficult areas in which to co-operate. The only way to achieve a success on political area was to form a closer foreign policy

co-operation. As a result, the mechanism for foreign policy cooperation, which is known as European Political Co-operation (EPC), was established. In 1986 the European Single Act, which is very important in this process, was signed. This was the first treaty where economic and political co-operation was established between several European states and also EPC institutionalised.

The European Community was described as a civilian power, because it did not use military power and used its economical and diplomatic instruments to influence other actors. The end of the Cold War changed the security framework in Europe radically. The security challenges shifted as international crime, ethnic conflicts, terrorism, spread of nuclear weapons as well as humanitarian and environmental crises. In 1993, The Treaty of Maastricht was signed. The European Union (EU) established by the Maastricht Treaty. The EU became the treaty-based framework for economic, political and judicial co-operation. Moreover Common Foreign and Security Policy (CFSP) was established and security included formally as area of co-operation.

The common defence policy was discussed at the 1996 Intergovernmental Conference to ensure greater policy consistency on foreign policy and defence policy. In terms of consistency, the pillar structure of the Maastricht Treaty was not affected. In 1997 Amsterdam Treaty was signed, it did not fundamentally alter the character of CFSP. Some changes have been made to make the existing CFSP structures work better in consistency. Moreover in a Declaration to the Amsterdam Final Act, the member states agreed to establish a policy planning and early warning

unit. Since the Amsterdam Treaty have ratified, external and internal changes continue to shape the foreign policy of the EU.

At this on going process, we can see that EU has always had a double foreign policy agenda. First, the member states link their national interests to other member states in a closer Union. Second, the EU is to serve as some kind of common coalition group to pursue common interest in the regional and global systems. Because of this ambiguity, the pillar structure was formed, which is served intergovernmentalist approach but as the years passed supra nationalist approach gains much power.

This study will analyse the EU's foreign policy from the establishment of the Communities to taking into account developments in the Amsterdam Treaty and beyond. In the evolution of the common foreign policy of the EU, the foreign policy and the security policy issues had been thought together but the security policy is taken out in this study because it is very huge issue which could be subject of another thesis.

The first part will examine the question of “ what is foreign policy? What is really mean? Is EU has a foreign policy?” The second part will examine the beginnings of EPC, its evolution, and SEA. At the third part the transformation of EPC to CFSP, The Maastricht Treaty the Amsterdam Treaty and the new developments like the Nice Treaty.

PART ONE

REASONS OF EU FOREIGN POLICY

I. UNDERSTANDING THE FOREIGN POLICY

From the European Union's (EU) beginning, the process of European Integration has been created by two rival schools of thought, one aiming at the formation of a communitarian union and the other at establishing close intergovernmental cooperation between states. These two competing concepts are also effected the foreign policy of EU. For understanding the foreign policy activity of EU, also the foreign policy concept must be examined with it.

According to Ginsberg "The search for theory or concepts to provide formulas for explaining foreign policy actions is difficult. Most foreign policy theories or concepts are formed with the nation-state in mind. Joint foreign policy behaviour of a group of states is so unorthodox in international relations that it defies traditional political science theory. Most conceptual frameworks explain why action eludes-rather than captures- groups of states. As political scientists cannot agree on foreign policy theory at the state level, it would be too optimistic to expect consensus on a theory of European foreign policy."¹ Though there is a phenomenon, which must be explained.

¹ Roy H. Ginsberg, Foreign Policy Actions of the European Community, (Lynne Rienner Publishers, 1989), p.9

The foreign policy concept, which is one of the most important symbols of the sovereign state, is also has a very important meaning for the Member States. This means that there are many different foreign policies as the number of the Member States. This situation causes a complexity.

As Ginsberg put it “The EC’s multidimensional nature... national interests sometimes converge and sometimes diverge means that no one conceptual perspective can fully describe and explain its foreign policy behaviour. David Allen writes that EC foreign policy activity is a process that involves elements of integration, intergovernmentalism, transnationalism, and bureaucratic politic, all operating within a framework that encompasses international organizations and nation-states struggling to maintain independent identities in an independent world.”²

Moreover as Rupp states “foreign policy in the past relied on a “consequent misunderstanding”, which is the perception, that a largely homogeneous entity, called a nation state, had to deal with largely different entities: the others. This otherness was the basis of the legitimate foreign policy. Yet nowadays “the outside/inside distinction...becomes at least difficult to maintain... in a world of virtually instant global communication...”³ As Cameron states that “the Community lies at the centre of a vast network of trade relationships and association

² Ibid., p.9

³ Michael A. Rupp, *The Co-ordination of the EU’s International Policies: A Host of Uncertainties*, *Marmara Journal of European Studies* Vol.5 No:1-2, 1997, p.94

arrangements which span the globe. In the spheres of trade and (to a lesser extent) environmental policy, the EC undoubtedly plays an important, global role.”⁴

On the other hand, as Barbe points out “the EU has history of balancing small and large countries, rich and poor countries, supranationalism and intergovernmentalism, and European aims and national priorities.”⁵ Also, “Leon Lindberg and Stuart Scheingold write that the EC defies categorization as it is neither federal nor confederal, integrated nor supranational, sovereign nor dependent but shares characteristics of all these.”⁶ This situation is clearly reflected in the Union’s institutional development and the external relations.

In sum, as Hill and Wallace state that “European foreign policy is ‘a system of external relations’, a collective enterprise through which national actors conduct partly common, and partly separate, international actions.”⁷ Thus “European foreign Policy itself was, and remains, an elusive concept.”⁸ To understand the nature of the system, the forces that give the momentum and changes of direction of the system requires an examination.

⁴ Charlotte Bretherton and John Vogler, *The European Union as a Global Actor*, (Routledge, London, 1999), pp.172-173

⁵ Esther Barbe, *Paradoxes of European Foreign Policy: Balancing Europe’s Eastern and Southern Dimensions*, European University Institute Working Paper, Robert Schuman Center, No:97/71 (Badia Fiesolana, San Domenico 1997), p.4

⁶ Ginsberg, *op.cit.* p.9

⁷ Christopher Hill and William Wallace, “Introduction: Actors in Actions”, in Christopher Hill (ed.), *The Actors in Europe’s Foreign Policy*, (Routledge, London, 1996), p.5

⁸ Christopher Hill, “Closing the Capabilities-Expectations Gap?”, in John Peterson and Helene Sjørusen (ed.), *A Common Foreign Policy for Europe? Competing visions of the CFSP*, (Routledge, London and New York, 1998), p.20

1.1. THREE APPROACHES TO EXPLAIN EU FOREIGN POLICY

1.1.1. NEOREALISM

From the classical realist perspective, Morgenthau defines interests in terms of power. There, the international system is seen to be composed of sovereign states that act on the basis of material self-interest, without reference to common norms, identities or values. The international system is defined as anarchical in other words; there is no overarching authority to identify common rules. As Hill and Wallece put it “Effective foreign policy rests upon a shared sense of national identity, of a nation-state’s ‘place in the world’ its friends and enemies, its interests and aspirations.”⁹ According to logic of expected consequences, actors in the international system are rational, in the sense that they seek to develop policies that allow them to maximise their own interest. Policy-makers try to ensure the policy outcome that is the most efficient translation of a given set of interests or preferences. The assumption is that policy-makers do this by assessing the costs and benefits of various possible policy choices and their possible outcomes in light of their preferences and interests.¹⁰

Order considered to be maintaining as a result of a balance of power rather than a common authority as the case is in domestic politics. What counts in the end is power, measured in material terms as economic or military capabilities, not an

⁹ Hill and Wallace, *op.cit.*, p.8

¹⁰ Helene Sjørnsen and Karen E. Smith, *Justifying EU Foreign Policy: The Logics Underpinning EU Enlargement*, ARENA Working Paper, No.1, University of Oslo, 2001, p.4

assessment of whether or not actions are normatively right or 'good'. International institutions are not attributed any independent role in this perspective. The anarchical nature of the international system put particular constraints on cooperation. These assumptions that "External and internal developments reshape them"¹¹ are the basic lines of the realist approach and shared by the scholars of the neorealism.

The neorealists consider that states to be mostly interested in relative gains. The material interests are the central driving forces in foreign policy, international anarchy to represent a greater hindrance to inter state coordination. Co-operation will only be possible if states face a common external threat, as they did during the Cold War, or if their national interests coincide. When their interests cease to coincide, co-operation will also disintegrate. When other groups of states emerge as more attractive in terms of serving the national interest, loyalty to the EU will disappear.

In sum, as Ginsberg states that "the national-interest model suggests EC development is held hostage to member states' interests."¹²

1.1.2. INTERGOVERNMENTALISM

The fundamentals of the intergovernmentalism are; national governments are the central actors. The logic of the integration is based on bargaining among states and lowest-common-denominator agreements. The supranational institutions serve

¹¹ William Wallace, "Foreign policy and National identity in the United Kingdom", *International Affairs*, Vol. 67, No.1, January 1991, p. 72

¹² Ginsberg, *op.cit.*, p.13

interests of national governments. “The intergovernmentalists’ view that institutions cannot work unless common goals are shared.”¹³

As Cooper states that “a new post modern system is arising from popular revolutions that put an end to the balance of power system in Europe. In such a post modern system, core ideas of the state, such as sovereignty, security and national identity, are attributed with new meanings.”¹⁴

As Checkel points out “intergovernmentalism predominates in the second pillar of the EU indicating that the actors involved still, to some extent, regard their interaction in a strategic and self-interested manner. The important point to make here and to explore further in the empirical analysis is that norms agreed on the European level do not by necessity have constitutive effect on the identity of the actors involved.”¹⁵

Integration can move forward if and only if the Member States decide to go forward. The national governments behave like the gatekeepers, if something is for their interest; they let them to go in.

1.1.3.NEOFUNCTIONALISM

Neofunctionalism is one of the most popular schools, which tries to explain the foreign policy of the EU. According to Ginsberg “Functionalists of the 1950s

¹³ Phillip H. Gordon, “Europe’s Uncommon Foreign Policy”, *International Security*, Vol.22, No:3 Winter 1997/98, p.78

¹⁴ R. Cooper, *The Post Modern State and the World Order*, (Demos, London, 1996), p.30

¹⁵ J. Checkel, “Social Construction and Integration”, ARENA Working Paper, No.14, University of Oslo, 1998, p.23

and 1960s believed that cooperation in one functional (or technical) area, if successful, would automatically spill over into other areas of cooperation.”¹⁶

Neofunctionalists emphasizes “the process by which power is gradually transferred to a “to a new center” as integration in some areas makes it more necessary in others; institutions, once set up, push to expand their power; leaders and people call for integration in new domains as they see it success in others; and transnational elites and interest groups tend to “socialize” and develop common views and interests.”¹⁷ “Functionalists maintained that by identifying and acting collectively on apolitical human welfare needs, governments may integrate certain activities at a technical level. Over time, institutions would expand to meet such needs, and historical and political differences between states would be smoothed over.”¹⁸

The one of the founder of this approach Hass states that “if parties to a conference enjoy a specific and well articulated sense of participation, if they identify themselves completely with the procedures and codes within which their decisions are made, they consider themselves completely ‘engaged’ by the results even if they do not fully concur with them.”¹⁹

¹⁶ Ginsberg, *op.cit.*, p.20

¹⁷ Gordon, *op.cit.*, p.77

¹⁸ Ginsberg, *op.cit.*, p.20

¹⁹ Geoffry Edwards, “National Sovereignty vs Integration”, in Jeremy Richardson (ed.), *European Union: Power and Policymaking*, (Routledge, London, 1996), p.127

“Neofunctionalist theory of regional integration was formulated in the 1960s and 1970s. Although they still stressed the primary importance of welfare, neofunctionalists did not maintain the politics and welfare could be separated.”²⁰

The neofunctionalists defined integration as the “process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations, and political activities toward a new and larger centre, whose institutions possess or demand jurisdiction over the pre-existing national states.”²¹

They are thinking Europe instead of national interests. Their central dynamic is ECSC. Also Ginsberg points out “interest politics back into the supranational setting; both welfare and integration were maximized by functionally specific international programs. The rationale is that enough politics are used to obtain the desired functionalist accretion, but not so much to endanger the natural spill over effect.”²²

Two such neofunctional concepts are spill over and externalisation. Spill over suggests that the EC’s internal dynamic is at play in foreign policy activity. Within the EC there exists an internal dynamic whereby economic integration is linked to other sectors of integration, such as civilian foreign policy. By the late 1960s, the EC reached a plateau in achieving internal integration. The common competition and agricultural policies were implemented, as were the customs union and common external tariff.

²⁰ Ginsberg, *op.cit.*, p.21

²¹ *Ibid.*, p.21

²² Ginsberg, *op.cit.*, p.21

With an unsatisfied appetite, the EC began to reach out for new related areas of common enterprise in which agreement could be easily reached. One such area was foreign policy activity. As Bonvicini states “the EC was born out of a compromise between the federal and confederal philosophies termed ‘neofunctionalism’.”²³ The very functioning of these policies required members to take collective negotiating stances toward non-members, necessitating collaboration.

Creation of EPC is in part an example of neofunctional spill over. Surely, external events solidified EPC’s functioning, but functional spill over helped create it by sowing seeds of cooperation in earlier years. EPC is a product of EC. It spilled over from prior base of economic integration at home and existing EC policies and actions abroad.

Furthermore, as Smith put it “the interaction of the internal development of the EC and the evolution of the world political economy leads almost inevitably to the politicisation of increasingly more areas of EC activity. This process in turn drives towards an increasingly extensive foreign policy content in areas once thought of as ‘civilian’ or depoliticised.”²⁴ On the other hand Ginsberg has pointed out, “The analytic neofunctionalists argued that the road to integration was a rocky one. Spill over was neither automatic nor guaranteed. Neofunctionalists accepted nationalism

²³ Gianni Bonvicini, “Making European Foreign Policy Work”, in Martin Westlake (ed.), *The European Union Beyond Amsterdam: The New Concepts of European Integration*, (Routledge, London, 1998), p.63

²⁴ Michael Smith, “Does The Flag Follow Trade?”: ‘Politicisation’ and The Emergence of a European Foreign Policy, in John Peterson and Helene Sjursen (ed.), *op.cit.*, p.89

and sovereignty as realities of post reconstruction Europe, and they accepted intergovernmentalism as an alternative route to integration.”²⁵

In sum, institutionalism is very important for the neofunctionalists. The spillover effect is based on the success of the institutions. “The setting up of institutions itself should be a goal, because those institutions will be used, confidence in them will grow, their legitimacy will become established, and the ideology and momentum of integration will be maintained... European integration process is about changing what is possible...”²⁶

1.2. FACTORS FOR A COMMON FOREIGN POLICY

1.2.1. RATIONAL CALCULATIONS

A very important development that affects the foreign policy of EU is the phenomenon of globalisation. Globalisation means that the world is becoming more and more borderless. Economics, politics, technique and social developments are becoming more and more global. There is a need for cooperation between different states on an international level. Governance of these subjects on the national level is becoming less important.

