

**REGIONAL AND GLOBAL RESPONSIBILITIES OF THE
EUROPEAN UNION IN THE 1990S:
THE POTENTIAL AND LIMITS OF THE
COMMON FOREIGN AND SECURITY POLICY (CFSP)**

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CHAPTER FOUR

Two decades of EPC performance -

major stages in history and recent evolution

Simon Nuttall

The origins

European Political Cooperation was established on 27 October 1970, when the Foreign Ministers of the European Community adopted the Luxembourg Report. Almost exactly twenty-three years later, on 1 November 1993, the Treaty on European Union entered into force and so brought into being the successor to EPC, the Common Foreign and Security Policy of the Union (CFSP).

EPC began as a purely intergovernmental activity. It was part of the political deal at the Hague Summit in 1969 that this should be so. France, in particular, was determined that no taint of Community, supranational, procedures should sully the pure milk of national foreign policy. This had been a tenet of Gaullism, and one which the then French President, Georges Pompidou, found it neither proper, nor politically advisable, to abandon. His successors two decades later took a similar view, and by then the French had been joined by other Member States with similar views. Their combined efforts during the Intergovernmental Conference which led to the signing of the Maastricht Treaty ensured that the future CFSP lay to all intents and purposes firmly within the intergovernmental tradition in which it had grown up over the years.

This intensified the contradiction which had been inherent in EPC throughout its existence, but which became more acute as the Community and later the Union extended its ambitions, and, the victim of its own success, found itself expected to play an international role to which it was not yet fully adapted. EPC

was designed to coordinate national foreign policies; the Union is expected, as it itself announces, to have a common foreign and security policy. This is difficult to achieve by the intergovernmental method.

Nevertheless, it should not be assumed that intergovernmentalism could remain as pure as its hard-line proponents would have liked, nor that it did not have an inner dynamism which rapidly produced more significant results than mere lowest common denominator positions. The early successes of EPC were considerable, and they surprised its participants almost as much as they surprised the outside world, beginning with the United States. The Member States found themselves having to run when they would have preferred to walk, and at rather a sedate pace at that. This in itself was a perpetual spur to institutional and practical progress.

A potted history

For the sake of convenience, the history of EPC can be divided into four broad periods, each with clearly identifiable characteristics. The first lasted from the beginnings of EPC in 1970 until some time halfway through the decade. During this period EPC succeeded in forging a united position on the CSCE which had a significant influence on the way in which that Conference developed. Within a few years of its foundation, EPC was already playing a considerable role in world affairs, and could help to determine here the balance would be struck in East-West relations. Not long afterwards, attempts to adopt a unified and distinctive position on the Middle East question had made considerable progress. EPC was never able to go as far and as fast down this road as many would have liked, in large part because of the braking effect of pressure from the United States, but a coordinated policy was achieved which shielded Member States from the worst effects of hard-line pro-Arab or pro-Israeli policies and contributed to safeguarding the Community

interest. During the same period, a modus vivendi was found with the United States, the first timid steps were taken in crisis management (Cyprus and the Spanish question), and the beginnings of a policy reflecting ideas of moral responsibility in the world were seen in the adoption of a Code of Conduct with regard to South Africa. By the end of the period, EPC had pretty well settled its structure and operating procedures.

The second period lasted through the rest of the decade until 1981 or '82. It was a dismal time for EPC. Nothing seemed to get done; there were few imaginative initiatives, and, where action was called for, none was taken or was taken too late (Afghanistan). There were a number of reasons for this: one was certainly the prevailing morosity in the Community because of the economic downturn, another, more immediate, was the comparative lack of interest of France in the process as President Giscard d'Estaing turned his attention to a wider stage. This stagnation led to two efforts to revive EPC. The first was launched in 1980 by Lord Carrington, disgusted by the Nine's failure to take decisive action over Afghanistan, attributable as much to deficient procedures as to lack of will. By dint of a pragmatic approach and hard negotiating, it led in October of the following year to the adoption of the London Report, which set a new basis for EPC operations for the next six years. A more ambitious attempt in 1981 by Foreign Ministers Genscher and Colombo petered out after two years' discussions in the disappointing Stuttgart Solemn Declaration of June 1983.

The third period saw a revival of activity in EPC, mainly under the pressure of outside events. In rapid succession, the Ten had to cope with the declaration of martial law in Poland, the invasion of the Falkland Islands and the invasion of Lebanon by Israel. These challenges were met, at least in part, by increased readiness on the part of the Member States to make use of community instruments to give effect to their foreign policy decisions. These could take the shape of economic sanctions, as

in the case of the Soviet Union and Argentina, or programmes of economic assistance, as in Central America and South Africa. Political Cooperation was beginning to have a policy which could be seen in concrete form, not just through declarations, and the interaction between EPC and the Community, which later came to be known in both the Single European Act and the Maastricht Treaty as "consistency", was no longer taboo.

The period was also marked by a deterioration in relations between EPC and the United States, as the Ten found it increasingly difficult to summon up any enthusiasm for the trenchant foreign policies being conducted by the Reagan administrations. The Americans, for their part, looked on the Europeans as a bunch of wimps for their flaccid response to the challenge of international terrorism. The result was tension over East-West relations, in Central America, and over Libya. Whatever other failures EPC had known, it had certainly succeeded in acquiring a foreign policy personality distinct from that of the United States.

The third period saw the entry into force of the Single European Act, Title Three of which established Political Cooperation for the first time in an act valid in international law. The provisions of this section of the Act did little more than consolidate previous EPC practice, but it was significant that they were included in an instrument which also amended the Treaty of Rome. No conclusion had been reached in the debate over whether European foreign policy should stand within or without the European Communities, but no doors had been closed either, and the decision not to conclude a separate Treaty on foreign policy cooperation was thought by some to point the way to the future.

The fourth and final period of EPC extended from the second part of 1989, when the great events in Central and Eastern Europe radically changed the features of the political map by which the world had steered its course for more than forty years, until the entry into force of the Treaty on European Union. The scale and rapidity of the events proved to be too great for the machinery of EPC to master. The response to the challenge of finding a new form of relationship with the other European countries, newly emerging from Soviet tutelage, was primarily an economic one, given by the Community and shaped by the Commission. EPC's lot was to follow breathlessly in the wake of events. The absorption of the former East Germany into the Community and the Western World was negotiated either over the heads of Political Cooperation, by the Four Powers, or beneath their notice, by the Commission. Not surprisingly, therefore, many took the view that the time had come to jolt Political Cooperation out of its intergovernmental ways and integrate it into traditional Community procedures, including taking decisions by majority voting and providing the Commission with a greater foreign policy role. At the same time, EPC's failure to hold a united position in the later stages of the Gulf crisis, let alone play a military part in the war, combined with fears of an American withdrawal from Europe, provided a strong incentive to envisage once again an autonomous European defence capability. This formed the background to the foreign policy discussions in the Intergovernmental Conference leading to the Maastricht Treaty, but by the time the moment for taking decisions came, fear of imminent peril had receded and the instinct to retain national prerogatives at all cost had regained the upper hand.

The events of the last period of EPC will be described in more detail in Chapter Six. The remainder of the present chapter will discuss selected themes from the first three periods of EPC's history, in order to cast light on how it developed, and how that development has influenced the CFSP of to-day.

The CSCE: EPC's entrance on the world stage

EPC was set up just about the time the West was having to organize its response to the Soviet initiative for a pan-European security conference. The Americans did not at first pay much attention to this initiative: they were preoccupied with the closing stages of the Vietnam War, and Dr. Kissinger seemed temperamentally averse to the sort of multilateral diplomacy which such a conference required. The Europeans thus had a fairly clear field, and made good use of their opportunity. The work they did during the five years leading up to the Helsinki Final Act in 1975 set the agenda for the CSCE Conference and largely contributed to its success. This was EPC's debut on the international stage, and it was widely remarked.

The EC Member States had good reason to seize the opportunity which was offered. This course of action was consistent with the desire for detente and the twin-track approach of the Harmel initiative of the late 1960s, and was appropriate to the sort of international persona the Six and then the Nine were trying to create. In addition, it provided a form of insurance policy in the face of uncertainty about how long and on what conditions the Americans would be prepared to stay in Western Europe.

The Member States could, if they had wished, have contented themselves with a loose coordination of national policies towards the CSCE, in pursuit of a shared objective. That they went further and engaged in a truly collective effort, creating in the process new mechanisms for EPC, can be attributed to two factors. On the political side, Germany was extremely anxious to avoid any suspicion that it was encouraging renewed ties with the countries of Eastern Europe at the expense of its commitment to West European integration. A collective approach towards the CSCE within the European Community was the best defence against mistrust of the Ostpolitik. Second, on the procedural side, the

expiry at the end of 1972 of the transitional period during which EC Member States' national trade policies towards the State trading countries could be maintained meant that the Community would in any case have to adopt a common policy towards the CSCE insofar as trade policy matters were concerned. The arrangements for coordinating the activities of EPC and of the Community itself were an interesting institutional by-product of the process.

The intensive work carried out in EPC enabled the Nine to table in January 1973 a paper which in effect set a comprehensive draft agenda and mandate for the Conference, thus determining the course of discussions right up to the signing of the Final Act in August 1975. The Nine had achieved their objective of ensuring that the Conference would tackle issues of substance, not content itself with empty declarations, and that a political section would be balanced by both an economic initiative and a section on human liberties.

The collective nature of the work in EPC had been reinforced by the inclusion of the Commission in a de facto leading role on matters of trade policy and by the allocation of work to different member States in all the complex and technical areas of discussion. If each of the Member States had had to undertake this preparatory work separately, they would not have been so thoroughly prepared for the multilateral discussions. The status of the European Community with a new, enhanced political dimension was made evident by the number of papers which were tabled collectively and by the fact that at the Helsinki meetings in both 1973 and 1975 the representative of the Presidency announced that, in addition to his national capacity, he was acting on behalf of the Community. No-one could miss the arrival of this new international actor.

The Middle East: the limits to European action

The first item on the agenda of the first EPC Ministerial meeting in Munich in 1970 was the Middle East. It had been put there at the request of France. French diplomacy, under the guidance of General de Gaulle, was a recent convert to the Arab cause. Whereas in 1956 France had taken part in the Suez operation in support of Israel, by the time of the June War in 1967 Paris was clearly on the Arab side. The general wanted a bread with past policy, and to be in a better position to defend France's economic interests in the region; but he also wanted a policy which was different from that of the United States.

Other Members of the Community had different views. For varying reasons, Germany and the Netherlands in particular were more inclined to support the Israeli position. This divergence, and the lack of machinery, meant that when the June 1967 war broke out the Community failed to have any meaningful discussion of the situation, let alone reach a common position, even though there had been a European Summit in Rome only a few days before. This failure has been considered to be one of the prime reasons for the renewed resolve of the EC Member States to engage in foreign policy consultations among themselves, which led in due course to the Hague Summit decision.

The discussions at the Munich meeting were therefore bound to be difficult. Yet they led within six months to an agreed position (the "Schumann document"), which marked the beginning of a distinctive collective position on the Middle East, and in which Germany and the Netherlands had significantly adapted their national positions. True, the document had to be laid aside because of premature disclosure, but the principle had been established that the desired outcome of policy consultations was to produce a position (however apparently lacking in substance) on which all could agree and to which all could commit themselves.

The contents of the Schumann document were not in themselves earth-shattering, and attracted less attention than, for example, the later Venice Declaration. The interest of the exercise remained overwhelmingly domestic, perhaps its most useful feature being that it allowed countries like Germany to bring about a shift in domestic policy, which it considered desirable, under the cover of Community solidarity.

Political Cooperation was subjected to a much stiffer test two years later on the outbreak of the October War. The initial reaction came, not from EPC, but from the Member States acting separately, the greatest divergence being between the positions of France and the Netherlands. The Arabs reacted by distinguishing among Member States in their application of the oil embargo. The British and French were "friends", and treated accordingly; the Dutch, like the Americans, were "enemies"; and the rest were "neutrals". The Nine realised that this treatment had to be countered by common action. They issued a statement which marked an advance on the Schumann document by referring to the legitimate rights of the Palestinians. The pace was set by the British and the French; the Dutch found it convenient to be able to present this departure from their traditional policy as a gesture to EPC discipline rather than bowing to Arab pressure. The Arabs took a relatively favourable view of the declaration, and the Community was exempted from the cutback in oil supplies. However, the embargo on oil supplies to the Netherlands was not lifted, and although this was of little practical consequence the failure to uphold the principle of the free movement of goods throughout the Community caused considerable offence to the Dutch. Community solidarity was not yet an overriding principle.

The relatively new machinery of Political Cooperation had enabled the Nine to avoid the worst effects of the conflict. It even allowed them to make an initially favourable response to the approach made by the Arabs to the EC Summit in Copenhagen in December, offering a cooperative dialogue. This response, however, led the Nine into immediate and serious difficulties with the United States. The Americans wanted to engage the Europeans to join their own club of oil consumers, and by presenting a united front to exert more effective pressure on the Arab producers. They feared that, if the Europeans committed themselves to a cooperative dialogue with the Arabs, covering both political and economic questions, they would not only join in effect a club of oil producers, but would also be drawn into policies on the Middle East incompatible with those the United States wished to pursue.

The United States won. The Euro-Arab Dialogue which, with much difficulty and after many years, the Nine succeeded in establishing with the Arab League, had no political component and, on the economic side, was confined to relatively innocuous and therefore uninteresting areas of cooperation. The position which had been worked out in Political Cooperation was a compromise, as was inevitable given the procedures followed, and therefore did not inspire the Europeans with sufficient confidence in the rightness of their cause for them to feel able to carry their point against strong American resistance. Even had they been sufficiently confident, it is unlikely that consensus would have been found to insist on maintaining their own position, whether over the Middle East or anything else, once the Americans made it plain that to do so would endanger the transatlantic relationship.

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The same difficulties were encountered later on when the Nine were preparing the Venice Declaration. Although a significant move forward in European policy on the Middle East, the Declaration was considerably less bold than had originally been intended, and this was the direct result of American intervention. As long as there seemed to be any life in the Camp David process, EPC policy on the Middle East remained fairly quiescent, although the Europeans did not like being excluded from the process and mistrusted a policy which divided the Arab countries. It was only when final disillusionment with Camp David set in that the Nine began to consider, in the early part of 1980, an initiative of their own. In order to fill what was seen to be a dangerous policy gap, they had it in mind to promote a new Security Council Resolution which would include a stronger commitment on the Palestinian question. In the face of strong American opposition, supported by the Israelis and the Egyptians, the Nine had to moderate their ambitions. The final Declaration contained no reference to a new Security Council Resolution, and the language used for the part to be played by the Palestinians in the peace process ("association" rather than "participation") had been toned down. As a result, the effect on the Arabs, who knew the original intentions, was not what had been hoped. Once again, the Europeans found that there were limits to their ability to frame autonomous policies which they could not ignore without seriously endangering the overall relationship with the United States. The rule of consensus plays its part here; it is enough for only one Member State to have doubts about the wisdom of persevering in a course of action for nothing to be done.