Secondly, as Hill states that “the increase in the pace and breadth of EU enlargement throws into doubt part of the logic behind the politics of scale, namely

²⁵ Ginsberg, op.cit., p.21

²⁶ Gordon, op.cit., p.77

that more automatically means stronger.”²⁷ Also the EU countries are listened to when they express themselves jointly, and much more than when the individual Member states express themselves on their own. According to Barbe “the national strategies pursued by individual countries were converted into EU policies.”²⁸ For instance, in June 1992 European Council of Council of Lisbon adopted a report on the possible evolution of the CFSP. That report enumerated some factors that must be taken into consideration when defining the issues and areas of future cooperation and included geographic proximity of regions, political and economic stability, and the existence of security threats. The report indicated several geographic areas in which the EU must be engaged: Central and Eastern Europe, the Balkans, and the Mediterranean- particularly the Magreb and the Middle East.

The Magreb has brought as a new priority to the European foreign policy agenda by the Lisbon report. The report asserted that the stability of this region is of great common interest for the Union. Demographic growth, the repeated social crises, large scale emigration and the increase of fundemantalism and religious integrisme are problems that endanger this stability.²⁹ At the same time, the Member States as a whole, underpin the enlargement of the EU by the joining of the new rich members. As Rummel and Wiedemann has pointed out from an EU centric view point, the 1995 enlargement was beneficial per se, because it would improve the economic situation of a union as a whole. Although important economic issues had

²⁷ Christopher J. Hill, *Paradoxes of European Foreign Policy Convergence, Divergence & Dialectics: National Foreign Policies & the CFSP*, European University Institute Working Paper, Robert Schuman Centre, No.97/66, (Badia Fiesolana, San Domenico,1997), p.4

²⁸ Barbe, *op.cit.*, p.3

²⁹ *Ibid.*, p.8

been settled quite satisfactorily before, in the 1992 treaty, establishing the European Economic Area (EEA), enlargement was thought to be even better for the Union: the EU would improve its position in world (economic) politics because its weight automatically increases with every new Member State, for example in GATT/WTO. In the case of Norway, entry would have contributed to an improvement of the EU's supply situation (energy, food) and it would have given the EU a stronger stand in the so-called worldwide consumer/producer dialogue on energy-related questions.³⁰

Therefore the EU has agreed trade and economic cooperation agreements (like the Lome Agreements) with a number of states, as Hill has put it the consolidation of the role in Africa which Lome represents has partly been a vehicle for the old colonial states, particularly France, to exercise influence without responsibility.³¹ Most of the states are former colonies of EU's Member States, and these agreements have been accused of being neo-colonial in nature.

Thirdly, as Laffan points out "common institutions reduce the transaction costs of cooperation, provide an information rich environment, structure channels of communication and in the long term shape the preferences pursued by national governments and their agents."³² Especially the small member states used this issue, as Jorgen has mentioned a somewhat different comparison is made by a diplomat, what is more important for a (minor) state; to move the policy of the Twelve, with their enormous economic and political weight two or three inches, or to run ahead a

³⁰ Rummel and Wiedemann, *op.cit.*, p.11

³¹ Hill, in Rummell (ed.), *op.cit.*, 39

³² Brigid Laffan, "The IGC and Institutional Reform of the Union", in Geoffrey Edwards and Alfred Pijpers (ed.), *The Politics of European Treaty Reform: The 1996 Intergovernmental Conference and Beyond*, (Books International, London, 1997), p.288

mile with little or no real impact? In this example, criteria for success depend on whether policies are designed with the actual impact on external environments in mind, or designed for the well-being of policy makers and their domestic audiences.³³ In doing so, for some smaller states, like their larger partners, European diplomacy has provided a legitimate way of re-engaging with a wider world, when decolonization had constituted a form of expulsion.³⁴ Portugal, Belgium and the Netherlands can be given as an example. For instance, Portugal strengthens its policies over its ex-colonies by the help of the EU. Portugal is blocking the signing of a new EU-ASEAN cooperation agreement in protest of the Indonesian annexation of East Timor.³⁵ Moreover, the EU has been providing aid to the Mozambique and Angola as a result of the policies of the Portugal. For instance, due to its traditional links with central African countries, Belgium plays a leading role when decisions to undertake international action in these countries are taken.³⁶

In sum, the existence, in some cases for more than forty years, of common commercial policy, joint industrial projects, a single internal market, EMU have all made different European states' interests far more similar than they were in the 1950s and 1960s.

³³ Knud Erik Jorgensen, *Paradoxes of European Foreign Policy The European Union's Performance in World Politics: How Should We Measure Success?*, European University Institute Working Paper, Robert Schuman Centre, No:97/69 (Badia Fiesolana, San Domenico, 1997), p.10

³⁴ Hill, *op.cit.*, p.15

³⁵ K.E. Smith, *op.cit.*, p.15

³⁶ Christian Franck, in Christopher Hill (ed.), *op.cit.*, p.158

1.2.2. EXTERNAL DEMANDS AND PERCEPTIONS

As Bretherton and Vogler point out that “ the significance of the EC as an economic actor has generated increased expectations of coherent policy initiatives from the EC/EU, whether as a participant in intergovernmental trade or environmental negotiations, or in providing support for the process of economic development or transition.”³⁷ Due to increased pressure both from within the EU and from the outside world, enlargement will result in an increase in EU foreign policy activities. “As Christopher Hill has noted, the enlargement decisions’ can be seen as a commitment to a major new foreign policy on the part of the EU, that of changing the map of Europe to the East and to the South... The aim is to extend the zone of economic prosperity and “democratic peace” as a prophylactic against war, nationalism and autocracy.”³⁸ Smith and Lahteenmaki have given the Maghreb as an example and they have pointed out that EU’s involvement in the region can play an important role in encouraging democratic transformations through support for democratic political forces.³⁹

On the other hand, as Allen states that “some of the potential applicants of Central and Eastern European Countries, particularly those with small, inexperienced, and underdeveloped foreign policy machinery, might be more willing

³⁷ Bretherton and Vogler, *op.cit.*, p.170

³⁸ Karen E. Smith, *The Conditional Offer of Membership As an Instrument of EU Foreign Policy: Reshaping Europe in the EU’s Image*, *Marmara Journal of European Studies*, Vol.8, No:1-2,2000 p.34

³⁹ Christopher J. Smith and Kaisa Lahteenmaki, “Europeanization of the Mediterranean region: the EU’s relations with the Maghreb”, in Alan Cafruny and Patrick Peters (ed.), *The Union and the World: The Political Economy of a Common European Foreign Policy*, (Kluwer Law International, London, 1998) p.155

to participate in a full-fledged European foreign policy than some of the present member states.”⁴⁰

Moreover, as the importance of EU grows by enlargement, outside actors will press for more contacts with the EU, thereby forcing the EU to provide more external relations. When new states enter the EU, new trade agreements have to be negotiated with outside actors who lose out on having former trading partners become EU members and thereby bound by the common commercial policy.

“The ACP (African, Caribbean and Pacific) states are becoming increasingly concerned lest the EU lose interest in development policy... the well-known pressures from both Mediterranean and Eastern European states for special relationships- pressures met by the vague ‘Euro-Mediterranean Partnership’ in the case of the former, and uneasy moves towards enlargement with respect to the latter.”⁴¹ There are also demands from the east Asia states as Hill points out “the demands represented the way in which the EU was increasingly the focus for states world-wide looking for some counter balance to the influence of some overbearing power, usually the USA, Russia or China.”⁴² As Hill has pointed out ASEAN has had a cooperation agreement with the EC since 1980, which has bred increasingly close political consultations, partly because of the ASEAN states desire to counterbalance Vietnam in the region without resorting to the United States. As an Indonesian

⁴⁰ Maria Strömviik, “Do Numbers Matter? The EU’s CFSP and the Dynamic Effects of Enlargement”, Center for European Studies at Lund’s University Working Paper Series, No:5, 2000, p.5

⁴¹ Hill, in John Peterson and Helene Sjursen (ed.), *op.cit.*,p.31

⁴² *Ibid.*,p.32

scholar recently observed: “There is almost unanimity of views among observers that ASEAN-EC relations are primarily political in nature.”⁴³

As a result, as Rosecrance states “Europe has reversed the Balance of Power and drawn other nations into its web of economic and political associations. Countries want to join or to be linked with Europe, not to oppose it. Peripheral countries have been centripetally attracted to the European centre, not driven away from it.”⁴⁴ In other words, as Hill stress “the upheaval in the international system tended both to create a sense of the EC being an island of stability in a sea of troubles.”⁴⁵

As Peterson and Sjursen put it “foreign policy, at the EU level as much as in national capitals, is increasingly shaped by a far more diverse variety of actors than in the recent past. At the EU level, it is subject to increased demands and pressures from non-EU governments.”⁴⁶

In addition to these, as Piening points out “ the EU continues to play a quiet and more long-term foreign policy role... over the years it has played an active role as an accredited observer in bodies such as the Food and Agriculture Organization (FAO), the International Monetary Fund (IMF), the International Labour Organisation (ILO), and the UN women’s conferences.”⁴⁷ These are all activities not

⁴³ Hill, in Rummell, *op.cit.*, p.40

⁴⁴ Richard Rosecrance, *Paradoxes of European Foreign Policy The European Union: A New Type of International Actor*, European University Institute Working Paper, Robert Schuman Centre, No.97/64 (Badia Fiesolana, San Domenico, 1997), p.2

⁴⁵ Hill, in John Peterson and Helene Sjursen (ed.), *op.cit.*, p.20

⁴⁶ Peterson and Sjursen, ‘Conclusion’ *The myth of the CFSP?*, in John Peterson and Helene Sjursen (ed.), *op.cit.*, p.180

⁴⁷ Christopher Piening, *Global Europe*, (Lynne Rienner, London, 1997), p.43

always count strictly as foreign policy hence these activities have served to give the Union and its institutions the experience of being an international player.

In sum, as Hill states the EU was seen as potentially “ a replacement for the USSR in the world balance of powers, a regional pacifier, a global intervenor, a mediator of conflicts, a bridge between the rich and poor, a joint supervisor of the world economy.”⁴⁸

1.2.3. MAIN IMPACTS OF THE INTERNATIONAL SYSTEM ON EU’S FOREIGN POLICY

In the lights of the historical events EU became a greater actor ness in politics. As Hill points out “this would be partly a function of the bloc to bloc relations referred to above and partly the result of deeper forces, of which the EU as the first and biggest of all regional blocs is itself the main manifestation. A Waltzian emphasis on the security dilemma produced by the international system for its components parts might well lead one to suppose, particularly in the more fluid and unpredictable one-superpower world, that the EU will be forced to acquire the ability to defend itself and to protect its interests abroad.”⁴⁹ European Security and Defence Identity is a result of this political will. Also Hill points out that “security and defence policy will then drive foreign policy by compelling states to create the political necessary to make decisions on defence. On this view, halfway between

⁴⁸ Hill, in John Peterson and Helene Sjurson (ed.), *op.cit.*, p.34

⁴⁹ Hill, *op.cit.*, p.5

realism and determinism, the mechanism of the balance of power will lead the EU to its manifest destiny as a great power.”⁵⁰

On contrary to this thought as Rosencrance points out that the fact that the EU’s influence rest on economic rather political assets means that other states do not feel the need to seek coalitions to offset its strength. Thus, the EU is able to serve as a source of attraction within the international system and should not be perceived by other states as a source of threat.⁵¹

On the other hand, EU as an economic giant can be used this power to achieve its political goals in the future. As mentioned before, the spill over effect can be used to reach that goal. Like Peterson and Sjursen has pointed out “the EMU creates pressures to reconfigure US-EU relations. The ‘EURO’ is a potential competitor to the US dollar in international monetary markets and could fragment the Atlantic economic sphere into two trade and currency blocks.”⁵² Such as Monetary Union and the enlargement of organizations, as driving the two sides of the Atlantic further apart.⁵³ According to Dijck and Faber “the transatlantic link still dominates the EU’s external relations but the cohesion of the Euro-American relationship has been tested severely. The transition of Central and Eastern Europe and the rise of new growth poles in Asia and Latin America have intensified international

⁵⁰ Ibid., p.5

⁵¹ Rosencrance, op.cit., p.3

⁵² Peterson and Sjursen, op.cit., p.184

⁵³ Charles Kupchan, Paradoxes of European Foreign Policy, From the European Union to the Atlantic Union, European University Institute Working Paper, Robert Schuman Centre, No.97/73 (Badia Fiesolana, San Domenico, 1997), p.12

competition at the same time.”⁵⁴ These examples have underpinned that the EU is going to take its place in the international system if it has wanted or not.

1.2.4. A CONVERGENCE OF VALUES

As Vertzberger points out “in foreign policy the concept of culture could be characterised as ‘broad and general beliefs and attitudes about one’s own nation, about other nations, and about the relationships that actually obtain or that they should obtain between the self and actors in the international arena.’”⁵⁵

There are indications of a tendency to link the EU's international role to certain general ideas and values in international politics. Hence, at the height of the war in Yugoslavia, public opinion called for Europe to ‘do something’ to stop the war, thus suggesting a view, in the public at large, of the EU as a community of values with a right and duty to take initiatives in foreign policy.

Consequently as Kaldor and Koch stress “a set of principles or ‘European values’ to be defended: peace, democracy and multiculturalism, a clear opposition to human rights violation, especially genocide and ethnic cleansing, and instruments for enforcement.”⁵⁶ Grass adds these values another one, the rule of law and he states “it is precisely the law which is expected to provide a permanent, peaceful and stable basis for the relations between States, peoples and individuals, just as it does within

⁵⁴ Pitou van Dijck and Gerrit Faber, *The External Economic Dimension of the European Union*, (Kluwer Law International, Hardbound, 2000), p.98

⁵⁵ Yaacov Vertzberger, *The World in Their Minds: Information Processing, Cognition and Perception in Foreign Policy Decision-making*, (Stanford University Press, Stanford, 1990), p. 268

⁵⁶ J. Howorth, *Papers of the Symposium of Jean Monnet Chairs on the 1996 Intergovernmental Conference*, (Office for Official Publications of the EC, 1997), p.247

the EU itself.”⁵⁷ Once again, these values were drawn attention by Smith “European political identity based on the political norms it chooses to propagate: pluralist democracy on the western model, respect for the rule of law, and commitments to human rights.”⁵⁸

Like Smith, Kaleagasi especially stresses the importance of the pluralist democracy. Kaleagasi points out that “ Democracy has increasingly become a principle, a criteria and an objective of the EC’s foreign policy... The European Parliament enunciate its foreign policy principles and seeks to contribute more effectively to promote the “common European values” as a source of democratic legitimacy of the EC’s foreign policy.”⁵⁹

Moreover according to Kaldor and Koch “European integration, motivated initially by the desire to overcome wars between States, failed, both in its functionalist and its intergovernmental logic, to mount an effective challenge to such defence-based ‘sovereignty’. If renationalization is to be avoided in the post-cold-war world, collective security must begin to command the support of European citizens.”⁶⁰

In sum, as Hill points out “if a sense of common and distinctive civilisation does underpin the European Union, then the question of its precise borders will

⁵⁷ Marc Maresceau (ed.) *Enlarging the EU: Relations Between the European Union and Central and Eastern Europe*, (Longman, London and New York, 1997), p.29

⁵⁸ Hazel Smith, “ Actually Existing Foreign Policy-or Not?: TheEU in Latin and Central America” in John Peterson and Helene Sjursen (ed.), *op.cit.*, p.168

⁵⁹ Bahadır Kaleağasi, ‘Common Foreign Policy of the European Community and Democracy’ *Universite Libre de Bruxelles Institut D’Etudes Europeennes*, 1991, p.19

⁶⁰ Howorth, *op.cit.*, p.249

matter less than the mores and principles which are thought to need preserving and to which by definition no other group would be so committed”⁶¹ and “even ancient cultural differences, while still strong, have become less strong through the open communications, travel, and ideal of the European Union.”⁶²

1.3.OBSTACLES TO DEVELOPING A FULLY INTEGRATED FOREIGN POLICY IN EU

The EU has taken a long way for having a common foreign policy, but still the Member States have different perceptions, as Rupp points out the Member States perceptions differ in four points “ in their approach to foreign policy per se, which involves the question of power or civilian policies, in their perception of the relevance of different regions, countries and political developments there, in their perception of foreign economic interests and in their perception of security threats.”⁶³

As Hoffmann states “the EU needs a new set of missions and must rethink its ideas about democratic institutions. Its members must decide whether they want Europe to be a “civilian power” with a common foreign policy limited to trade and a security policy entrusted to NATO (i.e., to the United States), or a full power with a common diplomacy and defence.”⁶⁴ For achieving this goal the support of the Union’s citizens must be taken. As Guehenno has pointed out Europe must create first a true polity, before it can seek to pursue meaningful external policies. Only

⁶¹ Hill, op.cit., p.5

⁶² Gordon, op.cit., p.97

⁶³ Rupp,op.cit., p.101

⁶⁴ Stanley Hoffmann, The Sum of Its Parts, Foreign Policy, Summer1999, p.38

through the creation of such a polity, endowed with the legitimacy of popular support, could emerge the definition of a common European interests that would under grid a foreign policy.⁶⁵

Many of the Member States of the EU have been and continue to be major foreign policy actors in their own right with long histories of global influence and power and the Member States have been very reluctant to transfer any responsibility for foreign policy to the supranational level that is perfectly understandable given that foreign policy is an area of state activity which is full of symbolism with regards to national influence, sovereignty and national identity.

The external economic dimension of the EU focuses on the broad range of recent initiatives taken by the EU to reinforce its common external economic policy in rapidly changing environment. The European Monetary Union is one of them but it has not solved the economic problems. The unemployment remains high. As Rosecrance points out “there will be agitation for welfare solutions that may be beyond the capabilities of either Member States or of the EU to provide.”⁶⁶

As a result, the governments, which were overloaded with domestic and international business and, like all overloaded policy-makers, left loose ends untied and long-term prospects unexplored⁶⁷ and the dynamics of the EU about common

⁶⁵ Jean-Marie Guehenno, *Paradoxes of European Foreign Policy, A Foreign Policy in Search of a Polity*, European University Institute Working Paper, Robert Schuman Centre, No.97/65 (Badia Fiesolana, San Domenico, 1997), p.11

⁶⁶ Rosecrance, *op.cit.*, p. 1

⁶⁷ Anand Menon, Antony Forster and William Wallece, *A Common European Defence?*, *Survival*, Vol.34, No:3, Autumn 1992, p.104

foreign policy has been bounded to the political wills of the capitals of the large Member States.⁶⁸

1.3.1 DIFFERENT NATIONAL SITUATIONS

There are Member states of the EU, which have long-standing associations and special relationships with various part of the world and Member states do not wish those associations or relationships to be transferred to the supranational level. France has a long-standing relationship with large part of Western Africa. The United Kingdom has an alleged special relationship with the United States. Spain maintains a close working relationship with a number of Latin America states. There are several intricate and delicate post-colonial relationships between Member states of the EU and parts of the world and that can complicate the EU's external relations. These countries share common experiences and even past trauma where colonialism left an important mark.⁶⁹

According to Rummel and Wiedemann “the limited success of EU foreign policy might just be the differing interests of EU Member States. For example, different interests of its Member States hamper the EU's approach to the Middle East. The value-oriented approach of the Nordic EU members does not necessarily

⁶⁸ Beril Dedeoglu, Avrupa Guvenligi ve ABD-Avrupa Birligi Iliskileri, Galatasaray Universitesi Sosyal Bilimler Dergisi, 97/1, p.120

⁶⁹ Barbe, op.cit., p.11

coincide with the economic and political interests of Mediterranean France”⁷⁰ or as an opposite of this example Denmark mostly followed the EPC line, but its general voting pattern was more in line with another grouping, the Nordic/Neutral Group: Finland, Sweden and Norway plus Austria and Ireland. There was an identifiable Nordic Political profile during the Cold War.⁷¹ In this sense, as Barbe has put it the importance of the Magreb for Spain, must be understood as a counter policy against the Twelve’s majority orientation towards Central and Eastern Europe in the post-Cold War era. This orientation runs contrary to Spain’s geographical constraints, defiened by its peripheral situation.⁷²

As a result, all Member States view the common foreign policy as a potentially useful instrument for achieving their national foreign policy goals. To some Member States the common foreign policy seems to be the only suitable approach toward having a global foreign policy, while to others, depending on the issue, it is merely an optional approach. Thus, while some Member States may press for EU action, others may try to prevent it and in common national foreign policies continue to have considerable salience given the varying interests and historical trajectories of the Member States.⁷³

⁷⁰ Reinhardt Rummel and Jörg Wiedemann, *Paradoxes of European Foreign Policy, Identifying Institutional Paradoxes of CFSP*, European University Institute Working Paper, Robert Schuman Centre, No.97/67 (Badia Fiesolana, San Domenico,1997), p.12

⁷¹ Henrik Laursen, *Denmark and the CFSP in the 1990’s: Active Internationalism and the Edinburgh Decision*, Foreign Affairs of Denmark Working Paper, No:4, 1999

⁷² Esther Barbe, “Spain the Uses of Foreign Policy Cooperation”, in Christopher Hill (ed.), *op.cit.*, p.110

⁷³ Brigid Laffan, *The European Union: A Distinctive Model of Internationalisation?*, EIOP Vol.1, No.18, 1997, p.10

For instance, the issue of fishing rights is a very important subject for Spain. During the 1994 negotiations in fighting between Spain and Norway on the issue of fishing rights was pronounced. These arguments were transferred to the EU level when Germany pressed Spain to concede to Norwegian conditions for entry. The dispute was settled by giving Spain better access to EU territorial waters and allowing it to enter the common fisheries' policy regime earlier than originally intended.⁷⁴

The same event occurred when the accession of Greece, Spain and Portugal projected to increase the Community's self-sufficiency in Mediterranean fruit and vegetable products. It was difficult to modify the existing system of trade preferences in favor of the Mediterranean associates. Having pledged to improve their market access before the accession took place, the Commission again found its hands tied by the need to protect domestic agricultural interests and by the formal constraints of the Community's agricultural policy. Spain backed by the Italy, put pressure on the Council to withhold its approval of the Commission's negotiating mandate until after the entry of the Iberians into the Community.⁷⁵

There remain important foreign policy differences among France, Britain and Germany as the larger states of the Union and the other Member States. They both still subscribe to a goal of a single European foreign policy, but in practice they have

⁷⁴ Rummel and Wiedemann, *op.cit.*, p.11

⁷⁵ Ricardo Gomez, "The EU's Mediterranean Policy: Common Foreign Policy By the Back Door?" in Peterson and Sjursen (ed.), *op.cit.*, p.136

both shown more rather than less willingness to step out of line whether in the Balkans or Iran and China further a field.⁷⁶

In sum, as Hill has mentioned the certain members will wish to work in close association with certain outside states. This last is inevitable, given the existence of Commonwealth and the Nordic Council⁷⁷ and the other relations. Both of them are slowed down the formation of a common foreign policy.

1.4. EUROPEAN UNION'S FOREIGN POLICY TOOLS

All the international actors have foreign policy tools to conduct their policies. As Smith states, "while the EU has at its disposal several traditional foreign policy instruments, it also lacks several, most notably of the military type. However, the EU can also wield sui generis instruments which states cannot use."⁷⁸

According to Smith "Foreign policy instruments are those means used by policy-makers in their attempts to get other international actors to do what they would not otherwise do. Four types of instruments used in national foreign policy: propaganda, or the deliberate manipulation of verbal symbols; diplomacy, or the reliance on negotiation; economic, or resources which have a reasonable semblance

⁷⁶ Hill, *op.cit.*, p.3

⁷⁷ Hill, in Rummel (ed.), *op.cit.*, p.45

⁷⁸ Karen Elizabeth Smith, *Paradoxes of European Foreign Policy, The Instruments of European Union Foreign Policy*, European University Institute Working Paper, Robert Schuman Centre No.97/68 (Badia Fiesolana, San Domenico, 1997), p. 1

of a market price in terms of money and military, or the reliance on violence, weapons, or force.”⁷⁹

The EU has used these policy instruments but the because of the pillar structure of the EU as Smith points out “there are two different frameworks for making foreign policy decisions: the European Community for foreign economic policy, and the intergovernmental CFSP procedures for ‘political’ decisions.”⁸⁰ Moreover as said before because of the different national situations the Member States use many instruments separately.

In sum, as Rupp states “foreign policies today are increasingly conducted with less spectacular and more efficient instruments... both spheres of policies developed into each other’s instruments.”⁸¹

1.4.1. PROPAGANDA INSTRUMENTS

“Propaganda differs from diplomatic instruments in that it is used to influence foreign publics, rather than governments.”⁸² The Union does not have the mechanism to create propaganda. On the other hand, the Commission produces information about EU, which is heading for to both Member States and the third sides that are interested in EU. However these are mostly directed at governments.

⁷⁹ Ibid.,p.2

⁸⁰ Ibid.,p.2

⁸¹ Rupp, op.cit., p.93

⁸² K.J.Holsti, International Politics: A Framework for Analysis, (Englewood Cliffs:Prentice-Hall,1995), p.57

1.4.2. DIPLOMATIC INSTRUMENTS

EU's Diplomatic Instruments
Demarches
Declarations/Statements
High-level visits
Supporting action by other international organisations
Diplomatic sanctions
Diplomatic recognition
Political dialogue
Offering EU membership
Making peace proposals
Sending special envoys
Sponsoring peace conferences
Sending cease-fire monitors
Administering foreign city
Sending election observes

TABLE 1: EU's Diplomatic Instruments⁸³

Like the traditional states EU has also diplomatic instruments. The Member States have agreed to impose jointly diplomatic sanctions, such as withdrawing ambassadors, expelling military personal in third country representations, and suspension of high-level contacts. Implementation of these measures is necessarily national. Also the Union has tried to help resolve conflicts or potentially dangerous disputes, using a variety of instruments. Some of these are advancing peace

⁸³ K.E. Smith. *op.cit.*, p.5

proposals or sending envoys to participate in peace-making process. Moreover, to try to ensure peaceful transitions to democracy, the EU has sent election observers to Russia, South Africa, and Azerbaijan. All of these instruments were employed through CFSP joint actions. (See Table 1) On the other hand, after the establishment of EPC, the Member States applied political sanctions on countries such as Libya and Syria which were suspected of being involved in acts of international terrorism.⁸⁴

1.4.3. ECONOMIC INSTRUMENTS

The Union's development as a trading block endowed it with a considerable presence in the international political economy and led it to develop a impressive array of external policy instruments, particularly in trade and aid. The Union built up panoply of association agreements and trade arrangements with its immediate neighbours and former colonies. It gradually became the dominant force in the West European political economy, absorbing most of the EFTA states as members.⁸⁵

The EU can control and use many economic instruments (see Table 2). These economic instruments are quite powerful because they are stemming from its relative economic strength. As Smith put it "It is still, one of the world's largest aid donors. Imposing trade embargoes and offering trade concessions do not require budgetary funding and given that the EU is the world's largest trader, these can be very powerful instruments."⁸⁶

⁸⁴ Christian Franck, "Belgium the Importance of Foreign Policy to European Political Union", in Christopher Hill (ed.), *op.cit.*, p.153

⁸⁵ Laffan, *op.cit.*, p.11

⁸⁶ Karen Elizabeth Smith *op.cit.*, p.10

The EU's Economic Instruments	
Positive Measures	Negative Measures
Conclusion of trade agreement Conclusion of trade and cooperation agreement Conclusion of association agreement (all of the above on more or less favourable terms) Tariff reduction Quota increase Granting inclusion in Generalised System of Preferences (GSP) Providing aid Extending loans (on more or less favourable terms)	Embargo (ban on exports) Boycott (ban on imports) Delaying conclusions of agreements Suspending or denouncing agreements Tariff increase Quota decrease Withdrawing GSP Reducing or suspending aid Delaying granting of successive loan tranches

TABLE 2: The EU's Economic Instruments⁸⁷

The explicit use of EC economic instruments to support EPC orientations has begun after the early 1980s, to encourage democratic reforms and respect for human rights on Central and Eastern Europe countries, has become an integral aspect of the EU's foreign relations. Also "trade, trade and cooperation, and association agreements have increasingly been used explicitly as foreign policy instruments."⁸⁸

"As for negative measures, the practice of imposing EC trade sanctions was controversial through the early 1980s, because some Member States objected to the use of Community instruments for overt political purposes."⁸⁹ "The first was the

⁸⁷ Ibid., p.9

⁸⁸ Ibid.,p.10

⁸⁹ Ibid.,p.11

imposition of martial law in Poland in 1982 following the Solidarity strikes that led to the fall of Party Secretary Edward Gierek and his replacement by the Soviet-backed hard-liner Wojciech Jaruzelski. The Community reacted by imposing a series of economic sanctions on the Soviet Union, the first time that such a measure targeting a third country had been taken jointly by member states.”⁹⁰ It then became practice for a political orientation regarding sanctions to be defined in EPC and implemented through instruments. Other negative measures are delaying the signing, or even suspending or denouncing agreements.