Relations with the United States: the Transatlantic dilemma

The implicit transatlantic bargain underlay Henry Kissinger's "Year of Europe" initiative in 1973. Dr. Kissinger's purpose was to achieve linkage. In the speech he made in April of that year, President Nixon's National Security Adviser said "We will continue to support European unity... We will not

disengage from our solemn commitments to our allies... We expect in return that their policies will take seriously our policies and our responsibilities." An even more difficult requirement was the American claim to be consulted before final positions were adopted by the Europeans. The importance of this can be seen from the example of the Venice Declaration just mentioned: had the Americans not been informed of the contents of the Declaration before final decisions were taken, they would not have been able to intervene to secure changes. A further requirement of the Americans was that the text in which the form of consultations was to be fixed should be concluded, on the European side, by the member States acting separately and not collectively. The Americans had been alarmed by European attempts to make the Presidency their sole spokesman, and feared that this development would cut off their access to individual States, reducing the possibility of intervening in the EPC process.

The Europeans in Political Cooperation were reluctant to concede the American demands. Negotiations were undertaken, and draft was succeeded by counter-draft throughout the year. A year after Kissinger's speech no agreement had been reached, and in the meanwhile relations had become more difficult because of differences following the October War. The Gordian Knot was cut at the Gymnich meeting in April 1974. The idea of any formal declaration was abandoned. Instead, there was a gentleman's agreement which was never written down, which was revealed to the public by Foreign Minister Genscher in less than opaque terms only two months later, and which could be interpreted in a number of ways depending on how you looked at it. In essence, the agreement was that the Americans were kept informed by the Presidency about what EPC was up to in sufficient time for them to react if they had serious objections.

The vagueness of the Gymnich agreement meant that its application was variable, but for the time being it satisfied American needs. As time went by, the United States pressed for contacts with EPC at levels below that of the Political Committee, to which they had on French insistence long been confined. By the mid-1980s the Europeans, too, were concerned by the decline of the relationship as a result of frequent differences in policy over the Reagan years. At the European initiative regular Troika meetings of Political Directors were instituted in 1986, and other contacts were strengthened. The Twelve still hesitated, however, to agree to contacts at Working Group level. These were not accepted until four years later, and the whole relationship was put on a formal footing, with the addition of regular Summit meetings, by the Transatlantic Declaration of November 1990. The collapse of the Communist regimes in Central and Eastern Europe had succeeded where seventeen years previously, against a background of East-West tension, Dr. Kissinger had failed.

Crisis management: from Cyprus to Poland

In the early days, Political Cooperation chose its own agenda. The selection of the CSCE and the Middle East as areas for cooperation among the Six was a deliberate political choice. This controlled and selective approach to foreign policy could not last. Before long, the growing international persona of EPC obliged it to react to crisis. The first important test (barring the October War, already discussed) was the Cyprus coup in July 1974.

When Archbishop Makarios was overthrown in a coup mounted by Nikos Sampson with the support of the Greek Colonels, EPC immediately issued a statement of support for the independence and territorial integrity of Cyprus and their opposition to any intervention or interference tending to put this in question. The presidency was asked to bring this position to the attention

of the governments concerned. In so doing, EPC not only condemned the coup, it warned off both Greece and Turkey from intervening in the situation. When, nevertheless, Turkish troops landed in Cyprus five days later, EPC diplomacy remained active and certainly contributed to bringing about a ceasefire. The Community was less successful in dealing with the situation subsequently. Part of the reason lay in its unwillingness, or institutional inability, to throw its relationship with Greece, Turkey and Cyprus into the balance by deploying the Association Agreements with those countries. More important was the abandonment of a neutral stance between Greece and Turkey when Greece applied to join the Community following the collapse of the Colonels' regime. Whatever the deficiencies of longer term policy, however, the Nine's immediate reaction to the crisis had been rapid, efficient and comparatively effective.

These qualities did not distinguish EPC's handling of the condemnation and subsequent execution of five Basque terrorists by the Spanish authorities in the summer of 1975. When EPC's tardy and hesitant démarche asking Spain for a reprieve on humanitarian grounds was ignored, the Nine had great difficulty in coordinating their reaction and ended up by withdrawing their Ambassadors from Madrid in some disorder which did nothing for their image as a foreign policy making body. Similar confusion was created the following year when the Nine were unable to agree on a coordinated recognition of the MPLA government in Angola.

Why did Political Cooperation sometimes succeed in crisis management, and sometimes not? One crucial ingredient was for the member States to find themselves in agreement on policy before coordination started. This was the case over Cyprus, where the Nine had no difficulty in unanimously condemning the coup and the subsequent Turkish invasion. This was not the case with the Basque terrorists. Some Member States had been hesitant to respond to the Dutch call for a European initiative, with the result that the démarche came late and lacked conviction. A

further element was whether or not EPC had a properly worked out plan. This existed in the case of Cyprus: EPC swung its weight behind the British government's policy of getting the Greeks and Turks to the negotiating table. In the case of the Basque terrorists, since the Member States were not agreed on the aims, it is not surprising that they were not agreed on the means and that their action therefore lacked coherence. This was the drawback of a policy process whose main virtue was to paper over the cracks. Finally, procedure played its part. The French Presidency which was in office at the time of the Cyprus coup took immediate action in order to issue a statement the following day, and when the Turks invaded Cyprus a few days later the Ambassadors of the Nine in Paris were summoned to the French Foreign Ministry to facilitate an immediate decision on the appropriate reaction. The Italian Presidency at the time of the Basque affair did not follow this course. Instead, it sought consensus by Coreu, which was inevitably time-consuming and devoid of the dynamism only provided, in a consensus system, by face-to-face contact.

As time passed the capacity of EPC to respond to unexpected international events evolved. The response was sometimes hesitant, either because the machinery was defective or because the Member States preferred to put off a difficult decision, but there was a growing realisation that membership of Political Cooperation carried with it a responsibility to take a position and preferably to act. Failure to do this was thought to display weaknesses in the system. Three examples of crisis management are the Iran hostages affair, the Soviet invasion of Afghanistan, and the declaration of martial law in Poland. These demonstrate the way in which EPC's approach developed.

When staff of the US Embassy in Teheran were taken hostage in November 1979, the Americans at first sought international support to persuade the Iranian government to release the hostages and then, when this proved to be ineffective, to impose economic sanctions. After a Security Council Resolution had been vetoed by the Soviet Union, the United States applied unilateral sanctions and expected their allies to do likewise.

These moves embarrassed the Nine. Although they had no difficulty in condemning the Iranian action, they were divided on the advisability of sanctions and delayed taking a decision. France and Denmark were in any case opposed in principle to applying Community sanctions, and in the end consensus could be reached only on the adoption of sanctions by each Member State acting individually. The credibility of this position was further impaired by the failure of the UK Parliament at first to adopt the necessary measures.

Whether or not the response of EPC to the taking of the hostages is to be accounted a failure depends on the view taken of the merits of the case. The delays were caused, not by inadequate machinery, but by understandable uncertainty about the extent to which it would be proper to give way to US pressure. In fact the evolving position of the Nine was followed with intense interest by other countries who were similarly subjected to American diplomacy, and in many cases used as a model. The Japanese Foreign Minister even made the pilgrimage to Luxembourg to meet European Foreign Ministers before fixing the final position of his country.

The case of Afghanistan was very different. Here EPC was caught on the hop. Soviet forces invaded Afghanistan on Boxing Day 1979. Political Cooperation had practically closed down for the holidays, and the Presidency was in the process of passing from Ireland to Italy. An attempt to fix a common position by Coreu was unsuccessful, with the result that the Member States

responded separately, and with considerable differences of emphasis, to the demarches made to them between Christmas and the New Year to justify the Soviet action. The incoming Italian Presidency did not act quickly, and the Ministers in January did little more than condemn the invasion and adopt some house-keeping decisions affecting the Community. It was not until February that EPC decided on a significant diplomatic initiative - a guarantee of the permanent neutrality of Afghanistan in exchange for the withdrawal of Soviet troops. Although this was turned down by the Soviet Union, as was EPC's proposal a year later for an international Conference, it was favourably received by the third world and the Islamic world and considerably enhanced the reputation of Political Cooperation. The success of the initiative with the Soviet Union was never certain, but it would have had a far better chance if the Nine had struck while the iron was hot, in the days immediately after the invasion. They had been let down by the lack of a mechanism to deal with crises and the absence of institutionalised responsibility for foreseeing them and proposing an appropriate response.

The debacle of the Afghanistan affair spurred the Member States into reviewing the functioning of Political Cooperation. The British had attempted such a move the previous year, in order to prepare for Greek enlargement, but the attempt had foundered in the face of French indifference or active opposition. Now the discussions were more successful, and led to the adoption of the London Report in October 1981. This contained several provisions designed to prevent a repetition of the Afghanistan mistakes, including: the commissioning of studies to make possible a longer term approach, instead of reacting to world events as they occur; the setting up of the peripatetic "Troika" secretariat, which was later superseded by the EPC Secretariat established by the Single European Act, only to be subsumed into the Council Secretariat under the provisions of the Treaty on European Union; the possibility for the Presidency to delegate certain tasks to its successor or to request its predecessor to complete tasks already

begun (not surprisingly, this task was never availed of); the setting up of a "crisis procedure" whereby the Political Committee or Ministers could be called together within 48 hours; and an encouragement to Working Groups to analyse areas of potential crisis and to prepare a range of possible reactions.

The machinery for long term planning scarcely worked at all, partly because of the apparent inability of most Foreign Ministry machines to make a success of this activity, partly because no permanent body was given responsibility for seeing that it was done. The crisis mechanism was proved to be inadequate almost immediately, when the Ten found themselves in similar difficulties over Poland as they had two years earlier over Afghanistan.

In 1981 public support for Solidarity had reached a high level, at the same time as the economic situation was rapidly worsening. Intervention by the Soviet Union was widely feared, and, while the Community was promising some, not very extensive, aid and warning the Soviet Union off, planning in NATO concentrated on the Western response in the event of Soviet military action. As it turned out, the Polish government itself imposed martial law, a scenario for which the West was unprepared.

The timing was particularly inconvenient for Political Cooperation. Martial law was announced on 13 December 1981, and thousands of Solidarity supporters were arrested. The Ten had practically no time to prepare their position. The Political Committee were meeting on 14-15 December, and had to prepare a Declaration for Ministers to issue immediately. In the circumstances, it was not surprising that the Declaration

temporized. The situation was complicated in the following weeks by the strong pressure exerted by the United States to apply sanctions. This was a course of action resisted in particular by Germany, who wished to save as much as possible of the policy of detente.

Matters came to a head during the Christmas holidays. It proved impossible to hold a special meeting of Ministers, in spite of the brand-new crisis mechanism which had been adopted only two months before, and the meeting of Political Directors which was held had to be described as "unofficial" in order to be held at all. The reluctance to meet was not procedural; since the Ten did not know what line to take, they not unnaturally preferred not to meet.

It was only at a special meeting on 4 January that Ministers edged towards a line of action, and even then a decision on taking sanctions was postponed for further discussion in the Community. That body proved to have greater flexibility than EPC, and the urgent need to respond to the situation, and to American pressure, meant that the opposition of countries like Denmark to the Community's taking action on foreign policy issues could no longer be sustained. Sanctions were applied to the Soviet Union by Council Regulation. This proved to be an extremely important precedent. The ice was broken: the rigid separation between EPC and the Community was relaxed, and in future Community instruments could be employed for the implementation of foreign policy goals. This new technique was put to significant use on the Argentinian invasion of the Falkland Islands, in the case of South Africa, on the outbreak of the Gulf War, and as a response to civil war in former Yugoslavia.

Central America: the Ten between East and West

Latin America had not traditionally been an area of great interest for Political Cooperation. Active policy involvement only began after the election of President Mitterrand in 1981, followed by the installation of a socialist government in France. Regis Debray was an adviser in the Elysee, and Claude Cheysson, who previously as EC Commissioner had done his best to develop the North-South dialogue, became Foreign Minister of France. Subsequently, German Foreign Minister Genscher was convinced of the need for Europe to be more active in Central America, and the combined force of France and Germany ensured that there was an active and substantial European policy, even though other Member States had doubts and qualms especially when the course driven by EPC met with objections from the United States.

The basic philosophical difference between the European and American approaches was the degree of tolerance of Marxism as a system. The Ten took the view that bad social and economic conditions provided fertile ground for the growth of Communism, and that the right course was to tackle the roots of the problem. The United States, especially in the early years of the Reagan administration, took the more simplistic view that Communism was wrong and had to be rooted out wherever it appeared, if necessary by force. The two approaches were illustrated by statements made almost simultaneously in June 1983. The European Council in Stuttgart, in a definitive policy statement, declared that "the problems of Central America cannot be solved by military means, but only by a political solution springing from the region itself and respecting the principles of non-interference and inviolability of frontiers". At the same time, President Reagan said: "We must not listen to those who would disarm our friends and allow Central America to be turned into a string of anti-American Marxist dictatorships".

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The Ten, caught up by the logic of their analysis, now had to decide how to translate their words into deeds. It was Mr. Genscher, with the support of Mr. Cheysson, who pushed through the idea of an agreement between the Community and the countries of Central America, on the lines of the agreement with ASEAN but with a strengthened political dialogue. It was argued that the Central American countries would have to organize themselves on a regional basis in order to have a dialogue with the Ten, and that this would in itself be a factor of stability.

The first EC-Central America Conference to discuss this approach was held in San Jose in September 1984. It was marked by strong tension between the Europeans and the Americans, who intervened heavily behind the scenes to discourage the Ten from pursuing their policy. The point of view of the Community was put most clearly by EC Commissioner Pisani, who said: "...it is only if this Central American solidarity asserts and organizes itself that the danger of external intervention feared by all can really be removed". To many, the external intervention referred to could equally have come from the United States as from the Soviet Union.

To conclude an agreement with the Central Americans was not enough: the Ten also had to find some money to contribute to an improvement in the economic and social conditions of the region. Here the difficulties began: the only practicable source was the Community budget, and a tough negotiation was necessary before funds could be made available. The discussion was complicated by disagreement on "conditionality", although the term had not yet come into common usage. Should Nicaragua benefit from Community aid or not, as long as it had a Marxist regime? A compromise was reached whereby aid was effectively provided, although Nicaragua was not specifically mentioned as a beneficiary.

The amount of aid provided by the Community was probably not enough to have an appreciable impact on the political situation. But the effort required from the Central American countries to prepare together their encounters with the Community and the cover given by the Community to Latin American efforts to work out a solution without the intervention of the great powers were undeniably positive contributions. Above all, the Ten provided a respectable point of reference which enabled the countries of the region to avoid having to choose between the United States and the Soviet Union.