1.4.4. MILITARY INSTRUMENTS

The events, which have occurred after the collapse of the communist block, like the Gulf War and the Yugoslav crisis showed that “the EU’s lack of a military capability is its most conspicuous instrument ‘deficit’.”⁹¹ Increasingly, the WEU was seen as a potential military arm. The initiatives for EU-WEU and WEU- NATO merger have been accelerated by the Member States to make the ESDI a reality.

As Peterson and Sjurssen states “the WEU will for the first time gain a true capacity to act, using alliance assets including officers and headquarters”⁹² and also as Dehousse points out “cooperation between the European states with regard to their defence organization also constitutes a necessity. This cooperation, together with an

⁹⁰ Piening, *op.cit.*, p.35

⁹¹ Karen Elizabeth Smith, *op.cit.*, p.12

⁹² Peterson and Sjurssen, *op.cit.*, p. 183

effective integration of defence, would produce even better results, enabling a substantial improvement in the efficiency of military instruments.”⁹³



⁹³ Franklin Dehousse, “After Amsterdam: A Report On the Common Foreign and Security Policy of the European Union”, *European Journal of International Law* Vol.9, No:3, 1998, p.531

PART TWO

THE EUROPEAN POLITICAL COOPERATION

II. THE BEGINNINGS OF THE EUROPEAN POLITICAL COOPERATION

The philosophy of the founding fathers of the Communities had been known by everybody which was aiming to prevent a war between Germany and the other states⁹⁴, Bretherton and Vogler have put it the creation of the European Communities following the end of the Second World War, and in the context of increasing Cold War tensions, reflected both the desirability of cooperating in the construction of a peaceful and prosperous Western Europe and of seeking, collectively, to recover some of the international influence lost by West European states individually. For much of its history, as we have seen, European Integration has focused upon economic and social matters.⁹⁵ “During this period, attention focused upon functional integration, through development of the European Communities. The Treaty Rome made no reference to orthodox foreign policy issues, still less to defence.”⁹⁶ However, “The ambition to create a European foreign policy and security policy is a goal that runs parallel to the entire history of the integration process.”⁹⁷

⁹⁴ Eugeni Bregolat, “El Proceso Político de la PESC”, *Afers Internacionals*, Fundacio CIDOB, No:38-39, 1996

⁹⁵ Bretherton and Vogler, *op.cit.*, pp.172-173

⁹⁶ Bonvicini, in Martin Westlake (ed.), *op.cit.*, p.61

⁹⁷ *Ibid.*, p.62

In 1950, by Robert Schumann who, setting the course for European Integration, declared that ‘world peace cannot be ensured without creative initiatives.’ Between the foundation conference held in Messina (Italy) in 1955, which laid down the basis of the Treaty of Rome, and the early 1960s, the EEC Six had already decided that political and economical unity were essential if Europe was to play an active role in world affairs. “ But it has had to do so using the weapons of commerce and diplomacy, not military power.”⁹⁸ At the beginning six sovereign states involved in the process there were several false starts with regards to political cooperation.

2.1. EARLY INITIATIVES AT POLITICAL COOPERATION

“The first proposal on the development of a Political Union, and more particularly a CFSP, goes back to the early 1950s and was made shortly after the outbreak of the Korean War (June 1950). The imminent Soviet threat and American pressure for a strengthening of Europe’s defence capacities confronted the Europeans with the very sensitive question of German rearmament.”⁹⁹ René Pleven who was The French Prime Minister, made a proposal for a European Defence Community (EDC) to support the integration of the armed forces in Western Europe including the

⁹⁸ Piening, op.cit., p.31

⁹⁹ Sophie Vanhoonacker, A Critical Issue: From European Political Cooperation to a Common Foreign and Security Policy, in Finn Laursen and Sophie Vanhoonacker (ed.), The Intergovernmental Conference on Political Union Institutional Reforms, New Policies and International Identity of the EC, (European Institute of Public Administration, Maastricht, 1992), p.25

Federal Republic of Germany. “The establishment of an EDC also posed the question of democratic control over the new integrated military force, an ad hoc assembly composed mainly of members of the ECSC assembly was charged with drafting a treaty for the establishment of a European Political Community.”¹⁰⁰

The EDC was drafted and signed by the Six in May 1952. However, defence being an important element of national sovereignty. As a result the French National Assembly rejected the EDC Treaty, which was the first important event in the development of a common foreign policy, in August 1954.

“The EDC’s failure led to the establishment of an alternative, economic route toward European integration: the EEC and the project for a common market.”¹⁰¹ During this period functional integration had been proved. The Treaty of Rome was signed in 1957. “The necessity for what became known as EC ‘external relations’ was acknowledged. The EC was accorded formal legal personality and was thus empowered, in its areas of competence, to undertake negotiations and conclude international agreements on behalf of its members.”¹⁰² In November 1959, the Ministers for Foreign Affairs decided to hold quarterly consultative meetings on the political effects of economic integration. The first meeting took place in Rome on 25 January 1960.

“By the early 1960’s the need to balance the European Community’s growing significance in external economic relations with an explicit foreign policy dimension

¹⁰⁰ Ibid., p.26

¹⁰¹ Piening, op.cit., p.32

¹⁰² Bretherton and Vogler, op.cit.,pp.173-174

became a subject of often contentious discussion.”¹⁰³ The French try to launch a new proposal for political and defence cooperation with the Fouchet Plan in 1961. The aim of this proposal was to establish a common foreign and defence policy as well as political, economic and cultural cooperation that “regular cooperation between the states of Western Europe continued on the same intergovernmental track.”¹⁰⁴

“The Fouchet Plan negotiations from 1960 to 1962 were based on President de Gaulle’s preference for an intergovernmental rather than a supranational approach to European cooperation... the excessively intergovernmental character of the proposal led to being its rejected in 1962.”¹⁰⁵

According to Cameron “in many ways the Fouchet Plan was the forerunner of the CFSP.”¹⁰⁶ On the other hand the Netherlands and Belgium were feared that France would dominate the future foreign policy coordination so the first attempt of CFSP was died before it was born.

¹⁰³ Ibid., p.174

¹⁰⁴ Vanhoonacker , op.cit., p.27

¹⁰⁵ Piening, op.cit., p.32

¹⁰⁶ Fraser Cameron, *The Foreign and Security Policy of the European Union*, (Sheffield Academic Press, Sheffield, 1999), p.16

2.2. ESTABLISHMENT OF THE EUROPEAN POLITICAL COOPERATION

2.2.1. THE HAGUE CONFERENCE

As mentioned before, after the some unsuccessful attempts as Vanhoonacker points out “it was not until the Hague Summit of December 1969 that political unification received new impetus. In preparation for the enlargement of the EC with new Member States, the Heads of State decided both to deepen their cooperation and to broaden it to new areas, such as the political field.”¹⁰⁷

The final communiqué of the 1969 Hague summit¹⁰⁸ of the Six EEC leaders stated that the beginning of the final stage of creating the common market meant, “paving the way for a United Europe capable of assuming its responsibilities in the world of tomorrow and of making a contribution commensurate with its traditions and mission.”¹⁰⁹ The summit agreed upon to set up a committee of senior officials to prepare a report on political cooperation.

As a result, the Hague Summit laid the foundations for the 1973 enlargement of the EEC. The Foreign Ministers of the EEC Six were asked to the Community on the best way of achieving progress in the matter of political cooperation in the context of enlargement.

¹⁰⁷ Vanhoonacker, op.cit.,p.28

¹⁰⁸ The full text of the Hague Communiqué in Bulletin-EC, no.1, 1970, pp.11-18

¹⁰⁹ The Hague Communiqué, paragraph 4

2.2.2. THE LUXEMBOURG REPORT

Following the Hague Conference, the Foreign Ministers defined the objectives and procedures concerning political cooperation in the Luxembourg Report,¹¹⁰ adopted by the Six on 27 October 1970. The report made it clear that political cooperation could be best achieved through closer foreign cooperation and in support of their analysis the Foreign Ministers pointed to Treaty obligations under the Treaty of Rome which called for a tangible form of political union, the realisation that closer commercial cooperation would require closer foreign policy cooperation and a realisation that as a Community was growing more cohesive, and larger, the Community should be able to take on a measure of global responsibility.

The purpose of foreign policy cooperation as laid down by the Foreign Ministers' report was intended to achieve two main aims:

1. To generate greater mutual understanding on international issues by an increased exchange of information and regular consultation between foreign ministries.
2. To increase internal Community solidarity and cohesion on foreign policy issues by greater harmonization of attitudes and, where feasible, by means of joint action.

As Vanhoonacker points out "having in mind the abortive attempts of the previous decades, the Member States were very careful when defining the objectives

¹¹⁰ The full text of Luxembourg Report in Bulletin-EC, no.11, 1970, pp.9-14

to be achieved through EPC. The report does not speak about a Common Foreign and Security Policy.”¹¹¹

This new framework was intended to cover all areas of foreign policy issues and Member States could open any issues or questions for general debate. As Piening mentions “this political cooperation was purely intergovernmental in character, did not involve the Commission or other EC institutions, and was not subject to the jurisdiction of the European Court of Justice. The Commission, according to the Luxembourg Report, would be consulted if the discussions of the foreign ministers related in any way to the work of the EC.”¹¹² Moreover as Vanhoonacker states “the instruments through which the Member States initially intended to realize these objectives were meetings of the Ministers for Foreign Affairs, a conference of the Heads of the State and Government and meetings of Political Committee, comprising the heads of the political departments.”¹¹³

The basic system for EPC was straightforward in that foreign ministers held meeting, which was supported by a Political Committee composed of the Political Directors of the national Foreign Ministries, at least twice a year. Cameron points out the fact in these words “...Establishing the EPC on intergovernmental lines outside EC structures. As a symbol of the difference in EPC operating procedures, meetings were to be held in the capital of the rotating Presidency and not in Brussels.”¹¹⁴

¹¹¹ Vanhoonacker, *op.cit.*, p.28

¹¹² Piening, *op.cit.*, p.34

¹¹³ Vanhoonacker, *op.cit.*, p.28

¹¹⁴ Fraser Cameron, *op.cit.*, p.23

As mentioned earlier, the meeting of the foreign ministers were supported by a Political Committee that normally met four times a year and set up sub-groups and expert panels where required to deal with the individual tasks like the potential regional and international problems faced by the Community.

As a result, the Luxembourg Report, which was to confine EPC to purely intergovernmental cooperation, was the initial step of the process of the development towards a Union.

2.3. EVOLUTION OF THE EUROPEAN POLITICAL COOPERATION

2.3.1. THE COPENHAGEN REPORT

After the Luxembourg Report the Foreign Ministers prepared a second report on EPC, which is called the Copenhagen Report¹¹⁵. In their meeting on 23 July 1973 the Ministers approved it and they submitted to the EC meeting in November 1973 in Copenhagen. The Foreign Ministers stressed that “ the characteristically pragmatic mechanism set up by the Luxembourg report have shown their flexibility and effectiveness.”¹¹⁶ Thus, they had given the reason of the writing of the report.

According to the Copenhagen Report, the Member States decided to make consultations before taking decisions about all important foreign policy matters. Moreover, they gave the criteria, which is used on the consultations. “ The purpose of the consultations is to seek common policies on practical problems, the subject

¹¹⁵ For the full text of Copenhagen Report, see Bulletin-EC, no.9, 1973, pp.14-18

¹¹⁶ Ibid., p.15

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.”¹¹⁷

Furthermore the Copenhagen Report made many practical improvements. It increased the EPC Foreign Ministers’ meetings from two to four in a year, increased the number of the Political Committee meetings, set up the Group of Correspondents consisting of European Correspondents in the foreign ministries. Its task was to assist to the Political Committee. It also established a special communication system among the Members’ Foreign Ministries, which was called as the COREU; facilitate the direct contact between their departments.

As a result, the report brought some new initiatives and as Ifestos points out “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”¹¹⁸

¹¹⁷ Ibid., p.16

¹¹⁸ Panayotis Ifestos, *European Political Cooperation*, (Avebury-Growing Publishing, Aldershot, 1987) p.167

2.3.2. PARIS SUMMIT AND ESTABLISHMENT OF THE EUROPEAN COUNCIL

The Heads of the Government of the Member States, their Foreign Ministers and the President of the Commission met in Paris on 10 December 1974.¹¹⁹ They decided to meet three times a year for solving the internal and external problems on the front of the European Integration.

The Heads of the States announced “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.”¹²⁰ Also, the European Council was established that its members were the Heads of the States, the Foreign Ministers and the President of the Commission. The Council was established for providing the authority by institutionalising the experience of meetings, which would be held at least three times a year.

The most important reason for creating this organ was to provide guidelines and links among the different processes of European integration. As Lasok states that “By the creation of machinery for political consultation distinct from 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

¹¹⁹ For the full text of Communiqué of Paris Summit see Bulletin-EC. No.12, 1974, pp.118-122

¹²⁰ Ibid., p.119

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.”¹²¹

2.3.3. THE LONDON REPORT

The EC faced by several crises during the period of 1970s, such as the oil crisis, the invasion of Afghanistan by USSR in 1979. The attempts, which were made by Europeans to solve the crisis, were not successful. Thus, these events showed that the Europe was still a simple international actor with a weak power and limited influence. As a result of this situation, the attempts, which were made for improvement of EPC, accelerated by the Member States especially in the sphere of foreign policy and the third EPC report, which is called the London Report, was approved by the European Council on 26 November 1981 in London.

In the London Report, the Foreign Ministers stressed “in spite of what has been achieved, the Ten were still far from playing a role in the world appropriate to their combined influence.”¹²² As a result of this, for the first time the Foreign Ministers stated that “the Ten attach importance to the Commission of the European Communities being fully associated with political cooperation at all levels”.¹²³ As Piening points out “the main aim of political cooperation to be “joint action” rather

¹²¹ Dominik Lasok and J.W. Bridge, *Law and Institutions of European Communities*, (Butterworths, London, 1991,) p.244

¹²² Ifestos, *op.cit.*, p.197

¹²³ *Ibid.*, p.200

than the mere cooperation or coordination of policies that had characterized EPC until then.”¹²⁴

Moreover, “ including the creation of a troika (the present holder of the rotating EC Presidency together with the immediate past and future members and the Commission) to assist the Presidency in representing the EC, and at international organizations.”¹²⁵ Furthermore, a small group of officials created with the aim of as a spokesman of the Community on the activities of EPC. Also the relations with the European Parliament and Commission increased. Finally, as Vanhoonacker states “the London Report (1981) was the first document referring to the discussions in EPC of ‘the political aspects of security’.”¹²⁶

In sum, the fundamentals of the EPC remained same but the participation of the Commission to the EPC discussion was improved.

2.3.4. THE GENSCHER-COLOMBO PLAN AND THE SOLEMN DECLARATION ON EUROPEAN UNION

There were various attempts to the creation further integration in Europe at the early eighties, resulting mainly from the necessity to respond internal and external challenges faced by the Europe at that time. An important one of these initiatives was the German and 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.

¹²⁴ Piening, op.cit., p.34

¹²⁵ Cameron, op.cit., p.18

¹²⁶ Vanhoonacker, op.cit., p.31

After long negotiations by the Member States ‘Solemn Declaration on European Union’¹²⁷ adopted and signed by the European Council in Stuttgart on 19 June 1983. For responding quickly to the problems in the international political arena the Declaration stated that ‘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. Progressive development and definition of common principles and objectives as well as the identification of common interests, increased contacts with the third countries and, increasing recognition of the contribution which the European Parliament makes to the development of a coordinated foreign policy.’¹²⁸

In sum, the limit of the Genscher-Colombo plan and the first composition of the Draft European Act were changed. As Forster and Wallace state the plan became a paper which was “calling for a ‘European Act’ which would ‘reaffirm’ member governments’ commitment to a common foreign policy.”¹²⁹ The ideas, which were about the institutional reforms, had become only good wills and there was no feature about the scope, procedure and method of EPC and as Bonvicini points out “ the Genscher-Colombo initiative launched by respectively, to set European political co-operation on a legal footing, to limit the use of unanimity elements of it were

¹²⁷ For the full text, see Bulletin-EC, No.6, 1983, p.24

¹²⁸ Solemn Declaration, point 1.3.2.

¹²⁹ Anthony Forster and William Wallece, “Common Foreign and Security Policy”, in H. Wallece and W. Wallece (ed.), *Policy-making in the European Union*, (Oxford University Press, Oxford, 1999), p.415

superseded by other agreements and the initiative itself ended up merely as the Solemn Declaration on European Union.”¹³⁰

2.4. THE PROCESS OF LEGITIMATION

2.4.1. THE SINGLE EUROPEAN ACT

“In the Opinion which delivered in July 1985 the Commission stated that it was ‘necessary, in the general context of transition to European Union, to make fresh progress not only on economic and social integration but also on foreign policy.’”¹³¹ The breakthrough for the Community’s foreign policy cooperation efforts in fact came soon afterward, in December 1985, with the agreement on the Single European Act.

The Single European Act was signed by the Member States on 17 February 1986 and entered into force on 1 July 1987 after the ratification by all Member States.

Title III of the act (“Treaty provisions on European Cooperation in the sphere of foreign policy”) establishes, for the first time, a legal basis for EPC. The SEA codifies EPC in an international treaty.¹³² Article 30 of the SEA provides that the member states (referred to throughout as the “High Contracting Parties” to underline

¹³⁰ Gianni Bonvicini, “The Genscher Colombo Plan and The Solemn Declaration on European Union (1981-1983)” in Roy Pryce (ed.) *The Dynamics of European Union*, (Croom Helm, London, 1987), p.185

¹³¹ Simon Nuttall, “The Commission”, in Christopher Hill (ed.), *The Actors in European Foreign Policy*, (Routledge, London, 1996), p. 141

¹³² Juliet Lodge, “European Political Cooperation: Towards the 1990s”, in Juliet Lodge (ed.), *The European Community and the Challenge of the Future*, (Pinter Publishers, London, 1989) p.234

the intergovernmental nature of the agreement) will undertake to pursue the joint formulation and implementation of a European foreign policy.¹³³

The Member States subject to the rights and duties, binding in international law, flowing from the Title III, thus thereafter carried out foreign policy co-operation. The scope of EPC was according to Article 30(2)(a), 'any foreign policy matters of general interest'. The degree of commitment was not particularly strong in terms of treaty language: for example, 'the determination of common positions shall constitute a point of reference for the policies of the High Contracting Parties', and 'the High Contracting Parties shall endeavour to avoid any action or position which impairs their effectiveness as a cohesive force in international relations or within international organizations.'

As Allen states "The SEA formalised a twin 'pillar' structure (although not in name) with the Community and EPC remaining clearly separated. But it also revealed awareness of the 'responsibility incumbent upon 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 interest'." ¹³⁴ The aspiration to move towards a common foreign policy could be seen in Single Act. Repeated and clear references are made to common interests and consistency. Article 30.5 of Title Three gives both the Presidency and the Commission a 'special responsibility for ensuring that such consistency is sought and maintained'.

Moreover, Allen mentioned another important point " the SEA also effectively ended the pretence that foreign policy activity could be kept away from

¹³³ Piening, op.cit., p.8

¹³⁴ Allen op.cit., p.49

Brussels. It was agreed that EPC working groups, previously convened in the capital of the presidency, would in future take place in Brussels and continued separate 'pillars' helped preserve the appearance of unfettered national sovereignty over foreign policy, but the subversive seeds of a Brussels-based foreign policy had been sown. The Community would continue to identify its interests and to speak both through the Commission and its Member States, individually and collectively, but there was now an awareness that a European foreign policy required more consistency and thus more Brussels-based activity.”¹³⁵

The Single European Act is the consequence of pragmatism and moderate reformism in the intergovernmentalist sense. It does not establish a European Union, which is a safeguard for both those who have a further-reaching idea of it. The word “single” derives from the fact that for the first time the framework of European Political Cooperation is included in the same legal text as the issues concerning the EEC's reform. European Political Cooperation (EPC) was initially established as a world apart, physically and legally distinct from the steadily growing EEC.

The Single Act is a clear attempt to bring the EEC and EPC not only under a common legal roof, but also to coordinate them as far as possible, keeping in mind the limits of foreign policy as a field of common action between twelve national states with different sensibilities and not necessarily converging interests. The Single European Act is an important step for the history of political integration between national states. Its provisions on “European Cooperation in the sphere of foreign

¹³⁵ Ibid., p.50

policy” explicitly links the EC and EPC in a common objective: “to contribute together” in making concrete progress toward European unity.¹³⁶

2.4.2. CLARIFICATION OF THE CONTENT OF THE EUROPEA POLITICAL COOPERATION AND LEGAL FRAMEWORK

2.4.2.1 THE INSTITUTIONS OF THE EUROPEAN POLITICAL COOPERATION

2.4.2.1.1 The European Council

The European Council established in 1974 as mentioned before. This was the result of the efforts of President Giscard d’Estaing. The Council was at the apex of the Community. Its members were the Heads of the States or Government, the Foreign Ministers, the President and one member of the Commission.

The Council’s first function was as Edwards put “¹³⁷to provide the leaders of Western Europe with the opportunity for a ‘cosy fireside chat’ on the big issues of the day free from institutional constraints”

2.4.2.1.2 The Political Committee

The Political Committee was a central organ of the EPC. Its members were the heads of political departments of the foreign ministers of the Member States. The

¹³⁶ Kaleagasi, op.cit., p.4

¹³⁷ Edwards op.cit., p.138

primary duties of the Political Committee were the planning the agenda for ministerial meetings, keeping the watch over the various working groups, and accomplishing other duties notified by Foreign Ministers. It could establish working groups and subcommittees, or group of experts on general or specific problems.

2.4.2.1.3. The Group of Correspondents

The group of Correspondents composed of European Correspondents in the foreign ministries assisting to the Political Committee. Article 30 paragraph 10 of Title III of the SEA sets out that "the European Correspondents Group shall be responsible, under the direction of the Political Committee, for monitoring the implementation of the European Political Cooperation and for studying general organizational problems". As a result the Group of Correspondents helped to the Political Committee in elaborating the national positions.

2.4.2.1.4. Working Groups

Working Groups composed of experts from EU Member States and the Commission meeting along geographical and horizontal lines to elaborate policy documents and options for the consideration of the Political Committee.

2.4.2.1.5. The Corue System

The Coreu was originally a telex network linking the Member States capitals, and was mainly designed to exchange information and practical issues. The Corue

network has become a real decision-making instrument which enables Member States, in the space of a few hours if need be, to agree on the terms of demarche, to establish the text of a declaration.

2.4.2.1.6. The Presidency

The role of the Presidency has grown in significance throughout the existence of the Community and remains a key issue in terms of the Union and its enlargement. As Edwards put it “initially it was relatively minor role concerned with organising and chairing meetings, in which it was assisted by the Council Secretariat and undertaken usually in close liaison with the Commission.”¹³⁸

The Presidency was responsible for organising meetings of EPC. “Organising meetings, agendas, minutes, inevitably provided Member States with an opportunity to pursue proposals towards which they were particularly favourable.”¹³⁹ Also it has represented its programme to the European Parliament, given answers to the questions of the Parliaments of EP on behalf of the Council, taken parts in debates, exchanged information in the committees and taken part in colloquies. “The presidency took on heavier duties in reporting and explaining common positions adopted by the Council and trying to maintain the Council’s unity in the conciliation process”¹⁴⁰

¹³⁸ Ibid., p.139

¹³⁹ Ibid., p.139

¹⁴⁰ Ibid., p.139

2.5. THE LESSONS OF THE EUROPEAN POLITICAL COOPERATION

“European Cooperation in the sphere of foreign policy explicitly links the EC and EPC in a common objective: “to contribute¹⁴¹ together” in making concrete progress toward European unity.”

As Kaleağası has pointed out “the practice of the EPC shows that any time a Member State considers an international problem as having important implications for its “high national interests” or for its traditional and historically justified policies, the common position, if it exists is not respected.”¹⁴²

The history of EPC proved to be a phenomenon that can well be analysed as a credibility gap. A strong European role in the regional and international system is something like a “common good” from which each member state profits if it produces results in the interest of every state of the EC/EU. Each member country is aware that the synergy of pooling resources strengthens its own position. The demands inside the EU and the aspirations for a unified foreign policy are thus quite obvious.¹⁴³

On the other hand, the promises, which were given by the Member States for political cooperation, were voluntary in nature rather than a legal obligation. Also there were no legal instruments to put into effect a Member State to perform its

¹⁴¹ Kaleağası, *op.cit.*, p.4

¹⁴² Kaleağası, *op.cit.*, p.5

¹⁴³ Elfriede Regelsberger, Philippe de Schoutheete de Terverent and Wolfgang Wessels, *From EPC to CFSP and Beyond*, (Lynne Rienner Publisher, London, 1997), p.4

promise of political cooperation. This situation, which was lacking the required instruments for functioning of EPC decisions, had become the characteristic of it.

Moreover EPC was a system, which was trying to solve the immediate international problems, it did not have the scope of solving the long-term problems. But this situation was the result of the system. Because the policy makers were the Foreign Ministers of the Member State and there was an possibility for preference of the national interests instead of common interests.

According the Ambassador Jannuzzi, the General-Secretary of the EPC, this institution has done a good job, considering its structural and political limits. Countering the criticisms of the EPC's purely declarative and symbolic actions, he stress that, without a positive evolution of EPC's actions, the Twelve would never have been able to take concrete steps, as an intergovernmental conference procedure, to move into the stage of common foreign policy.

PART THREE

**CHANGING OF THE EUROPEAN POLITICAL
COOPERATION TO COMMON FOREIGN AND
SECURITY POLICY**

**III. FACTORS FOR STRENGTHENING THE
INSTITUTIONS**

The SEA and the struggles to make a well functioning internal market cause a new dynamic for the EC. Also as an economic block it commands the largest share of the world trade additionally it is also capable of behaving in a sufficiently cohesive fashion in the GATT. As a result of this the USA move into a position of deep opposing feelings about the advantages of European economic integration. Japan, by contrast, has effectively managed to divide and rule the Community.¹⁴⁴ These cases increased the sensitivities of the Community and the Member States realised the necessity for closer cooperation.

Moreover, the negotiations to establish the Treaty on European Union (TEU) took place in the centre of geopolitical troubles which were the collapse of communism, the huge challenges posed by the unification of Germany, the sweeping changes in central and eastern Europe, and the disintegration of the Soviet Union.

¹⁴⁴ Christopher Hill, "European Foreign Policy: Power Bloc, Civilian Model- or Flop?", in Reinhardt Rummel (ed.), *The Evolution of An International Actor: Western Europe's New Assertiveness*, (Boulder, Color Westview Press, 1990), p.33

There were high expectations for the CFSP, which substituted the previous light framework of European Political Cooperation (EPC). Therefore the common foreign policy matter became very important and had taken into agenda of the intergovernmental conference.

3.1. THE INTERGOVERNMENTAL CONFERENCE ON POLITICAL UNION

The first paper to be published calling for 'a truly common foreign policy' was that by Belgium in March 1990 in the lead-up to the Intergovernmental Conference (IGC). The Luxembourg Presidency, under the pressure from Member States and the European institutions with radically different ideas and perceptions of CFSP, produced a 'non-paper' in April 1991.

The IGC as Rupp put it "attempted to harmonise the political structure of the EC and to close the gap which the EPC-EP construction has still left open between foreign policy and foreign economic policy in both formulation and implementation."¹⁴⁵ The question of the future relations between the EC and EPC's successor, the CFSP, came up again in the debate among the Member States. As Vanhoonacker points out " whereas the federalist-minded countries pleaded for one single treaty structure, including both the EC, CFSP, and judicial and home affairs cooperation, the proponents of a CFSP on an intergovernmental basis insisted that

¹⁴⁵ Rupp, *op.cit.*, p.96

there should be three separate pillars, each with their own rules and procedures.”¹⁴⁶

So, the Luxembourg draft proposed a European Union based on three pillars.

3.2. THE MAASTRICHT TREATY ON EUROPEAN UNION

“The Treaty of the European Union (TEU) stipulates that CFSP is to include ‘all areas of foreign and security policy.’ The notion of all areas certainly comprises major components of the EU’s common trade policy, its development policy, its non-proliferation policy, and its humanitarian policies.”¹⁴⁷

The Maastricht Treaty¹⁴⁸ establishes a European Union founded on three distinct pillars. These are the European Communities, the common foreign and security policy, and cooperation in the fields of justice and home affairs. The Treaty structure reflects the distinction.