The Falkland Islands: Community solidarity

When Argentina invaded the Falkland Islands in April 1982, it did not immediately occur to the British authorities to seek action by the European Community in support of their cause. Admittedly, the Ten immediately issued a statement condemning the armed intervention and calling for Argentinian withdrawal, the request for support for trade sanctions, launched in the United Nations, was addressed to Britain's EC partners individually rather than to the Community as a whole. British action in the Community was confined to calling for measures to prevent the circumvention of national measures taken by Member States under Article 224 of the Treaty.

It was the Commission, with the support of the Belgian Presidency, which suggested that the Community should adopt sanctions as such, based on Article 113 of the Treaty (the common commercial policy). This would not only safeguard Community competence, it would avert the confused situation which would inevitably arise for the circulation of goods within the Community, if Member States adopted national trade restrictive

measures which were bound to differ in detail. The Commission also had in mind the requirements of Community solidarity, given that the Falkland Islands were "a British territory linked to the Community" to which the provisions of Part IV of the Treaty applied.

While there was considerable support for sanctions, and a desire to display solidarity with the United Kingdom, Member States differed on the propriety of using a Community instrument to achieve this aim. These differences did not appear in public, however, and when the Community as such imposed sanctions a fortnight after the invasion the impact was considerable. The sanctions were not retroactive and were lifted on the termination of hostilities, so their direct effect on trade was probably small, but the psychological effect was considerable, and they are reported to have influenced the attitude of banks to their Argentinian creditors.

The effect of the action in EPC, following so closely the imposition of sanctions on the Soviet Union, considerably strengthened the image of the Community as an effective foreign-policy making body. This image was only partially impaired by the subsequent falling apart of the consensus when the sanctions, which had been introduced for one month in the first place, came to be renewed. The Ten had assumed that it would not come to war, and that the intensive diplomatic efforts which had been undertaken to reach a peaceful solution, through the mediation of the United States, would be successful. When these hopes were disappointed, and especially after the sinking of the General Belgrano, Member States began to set less store by Community solidarity and pay more attention to their domestic concerns. Ireland and Italy in particular had difficulties, Ireland because of the deteriorating relationship between the Irish Prime Minister, Mr. Haughey, and Mrs. Thatcher over Northern Ireland, as well as genuine indignation of the sinking of the Belgrano, and Italy because of electoral pressure from the large community

of Italian origin in Argentina. When these two Member States withdrew from the Community sanctions, Denmark had no choice but to follow suit, given the national resistance to political action by what was seen as an exclusively economic Community.

Although it would be going too far to suggest that British intransigence over agricultural prices was a contributory factor, there was certainly a feeling that the United Kingdom was pocketing EC solidarity over the Falklands and giving precious little in return. The difficulty was compounded by a relaxation of the UK diplomatic effort away from its EC partners, giving the impression that their support was taken for granted. This had a negative effect.

No other event, on the scale of the Falklands, calling for Community solidarity occurred in the history of EPC. EPC's reaction can therefore with difficulty be considered as a precedent. There were, however, some lessons to be learned from the case, the principal one being that solidarity is a two-way street, and that support received has to be recompensed by support given.

South Africa: a case of conscience

Public opinion in the Western world throughout the 1970s and '80s condemned the system of apartheid in South Africa. It cost Political Cooperation nothing to follow suit. Difficulties arose, however, when pressure mounted for EPC to move from words to action. The pressure came in particular from Member States whose economic stake in the country was not so great as to provide an effective counter-pressure. It was resisted by those Member States who were in the reverse case - Britain, France, Germany and Portugal. The main issue over which the Member States were in disagreement was the question of an embargo, first on arms, later a wider economic embargo.

The first direct action taken by EPC was triggered in 1977 by the need for the Nine to take a common position at the UN Conference on apartheid to be held in Lagos in August of that year. The proximate cause, while not significant in itself, is noteworthy because it showed that the expectation which the success of the Political Cooperation process had engendered, that the Nine would take a common position in international conferences, itself served as a stimulus to harmonising national foreign policy positions which themselves lay far apart. On this occasion, it became obvious that the Nine would not be able to agree on an embargo. Rather than go to Lagos with a weak diplomatic position, the Nine gratefully accepted the suggestion made by the British and German Foreign Ministers, Dr. Owen and Mr. Genscher, of a Code of Conduct governing the behaviour of European firms in South Africa modelled on that which had been introduced previously, on a national basis, by the British government.

Opinions differ as to the effectiveness of the Code of Conduct in bringing about change in South Africa, whether in the conditions of employment of black workers or in the policy of the government. It is nevertheless certain that the Code did make some contribution - that the overall positive effect was greater than if it had not been adopted - and that it would not have existed had it not been for the pressure exerted by the Political Cooperation process. It also provided a vivid demonstration of what throughout its history was a principal feature of EPC, namely that the policies adopted were not those most adapted to the circumstances, but those on which the Member States succeeded in agreeing. In other words, EPC was essentially an inward- not an outward-oriented process. This not unnaturally gave rise to tensions and misunderstandings on the part of third country partners, who expected the European Community to produce something more like a national foreign policy, but on a larger scale.

Although the Netherlands in particular continued to press for further restrictive measures, the Code of Conduct acted for many years as a lightning-conductor against the need to take additional action. It was not until 1984 that increasing violence in South Africa made a further response unavoidable, and the turning-point came when the South African government declared a state of emergency in July 1985. It took over a year thereafter to put together a definitive package which combined "restrictive measures" (economic sanctions) and "positive measures" (a programme of assistance managed by the European commission to benefit the victims of apartheid).

It is even more difficult than in the case of the Code of Conduct to determine the effect of this package. The Ten were not alone in applying sanctions, and the changes which came about in South Africa can be attributed, if at all, only to the cumulative effect of the disapproval of the world community as a whole. In a negative way it can be said that if the Community had not joined in this global effort, the impact would have been considerably lessened. At the same time, the Community was a safe model for other countries, which reasoned that whatever the Community, with all its procedural difficulties, was able to agree on, must be a reliable course of action for individual third countries exposed to conflicting pressures. This was certainly the case of Japan, which modelled its sanctions on those of the Community.

The benefits of the "positive measures" were more obvious, although paradoxically because they were managed by the Commission without "political" interference by the Member States. Again, Japan chose to use the Kagiso Trust, a body which had been established at the urging of the Commission to act as a channel for the distribution of aid, for its own aid programme in South Africa.

EPC's policy in South Africa is particularly interesting because it marked the beginning of a greater receptivity to the pressure of public opinion in the field of foreign affairs, given greater resonance through the activity of one or two particularly determined Member States operating in the framework of EPC. The imposition of sanctions could have been justified on Realpolitik criteria only in the very long term. In the short and medium terms, it was probably against the economic interests of the Member States of the Community. They were nevertheless driven to take these decisions because of the way in which the EPC machinery operated. This marked the beginning of a policy switch towards "conditionality" and a willingness to allow human rights considerations and concern for democratic rule to play a much greater part in the councils of Political Cooperation.

Defence

Political Cooperation traditionally did not deal with questions of security, let alone defence. There were different reasons for this. Memories of the collapse of the European Defence Community, and the reasons for it, were still alive; after the first enlargement, the United Kingdom strengthened the camp of those countries which opposed autonomous European defence arrangements in case these should be seen as being in opposition to NATO, and Ireland was a neutral country, although for domestic rather than international reasons; after the second enlargement, the hostility between Greece and Turkey meant that discussions on security would be even more complicated.

The reality was more complex. Although the Member States did not discuss security openly in EPC, they came with a baggage of positions on defence and security issues which coloured their

discussions on other topics which supposedly had no defence connotations. These positions were almost invariably conditioned by the attitude of the different Member States towards the Superpowers, and in particular the view they took of the East-West conflict.

Thus, whereas policy on detente was decided in NATO and backed up by the twin-track decision, the European NATO members' position was further developed in EPC, beginning with the work done on the CSCE. This in turn had a back-influence on discussions in NATO. The Ten's concern about the East-West policy of the Reagan administration was reflected in the policies adopted - or not adopted - in EPC on, for example, Afghanistan, Poland, and the shooting down of a Korean airliner, let alone the attacks on Grenada and Libya. Indeed Political Cooperation congratulated itself on having contributed by its actions to bringing about the resumption of disarmament negotiations between the United States and the Soviet Union in January 1985.

This greater flexibility in practice than appeared from the official texts had its limits, however. Some Member States had hoped, or feared, that building on the experience of the CSCE, EPC would be chosen as the forum for the coordination of positions for the CDE beginning in 1984 in Stockholm. In fact this had to be done in NATO. Two years later, the Ten had strong views on the outcome of the Reykjavik Summit, at which President Reagan had come within a hairsbreadth of giving away the Euromissiles over the heads of the Europeans, but were institutionally prevented from giving expression to them. The appeared most clearly when it came to drafting texts which governed the objectives and scope of Political Cooperation. What the Member States could get away with behind closed doors, and sometimes even in public declarations, they could not commit themselves to in documents which provided the quasi-legal basis for their activities.

Thus it was that the London Report of 1981 confined itself to referring to the "political aspects" of security, in order not to create difficulties for Ireland. Two years later, Foreign Minister Genscher's attempt to provide the Community with a security dimension failed: the Solemn Declaration of Stuttgart merely referred to the "political and economic aspects of security". Neither of these formulations had any noticeable influence on what was actually discussed in EPC. The failure at Stuttgart did however lead to the first revival of the WEU. Again, the question of security was one of the most thorny to be discussed in preparation for the Single European Act. Because of the opposition, for different reasons, of Ireland, Denmark and Greece, closer cooperation in the field of security had to be limited to those Member States who so wished, and in the framework of WEU or the Atlantic Alliance.

The inability of Political Cooperation to take position consistently and openly on defence questions gave the corpus of foreign policy which it elaborated a special non-military tone which distinguished it from the national foreign policies of the Member States. This was seen to be an advantage or a disadvantage, depending on the point of view. It was increasingly seen to be a disadvantage in the unstable period following the collapse of the Communist regimes in Central and Eastern Europe, as the Gulf War broke out and civil war intensified in Yugoslavia. The old taboos were finally abandoned in the Treaty on European Union.

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The Negotiations concerning Chapter V
of the Treaty of Maastricht

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As in the entire negotiations leading up to the Treaty of Maastricht, the wish to establish, in its Chapter V, the principles, the method, and a first outline of the means of a common foreign and security policy, was a response to the collective challenges facing Europe at the end of the eighties, or at least to the way in which the main European leaders perceived those challenges at that time. It is proper to point this out because as events unfolded, and in particular as the Community's inability to find a convincing and effective way of intervening in the Yugoslav drama became evident, certain observers were led to believe that the Twelve had pointlessly engaged themselves in a purely verbal and rhetorical description of an enterprise which was ambitious, vain and without any real significance in that it quite obviously exceeded their strength and the real degree of their cohesion. I note that such a critical analysis, which to my mind is mistaken, implies that the Twelve should have intervened, or at least ought to be able to intervene, in any crisis within their geographical area rather more effectively than they did in Yugoslav crisis. Without such an implied notion the criticism would be meaningless. Now, it was just this need to take on new international responsibilities which induced several European governments to recommend that a common foreign and security policy be put in place.

In European circles the psychological climate towards the end of the eighties tended towards optimism. On the one hand, the internal market was becoming a reality and its logical extension, economic and monetary union, was being negotiated. On the other, the collapse of communism led to the emergence in central and eastern Europe of democratic governments which looked to the Community for support and as an example - the main source of aid and inspiration which was to enable them

to overcome the difficult situation in which they found themselves. Everything seemed to point to the Community as a whole one day taking upon itself the role of a great regional power, without necessarily wishing to do so. This trend was confirmed at the highest level, since at the 1988 Paris Summit of the Industrialised Countries the Community, i.e. in fact the European Commission, was entrusted with the co-ordination of Western aid to the countries of the East. However, optimism was not free from anxiety: how were the re-unification of Germany and the new situation in Eastern Europe to be handled? How to play the role of a great power without the necessary tools?⁽¹⁾

Speaking at the College of Europe, Bruges, in October 1989 President Delors said "How are we to take on our international responsibilities unless we speed up the deepening and the construction of the Community? ... History is quickening its pace and we must quicken ours."⁽²⁾ As so often, the President of the Commission expressed a sentiment fairly widely held in political circles in the member states. M. Delors was not alone in thinking that the mechanism of political co-operation as it had pragmatically evolved over twenty years was meritorious but insufficient to meet the new challenges coming up in the 1990s. The traditional gap between that co-operation and the Community's actions in practice grew more bothersome as the Community had to take upon itself a growing and obviously political role, especially in the East. Examples of inconsistency in the way in which these two branches of European activity were operating gave food for thought. For instance, when the ministers, meeting in New York under the heading of political co-operation, decided to impose a trade embargo on Haiti only to find, a few weeks later when meeting in Council in Brussels, that such a measure was contrary to GATT and the Lomé Agreements.

⁽¹⁾ Cf. P. de Schoutheete, "Gemeinsame Aussen- und Sicherheitspolitik in der Politischen Union: Machtzuwachs und politische Verantwortung". Integration, 1/91.

⁽²⁾ J. Delors, "Le Nouveau Concert Européen" Paris, Odile Jacob, 1992, p. 303.

In the history of European political co-operation it has frequently happened that external circumstances seemed to impose further, and at times decisive, progress in the established procedures. Moreover, such external pressures very often served to strengthen the internal logic of Community development. When, on the basis of the Delors Report, the Community began to negotiate with a view to an Economic and Monetary Union leading to a common monetary policy and a single currency, there were many who called for a strengthening of Europe's political structure. A country's currency, its foreign affairs and its security have always been considered the pillars of national sovereignty. Now that one of these pillars might perhaps be held in common, why not look at what might become of the others? The German government was not the only one to ponder the question as to whether Economic and Monetary Union should not have an effect on the political sphere.*

In this general atmosphere the Belgian government published a Memorandum on 21 March 1990, calling for a new look at the Community's institutions⁽³⁾. Referring to the motivations underlying the internal development of the Community, its democratic deficit and external challenges, the document set forth a number of practical proposals to be discussed either on the occasion of the Intergovernmental Conference called to deal with Economic and Monetary Union or in a parallel conference. Foreign Affairs was not the only, or even the principal, subject covered by the Memorandum, but it did play an important part. Firmly stressing the problems of Central and Eastern Europe, the Belgian government noted that "in international affairs a truly common foreign policy is required more urgently than ever before" and that "the Community should participate as a political entity in the discussion of these affairs". The paper suggested that the General Affairs Council should once again become the hub of the Community's political decision-making by providing a "common framework" for Community action, political co-operation and the member governments. To this end it recommended greater co-operation between COREPER and the Political Committee. Finally, it demanded "that it should be possible to discuss, without restriction, questions concerning security in the broadest sense". Several provisions in the Treaty of Maastricht give substance to these ideas.

(3) The Belgian Memorandum was published by Agence Europe: Europe Documents Nr. 1608 of 29 March, 1990. Cf. an analysis by Ludlow in 'The Annual Review of Community Affairs 1991' published by Brassey's for CEPS, pp. 404/406, and an analysis by Algieri in 'Europäische Schriften' Nr. 70, pp. 207/208.

The Belgian Memorandum, drawn up after discrete contact had been taken with various capitals, was an attempt at putting into practical terms a number of ideas which were afloat in European circles. If it met with some approval, that is because it answered certain expectations. Another purpose was to show that political initiative does not necessarily originate in the larger member states, which has been a constant feature of this country's diplomacy. It was immediately backed by the Dutch, Spanish and Italian governments and benefited from a favourable comment on the part of President Mitterand. The document appeared in time for the Special European Council which the Irish Presidency had called for 28 April in Dublin for the discussion of German re-unification and the Community's relations with the other European countries.

Some days before this, on 19 April, President Mitterand and Chancellor Kohl addressed a joint message to the Irish Presidency, stating their declared aim of speeding up the political construction of the Europe of the Twelve⁽⁴⁾. The message took up the subjects of democratic legitimation, the efficiency of the institutions and the unity and coherence which figured in the Belgian Memorandum. It further set out:

- an aim, i.e. the definition and implementation of a common foreign and security policy,
- a procedure, i.e. the convocation of an Intergovernmental Conference parallel with that on European Monetary Union,
- a time-table, i.e. the entry into effect of the Economic and Monetary as well as the Political Union on 1 January 1993.

The two documents, which were laid before the April 1990 European Council in Dublin (i.e. the Belgian Memorandum and the Mitterand-Kohl Message) were complementary and were in fact referred to in the Council's conclusions as the papers on which future discussion should be based. But as the doubts of at least

(4) The Kohl-Mitterand Letter was published by Agence Europe Nr. 5238 of 20 April, 1990-

one member state, the United Kingdom, had been publicly stated, the European Council limited itself at this first stage to requesting the Foreign Ministers to give their most careful consideration to the question as to whether modifications of the Treaty were necessary. This extreme prudence coincided with a certain fair wind in matters of principle, since in April 1990 the European Council in Dublin had confirmed its commitment to Political Union and its support for the dynamic evolution of the Community.

Two months later, the European Council meeting once again in Dublin on 25 and 26 June 1990, decided to call an Intergovernmental Conference on Political Union for 14 December, in a way overlapping with the Conference on Economic and Monetary Union which was already going on. The European Council added that a thorough dialogue should be established with the European Parliament and that the General Affairs Council should ensure proper cohesion between the work done by the two Intergovernmental Conferences. The European Council based itself on a report submitted by the Foreign Ministers and prepared by the Political Committee and COREPER, using the various national contributions made to complement the original Belgian initiative and the Mitterand-Kohl Letter. In an atmosphere marked by German re-unification there seemed to be an evident need to re-launch a European policy embracing the foreign affairs dimension. Such a policy was gaining credibility even in such countries as Denmark which were traditionally opposed to initiatives of this kind.

None of the national contributions contained any explicit or detailed solutions for the problems to which the novel concept of a 'common foreign and security policy' gave rise. In particular, there was no further Franco-German contribution to flesh out or elucidate the letter of 19 April. That part of the Foreign Ministers' report which dealt with this new ambition therefore largely took the form of questions listing the problems raised by this new concept. Amongst these were the field of application (including the security dimension), the decision-making process, and the role to be played by the Community's institutions. These were the issues which were indeed to dominate the debate which, a year and a half later, was to lead to the Treaty of Maastricht.

There can be no doubt that the two European Councils of Dublin gave a powerful impulse to the political re-launching of the Community, thus reflecting the general atmosphere. Also, that impulse was clearly perceived by public opinion. Flora Lewis wrote in the Herald Tribune of 27 June: "The European Community is off and Running". In Le Monde of the same date one could read that "For some months Europe has been carried forward on a wave of events coming from outside". The Financial Times carried the headline: "Motor of EC-Integration shifts into another Gear". The acceleration for which M. Delors had called some months earlier in his Bruges speech was evidently materialising. It was reflected in successive contributions from almost all European governments. Looking back, it is not without interest to note that there was no real opposition to this, unless it was the traditional, though not radical, reticence on the part of the Thatcher government. It is not for nothing that the June communiqué of the Dublin Summit says that the decision to call a second Intergovernmental Conference on Political Union was carried unanimously. At that time the real worry of the negotiators was not the support of public opinion, which seemed assured since twelve heads of government had twice expressed their agreement in at least apparent harmony with their public opinion, their press and their parliaments. The real anxiety concerned the substance to be given to these new concepts such as a common foreign and security policy, European citizenship, or subsidiarity, because it appeared that the words used in the conclusions of the European Council did not result from a previous thorough study as to their significance.

Under the Italian Presidency the rest of 1990 was devoted to the task of clarifying these concepts. It was not the time for negotiation, since the Intergovernmental Conference was not to convene before 14 December. It was rather a matter of preparing that Conference, of drawing up the points of convergence and of difference, identifying new routes to be explored, and of taking note of the concerns of this or that country. This task had been entrusted to the personal representatives of the Foreign Ministers. These in many cases, but not always, were

the Permanent Representatives to the Community. An idea put forward by some ministers to entrust this preparatory work to their respective undersecretaries was quickly dropped. The decision to do so, following the precedent set by the European Single Act, is no doubt due to the different situations prevailing in the member states: some ministers do not have an undersecretary, others, where there is a coalition government, may have one belonging to a different party, some undersecretaries are in charge of other governmental tasks which would not allow them to devote the necessary time to such an absorbing exercise as preparing an inter-governmental conference. The method adopted, which was later confirmed with regard to the negotiations proper, no doubt affected the final outcome. With hindsight, it provided false arguments for those who were set on regarding the Treaty of Maastricht as a technocratic artefact, out of touch with political will in the member states. There is, however, every reason to believe that the ministers' decision was intended to ensure that they would personally exercise the most effective possible control over this preparatory work. This seemed to call for officials rather than politicians.

The months before the first meeting of the Intergovernmental Conference certainly were of seminal importance to what was to become Chapter V of the Treaty of Maastricht. During that period many contributions were received which nourished the debate on a common foreign and security policy. They came either from member states (especially Greece, Spain and the Netherlands) or from institutions (Opinion of the Commission of 22 October, European Parliament Resolutions of 11 July and 22 November, Declaration by the Inter-Parliamentary Conference of the Community of 30 November)⁽⁵⁾, or from the Italian Presidency which throughout these 6 months, and with a particular view to the two European Councils in Rome, endeavoured to move forward the discussion on this point of essential significance for the coming conference. Sig. De Michelis, the Italian

(5) A brochure issued by the Publications Office of the Communities in Luxembourg, entitled '1993: Les Nouveaux Traités' presents the main texts adopted by the Parliament in the course of the negotiations and the final declaration by the Inter-Parliamentary Conference of the Community of 30 November 1990.

Foreign Minister, was particularly active in this field. The debate was notable for one rather surprising phenomenon: silence on the part of the French and German authorities. Despite recurrent press rumours and some discrete utterances no new document approved by Paris and Bonn appeared before December to elucidate the views of these two capitals on the subject matter of the letter of 19 April. Inevitably, the other member states tended to conclude therefrom that the main purpose of that letter had been to achieve the effect of an announcement and that there was, in fact, no political concept agreed between Paris and Bonn as to what a common foreign and security policy should be. This gave the more breadth and relief to the conceptual exercises in which the other member states indulged on this issue, as did a number of institutions, especially the European Parliament with its various versions of the Martin Report.

Such intellectual effervescence, channelled as it was by the work of the personal representatives and the Presidency's attempts to synthesise, made it possible to draw up some points of convergence which were then set out in the communiqué issued by the Rome European Council of 14 and 15 December 1990, which set the framework within which the Intergovernmental Conference was to operate:

1. First, there was general agreement on the aim. Those member states which expressed a view, and the Commission, supported the aim stated in the Franco-German-Letter. The Parliament holds the view that a common foreign policy covering matters of peace and security is a fundamental element of political union. In October the Interparliamentary Conference of the Community declared that a political union including a common foreign and security policy on matters of common interest should be put in place. In December, therefore, the European Council was able to note broad agreement that the Union should be called upon to deal with issues of this nature.

2. It is understood that this aim covers only certain interests. The Commission's Opinion states clearly that what is under discussion is a common, not a single, policy. It introduces the criterion of 'vital common interest'. This formula stems directly from President Delors. Speaking to the European Parliament in January 1990 (i.e. well before the question of a new conference had arisen) he alluded to the Tindemans Report and proposed to set the following aim: 'to define vital common interests, and on the basis of these to open up the way not to a wholly common foreign policy, but to action responding to these vital interests'⁽⁶⁾. This form of words was quickly approved and adopted by the European Parliament. It is in fact the principle of subsidiarity put into practice in the field of foreign affairs: the Union can act in foreign affairs only where there is a vital common interest which will make intervention at that level more effective.
3. Everyone accepts that, as has always been the practice in political co-operation, action must be gradual. The Commission speaks of 'stepping up the process' by means of a flexible and pragmatic approach. For the Parliament it is a matter of 'tending towards' common policies. The Spanish paper refers to a stage 'in the gradual development of the European Union'. This is what the Rome European Council means when it speaks of a 'continuous evolutionary process'.
4. Also, everyone wishes for more coherence in the way problems are dealt with. This implies that Community matters which so far have come under the heading of political co-operation must be pulled closer together. This point, which already appears in the Belgian Memorandum, was taken up in the Commission's Opinion and firmly stressed in the documents emanating from the

(6) J. Delors, 'Le Nouveau Concert Européen', Paris, Odile Jacob, 1992, p. 209.

Parliament and in the Declaration of the Interparliamentary Conference (political co-operation must become an integral part of the Treaty and of the Community's structure'). Thus the consequences of this trend are now fairly generally accepted: a single decision-making centre, a stronger COREPER, a joint secretariat, (certain right of initiative for the Commission, consultation and information of Parliament, and a shared responsibility of the Presidency and the Commission in matters of external representation.

Without any pretence of putting forward substantive draft provisions before the Conference had met, the Rome European Council did, in December, refer to the above-mentioned elements and expressed its satisfaction at the broad agreement on the basic principles of a common foreign and security policy to emerge from a 'continuous evolutionary and unified process'. No one should underestimate the contribution of the Italian Presidency: setting out from a vague concept, it managed in a few months to distil some fundamental points for possible agreement. To some extent the conclusions of the Rome European Council already contain in fairly precise outline the essence of the Maastricht Treaty where foreign policy and security are concerned. Two external events came to the indirect aid of these pre-negotiations: Saddam Hussein's invasion of Kuwait in August, which very clearly highlighted the question of the military role Europe might be called upon to play in its geographical environment, and the internal crisis of the British Conservative Party, resulting in the departure of Mrs. Thatcher and her replacement by a Prime Minister who was perceived as being less diametrically opposed to the aspirations of Great Britain's principal continental partners.

But the Rome conclusions left open the crucial issue affecting several fields which in the course of the discussions had proved to be delicate and controversial: what, at the end of the day, will be the essential difference, the qualitative leap, marking the passage from political co-operation to a common foreign and security policy? On 6 December, a few days before the Council met, President Mitterand and

Chancellor Kohl had addressed a letter to the Presidency in which they set out certain principles which, they felt, should guide the negotiations on a common foreign and security policy. This text was kept in general terms and left many questions open, especially with regard to the institutional framework of the Treaty and the scope of the proposed new commitments. In an article published in the review 'Foreign Policy' in the autumn of 1990, President Delors put forward the following questions: 'What is the extent of our economic, social and political ambition within the Community framework? ... Does the Community have the political will to act in a coherent and unified way on these vital foreign policy issues?'⁽⁷⁾.

The preliminary debates which took up the second half of 1990 made it possible, if not to solve, then at least to identify the issues which would have to be addressed if a beginning of an answer was to be found to these vast problems. Subsequent to the points of convergence identified above, these issues which dominated the discussions throughout 1991 may be summed up as follows:

- With regard to objectives, the main uncertainty concerned the notion of security: what is the term 'common security policy' meant to convey? Does it include defence? Should it, as the Commission proposed in its Opinion of October, cover the commitment to reciprocal defence as set out in Chapter V of the Brussels Treaty? What is to be the relationship between the Union, WEU and NATO?
- Regarding the vital common interests to be defended, the first question evidently was how to identify these: should an attempt be made to draw up an a-priori-list of these? The Informal Meeting of Ministers at Asolo tried its hand at this in October, and the 'Asolo-List', lengthened at times and shortened at others, had a long but not very fruitful career; or should some authority (the European Council?) be charged with defining these interests in the light of any given situation? Also, if European security is to be the

⁽⁷⁾ J. Delors, 'Europe's Ambitions'. Foreign Policy Nr. 80, Fall 1990.

subject of a common, but not a single, policy, how is one to ensure that national policies will conform to that laid down in common? What level of constraint would be acceptable? What sanctions may be envisaged in case of non-observance?

- With regard to progressiveness: how is this to be ensured? By a gradual increase in the number of issues dealt with (on the basis of the 'Asolo-List')? By arrangements beginning at a modest level but comprising a revision clause? By a time-table fixed in advance?
- As concerns coherence^{P's}~~ence~~: What is to be the general structure of the Union? Should concern for coherence^{P's}~~ence~~ be taken to the point of total fusion with Community activities? Including the ~~respective~~ domains of its institutions? Or should the continuation (reinforcement?) of an intergovernmental structure be accepted? Secondly, does to run a common policy not by necessity imply a decision-making process other than ~~by~~ consensus? Is it possible to envisage, as indeed the Commission proposes, voting by qualified (possibly reinforced) voting? If so, in what circumstances?

The Conclusions of the Rome European Council certainly mark some-progress, but it must^{be}~~be~~ owned that many fundamental questions were left open for discussion by the Inter~~g~~overnmental Conference which opened on 14 December.

During the preparatory stages, the differences of view between the member states on these various issues had remained more or less implicit. They were to be more formally and more explicitly stated during the first months of the Luxembourg Presidency and centered on two main themes:

- The question of security and defence, including the role of WEU and its relationship with the Union and NATO;
- the structure of the Union, including the role of the European Council, Community institutions and majority voting.