As mentioned above the TEU introduced two separate pillars, the CFSP and the Justice and Home Affairs (JHA), which are not communitarian. According to Rupp “ The artificial procedural separation under the “temple”-structure of the TEU thus does not equip the EU with a holistic and encompassing approach to the world. It prevents the polity from managing the complex interdependence of the different policy-fields and from accommodating the often conflicting goals.”¹⁴⁹

The three pillars of the Union, especially the first and the second- the EC and CFSP- are maintained and implemented by a single institutional structure, mainly the

¹⁴⁶ Vanhoonacker, *op.cit.*, p.32

¹⁴⁷ Rummel and Jorg, *op.cit.*, p.2

¹⁴⁸ For the full text, Paul Beaumont and Gordon Moir, *European Communities (Amendment) Act 1993 With the Treaty of Rome (as amended)*, (Sweet&Maxwell, London, 1994)

¹⁴⁹ Rupp, *op.cit.*, p.96

Council, Commission and the Parliament. The roles of the institutions and the relationship between the institutions and the Member States vary from pillar to pillar. Activities taken under the first pillar are subject to different procedures and have different legal consequences than activities taken under the second or third pillar.¹⁵⁰

In the TEU, The new pillars' dominant feature is intergovernmentalism that is in contrast to the EC pillar, which is characterised by a high degree of supranational policy formulation. As Rupp states, "this has consequences for the constitutional quality of the EU vis-à-vis the Member States and in international relations."¹⁵¹

3.3. THE SCOPE OF THE COMMON FOREIGN AND SECURITY POLICY

The potential scope for CFSP action is extremely wide. The Union and the Member States carry out the works about CFSP in accordance with the framework established in Title V of the Maastricht Treaty. Article J.2(2) sets out some broad objectives of CFSP: to safeguard the common values, fundamental interests, independence of the Union, to develop and consolidate democracy and the rule of law, respect for human rights and fundamental freedoms, and to strengthen the security of the Member States.

This article also binds the Member States to 'ensure that their national policies conform to common positions' as defined by the Council, to 'coordinate their action in international organisations and international conferences' and to

¹⁵⁰ Murphy, *op.cit.*, 888

¹⁵¹ Rupp, *op.cit.*, p.97

‘uphold the common position in such forums’, and (in the case of Member States participating in international organisations and conferences where not all Member States are present) to ‘uphold the common positions’.

As Macleod, Hendry and Stephen have pointed out “the CFSP is a dynamic process. It is to be built up and given specific content gradually, in pursuit of defined objectives through cooperation and joint action, within a potentially broad scope. Its precise scope and content are constantly changing, and overall are likely to expand as the Member States achieve agreement in increasing areas of foreign policy.”¹⁵²

As a result of this as Hyeth has mentioned that “ the potentially wide scope of CFSP has inevitably raised questions about the borderline between Title V and the Community Treaties. This arises most often in the sphere of external economic policy, in respect of which the Communities have extensive, and in some matters exclusive, competence.” Hence “article C expressly enjoins the Council and the Commission, within the single institutional framework, to ensure the consistency of the Unions external activities as a whole in the context of its external relations, security, economic and development policies... A comprehensive foreign policy in relation to a non-member country cannot ignore the economic dimension.”¹⁵³

As Morgan states “the opening passage of Title V thus commits the Member States, in language which could be qualified as rhetorical, to patterns of behaviour in foreign policy which go well beyond the norms established in the 20-year experience of European Political Cooperation (EPC), and suggests that the CFSP of the

¹⁵² Stephen Hyett, I. Macleod and I.D. Hendry, *The External Relations of the EC*, (Clarendon Press, Oxford, 1996), p.414-415

¹⁵³ *Ibid* p.416

European Union aspires to be something qualitatively different from, and much more closely harmonised than, the system of EPC as hitherto practised by the Member States of the Community.”¹⁵⁴

The remaining part is about the procedural provisions and implementation of the common policy, which is examined below.

3.3.1. METHODS OF ACTION

3.3.1.1. Common Positions

Article J.2 strengthens the process of cooperation, resulting in common positions, which was the customary work of EPC. Member States ‘shall inform and consult one another within the Council on any matter of foreign and security policy of general interest in order to ensure that their combined influence is exerted as effectively as possible by means of concerted and convergent action’. Article J.2 continues: ‘whenever it deems it necessary, the Council shall define a common position.’ Member States are specifically necessitated to make sure that their national policies be conventional to the common positions; to harmonize their action in international organizations and at international conferences.¹⁵⁵ Some examples of the common positions are the proposed protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing

¹⁵⁴ Roger Morgan, “How Common Will Foreign and Security Policies be?”, in Renaud Dehousse (ed.) *Europe After Maastricht An Ever Closer Union?*, (Law Books in Europe, Munchen, 1994), p.191

¹⁵⁵ Esra Cayhan, “Avrupa Birliğinde Ortak Dis Politika ve Guvenlik Politikasi”, in Faruk Sonmezoglu (ed.), *Uluslararası Politikada Yeni Alanlar Yeni Bakislar*, (Der Yayinlari, Istanbul, 1998), p.347

the UN convention against transnational organised crime.¹⁵⁶ EU's support for the implementation of the Lusaka ceasefire agreement and the peace process in the Democratic Republic of Congo.¹⁵⁷

3.3.1.2. Joint Action

In an event going further than usual EPC practice, Article J.3 specifies the method for adopting joint action in matters covered by CFSP. The Council shall decide, on the basis of general guidelines from the European Council, that a matter should be the subject of joint action. This is an uncommon exact example of the Treaty subjecting action to help from the European Council, which therefore sets, at the uppermost point, the common political structure for CFSP joint action.

The decision of the Council that a matter should be the subject of joint action is taken in accordance with Article J.8 (2), by unanimity. Whenever the Council decides on the principle of joint action, it shall lay down the specific scope, the Union's general and specific objectives in carrying out such action, if necessary its duration, and the means, procedures, and conditions for its implementation. The Council may, by unanimity, decide that the measures, which put in practice, shall be determined by qualified majority voting.¹⁵⁸

On one occasion a joint action is adopted by Council, Member States are committed to it in the conduct of their foreign policy. Article J.3 (4) provides: 'joint

¹⁵⁶ OJL, No: 037 12.02.2000 p.1

¹⁵⁷ OJL, No; 029 31.01.2001 p.1

¹⁵⁸ Mumin Alanat, "Ortak Dis ve Guvenlik Politikasi ve Siyasal Birlik", TC Merkez Bankasi Avrupa Birliđi El Kitabı, (Ankara, 1995), p.133

actions shall commit the Member States in the positions they adopt and in the conduct of their activity'. Contrary one-sided action by a Member State is therefore in principle excluded.

However there are significant safeguards. Article J.3 (6) let Member States, in cases of imperative need arising from changes in a situation and falling a Council decision, take the necessary measures as a matter of urgency having regard to the general objectives of the joint action, and provided they tell the Council immediately of any such measures. Article J.3 (3) requires the Council to review joint actions if circumstances change. Under Article J.3 (7) the Council should look for suitable solutions for any Member State, which has main problems in implementing a joint action.¹⁵⁹

Some examples of the joint actions under the CFSP are as follows; support for the conveying of humanitarian aid in Bosnia-Herzegovina (Decision of 8 November 1993), Support for the Middle East process (Decision of 19 April 1994), nomination of an EU special envoy for the African Great Lakes Region (Decision of 25 March 1996), EU assistance programme to support the Palestinian Authority in its efforts to counter terrorist activities emanating from the territories under its control.(Decision of 13 April 2000).As Hill mentioned these are can be seen as the product of lower and more realistic expectations of what the EU can actually do outside its own frontiers.¹⁶⁰

¹⁵⁹ See for further information: Cayhan, in Faruk Sonmezoglu (ed.), *op.cit.*, p.347

¹⁶⁰ Hill, in Rummel (ed.), *op.cit.*, p.26

3.3.1.3. Representation

Article J.5 (1) continues the EPC rule that the Presidency represents the Union in matters coming within CFSP. According to Article J.5 (2) the Presidency is responsible for the implementation of common measures; and 'in that capacity it shall in principle express the position of the Union in international organizations and international conferences'. Article J.5 (3) continues that, in performing these tasks, the Presidency 'shall assisted if need be' by the previous and the next Member State to hold the Presidency; and that the Commission is fully associated with these tasks. In view of that, the Presidency has the top responsibility in CFSP, on the contrary to the representative role of the Commission in the external relations of the Communities.

Article J.5 (4) makes special stipulation for international organizations and conferences where not all Member States take part. Member States, which are not represented in such places, must be informed about any matter of common interest by the representative states. Member States, which are also members of the United Nations Security Council 'will concert and keep the other Member States fully informed'.

3.3.1.4. Cooperation on the ground

Article J.6 requires the diplomatic and consular missions of the Member States and the Commission delegations in third countries and to international conferences, and their representations to international organizations, to cooperate in ensuring that the common positions and common measures adopted by the Council

are complied with and implemented. This stipulation mainly be a sign of and develop a long-establishing rehearsal of cooperation on the ground, which is mainly concentrated in international organizations and at international conferences. Certainly the Member States have started to go further by establishing mission-sharing facilities, for example at Ajuba in Nigeria.

3.3.2. THE INSTITUTIONAL FRAMEWORK OF THE COMMON FOREIGN AND SECURITY POLICY

3.3.2.1. The European Council

Article J.8 (1) offers that the European Council shall define the main principles of and general guidelines for the common foreign and security policy. Therefore the political direction of CFSP is guaranteed at the highest level, and in fact foreign policy forms a considerable part of the program of each summit, as it has done for many years. Consecutive European Councils carry on to issue statements and declarations on a variety of foreign policy matters.

In accordance with Article J.8 (2), The Council is to take the decisions necessary for defining and implementing the CFSP on the basis of the general guidelines adopted by the European Council. Moreover, Article J.3 (1) is an exact application of this general rule; it offers that, in deciding whether a matter should be the subject of joint action, the Council must do something on the basis of common strategy from the European Council.

3.3.2.2. The Council

The Council plays the most important institutional position in the process of CFSP. According Article J.8 (2), the Council has the power to take the ‘decisions necessary for defining and implementing’ CFSP, and the duty to ‘ensure the unity, consistency and effectiveness of action by the Union’. As mentioned above it is the Council, which has the power, under Article J.2 (2), to define common positions and, under Article J.3, to decide on joint action.

3.3.2.3. The Commission

Under the Maastricht Treaty article J.9 provides that the Commission ‘shall be fully associated with the work carried out in the common foreign and security policy field’. Article J.8(3) gives an explicit but shared right of initiative to the Commission. As Hyeth state “the Commission has a special duty under Article C to ensure consistency between CFSP and Community action. The Commission has in relation to CFSP nothing equivalent to its powers under the Community Treaties to monitor and police compliance with Community law.”¹⁶¹ As mentioned before the Commission can have control but no vote in Council decision-making, and its proposals carry no special weight.

3.3.2.4. The European Parliament

The role of the European Parliament in relation to CFSP is described in Article J.7. The Presidency is to consult the Parliament on ‘the main aspects and the

¹⁶¹ Hyett, Macleod and Hendry, *op.cit.*, p.422

basic choices' of CFSP and ensure that the views of the Parliament 'are duly taken into consideration'. The Parliament's views are not binding on the Council, and there is no need to consult the Parliament orderly before the Council decides on common positions or joint actions.

Article J.7 also requires the Presidency and the Commission to let the Parliament systematically informed of the development of the Union's foreign and security policy. This is done both by written communications and by regular appearances before the plenary and the responsible committees of the Parliament. Finally, Article J.7 expressly enables the Parliament to ask questions of the Council or make recommendations to it; and the Parliament is to hold an annual debate on progress in implementing CFSP.

3.3.2.5. The Political Committee

As mentioned before the Political Committee is the keystone of EPC and so the CFSP. Its missions are set out in Article 25 of the Treaty on European Union. "Political Committee shall monitor the international situation in the areas covered by the common foreign and security policy, contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission".

3.3.3 DECISION MAKING PROCESS OF CFSP

The Treaty prescribed that the European Council was to set guidelines for the Council, where upon the Council was to decide unanimously whether an issue should be the subject of a joint action and, importantly, whether subsequent decisions within the area might, as Article J.3.(2) foresaw, be taken by qualified majority. According to Edwards and Nuthall “The provisions which were about the QMV in the Treaty at all is a tribute to the persistence of those member states determined to retain some trace at least of a move towards a more integrationist foreign policy against the attacks of the intergovernmentalist.”¹⁶²

However, as Arnhiold and Spence have stated “the universal application of the unanimity rule is still a major impediment to the development of CFSP.”¹⁶³ Also, as former British Foreign Secretary, Lord Howe, has reflected in 1996 that “The Qualified Majority Voting provisions have never been used. Relatively few joint actions have been undertaken”¹⁶⁴ from the date when the Treaty was signed.