In the matter of security, Franco-German thinking was somewhat elucidated by a joint document distributed in February⁽⁸⁾:

(8) Agence Europe, Europe Document Nr.1690(bis) of 21/2/1991.

it proposes to set up a common European defence system which will not cast doubt upon any NATO commitment and which could be based upon the integration of WEU in the European unification process by making that organisation subject to directives issued by the European Council. These ideas were supported by countries such as Italy, Spain and Belgium who however, and especially the latter, insisted on the links which such a structure must have with those of the Community (not exclusively the European Council, they also insisted on the role to be played by the institutions under the Treaty (which are not mentioned in the Franco-German paper). Other countries, especially the United Kingdom supported by the Netherlands and Portugal, consider such a scheme unrealistic and dangerous in that it could put transatlantic solidarity and the functioning of NATO at risk. Mr. Douglas Hurd said: 'I do not believe that there is a case for including defence within the common foreign and security policy',⁽⁹⁾ In February, the United Kingdom too put forward 'draft Treaty provisions' which in fact were limited to operational adjustments of the provisions of Chapter III of the Single European Act and do not mention the word 'defence'. This debate did not take place in a vacuum: The United States followed it with some apprehension and made its concern known in all capitals. Washington was particularly alarmed by the idea of subordinating WEU to directives issued by the European Council. It feared the emergence of a monolithic bloc within the Alliance and the danger of the latter becoming marginalised. There was even concern that Irish neutrality might, through the European Council, influence WEU and through it, indirectly, NATO. These American fears were gradually set at rest through the explanations furnished by the European capitals, but for some time they did further complicate a debate which was already confused enough.⁽¹⁰⁾

In many respects the discussion on the structure of the European Union takes up again the old, never settled, debate the main elements of which go back to the negotiations on the Fouchet-Plan in 1960/61. It divides those in favour of an inter-

(9) D. Hurd, Churchill Memorial Lecture, Luxembourg, 19/2/1991.

(10) With regard to the evolution of the U.S. attitude concerning European ideas on defence in the spring of 1991, cf. David Buchan, 'Europe: The Strange Superpower', Rennes, Editions Apogée, 1993, pp. 53'54.

governmental Europe from those wishing to see a 'communautaire' Europe with the ultimate goal of Federation. Thanks to a good deal of pragmatism and a number of implicit compromises it had been possible over a period of 20 years to eschew any theoretical debate on this issue during the gradual evolution of political co~~o~~peration. But the new initiatives in the field of foreign and security policy, the envisaged move from 'Community' to 'Union', the silence of the Franco-German documents on the role of the institutions in these new policies, gave rise to the fear that the fragile balance might be upset which since the Davignon-Report of 1979 had made it possible to sidestep the old controversies. Such fears were very soon voiced by the Dutch Delegation: even before the first meeting of the Intergovernmental Conference a letter dated 12 December from Prime Minister Lubbers and Foreign Minister Van Den Broeck drew the attention of the European Council to the fact that the 'Political Union' must develop on the basis of Community structures and in any case should not emphasise the intergovernmental nature of the European construction. This was to remain a leitmotiv in the Dutch position, but the concern was of course shared by the Commission and also by other delegations from the smaller or medium-sized countries who have always regarded the Community as their best defence against any attempt at domination by the larger ones.

The negotiations were certainly rendered more difficult by the fact that the differences of opinion in the member states on these two main problems were mixed: some, who could make their own the ambitious goals in the field of foreign affairs, had serious difficulties with the proposed procedures, whilst others, who were sceptical about the goals, approved the intergovernmental manner by which they were to be attained.

In an intergovernmental conference the presidency alone is responsible for synthesis and compromise. The Luxembourg Delegation had to take into account not only the disparate views of the member states, but also the contributions coming in from Parliament and the Commission, both of which had tabled draft articles concerning foreign and security policy.

In 1990, simultaneously with approving the calling of the Intergovernmental Conference, the European Parliament adopted the third version of the Report on Political Union drawn up by Mr. Martin, a British MEP. This Report contains draft articles which chronologically are the first precise proposals for texts amending the Treaty⁽¹¹⁾. Article 130 U which deals with foreign and security policy covers both the external aspects of Community competence (trade, currency etc.) which must be handled in accordance with Community procedures, and the properly political matters which are covered by other procedures. In the latter case the Commission and the member states share the right of initiative, the Council decides by qualified majority, the member states may be authorised to 'opt out' from the policies agreed, and the policy is conducted by the Council, the Commission or the member-states, as the case may require. No doubt these proposals were ambitious and they found but little echo in the Conference. But at least one member state (Italy) declared that it would not approve the Treaty without the previous agreement of the European Parliament. The position of that institution was something the Presidency had to take into account.

For its part, the Commission tabled proposals in March concerning a common foreign policy. These took the form of Treaty Articles (numbered from Y 0 to Y 32) covering foreign and security policy as well as policy on foreign trade and development aid⁽¹²⁾. This text translates into legal language the conclusions of the Rome European Council with regard to coherence, progressive development, and subsidiarity. It distinguishes between:

(11) Cf. pp 139-143 of the Parliamentary Brochure referred to in footnote (5) above.

(12) Agence Europe, Documents Nrs. 1697/1698 of 7 March, 1991

- Those matters which the European Council has declared to be of vital common interest (Article Y 3) and which therefore are matters of common policy where decisions are taken by qualified majority with at least eight member states voting in favour and with the possibility of a member state being, by way of exception, dispensed from the obligations flowing from the common policy.
- The other issues of foreign policy (Article Y 4) which continue to be governed by the provisions of political co-operation which in practice hardly differ from those set out in Chapter III of the European Single Act.

On the point of security, the Commission text reproduces the obligation of mutual defence contained in Article V of WEU (Article Y 12), envisages the gradual integration of that body into the Union (Article Y 15), joint meetings of Foreign and Defence Ministers (Article Y 14) and the possibility that a member state may for cogent reasons be dispensed from certain obligations under the common policy (Article Y 13). The Community must 'take up the challenge of history and assume its share of the political and military responsibilities of our ancient nations' says President Delors⁽¹³⁾.

Taking all this into account, the Luxembourg Presidency submitted a 'non-paper' on 12 April 1991 which is the embryonic version of what was to become the Treaty of Maastricht⁽¹⁴⁾. What are the features of that document?*

- 1. A radical distinction between the 'European Communities' (Article B 1 of the common provisions) and foreign policy and justice (Article B 2). The compromise consists of putting all these provisions in one and the same Treaty and within the same 'Union' (whereas there were those who would have preferred separate treaties and different 'Unions') whilst setting them one beside the other (Article B 2: The Union shall also be based) without the institutional coherence of the whole appearing very clearly. This point was severely criticised by the Commission and a majority of member states.

(13) J. Delors, Speech at the International Institute for Strategic Studies, London, 7 March, 1991. Agence Europe, Europe Documents Nr. 1699 of 13 March 1991, p.6, and 'Le Nouveau Concert Européen', p. 303.

(14) Agence Europe, Europe Documents, Nr.1706 of 16/4/1991.

2. The presentation in concrete terms of a number of practical provisions established since the Rome European Council, such as the role of the European Council, the Council, the Commission, the Parliament, COREPER, the Political Committee, the Secretariat etc.
3. The differentiation between co-operation (Articles G,H and I) and those common actions which are to be gradually implemented in all fields where the member states have vital and common interests (Articles J and K). In this latter case the Council can provide that the modalities of implementation shall be adopted by majority vote (the kind of majority vote is not defined).
4. The possibility of using WEU for decisions with implications in the field of defence, and the possibility to review these provisions in 1996 with a view to a common defence policy in the long term.

The Luxembourg 'non-paper' was hotly discussed from the moment it made its appearance. Some saw in its 'pillars' that confirmation of the intergovernmental approach which they wished to avoid. Others considered the text as a realistic basis for negotiation since it more or less reflected the points on which the member states might be able to agree. Quite objectively, it must be admitted that in the field of foreign policy this paper already contains several key elements of the Treaty of Maastricht. In the subsequent weeks criticism was mainly directed to the general structure of the Treaty and to the handling of security and defence issues.

The Commission was critical since it considered that the proposals put forward by the Presidency affected not only its proper institutional role but also the unity of European construction. It is true that Article B1 provided for a single institutional framework, but the juxtaposition of the pillars in Article A appeared durably to enforce the intergovernmental nature of the new fields of action. This did not concur with the views of several member states. In 'Le Figaro' of 7 June M. Mark Eyskens the Belgian Minister, writes: 'We must at all cost maintain the unity of the European Community and avoid the establishment of a Political Union with its own mechanisms, some of which would be intergovernmental, ~~being set up~~ alongside the existing Communiti

This problem is related to the decision-making process, the possibility of majority-voting, the maintenance of the Commission right of initiative, and recourse to the Court of Justice in the context of all the 'pillars'. This is what the Parliament wanted when, on 14 June, it adopted a resolution calling for the 'unity of the legal and institutional system within the four institutions, the decision-making procedure, executive jurisdictional action and control.' In April, the Pöttering Report demanded that 'an end be put to the intergovernmental nature of political co-operation',⁽¹⁵⁾.

As to security, the proposals in the Luxembourg non-paper went too far for some in that they envisaged the Union providing itself with a common defence policy in the long term (Article L 3) whereas others considered such a vague prospect as falling well short of what was needed and ought to be the ambition of the Twelve. This situation was complicated by the fact that at the same time an in-depth-exercise was going on about the future of NATO and that that of WEU also seemed a subject for discussion. In February a Franco-German paper had called for close association between WEU and the Union. On behalf of the United States Secretary of State Baker drew attention to some concern felt with regard to the relations between the Union and NATO, and asked that discussions be begun concerning the common foreign and security policy and those NATO countries which were not members of the Community. The entire future organisation of security in Europe seemed to be afloat between various fora. Nicole Gnesotto wrote: 'In fact, perplexity is the only thing the European countries have in common. The strategic upheaval is so universal and so rapid in view of the fluidity of what is happening in Europe and beyond, that no one wishes to close firmly this door or that, or to opt in advance for one security structure or another'⁽¹⁶⁾.

(15) Document EP Nr. 146.269, point 2.

(16) N. Gnesotto, 'Défense Européenne: Pourquoi les Douze?' Institut d' Etudes et de Sécurité de l'UEO, Cahiers de Chaillot Nr. 1, March 1991.

Taking this criticism and this atmosphere into account, the Luxembourg Presidency presented a new document on 18 June in the form of a draft-treaty⁽¹⁷⁾. In the field with which we are here concerned this text differs significantly from its predecessor without changing the essentials, yet taking account of the criticisms expressed:

1. The pre-eminence of the Communities in the structure of the Union is confirmed (Article A: They (i.e. the Communities) set up the Union and the other policies (such as the common foreign and security policy) shall be no more than complementary to its actions. Moreover, it is no more than a stage in a gradual process leading towards a Union the objective of which shall be Federation.
2. The single institutional framework is clearly referred to in the general provisions (Article C) whereas before it appeared only in the provisions concerning the common foreign and security policy.
3. The introduction of a common foreign and security policy which in the long term will comprise the definition of a defence policy, becomes an objective of the Union (Article B).
4. Article J2 introduces, optionally, voting by qualified majority on matters concerning the implementation of the common foreign and security policy (this had been left open in the April text) and Article K confirms that common action, once defined, shall be binding on the member states in the conduct of their policies with, however, an 'opting-out' provision where a member state faces a major difficulty. These provisions distinguish the common foreign and security policy from political co-operation.
5. In 1996 an Intergovernmental Conference is to review the provisions concerning security (Article L 5) and the other aspects of foreign policy (Article N).

(17) Agence Europe, Documents, Nrs. 1722/23 of 5 July, 1991

Obviously, the Luxembourg Presidency's new draft as it stood was not acceptable to all member states. Great Britain and Denmark rejected the federal objective assigned to the Union. The Netherlands and Belgium continued to regret the structure in 'pillars'. Some wondered whether a common defence policy was possible outside an alliance: 'Such a common defence policy makes sense only if it is the expression of a twofold solidarity: a common analysis and common action in foreign affairs, and a commitment to come to the aid of a member state whose integrity is threatened'⁽¹⁸⁾.

Yet all agreed that the Presidency had given proof of skill and imagination. On 28 and 29 June 1991 the European Council considered that this text 'constitutes a basis for further negotiations'. These were to be finalised in Maastricht at the end of the year. So far as the common foreign and security policy is concerned the Council noted that the decision-making process for its implementation need to be further examined, and postponed to the end of the negotiations the question of 'strengthening the Union's defence identity' (a curious phrase, when one remembers that at that time there was neither a Union nor a defence identity).

The road towards Maastricht seemed to be mapped out. And yet the draft-treaty was to meet with a further major obstacle. On 4 June Mr. Genscher, wishing to celebrate re-unification, had assembled his colleagues in Dresden for an informal meeting. In the course of this, ~~there~~ ^{and} naturally there was talk of future political union, ^{and} the Dutch Presidency became convinced that another more orthodox and more 'unitarian', draft-treaty had a chance of success since eight member states had indicated that they could accept such a draft. In August a new text was drawn up in the Foreign Ministry in The Hague. The first versions of this began to circulate before the end of the summer-holiday period in September, even before the official text was tabled on September 23rd. The Treaty, conceived in The Hague and oddly entitled 'Treaty for a European Union' did away with the pillars structure⁽¹⁹⁾. The common foreign and security policy became Chapter I of the 4th part of the Treaty which also covered commercial policy and development aid. But this change demanded its

(18) J. Delors, 'Intégration Européenne et Sécurité' Comment Nr.54, Summer 1991.

(19) Agence Europe, Europe Documents, Nrs.1733/34 of 3.10.1991.

price: defence policy (on which the Netherlands had never been very keen) was put in brackets, the elements on majority voting and constraints which were in the Luxembourg text had disappeared as had the review clauses; Basically, the procedures were the same as in political co-operation (Article B 1) except where the member states were to decide unanimously to do otherwise in any particular case (Article B 2). With regard to issues of principle this approach had its merits, but in the field which concerns us its practical consequences were nil or even negative.

The personal representatives gave the new text a very reserved welcome. So apparently did the capitals in their bilateral contacts with Dutch diplomats. True, Belgium saw in it a general approach with which it could concur, but elsewhere reproaches were voiced concerning either the federal undertone of the text or the risk of delay which a controversial paper could entail. Nevertheless, at the political level the Presidency did not seem to realise that it was heading for failure. When on 30 September ten member states meeting in Council showed their preference for the Luxembourg draft, the matter was closed. Diplomatic circles in The Hague spoke of 'Black Monday' and the NRC Handelsblad of 2 October carried the headline 'Suicide in The Hague' ('De Haagse Zelfmoord') and spoke of ^{of} unsure priorities, lack of leadership, insufficient consultation, and faulty appreciation. After this strange episode the Luxembourg draft was the only one left in the running.