3.3.4. FINANCING OF THE CFSP

Article J.11 (1) of the Treaty was about the financing of the CFSP. Administrative expenditure, which the provisions relating to CFSP entail for the

¹⁶² Edwards and Nuttall, “Common Foreign and Security Policy”, in Andrew Duff, John Piender and Roy Pryce (ed.), *Maastricht and Beyond: Building the European Union*, (Routledge, London, 1996), p.95

¹⁶³ Arnhiold and Spence, “The Common and Security Policy from Maastricht to Amsterdam” in Kjell A. Eliassen (ed.), *Foreign and Security Policy in the European Union*, (Sage Publication, London, 1998), p.49

¹⁶⁴ *Ibid.*, p.43

institutions, is charged to the budget of the European Communities. However there is an exception, which the article recognises. The Council may decide unanimously that such expenditure shall be charged to the budget of the European Communities or it may determine that such expenditure shall be charged to the Member States, where appropriate in accordance with a scale to be decided. The lack of clarity over CFSP expenditures also created problems: the hybrid structure of the Treaty, with decisions under one pillar requiring funding under another, has introduced an additional source of conflict.¹⁶⁵

3.4. INTERGOVERNMENTAL CONFERENCE 1996

A few years of operation are a very short history on which to base a judgment and critique the CFSP. Expectations were high and in many cases results have been disappointing. Especially the handling of the Yugoslav crisis has shown that it is not easy to achieve a common policy. The CFSP had frustrated many governments and international events showed the obvious inefficiencies of this policy.¹⁶⁶ Thus the main aim of the 1996 IGC as regards CFSP is to evaluate and propose changes which will improve its functioning, in view not only the strengthening of the CFSP based on the approximately four years of past experience that had accrued since TEU implementation in 1992 but also of the future enlargement of the Union. As Gordon points out “1996 Intergovernmental conference foreseen by the Maastricht Treaty

¹⁶⁵ Finn Laursen, “The Lessons of Maastricht”, in Geoffrey Edwards and Alfred Pijpers (ed.), *op.cit.*, p.65

¹⁶⁶ Catriona Gourlay and Eric Remacle, “The IGC: The Actors and Their Interaction”, in K.A. Eliassen (ed.), *op.cit.*, p.59

partly to reassess and strengthen CFSP, EU Member States considered a wide range of institutional proposals for improving foreign policy cooperation.”¹⁶⁷

This thought was shared by a lot of people, there is a widespread of agreement that the Union as a foreign policy actor must become more visible and effective. As Brok has mentioned “one of the key issues is a reform of the decision making procedure... the second one is the need to improve the Community’s capacity to act in foreign trade policy... and the last one is the structure and working methods of the Institutions need adjusting both with a view to the efficient functioning of the Union after enlargement.”¹⁶⁸

As a result to make the external policies of the Union more coherent, effective and visible has become the one of the top priorities for the IGC. The 1996 IGC lacks the big policy imperative. According to Laffan “This reform, unlike previous ones, predominantly about questions of constitutional design and institutional balance. It is about effectiveness and legitimacy of the Union’s governance structures and their capacity to accommodate a continental enlargement.”¹⁶⁹

In sum, as Brok has stated “the heads of states and governments focused on the IGC of 1996, making efficiency, transparency and democracy its priorities”,¹⁷⁰ and the conclusions of the IGC with respect to the CFSP are procedural and to some extent structural.

¹⁶⁷ Gordon, *op.cit.*, p.86

¹⁶⁸ Brok, *op.cit.*, p.6

¹⁶⁹ Laffan, *op.cit.*, p.289

¹⁷⁰ Brok, *op.cit.*, p.3

3.5. RESULTS OF THE CFSP AFTER TEU

One of the weaknesses of the TEU was the decision-making procedure, which is based on unanimity. This means that the Union's capacity to act may depend on the preference of its most reluctant member state on any given issue. As Laffan points out "the TEU contains no clear cut relationship between policy goals and institutional provisions. It increased the complexity of the Union's decision-making process and reinforced its segmented nature."¹⁷¹

Moreover, as a result of the lack of any definition of essential common interests of the Union in specific foreign policy situations, in Maastricht Treaty as Sjovaag states "the member states fought for institutional models that they were familiar with from their own domestic situation. France proposed a European-level senate, Germany was positive to a federal structure, and the UK was afraid to lose its constitutional parliamentary sovereignty."¹⁷²

Furthermore, other weaknesses can be cited such as confusion over the pillars which operate under different rules and procedures. According to Arnhild and Spence "the Treaty ascribed different roles to the institutions in each of the three pillars, but this created problems of consistency. External representation of the Union is, for example, a function shared by the Presidency and the Commission, with different bureaucracies involved. While the Commission is responsible for external representation in areas falling within the competence of the EC, the Presidency

¹⁷¹ Laffan, *op.cit.*, p.293

¹⁷² Marit Sjovaag, "Before the Maastricht Treaty", in Kjell A. Eliassen (ed.), *op.cit.*, p.42

represents the Union in CFSP.”¹⁷³ At the same time as Laflan mentioned “the determination of the EP to enhance its role in the pillar system.”¹⁷⁴

“The hybrid structure of the Treaty, with decisions under one pillar requiring funding under another, has introduced an additional source of conflict. The complexity of the present system gives rise to procedural debates of substance”¹⁷⁵ The conflict is especially on foreign policy as Rupp states “the lack of clarity concerning the external competence of EC pillar inherited from past practice is further bedevilled by the TEU. On the one hand, Article M TEU gave the guarantee ‘nothing in this Treaty shall effect the Treaties establishing the European Communities.’ On the other hand, Article C TEU stipulates that the Union shall ‘ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies.’ Thus establishing a constitutional and institutional tension, it remains unclear to what extent the EC pillar still has external relations of its own and care autonomously of its external business.”¹⁷⁶ The intergovernmental nature of the second pillar versus the institutional nature of the first pillar could present the occasion for inconsistent practice, as could the vagueness and evolving nature of the external affairs aspects of Union law and practice.¹⁷⁷

As a result, as Brok has stated “the Maastricht Treaty was found to be too technocratic and complex. It created the impression that the European politics and

¹⁷³ Arnhild and Spence, *op.cit.*, p.45

¹⁷⁴ Laflan *op.cit.*, p.293

¹⁷⁵ Arnhild and Spence, *op.cit.*, p.47

¹⁷⁶ Rupp, *op.cit.*, p.99-100

¹⁷⁷ Murphy, *op.cit.*, p.889

administrative structures had developed into a labyrinth of institutions and decision-making procedures whose functioning and interaction is barely comprehensible, even for experts.”¹⁷⁸

On the other hand, as Cameron has pointed out “it would be a mistake to suggest that the CFSP has achieved nothing.” Firstly, the Treaty “broke down the previous artificial barriers between ‘political cooperation’ and Community affairs, and thus gave the Union the potential to draw on all policy instruments when tackling foreign policy issues.” Secondly, “the single institutional framework, with the Council at the apex, has provided a more solid base for a new policy initiatives.” Thirdly, “Within the framework of the CFSP, joint actions, most of limited scope but with considerable political impact, have been taken to promote stability in Central and Eastern Europe, support the Middle East peace process, and back up the electoral process in Russia, South Africa, in the West Bank and Gaza”.¹⁷⁹

In sum it could be said that the Maastricht Treaty gave a fresh impetus to the integration process. The SEA certainly acknowledged the incremental development of a common foreign policy as a goal. By comparison, the TEU deems that a common foreign and security policy is established by the Title V and governed by the provisions of Article J¹⁸⁰ and it widened the scope of Community competences in several areas. It has brought many changes, which were effect, the common foreign policy process positively, however, as mentioned before the experiences have

¹⁷⁸ Brok, *op.cit.*, p.3

¹⁷⁹ Fraser Cameron, “Building a Common Foreign Policy: Do Institutions Matter?”, in John Peterson and Helene Sjursen (ed.), *op.cit.*, p.66

¹⁸⁰ Murphy, *op.cit.*, op.877

showed that the confusion of the Maastricht process and the ambiguities of the Treaty must be reviewed.

3.6. THE AMSTERDAM TREATY

“The discussion on the reform of the CFSP began almost before the ink was dry on the TEU. Because of disagreement about the arrangements for CFSP, it was agreed to review the operation of the CFSP during the 1996 IGC.”¹⁸¹ According to Murphy “the Amsterdam Treaty does address the agenda set forth in the TEU because the Amsterdam Treaty amplifies and clarifies the provisions of the TEU.”¹⁸² It replaces all of the former Title V with a new Title V. Thus; anything not restated in the new Title V is eliminated. But the new Title V restates almost all of the old and adds very little. CFSP remains the procedural framework it was under the TEU. No progress was made on the definition of a common foreign or security policy.

The means modified which are pursued by the CFSP in the Amsterdam Treaty.¹⁸³ As Murphy points out “the evolution of the processes, the consultation and coordination provisions, which were carried over into the TEU from the EPC, have been de-emphasised.”¹⁸⁴ As recast, Article J.2 provides that the objectives of the CFSP shall be pursued by five means: (1) defining the principles and general guidelines for the CFSP; (2) deciding on common strategies; (3) adopting common

¹⁸¹ Cameron, *op.cit.*, p.60

¹⁸² Murphy, *op.cit.*, p.873

¹⁸³ Dominik Lasok, “The Treaty of Amsterdam”, *Marmara Journal of European Studies*, Vol.6, No:2, 1998

¹⁸⁴ Murphy, *op.cit.*, p.900

positions; (4) adopting joint actions; and strengthening systematic cooperation among the Member States in the conduct of policy.

Under the Amsterdam Treaty, the CFSP is also to be pursued using the “common strategy.” The common strategy is a decision or position more specific than the general guidelines, but not as tactical as the common position or joint action. This device did not exist as such under the TEU. The instrument of common strategies designed to reduce the unanimity requirement for decisions taken within CFSP. The provisions regarding common positions and joint actions are not substantially changed. As Cameron has put it “the Amsterdam Treaty went some way towards defining what had been left vague by the TEU. A new Article J.4 defines joint actions saying that they shall address specific situations where operational action is needed. Article J.5 defines common positions: they ‘shall define the approach of the Union to a particular matter of a geographical or thematic nature’.”¹⁸⁵

Like the Maastricht Treaty, the Amsterdam Treaty recognized an increased need for consistency in external relations. Article 3 was amended to stress the duty of both the Council and the Commission to cooperate to ensure consistency.

¹⁸⁵ Cameron, in John Peterson and Helene Sjursen (ed.), *op.cit.*, p.70

3.6.1. THE AMENDMENTS IN THE PROVISION ON COMMON FOREIGN AND SECURITY POLICY

3.6.1.1. METHODS OF ACTION

3.6.1.1.1. Common Strategies

The Amsterdam Treaty introduces the concept of Common Strategies. These have to be adopted at the level of the European Council, which, as the Treaty explains at Article J.3, "shall decide on common strategies to be implemented by the Union in areas where the Member States have important interests in common". The approach followed by the Council/Coreper indicates that Common Strategies are not just regarded as CFSP instruments but as a means to ensure consistency of EU external policies as a whole. As a consequence a Common Strategy may cover First (and Third) Pillar issues along with CFSP matters and combine EU/EC and Member States national means. The Permanent Representative of Austria in the EU Hubert Heiss has mentioned that it was also a 'cross-pillar' instrument binding on all EU institutions and, therefore, had the potential to produce more coherent and efficient policies.

As the Council and the Commission are jointly responsible for ensuring the consistency of EU external relations, the latter has an important role to play in the elaboration and implementation of Common Strategies.

The role of the Council is to recommend strategies to the European Council and to implement these, in their CFSP aspects, "in particular by adopting joint actions and common positions". Once a Common Strategy has been adopted, qualified majority shall adopt Joint Actions and Common Positions, and other

decisions based on a Common Strategy, unless a Member State opposes for an "important and stated reason of national policy". Also Article J.3 also reinforces the role of the European Council in CFSP but presents the risk of making decision-making in CFSP relatively cumbersome, as QMV will not be responsible until European leaders (who only meet sporadically) have given their blessing.¹⁸⁶

3.6.1.2.INSTITUTIONS OF CFSP

3.6.1.2.1. The European Council

The role of the European Council is made clearer and is intensified in the Amsterdam Treaty. Thus, the Treaty changes the balance in the control of the CFSP process to a responsibility shared between the European Council and the Council of Ministers. According to Murphy " The European Council's role is the broader policy role, and the Council of Minister's role has become more of an operational one."¹⁸⁷ The European Council is to define the principles and general guidelines for the CFSP, as it was role under the TEU.

However, as Murphy has stated " the European Council is also assigned the more specific role of deciding on common strategies to be implemented by the Union in areas in which the Member States have important common interests. These strategies are to be fairly concrete as they are to include objectives, duration, and means of implementation."¹⁸⁸

¹⁸⁶ Cameron, in John Peterson and Helene Sjursen (ed.), *op.cit.*, p.70

¹⁸⁷ Murphy, *op.cit.*, p.905

¹⁸⁸ *Ibid.*, p.905

3.6.1.2.2. The Commission

The Commission's role in CFSP has not been importantly changed. It is to be adequately associated with the work carried out in the CFSP field. According to Cebeci, Izci and Ozer "this statement also reflects the will for the inclusion of the Commission in the CFSP decision-making in the coming years."¹⁸⁹ The provisions are all the same as under the TEU. One extra right is that the Council may request the Commission to offer proposals to protect execution of joint actions.

In sum, according to Murphy "The Commission's role in fact has been diminished to the extent that the Amsterdam Treaty creates new responsibilities within the CFSP process and assigns them to another entity."¹⁹⁰

3.6.1.2.3. The European Parliament

The EP has a consultative role with regard to the main aspects and basic choices of the CFSP. The Parliament's role in the CFSP as delineated in the TEU is virtually unchanged by the AT. It does have an indirect role through its participation in the budgeting for CFSP matters.¹⁹¹

3.6.1.2.4. The Presidency

The administrative organisation of the CFSP has been strengthened in several respects. The troika, which under the TEU was to assist the Presidency (the

¹⁸⁹ Munevver Cebeci, Rana Izci, Yonca Kaya Ozer, *The Amsterdam Treaty: The European Union on the Eve of 21st Century*, *Marmara Journal of European Studies*, Vol.6, No:2, 1998, p.136

¹⁹⁰ Murphy, *op.cit.*, p908

¹⁹¹ Murphy, *op.cit.*, 884

immediate past and incoming President together with the Commission.), has been replaced by the incoming Member State as President and Commission. As Dashwood has stated “the so-called “Troika” will thus become a two-horse vehicle.”¹⁹² The EU’s dialogue partners around the world are bewildered by the EU’s external representation. To overcome these problems, the Union needs a political structure based on the principles of coherence, visibility and continuity. The Presidency of the Council is not able to satisfy these criteria, especially continuity, as it is occupied by a different Member State every six months.¹⁹³

As a result of this the Amsterdam Treaty assigns the Secretary General of the Council the significant role of assisting the two tasks of representation and implementation under the name of the High Representative of the CFSP. In other words, as Schake points out the post of high representative for foreign policy to act as EU spokesman and interlocutor for third parties.¹⁹⁴

3.6.1.2.4.1. High Representative of the CFSP

The Treaty brings a new actor into CFSP-the Secretary General of the Council who is called informally Mr.or Msr. CFSP. He will act as High Representative for CFSP. As Allen points out “There is no doubt that the Amsterdam Treaty’s most important institutional innovations in pillar II are the creation of the

¹⁹² Dashwood, *op.cit.*, p.1036

¹⁹³ Fraser Cameron, in John Peterson and Helene Sjurgen (ed.), *op.cit.*, p.68

¹⁹⁴ Kori Schake, Amaya Bloch-Laine and Charles Grant, “Building a European Defence Capability”, *Survival*, Vol.41, No:1, Spring 1999, p.25

post of ‘High Representative of the CFSP and the establishment of the planning and early warning unit under his or her responsibility.’¹⁹⁵

The High Representative has responsibilities of two distinct kinds. On the one hand he will be representative for the CFSP on the world stage, either acting in support of the Presidency, or directly conducting political dialogue with third parties under instructions from the Council. According to Murphy “ This should help to overcome the lack of continuity in the international representation of the Union, owing to the rotation of the Presidency, which is perceived as one of the main weakness of existing arrangements.”¹⁹⁶ It should also clear, to the Union’s international partners and to its own citizens, when action is being taken in the CFSP framework rather than in furtherance of national policies of the Presidency. On the other hand, the High Representative will be “contributing to the formulation, preparation and implementation of policy decisions”.

In sum, as Dashwood has mentioned “It seems, at last, to have been realised, at the highest political level, that the Council needs to be more adequately equipped to carry out the tasks it has been given in every phase of the management of the CFSP, which is entirely different from its traditional Community role as a legislative organ.”¹⁹⁷

¹⁹⁵David Allen, “ ‘Who Speaks for Europe?’ The search for an effective and coherent external policy”, in John Peterson and Helene Sjursen (ed.), *op.cit.*, p.55

¹⁹⁶ Dashwood, *op.cit.*, p.1036

¹⁹⁷ Dashwood, *op.cit.*, p.1037

3.6.1.2.5. The Political Committee

Article J.15 of the Amsterdam Treaty has stated that the Member States should ensure that the Political Committee would be able to meet at any time, in the event of the international crises or other urgent matters, at very short notice at the Political Director or deputy level. The aim of this is to provide the Union with the required flexibility and ability for action in emergency situations. Also it monitors the international situation in fields covered by CFSP and helps determine policy by issuing opinions for the Council. At the same time it supervises the implementation of agreed policies, without prejudice to the power of the Presidency and the Commission.

3.6.1.2.6. The Policy Planning and Early Warning Unit

During the Yugoslavia crises or as very small example in the Albania crises the Member States have seen the weakness of the CFSP. Therefore as Lodge and Flynn has pointed out “the creation of a CFSP policy analysis and planning unit would remedy the two main weaknesses of the CFSP: inadequate analysis and planning... the absence, moreover, of an independent intelligence-gathering unit or of a body to coordinate, collate and disseminate information from diverse sources compounds these weaknesses.”¹⁹⁸ Through the Declaration 11 to the Treaty, the tasks assigned to the unit are as follows:

¹⁹⁸ Juliet Lodge and Val Flynn, “The CFSP After Amsterdam: The Policy Planning and Early Warning Unit”, *International Relations*, Vol.14, No.1, April 1998, p.11-12

(1). Monitoring and analysing developments in areas relevant to the CFSP.

(2). Providing assessments of the Union's foreign and security policy interests and identifying areas where the CFSP could focus in the future. (3). Providing timely assessments and early warning of events or situations which may have significant repercussions for the Union's foreign and security policy, including potential political crises. (4). Producing, at the request of either the Council or the Presidency or on its own initiative, argued policy options papers to be presented under the responsibility of the Presidency as a contribution to policy formulation in the Council, and which may contain analyses, recommendations and strategies for the CFSP.

According to the Lodge and Flynn "in principle a policy planning and early warning unit (PPEWU) is desirable, numerous difficulties apart from the politically delicate one of its location have to be addressed. Size, composition, expectations and tasks must be determined... in the future ... the PPEWU might interpret tasks to include the following:

1. Identifying the regional/international scope of the CFSP,
2. Detecting possible trouble spots to give early warning of developments of direct or indirect threat to EU political or economic interests,
3. Identifying and assessing the EU's foreign policy interests,
4. Risk analysis and scenario planning
5. Identifying policy response options in relation to events which may have repercussions for the EU's foreign policy,

6. Identifying and making recommendations as to a range of appropriate policy responses in respect of the EU's engagement in what is loosely termed preventative diplomacy (eg humanitarian aid, dispatch of observers, monitoring elections, etc),
7. Providing EU policymakers with analytical support designed to encourage optimal decision-making.”¹⁹⁹

As Lodge and Flynn have stated “the role of the PPEWU has to be clearly defined. At the political and diplomatic level, it may very well be entrusted with information gathering and with an analysis and a planning role. Given the EU's ‘civilian power’ image and commitment to soft security (preventive diplomacy).”²⁰⁰

3.6.1.3. THE DECISION MAKING PROCESS

Article J.13 sets out two separate procedures for voting within CFSP and it indicates the matters to be voted on under each procedure. First, Article J.13 (1) states that abstentions by members of the Council represented will not prevent decisions from being adopted. Secondly, a principle of so called “constructive abstention” has been written into the second subparagraph of the new Article J.13(1).

By making a formal declaration, a Member of the Council may, when abstaining a vote, avoid being bound by the decision taken, though accepting that it commits the Union. The aim is to induce Member States to refrain from preventing

¹⁹⁹ Lodge and Flynn, *op.cit.*, p.16

²⁰⁰ *Ibid.*, p.17

the adoption of joint actions or common positions they do not wish to be associated with.

In such a position, that Member State will not hinder the adoption of a decision. As Dehousse points out “The mechanism can make it possible to circumvent the unanimity requirement. If a Member State makes a formal declaration at the moment of the vote, it is not obliged to apply the decision. This mechanism, however, cannot be applied if Member States representing more than a third of the weighted votes choose to use it.”²⁰¹

As a result, the Member State, which abstains, is not bound by the decision, which is made by the Union. At the same time, in a spirit of mutual solidarity, it ‘shall refrain from any action likely to conflict with or impede Union action based on that decision’. According to Dehousse “In practice, this will not always be the case. If, for instance, the EU decides to recall its representatives, to break off its relations with a regime or to apply economic sanctions, it would seem to be impossible to remain neutral.”²⁰²

Since the option remains of vetoing a decision which is considered positively harmful, the ultimate reassurance of the unanimity rule will be retained. The device seems well suited to building confidence in a new area of common action like the CFSP.

Article J.13(2) contains the procedure for voting on joint actions, common positions, decisions concerning implementation, and decisions based on a common strategy. For these matters, voting is by a qualified majority. However, the rules of

²⁰¹ Dehousse, *op.cit.*, p.535

²⁰² *Ibid.*, p.536

Article J.13(2) on qualified voting are subject to two exceptions. One of them is about the defence implications, the other exception is provided for in the following terms “if a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity”.

In sum, the most promising element in the Treaty is new provisions for constructive abstention and qualified majority voting.

3.6.1.4.FINANCING OF CFSP

According the new Article J.18 the operational expenditure of the CFSP shall be charged to the budget of the ECs, except for such expenditure arising from operations with defence and military implications, and cases where the Council, acting unanimously, decides otherwise. Moreover as Cameron has pointed out “an inter-institutional agreement on CFSP financing stated that CFSP expenditure would be non-obligatory, which means that the European Parliament has the last word. It foresees that on the basis of the Commission’s proposal, the European Parliament and the Council shall annually secure agreement on the global amount of CFSP expenditure.”²⁰³

²⁰³ Cameron, in John Peterson and Helene Sjursen (ed.), *op.cit.*, p.66

3.7. INTERGOVERNMENTAL CONFERENCE 2000

The main idea of the IGC 2000 was reforming the Union in preparation for enlargement because the European Union is about to embark on an historic enlargement process involving 13 applicant countries, including those in Central and Eastern Europe.

The most important point, which was discussed in the Conference, was an effective and democratic decision-making process because following the enlargement the decisions will not be taken properly after the number of the Member States would be reached more than 27. The second point, which was discussed in the Conference, was a formulation of a strong Commission, which should strengthen, to the European Union's role in the world and the policies implemented within the Union. Also, the decisions about the CFSP will be implemented more easily.

The IGC concluded its work on 11 December 2000 in Nice with an agreement on the institutional issues which had not been settled at Amsterdam and which had to be resolved before enlargement.

3.8. THE NICE TREATY

The Nice Treaty was ratified on the 28 December 2000. It brings significant changes, the size of the Commission, and distribution of the votes among the Council of Ministers has changed and the more than 30 new subjects will be debate and concluded by majority voting and the IGC has comprehensively overhauled the provisions on enhanced cooperation. The essential characteristics of this instrument are largely unchanged. Some little changes was made the minimum number of

Member State required to established enhanced cooperation is now set at eight, where as the Treaty currently stipulates that the majority of Member States is needed. Thus the minimum number of States needed to establish enhanced cooperation will fall, with the successive enlargements, to under one-third of the Members of the Union.

The article 27 of the Treaty of Nice has introduced the possibility of establishing enhanced cooperation in the area of CFSP, for implementation of joint action or a common position. Enhanced cooperation of this kind cannot be used for issues which have military implications or which affect the defence matters. The authorization for enhanced cooperation is given by the Council after receiving the opinion of the Commission particularly on the consistency of this enhanced cooperation with the Union's policies. The Council will decide by qualified majority but each member state may ask that the matter be referred to the European Union Council for purposes of a unanimous decision. The High Representative for CFSP, shall in particular ensure that the EP and all members of the Council are kept fully informed of the implementation of enhanced cooperation in the field of CFSP.

As a result, the Member States still insist on the intergovernmental structure of the second pillar and they do not want to leave this pillar to the Community institutions but as the time passed the balances have changed against them.

3.9. FUTURE OF THE CFSP

According to Eliassen "the unwillingness of the countries involved to give up enough of their own sovereignty in foreign and security policy to be able to create a

well-functioning supranational CFSP within the context of EU.”²⁰⁴This situation causes many problems as Rupp states “seen on a continuum between national control over foreign policy on the one hand and complete and exclusive control by the Union on the other hand, the CFSP does not clarify the precise position between these polar extremes. This is the source for much incalculability of the EU’s behaviour especially in times of crisis.”²⁰⁵In the light of this situation “there was a widespread perception that the Union was not in a position to assume the role and the responsibilities that the proliferation in serious border conflicts necessitated.”²⁰⁶

As Cameron has mentioned “it is important to remember that the EU was not conceived as a mechanism for European power projection. Its main aim was the prevention of war through peaceful reconciliation based on economic recovery and progress through gradual integration. For this reason the EC was often viewed in a more favourable light than the two super powers during the Cold War. If anything, the ending of the Cold War has increased the EU’s attractiveness as an international actor. Its relative weakness as a military power has seemed less important than its economic development.”²⁰⁷

As a result of this situation, in the longer run, the Union will have to establish its role beyond its area of geographic proximity, as a leading world player- be regard

²⁰⁴ Eliassen, *op.cit.*, p.217

²⁰⁵ Rupp, *op.cit.*, p.101

²⁰⁶ Bonvicini, *op.cit.*, p.71

²⁰⁷ Cameron, *op.cit.*, p.114

to trans-Atlantic relations, to development and peace in Africa, or to establishing closer relations with the increasingly important Asia/Pacific region.²⁰⁸

Also Cameron states that “including several candidates reactions to pooling sovereignty, the increased difficulty of achieving consensus in a more numerous and heterogeneous Union and the small size and lack of experience of some new members’ diplomatic services and armed forces.”²⁰⁹

As Eliassen has put it “ the second pillar suggested a slow evolution into the institutional set up of the Community... The CFSP continues to run parallel to the Community and has developed distinct institutional features differing from normal Community logic. The Amsterdam leaves the underlying intergovernmental principles of the second pillar untouched.”²¹⁰

In sum, it could be said that it is very difficult to reach the goal of the common foreign policy in the EU but since the integration process has started the people who were dreamed it achieved many things and one of them is the CFSP. The Member States used it to gain their interests in common and in the end the EU could be reached that goal.

²⁰⁸ Gunter Burghardt, “The Potential and Limits of CFSP: What Comes Next?”, in Elfriede Regelsberger, Philippe de Tervarent and Wolfgang Wessels (ed.), *op.cit.*, p.331

²⁰⁹ Cameron, in John Peterson and Helene Sjursen (ed.), *op.cit.*, p.75

²¹⁰ Eliassen, *op.cit.*, p.220

CONCLUSION

The cooperation on foreign policy area has been a sensitive issue for EU. Because the foreign policy is not only a sensitive issue for EU, but is important for the Member States. They have different national interests and it is very difficult to collect them for the interests of the common. Moreover foreign policy has a very symbolic meaning for the states because they have seen it as a sign of their sovereignty. So they do not want to transfer their rights to the EU.

On the other hand, as an international actor EU has a foreign policy, so there is a dual structure, which causes complexity and ambiguity. For understanding this fact, the approaches to explain the foreign policy activity of the EU were examined. The factors for having a common foreign policy in EU and the obstacles, which were preventing its development, were settled in this study.

For recognizing what has happened in the common foreign policy, the phases that this process has passed must be analyzed. The first attempt for establishing cooperation on common foreign policy had been made in early fifties. Then, as the years passed various attempts had followed each other by the effects of the internal and external factors and as a result of them EPC was established and the SEA took it under a legal framework. EPC became a part of the EC Treaties. But still it was out of the control of the supranational institutions of the EC.

As the years passed, the external and internal changes had made a reform necessary on EPC because it did not have the capacity of solving the problems properly. The most important reason for this failure was that EPC did not have the necessary instruments for implementing its decisions. So on the IGC on political

union, the decisions were taken which were aiming the transformation of the EPC to the CFSP. The CFSP was established in the Maastricht Treaty and the scope of it, its methods of action and institutional framework were settled. It was brought the pillar structure for making easier the structure of the Treaty but this hybrid structure caused more complexity especially in the area of decision-making and as a result of this the debates about the CFSP was risen.

Consequently, the negotiations focused on a reform on the CFSP in the IGC 1996. Because the opinion, which was foreseeing that the Treaty was trying to solve the problems, which were coming from the past, and its scope was limited for the future had gained power. As a result of this, the Amsterdam Treaty was signed. It was introduced a new organ for CFSP. It was the PPEWU, which was aiming to detecting possible problems to give early warning of developments of direct or indirect threat to EU political interests. Also the Treaty was introduced the High Representative of the CFSP as a spokesman of it.

But as Maastricht Treaty also the Amsterdam Treaty had been focused on the problems, which were coming from the past. It did not find a solution to the next enlargement of the Union and its various effects to the policies of the Union. Therefore, the Nice Treaty was ratified in the IGC 2000. This new Treaty is foreseeing the reforms for the well functioning of the Union with its members, which are going to be more than 25. Also the Treaty has more articles, which are serving for supranationalist approach instead of intergovernmentalist one. But still these changes are the least in the common foreign policy area.

In sum, it could be said that, the EU has always a double foreign policy agenda. The Member States are still thinking their national interests before the interests of the common ones and this is the result of the intergovernmentalist approach but as the years has passed it will loose ground against supranationalist approach. It is difficult to say that completely a common foreign policy of the Union will be established in the near future but as an on going process it will be continued to be shaped by the internal and external changes and will have a fully integrated common foreign policy in the future.



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