The failure of the Dutch attempt created a vacuum. There were only two months left and some essential negotiating elements, such as security, were still in limbo. This explains why October and November brought forth many proposals for discussion at the ministerial meetings at Haarzuylens and Noordwijk: on 4 October there appeared an Anglo-Italian document on defence, and on the 11th a Spanish-French-German paper was presented⁽²⁰⁾. Belgium put forward a number of suggestions, especially on the decision-making process. All this intensive debate turned on four problems (in the field with which we are concerned, for it must not be forgotten that there were also some other important issues under discussion):

⁽²⁰⁾ Agence Europe, Europe Documents Nr. 1737 of 17.10. 1991.

1. Security: The Anglo-Italian document spoke of a European Defence identity with a long-term view towards a common defence policy. The Spanish-French-German communiqué re-referred to a policy covering all matters of security and defence with a long-term perspective of common defence. The distinction between 'defence' and 'defence policy' is not merely semantic: it involves the relationship with NATO, and the question of whether in time the Union will become an alliance.
2. WEU: This debate, which is not unrelated to the one above, took place between those who consider that organisation as equidistant from the Union and NATO, and those who would like it to be part of the European construction.
3. Majority voting: The Spanish-French-German communiqué pleads for qualified majority voting on implementing measures under the common foreign and security policy; Belgium and other countries expressed themselves on similar lines, but the United Kingdom, Denmark, Ireland and Portugal would not agree.
4. The 'gangways': Since the 'pillars'-structure was now agreed, some countries considered that 'gangways' should at least be provided to enable a shift from intergovernmental to Community procedure, as in the case of the third pillar (Article 100 C).

Negotiations during the weeks preceding the Maastricht meeting did not produce any significant progress in this field. The negotiators gave priority to other points of the Treaty. The Presidency's new Draft-Treaty⁽²¹⁾ which was on the table of the European Council speaks of 'defence policy' (Articles A and D 5) provides no organic link with WEU (Article D 2), introduces qualified majority voting for the implementation of the common foreign and security policy (Article C 1) and contains a pro memoria with regard to the evolutionary clause (Article J) i.e. the 'gangways'.

(21) Agence Europe, Europe Documents Nrs. 1746/47 of 20.11.1991.

Such was the position on the eve of the final meeting. It was at Maastricht itself that the negotiations brought agreement on the disputed points in the form of words now known to us:

- Confirmation that the defence policy could, in time, lead to a common defence (Article J 4 1);
- confirmation that WEU is an integral part of the development of the European Union (Article J 4.2);
- limitation of qualified majority voting to cases where the Council had previously decided so to vote (Article J 3.2);
- finally, the general 'gangway' (Article B, para.5) which, on the insistence of the Belgian Delegation, will enable a shift to be made from intergovernmental co-operation to Community practice⁽²²⁾.

Such is the history of the negotiations concerning Chapter V of the Treaty of Maastricht. The purpose of this study is not to pass judgement on the substance of that Chapter, but rather to describe its genesis. From this angle, the main feature which emerges is the tardiness of the negotiations. Throughout the whole of 1991 the Conference was waiting for clarifications of the concept put forward by President Mitterand and Chancellor Kohl for a foreign and security policy. In 1992, when this concept was beginning to take shape, negotiations were slowed down because of the hesitant attitude of the American Administration and uncertainty about the up-dating operations going on in NATO and WEU. It was only in the last hours of negotiation that compromise texts were found to solve the contrary and seemingly irreconcilable views of the member states.

⁽²²⁾ I refer to the key words in Article B of the Common Provision introduced thanks to a Belgian proposal. We must pay tribute to this country which has constantly fought for these 'gangways'. President J. Delors speaking to the European Parliament on 12 December, 1991. 'Le Nouveau Concert Européen', p. 187.

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**WEU after two Brussels Summits:
A new approach to common tasks**

*Presentation by Dr. Willem van Eekelen
Secretary-General of Western European Union*

Brussels, 27 January 1994

Embargo 5 pm

Mr. Chairman,
Members of the Diplomatic Corps,
Ladies and Gentlemen,

It is a great honour for me to be invited for the third time to address such a distinguished audience on the many challenges, risks and problems confronting the European Union, the Atlantic Alliance and in particular the member countries of WEU.

Being at the same time the defence component of the Union, the potential military tool of the emerging Common Foreign and Security Policy and the European pillar of the renewed transatlantic partnership on which our ultimate security continues to depend, Western European Union has a role rather like that of a hinge.

It serves as a hinge between two of the fundamental requirements of our common security on the European continent. The first is to maintain the link with our North American friends and Allies in the defence field. The second is to develop the European Union, with all the tools of preventive diplomacy it needs to contribute to project peace and stability across Europe for the benefit of all Europeans. New geostrategic divisions should not be created or reinstated. Neither should there be zones of unequal security anywhere in Europe. This being said, however, such a role for the European Union on the world scene is still more in the realm of ambition and

potential than a reality. To make it come about is a matter of political will and institutional skills rather than of vision or architecture.

1993 has not really been a successful year for European affairs in terms of progress towards democracy and stability. So far, 1994 has been hardly more encouraging. The war in Bosnia-Herzegovina is increasingly generating tragedy and despair. UNPROFOR, to which WEU member States contribute so much, is more and more paralysed. Western Europe may soon be forced to choose between a radically different course of action or a rather shameful withdrawal. The future of Russia and the scope for genuine economic reform remain uncertain. The conflicts at its borders illustrate the new imbalances: will the former Soviet Republics develop into viable States? Will Ukraine and Belarus remain independent? Can threats against the Baltic States, even parts of Scandinavia, be ruled out? These few illustrative questions point to a fundamental issue: do we, with the European Union and the Atlantic Alliance, have adequate instruments not only to influence but also to shape the present disorderly course of history with the aim of bringing about lasting peace in Europe?

The outcome of the December European Council, which concluded a remarkable Belgian Presidency of the European Communities, as well as of the momentous Alliance Summit two weeks ago, certainly gives grounds for hope and guarded optimism.

I would like to focus my remarks on two themes.

First, WEU's contribution to the preparation of the Alliance Summit and its initial reactions to the endorsement by the Heads of State and Government of the "Combined Joint Task Force" and the "Partnership for Peace" initiatives.

Second, the potential for the European Union in the wake of WEU's achievements in the implementation of the decisions contained in the Maastricht, Petersberg and Rome Declarations of 1991 and 1992, which remain the framework of our Organization's activities.

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Forcefully reaffirming its commitment to a strong transatlantic partnership, whose solidity is of fundamental importance for European stability and security, the WEU Ministerial Council in Luxembourg, in adopting the first part of the Declaration of 22 November last, stressed that this represented WEU's contribution to the preparation of the Atlantic Alliance Summit.

With the need to plan for European military operations in circumstances other than those triggering a collective response under the terms of Article V of the Brussels and Washington Treaties, the principle was enunciated of WEU's use of the Alliance's collective assets. The counterpart to this principle is that WEU's own operational capabilities may be made available to the Alliance. To implement this principle, arrangements for new fora of consultation and cooperation have to be worked out. Joint meetings of the WEU and North Atlantic Councils could serve that purpose. In this connection, the meeting of 14 December 1993 - the third such joint meeting since June 1992 - at which the prospects for the NATO Summit were discussed was particularly important. To a great extent, 1993 witnessed the successful application of the principles of transparency and reciprocity to relations between WEU and the Alliance. The preparations for the NATO Summit provided an opportunity to place greater emphasis on the complementarity between WEU and the Alliance, and it should develop further in the coming weeks, especially as regards the definition of new concepts for adapting NATO structures. What I am looking for is the introduction of WEU contributions into the process of NATO consultations as an openended input in an ongoing process of common reflection.

The Combined Joint Task Force (CJTF) proposal aims to provide the Alliance countries with a multinational tri-service headquarters capability for peace support operations and to facilitate the dual use of collective assets. The CJTF concept is therefore of great interest to the European Allies in their own efforts to organize their contribution to WEU or NATO operations, or to joint operations. This is exemplified by the WEU Ministers' adoption on 22 November of a document on the relations between WEU and national or multinational Forces Answerable to WEU (FAWEU).

Access to NATO collective assets is of particular importance in the area of specialized assets, such as intelligence-gathering and analysis, observation capabilities, AWACS, communication systems and, more generally, those assets belonging to our North American Allies. Once the political decision has been taken by the North Atlantic Council their use should be relatively easy, since the same countries are involved in their management, deployment and eventual use for direct operational purposes. It would undoubtedly significantly enhance the likelihood of WEU undertaking an operation in an optimum time-frame and in a cost-effective manner. WEU would benefit from additional joint Headquarters and expanded peace-time planning possibilities. The speed of setting up a WEU operation will be improved if the consultation process leading to WEU's use of CJTF does not create unnecessary delays.

Joint military planning capabilities will have to be developed to allow operations to benefit from the inherent enhanced speed of reaction envisaged in the CJTF concept.

The concept does not, however, provide for the automatic availability of assets. WEU will therefore retain its autonomous planning capability and should continue to develop its operational role so that it can act independently or implement requests from the European Union.

Coordination between CJTF and FAWEU, and possibly their integration, would simplify force generation processes and arrangements.

I mean that WEU would consider CJTFs as elements of the FAWEU available together with others such as the Eurocorps, the airmobile division or the UK/Netherlands amphibious force, only to mention the existing multinational FAWEUs.

The CJTF concept raises many questions in both NATO and WEU. Procedures will shortly be defined for a full assessment of all the issues to be resolved and for preparing on implementation decisions. Since the devil lurks in the detail, WEU hopes to be associated with it from the outset.

The CJTF concept has come at the right moment. The European institutions are facing a new historical situation which means, from a security point of view, they will have to move fast if they are to put this present period of indecisiveness behind them. The periods of transition or adaptation follow one another, but there is no excuse for being unable to react promptly and effectively to a crisis situation. We all know that crises with military implications are likely to occur in Europe. We see missions on behalf of the United Nations increasing throughout the world.

Who can claim with any certainty that Russian imperialism has disappeared for good, giving way to democratic liberalism, now that Soviet totalitarianism has collapsed? Faced with this uncertainty, but also as a permanent geo-political necessity, the European Union must necessarily keep the United States involved in European security. Based on common values, the Alliance has lost none of its *raison d'être* as it faces the end-of-decade uncertainties. Through its specific political consultation process, it favours a cautious attitude towards Russia, a country that is groping for democracy and stability. That process deserves our support but only if it is based upon the strictest adherence to the founding principles of the pan-European security architecture, those enunciated at Helsinki and in the Charter of Paris.

The Alliance Summit has affirmed the political will of allies to work to develop complementarity between NATO and the European security institutions in their means of action. This dynamic

complementarity will be especially beneficial if the North Atlantic Treaty Organization's defence functions become more diverse and its action plans allow for its assets being combined with those made available to WEU, to the extent deemed appropriate in each individual case, depending on the desired level of cooperation or the agreed procedures for separating the roles of Americans and Europeans. The Brussels Summit clearly marked the climax of the process of recognizing the European Security and Defence Identity which began at the London Summit in 1990. Today ESDI and WEU are synonymous.

The requirements for transparency and reciprocity will continue to be as important whenever common working procedures need to be devised between NATO and WEU. Far more essential, however, will be the implementation and management of a genuine and coherent complementarity at grass roots level. I hardly need to remind you how positive is the legacy of forty-five years of common endeavour and practice now that we are addressing the concrete challenges arising from far the more complex circumstances of the post-cold war world.

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One of the major challenges facing us in the final decade of our century is to define what the relations should be between WEU and European Union countries on the one hand and the countries of Central and Eastern Europe on the other. There is little time left to meet this challenge. We have to be sure-footed, for there is a wide gap between our objectives and the realities in the East of Europe. The aims are clear: project stability and secure the indivisibility of security in Europe. In practical terms, this means diminishing the perceived significance of frontiers, settling the problems of minorities in the spirit of Helsinki and through arbitration, investing boldly in economic reconstruction, associating these future partners of the European Union with the dialogue on the current status of the security of our continent and its future prospects.

We have five instruments to help us successfully integrate these countries in true Europe-wide security:

- the European Bank for Reconstruction and Development
- the WEU Forum of Consultation
- the North Atlantic Cooperation Council
- the draft Stability Pact as part of the European Union's common actions under CFSP, and now
- a fifth instrument, the concept of the Partnership for Peace, presented by President Clinton to the Alliance Summit.

Have we, then, a global strategy vis-à-vis our new partners? The reply to this question depends a good deal on the flexibility of the

instruments I have listed in use and on their complementarity. These qualities are not achieved without effort. Only with a strong political will can we correct any drift towards vain institutional competition that would result in pointless duplication of effort.

Partnership for Peace holds out new prospects to the countries of Central and Eastern Europe, which have accepted its principle, that of preparing for their future accession to the Atlantic Alliance. Its specific feature is first of all in the bilateral nature of the programmes of both military and civilian activities which will be developed by next June and coordinated with the NACC plan of work. This means that the Alliance will be able to take account of the differences between countries without creating discrimination. On the other hand, in the WEU Forum of Consultation, the Member States and associate countries are talking to their partners from Central and Eastern Europe in a unique framework in which every problem of mutual concern can be tackled in the run-up to their future integration into the European Union.

The goals of Partnership for Peace and the Forum of Consultation are separate, therefore, but nonetheless they can and should also be complementary in the way the two approaches are implemented.

Taking the example of the military activities that might be developed in the framework of both the Partnership and the Forum, there could well be many points of intersection. Mainly as regards the new Petersberg missions : humanitarian and rescue task, peacekeeping and the tasks of combat forces in crisis management, including peacemaking. The main converging tracks are: first, exchanges of practical experiences, joint training and exercises in the field of peacekeeping; second, cooperation in crisis management; third, cooperation in the implementation of arms control Treaties; fourth, increased military activities. Some duplication will therefore be unavoidable, but in some respects WEU and its Forum of Consultation could act vis-à-vis the Partnership for Peace as the European pillar of the Alliance. In this regard, the sharing of assessments and expertise will count for as much as the sharing of collective assets of NATO. Forum of Consultation activities follow the internal logic of European integration and cannot possibly be perceived as directed against anyone. Being homogeneous and without the direct involvement of a great power, the Forum actually benefits from a window of opportunity. The countries of Central Europe which have concluded treaties of association with the European Union or are expected to do so shortly qualify for a special relationship in the field of security as well. Europe can and must be more daring and generous in defining an enhanced status for a stronger security relationship. The content of such a status, agreed in principle by the Ministerial Council in Luxembourg last November, will be mapped out in the weeks to come on the basis of ongoing consultations within the Forum. The outcome will have to fit into the broader economic and political context to be developed with the European Union and the forthcoming Stability Pact. With the

development of specific projects within the Forum as part of a permanent consultation process it could perform a useful multilateral function complementary to the Partnership for Peace as well. Russia, Belarus and the Ukraine will be kept fully informed of our initiatives, but our relations with them will be of a bilateral nature.

Clearly, automatic security guaranties will not be on offer either in WEU or in NATO for some time to come, not even perhaps by the year 2000. In the meantime, a substantial and evolving status would be a major step forward, certainly a decisive one, towards those countries being allowed to join the European Union. They will be associated with the process of building the political institutions of the Union. Their participation in the Petersberg missions could only increase their status in the Partnership for Peace.

Because they recognize the primacy of politics in those special relationships, the European Union and the Alliance cannot shirk their duty of showing them a minimum of solidarity. First, they can exclude any discrimination among the nine countries concerned. In encouraging regional cooperation, the aim is to prevent any old wound being reopened and a security vacuum being created. Secondly, the Russian attitude towards the Baltic States might prove to be an opportunity for Europe and the Alliance firmly to recall their commitment to the Helsinki principles.

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Four kinds of WEU involvement in peacekeeping operations can be envisaged:

1. WEU member States alone could be called upon to undertake an operation. This might be due to the WEU group of States being considered better suited to a particular task than a wider European or Euro-Atlantic group of countries;
2. WEU could conduct an operation in close coordination with another organization. In this case, unity of command is essential.

Last June, the Councils of WEU and NATO approved a combined concept of operations for the implementation of Security Council Resolution 820. This agreement established a unified command under the codename "SHARP GUARD". The WEU and NATO Councils exert joint political control. Their guidelines are translated into military instructions through the appropriate bodies of both Organizations, cooperating within a joint ad hoc headquarters, "MILCOM ADRIATIC". The search for the effectiveness and flexibility of procedures in that ongoing joint operation should reassure all those who complained of duplication between the Alliance and its European pillar.

3. WEU could provide the operational core for a given mission in terms of command and control structures as well as the bulk of the forces, but other countries would also contribute forces and command and control elements. Ad hoc arrangements would then need to be worked out.

4. WEU could be the means whereby its member States' contributions are assembled for a particular operation. Once that operation is put into effect, WEU would act as a kind of rotation agency to ensure a consistent level of contributions by WEU member States, should that be so desired. This could have been done in Somalia, for example, by grouping the contributions of WEU members and associate members together in a part of the countries under the overall aegis of the United Nations.

For regional crises in Europe, in which the US is prepared to make a substantial military contribution, NATO is likely to be the leading actor because of its present membership, its military assets and infrastructure, as well as habits and procedures of working together. If, however, the US is not prepared to participate substantially, WEU might take a leading role in European peacekeeping and crisis management within the framework of UN action and using NATO assets. Independent action should not be ruled out when some European vital interests or nationals are in danger, but it would always be carried out in conformity with the UN Charter.

An inherent problem of United Nations actions is that the UN Security Council of necessity has to define its objectives, strategy and constraints step by step. That amounts to a kind of "salami tactics in reverse", adding another resolution every week while a military operation needs clarity of objectives and a precise mandate right from the start.

Peacekeeping has become an all-embracing term. Developed during the Cold War as the only possible mode of action in the context of the East-West conflict, it covered missions of observation, monitoring and local mediation with the express consent of the parties concerned. It was hardly a military function, although military means were used to perform it. Now, the need for such traditional peacekeeping is likely to decline. Increasingly, parties to a conflict are intent on extending their territory by force and expulsion of minorities. Their interest in keeping the peace depends on whether they have reached their objectives. Before the end of the cold war, our primary motivation was to avoid ^{er}intra-state conflict. Contrary to what the proponents of the so-called "end of history" theory gave us to believe, we have entered an unstable era with increasingly open inter- and intra-state conflicts on the European continent. This situation calls for a policing rather than a peacekeeping function. Indeed, the use of force may be necessary, not so much to achieve a military solution as to improve the prospects of a political settlement.

We have not witnessed the end of history, nor the dawn of a new international order. Quite the reverse on both counts: nationalist revivals abound as acutely volatile situations. In this context, given the prospects of progress opened up by the Maastricht Treaty, but also its inherent political shortcomings, it is essential for its provisions to be fully implemented. The whole Treaty and nothing but the Treaty. This is a priority task for 1994 and 1995.

Bearing in mind that in 1996 there will be a new intergovernmental conference on the adaptation of European institutions, followed in 1998 by the fiftieth anniversary of the Brussels Treaty, there is clearly an urgent need for all European leaders to meet the people's aspirations for peace, stability and security by endowing Europe as quickly as possible with effective institutions. Our countries cannot, in the face of the rest of the world, shy away from their responsibilities, which derive from the undeniably powerful assets available to Western Europe. Unless the CFSP and its instruments are seen as effective, how can we hope to harness the energy to create a European public-spiritedness as a possible basis for the lasting democratic momentum needed to build a fully sovereign political Europe?

A European security system must be based on the values of solidarity and the principle of reciprocity, sacrificing none of the fundamental values and principles which have enabled us to leave the Cold War behind and to erase the ideological fault lines.

The difficulties of building the monetary or commercial dimension of Europe are less of a handicap than the perception of Europeans themselves, their North American allies or the rest of the world that they are incapable of preventing wars erupting only a few hundred miles from our capitals. Could we do more to contain these conflicts? To carry out a series of joint actions successfully seems to me of crucial importance if the European Union is to have historical legitimacy, both in the European continent and on the world stage, and if it is to open up to new partners while at the same time consolidating the aspirations of Central and Eastern European countries for progress, freedom and security.

To this process of expanding European integration - the fundamental mission of European institutions in the years to come - WEU brings its sound and consistent set of achievements and wide-ranging operational cooperation. Should we be optimistic about the future. Our high hopes of 3 years ago have not been realised - hopes of a Europe whole and free. We have done better on institutions building than on the substance of crisis management. Should we therefore turn pessimistic? Certainly not! I have always been impressed by the wisdom of Robert Schuman when he said:

"L'Europe ne se fera pas d'un coup ni dans une construction d'ensemble. Elle se fera par des réalisations concrètes créant d'abord une solidarité de fait."

"Europe will not come about at one stroke, nor will it be built all in one piece. It will come about through concrete achievements that first create de facto solidarity".

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THE TWELVE, THE UNITED NATIONS, AND SOMALIA: THE MIRAGE OF GLOBAL INTERVENTION

Patrick Keatinge

[Note to editors: As you will see, from the number of square brackets, there are gaps in the information. Most of these should be filled by the end of February. More substantial amendments await your comments, in the light of the meeting at the end of January.]

Many of the changes in the international system since 1989 have quite naturally focused our attention on the redefinition of the European region, and of the European Union's role in that regard. Nevertheless, one of the most fundamental of these changes lay in the very structure of the system, transformed from a marked bipolarity to an uncertain diffusion of power, with consequences for global security. The way in which the international order is managed is no longer viewed as a by-product of East-West relations; rather, the point of reference has become the 'international community', and the redefinition of that somewhat amorphous concept has in turn revived interest in the United Nations.

Thus any consideration of how the Twelve have adapted their collective efforts to the post-cold war era requires a reassessment of their relationship with the UN. There is a particular relevance to the most acute problem of international security inside the European region, the war in former Yugoslavia, which is examined in a separate chapter (cross reference, Edwards). However, the concentration on the crisis in the Balkans has perhaps obscured the less widely noticed but sometimes equally important changes in the ways in which the policies of the Twelve mesh with the world body outside Europe. Indeed, it is argued here that this has become an increasingly significant aspect of the evolving European Union's 'presence' as a collective entity in the international system; however, experience to date also suggests that the Union is still far from being a fully-fledged 'international actor' in the domain of international security.

Chris Hill has identified six 'conceivable future functions' for the EU in the changing international system, or ways in which it might enhance its presence, and these provide an initial benchmark to assess the current situation (Hill, 1993, 312-315). Three of these are of particular relevance to security issues outside Europe. As a 'global intervenor', the EU might find itself either competing with or substituting for the United States in interventions on a global basis. As a 'mediator of conflicts', it might use its diplomatic assets or even act as a 'coercive arbiter', while as a 'bridge between rich and poor' it might take effective action to reduce the degeneration of North-South relations. The explicit inclusion of 'security'

and 'defence' in the language of the Maastricht Treaty, together with the revival of the UN's role in global security, suggests the possibility at least of the European Union extending its activity in these ways. The aim of this chapter, therefore, is to assess the extent to which the Twelve seem to have moved in this direction in the early 1990s.

It is first necessary to summarise the recent changes in the UN, in themselves affecting a familiar pattern of behaviour in European Political Cooperation, and to review the Twelve's involvement in the UN's response to security crises in the post-cold war era. The UN intervention in Somalia, from 1992 on, is then examined in more detail. This particular episode became an important test-case for the definition of UN practice, as well as demonstrating the major dilemmas confronting the Twelve in their attempts to mesh a strong regional identity with global systemic security. Finally, the analysis concludes that, although the Twelve's presence has been enhanced in some respects, the proposition that the European Union is on the verge of achieving its 'conceivable future functions' remains in doubt. The Twelve's commitment to global security has come up against constraints that can only be removed by significant adjustments to both the CFSP and the security policy of the UN.

From the 'old UN' to the 'new UN'.

For the greater part of the history of EPC the United Nations Organisation remained in the background of the EC states' attempts to establish a collective presence in the international system. Although the UN - including its broad family of functional organisations - reflected a significant evolution of the values and procedures of multilateral diplomacy, so far as the most contentious issues of world politics were concerned it all too often seemed to be one setting among others in which the major actors performed. It was a familiar part of the formal structure of the system, but political behaviour was determined mainly by East-West antagonism, and a major effect of that antagonism was to paralyse the UN as an instrument of global security.

It is worth recalling that it took a significant improvement in East-West relations before the Federal Republic of Germany was even accepted as a member of the UN in 1973, and that it was only from that date that the politics of the General Assembly made some mark on the evolution of EPC (Nuttall, 1991, 136-139). The Nine were faced with the challenge of formulating a collective response to a broad 'global' agenda beyond their control, and sometimes to initiatives which they would rather have avoided. The annual sessions of the General Assembly thus became something of a test-bed on which the performance of EPC was demonstrated. The analysis of voting behaviour, notwithstanding its limitations in evaluating the quality of solidarity, showed both the durability and the limits of collective commitment (Regelsberger, 1988, 48). The Presidency's opening statement came to be regarded as an embryonic 'state of the union message'.

All of this contributed to the distinctive diplomatic profile which the Nine, and later the Twelve, acquired in New York. However, the significance of this achievement must be qualified in two respects. First, New York was rarely at the centre of world politics during the bipolar era, and, second, even when it was the Security Council remained out of bounds for EPC. As permanent members, France and the United Kingdom insisted on their freedom of action, and discussion of ways to moderate the divisive effect this might have on the Twelve's position was itself taboo. Thus, so far as collective action on security policy was concerned, the UN's influence on the Twelve was limited and indirect. UN resolutions provided policy legitimisation which was stitched into the Twelve's common positions (especially on the Middle East), but when it came to the broader question of how a global security regime might best be organised, the Assembly remained on the sidelines. As recently as 1988, the Twelve joined in resisting an insistent Soviet attempt to bring a more comprehensive and politicised concept of security into the Assembly's First Committee.

Participation in the low-profile peacekeeping operations of the UN was also a matter on which the member states of the EC would go their several ways. Military cooperation remained outside the domain of EPC, mainly because of fears of decoupling the Atlantic alliance, but also in response to Ireland's reluctance to become involved in any military alliance. The restriction, in the Single European Act, to the 'economic and political aspects of security' confirmed what had in any case become the prevailing practice. That did not preclude member states from contributing to either UN or ad hoc peacekeeping operations, but their decisions to do so remained essentially national.

From the late nineteen eighties, however, the image of a generally weak UN, and in particular a paralysed Security Council, no longer corresponded to reality. The 'end of the Cold War' may be most readily associated with the dramatic events in European politics in 1989-90, but one of its first manifestations was the unfreezing of the Security Council following the superpowers' arms control breakthrough in the Washington Treaty of 1987. Regional conflicts - Afghanistan, the Iran-Iraq war, Central America, Southern Africa, and Cambodia - became amenable to the moderating effects of a more or less cohesive Security Council. The major powers now saw the latter as a forum for creative multilateral diplomacy rather than the sterile ritual of confrontation. There was renewed interest in the UN Charter as the central source of global norms, and a change in emphasis from the General Assembly, with its inherent Third World bias, to the original concept of a United Nations with a strong political leadership exercised in the Council.

The nature and extent of this transition is still far from clear, but there can be no doubt that it has already posed fundamental challenges to all the UN's member states, and is bound to affect the ways in which the Twelve, as a uniquely cohesive group of states, see themselves within the

UN context. There is no little irony in the over-representation of the Twelve (with two out of five vetoes) in that UN organ where they find it most difficult to act as one; nor is it certain that they can agree on the reforms of the UN's structures and procedures required by the increased demands being made on it. Yet it is in meeting these demands, often in a rather haphazard and pragmatic way, that the new 'rules of the game' are being written, both for the UN and for the emerging Common Foreign and Security Policy of the European Union.

Global security: the post-cold war experience

Following the enhanced role of the Security Council in the late nineteen eighties, it was not altogether surprising that it was the focus of the international community's response to the first major crisis of the post-cold war system, Iraq's invasion and annexation of Kuwait in August 1990. During the next four months there were no less than twelve SC resolutions, condemning Iraqi behaviour and authorising stringent economic sanctions (*Strategic Survey 1990-1991*, 55). The twelfth, Resolution 678, went further by authorising member states to 'use all necessary means' - the late-twentieth century euphemism for force - against Iraq, after a stated deadline. This formed the basis for the subsequent war, in which an ad hoc coalition led by the United States expelled Iraq from Kuwait.

There could be no doubt that this was a serious crisis for global security, being at the same time a blatant challenge to the international rule of law, a further destabilisation of regional politics in the Middle East, and a threat to oil supplies. The Twelve shared these general interests, to which were added their individual concerns. The larger member states had significant commercial interests, not least in the arms trade to both sides up to the invasion of Kuwait. Even smaller countries had significant direct interests at stake; Ireland, for example, suffered serious losses in beef exports, and more than 400 Irish citizens were hostages in Iraq.

There were, therefore, strong incentives for the Twelve to coordinate their own position and thereby to influence the UN's collective policy. The impending intergovernmental conference on political union, already scheduled for December 1990, increased the awareness of all concerned that their solidarity was being exposed to a critical test. However, a divergence of national positions, particularly in participation in the eventual war, became evident (Salmon, 1992, 236-248).

In the initial stage of the crisis EPC action meshed reasonably well with the mobilisation of a consensus in New York. The Twelve deployed the instruments of 'civilian power' - a coherent declaratory policy and agreement on economic sanctions. In the subsequent war of nerves, however, the collective response was less impressive. Even implementation of the agreement to compensate front-line states for losses unfairly incurred as a result of sanctions was bogged down (in the communautaire

rather than EPC side of the policy process). The agreed position not to engage in bilateral deals with the Iraqis on the hostage issue looked decidedly patchy well before all the hostages were released.

The military implications were problematic from the beginning. The UN's repertoire of deliberate escalation from 'soft' to 'hard' measures was clear in theory, but not in practice. The Charter's development had been stunted by the cold war, and the full rigours of collective security (particularly in Article 43) would not necessarily be exercised. Some of the Twelve (e.g. Italy and Spain) were anxious to seek additional legitimation by coordinating positions in the WEU and, with France especially, by the same token sought legitimation for the WEU. Others either did not want to be associated with such a body (Ireland) or simply seemed to need very little external legitimation at all (the United Kingdom).

The fact that the Security Council, and not the General Assembly, was the formal setting in which these ambiguities were explored no doubt put the Twelve's political coordination at something of a disadvantage. Nevertheless, this procedural weakness was probably less important than the substantive differences which were clear in the attitudes of the two permanent EC members on the Council. The British were quick to revive the special relationship with Washington, while the French were inclined, right up to the onset of hostilities, to indulge in bouts of solo diplomacy.

Even more importantly, the overwhelming dominance of the United States at that particular juncture meant that consultations in the Council were less significant than bilateral and unilateral actions involving the Bush administration. In particular, the vital threshold between a strategy which relied primarily on economic coercion and one which used force was in effect crossed by the American decision to increase its deployment in the Gulf four weeks before Resolution 678 was agreed. The conduct of the war itself was almost wholly removed from effective influence by the Security Council as a whole; moreover at that stage the Twelve had no collective role other than occasional cheerleader.

On the other hand, the collective influence of the Twelve in the aftermath of the war should not be dismissed. For example, the linkage with the Palestinian issue, for long a less controversial issue for the Twelve than for the United States, was implicitly acknowledged in the subsequent American approach to the Arab-Israeli peace process. More immediately, the postscript of the Gulf war seemed to suggest that a new concept of 'humanitarian intervention' was in the making. The establishment of 'safe havens' in northern Iraq in the spring of 1991, following the failed Kurdish revolt, also offered a chance for some rehabilitation of the Twelve's credibility. British, French, and Dutch participation in 'Operation Provide Comfort' was presented in the context of WEU coordination, and the whole exercise received a measure of legitimation at the Special European Council at Luxembourg, which was also dealing with the intergovernmental conferences on EMU and political union. In these

circumstances it was perhaps easy to overlook the rather tenuous nature of UN legitimisation for the intervention (Roberts, 1993, 436-439).

Yet, at the same time that the Security Council seemed ready to delegate much of its new-found authority in the cases referred to above, it was also becoming more directly involved in a quite unprecedented expansion of UN peacekeeping as a whole. By the middle of 1993 the number of forces deployed was five times greater than in mid-1991, and seven times greater than in 1987 (Roper, 1993, 3; Schoettle, 1993, 17-18). In October 1993 seventeen operations were under way, only five of which owed their existence to the cold war era (UN summary, 31 October 1993). The costs of UN peacekeeping are now more than three times the order of the organisation's regular budget, though still very small in relation to national defence budgets (Schoettle, 1993, 17-26). Perhaps more important than this change in overall volume have been changes in the range of tasks undertaken (including ambitious attempts at political reconstruction), the involvement of a wider range of contributing countries, including the major powers to a much greater extent than previously, and the sheer size and complexity of some of the missions.

The participation of the individual member states of the Twelve in all of this was very considerable by the autumn of 1993. Table 1 shows that, taken together, they provided more than 24,000 military and police personnel, that is just about one third of the world total. Six member states (Belgium, Denmark, France, Ireland, Italy, and the Netherlands) were each contributors to between six and nine of the current total of seventeen operations. Of the others, the United Kingdom had sizeable deployments in former-Yugoslavia and Cyprus,

[Table 1 here]

While Germany, Greece, Portugal, and Spain were becoming involved in an activity hitherto outside their experience. Even Luxembourg sent military personnel to the UN operation in former-Yugoslavia. If the four Eftan candidate countries (Austria, Finland, Norway, and Sweden) are taken into account the potential capacity of the European Union is yet more striking, with close to forty per cent of the total personnel deployed.

However, so far as the capacity of the European Union as such is concerned, these figures represent an ambiguous mixture of potential and actual influence. They are after all aggregates of national contributions, and the extent to which they have collective significance will depend on the circumstances pertaining to particular operations. The Twelve's peacekeeping presence in former-Yugoslavia is an obvious case in point. The considerable political demands to participate, from domestic public opinions and some governmental interests (both national and communautaire), are matched by serious hesitations on the part of the major actors; the outcome has fallen far short of original expectations [cross-reference to Edwards chapter].

If it is difficult to reach a positive assessment of the Twelve's capacity to act as a regional peacekeeping organisation within the European region, where the incentives for common policy are relatively high, what are the prospects for enhancing the Twelve's presence in global security issues outside Europe? A closer look at the case of Somalia, which was the occasion for a significant degree of experimentation on the part of the UN as well as the involvement of six of the the EU's member states, provides an indication of the opportunities and limitations which may be expected.

The UN and Somalia

The overthrow of the Somali dictator, Siad Barre, at the end of 1990 was followed by serious divisions among his former opponents, which led to civil war, widespread famine and a state of anarchy throughout much of the country by the following winter. The UN Security Council's first resolution on the conflict (733 Of 23 January 1992) authorised an arms embargo and mediation by a special UN representative; a further resolution (751 of 24 April 1992) established a United Nations Operation in Somalia (UNOSOM), which consisted of 50 military observers to monitor a cease-fire and a small force of 500 troops to protect aid workers.

None of this was effective. The cease-fire was a fiction, arms were already in plentiful supply as a result of years of cold war military assistance, and it was impossible to distribute the most basic famine relief. The UN's special representative, Ambassador Mohamed Sahnoun, resigned in November in protest at the UN's own bureaucratic failings, which in his view exacerbated its more fundamental failure to intervene much earlier in the conflict (Sahnoun, 1994?). As an interim measure the Security Council then authorised a large-scale intervention, the Unified Task Force (UNITAF), which at its peak included 28,000 American troops out of a total of 35,000. Although authorised under the enforcement provisions in Chapter VII of the Charter, this was not a UN operation proper since it remained under Washington's command. The massive show of force did succeed in creating a secure environment for humanitarian assistance, but UNITAF did not make much progress in disarmament of the Somali factions or in the complex business of political reconstruction.

That was the mandate of UNOSOM II, authorised by Security Council resolution 814 on 26 March 1993, and operational from 4 May. The scope of its activity was broad and varied, ranging from the immediate objective of re-establishing basic order to the virtual rebuilding of the state. By the autumn of 1993 it was the largest of the new breed of large-scale UN operations with nearly 29,000 personnel. More important, UNOSOM II was a pioneering experiment in terms of its legal basis. It was not dependent on the consent of the local lawful authorities - since there were none - and it went beyond the traditional limits of peacekeeping, which have been

indirectly legitimated under Chapter VI of the UN Charter. For the first time, under Chapter VII an enforcement action has been authorised under direct UN command. UNOSOM II thus represented an important test for the UN's credibility in the field of global security, and by the same token it could be seen as a significant challenge to the Twelve's capacity to project a security presence outside the European region.

The politics of involvement

On what grounds did the member states of the Twelve decide whether or not to contribute to UNOSOM II, and to what extent did these decisions reinforce the image of a collective presence? The legal basis of the decisions themselves was of course wholly national; even had the provisions of the Maastricht treaty been in force, it is not clear whether Article J.4 would have changed that position significantly. The criteria on which such choices are made vary from the altruistic - the immediate demands of the humanitarian disaster in Somalia - to broader political considerations for the intervening countries. The latter will include the desire to preserve or develop bilateral links in the region, the effects on the contributing state's diplomatic reputation, and the costs it will face, especially in the context of the military capabilities required. The wish to support a collective policy, to promote the Twelve's presence as such, may also be a factor, particularly in the foreign ministries, but may not be so persuasive in the context of the domestic policy process. In that respect the national political contexts, the relative weight of foreign and defence ministries, and the organisation of special interests and public opinion as a whole can lead to quite different national responses.

In the case of UNOSOM II the response of six member states was not to participate. For Luxembourg there is the obvious constraint of both diplomatic and military capability. That does not apply to Portugal and Spain; however, neither has a long tradition of multilateral peacekeeping. Spain's main efforts have been directed to the former-Yugoslavia (UNPROFOR), and Portugal's to its former colony, Mozambique (ONUMOZ). Neither has distinctive links with the countries in the Horn of Africa (Barbe, E. 199?; Vasconcelos, A. 199?). Denmark and the Netherlands, on the other hand, are very much in the mould of 'UN activists', with a small state foreign policy profile which puts a high premium on multilateral peacekeeping and development policy. At first sight their absence may be explained in the context of their immediate military commitments to UNPROFOR. More importantly, although both are still major development aid donors, this may reflect a more long term change of emphasis to European rather than extra-European security concerns (Heurlin, 199?; Pijpers, 199?). Finally, numbered among the absentees is the United Kingdom, a former colonial power in Somalia and a permanent member of the Security Council; it may be that in this case there is a 'tacit recognition' that even a major actor cannot do everything (Hill, C. 199?). Certainly it is true that British military capabilities were very

stretched, not least in UNPROFOR and the continuing commitment in Northern Ireland.

Notwithstanding these abstentions, half of the member states and two of the four candidate countries did decide to contribute to UNOSOM II (see Table 2). Pride of place in terms of military capability but with some historical irony, goes to the other former

[Table 2 here]

colonial power in the region, Italy. The direct colonial links, though by now rather remote, may account for Italian policymakers' confidence that they possess an understanding of the local political culture. During the 1980s Italy had (somewhat controversially) supported the Barre regime (EP: Vecchi Report, 1993, 7). In the subsequent chaos Rome took more trouble than most to maintain a direct diplomatic presence in Mogadishu. The Italian decision may also be attributed to a more general activism and assertiveness which has characterised Italian foreign policy since the end of the cold war (Bonvicini, 199?). This includes increasing the country's presence in multilateral diplomacy outside Europe, in Mozambique as well as Somalia. Thus it was not surprising that Italy responded to the American initiative on UNITAF and transferred this commitment to UNOSOM II. A notable feature of the policy process in the Italian case was the incoherence of domestic political debate at this time; the virtual collapse of the party system meant little attention was paid to foreign engagements. In the short term at least, the foreign ministry seemed to have a considerable freedom of manoeuvre, constrained mainly by considerations of military costs [?].

France, too, has encouraged an enhanced role for the UN, with the evident corollary that as a permanent member of the Security Council it is very much a major player in this regard (Moreau Defarges, 199?). Indeed, there is quite a contrast with British commitments here; as Table 1 shows, France deploys three times as many 'blue helmets', in twice as many operations, as its partner on the Security Council. Is it stretching the point to suggest that this is a deliberate policy to confirm French credentials to speak for 'Europe' in this context?

So far as the specific involvement in Somalia was concerned, a further motivation was to be found in the insistence of the then Minister for Health and Humanitarian Action [check English], Dr. Bernard Kouchner, that force would have to be used to end the famine in Somalia in the summer of 1992. The first government minister from any of the Twelve to visit the country, Dr. Kouchner's flair for publicity and direct access to President Mitterrand served to overcome the hesitation of the Minister of Defence. Not that military capabilities were lacking - with a base in neighbouring Djibouti and a distinctive 'African vocation', the French army was well-placed to contribute to both UNITAF and then UNOSOM II.

Of the contributions by the three smaller member states, that of Belgium was in military terms the most substantial. Belgium, like Italy, France and Greece, participated first in UNITAF, an involvement which was carried over from the initial decision to join UNOSOM I. The Belgian contingent was actively and successfully engaged in the sensitive task of disarming local factions, in the course of which three fatalities were incurred in March 1993. This did not alter the government's policy to continue its commitment in the context of UNOSOM II, through to the end of 1993 as originally decided. Belgium's former colonial links elsewhere in Africa may suggest that an empathy with the predicament of Somalia was a general background factor in the formation of policy, but by the same token it seems that the prospect of having to respond to a similar crisis in Zaire may have influenced the decision to restrict the duration of the contribution (Franck, 199?). A novel aspect of Belgium's participation from the outset was the EC decision to provide part of its funding (20 million ecus) from the European Development Fund (Humanitarian Aid of the European Community: Annual Report 1992, 23). In fact this decision, taken on 10 September 1992, was in the context of the first UNOSOM operation, and was justified on the grounds that the Belgian troops would be acting in a humanitarian capacity.

The background to the Greek decision, to send a medical unit, is less clear (Tsakaloyannis, 199?). The new government's initial response to the post-cold war era had been to attempt a more constructive approach to political cooperation, including an emphasis on security, but the Twelve's policy on the breakup of Yugoslavia caused a fundamental reappraisal. Throughout 1992 Greece was in a difficult relationship with its partners on this issue, especially over the status of Macedonia. Clearly, the government would not have anything to do with UNPROFOR - it is the only member state apart from Germany in this position - and participation in UNOSOM II may be seen as a signal that at least it retained a commitment in principle to multilateralism [information needed!].

Ireland's decision to participate was initiated by by very strong domestic pressures concerning the humanitarian aspects of the Somali crisis (Keatinge, 199?). These in turn may be explained by the generally high profile of non-governmental development groups in Irish public life, and the direct involvement of some of these in Somalia. The Irish foreign minister, David Andrews, was not far behind Dr. Kouchner, and was followed to Somalia in October 1992 by no less than the head of state, President Mary Robinson. A decision to contribute to the original UNOSM was thus no surprise. However, participation in UNITAF was precluded by the legislative constraint restricting overseas peacekeeping operations to those established -that is, both authorised and directed - by the UN. While UNOSOM II fulfilled that requirement, its mandate to 'enforce' implied a formal amendment to Irish legislation. Domestic debate thus acquired a much broader scope, involving an important redefinition of the state's commitment to multilateral security. The fact that by the time this debate took place the operation was already in serious trouble did nothing to ease

the government's task. Opposition parties' sensitivities about the use of force, the exposure of Irish troops, and even the policy of neutrality, were met by repeated reassurances, including the claim that Irish troops were not going to Somalia in a combat role.

Many of these themes were amplified in the German decision to contribute to UNOSOM II, a decision which was part of a major adjustment to German foreign policy with potentially far-reaching consequences not just for Germany, but for the UN and the overall development of the European Union's diplomatic persona (Nishihara, 1993, 54-56; Rummel, 1997). The issue of national legitimation for multilateral commitments arose not just on the legislative level, as in the case of Ireland, but as a question of constitutional politics. Varying interpretations of the Basic Law's restriction on the deployment of combat troops 'out of area' were hotly contested, not merely between the government and the SDP opposition, but between the government partners themselves. For some the debate concerned a traditional polarisation between pacifism and militarism, but its significance for foreign policy lay rather in defining the international status of a Germany 'whole and free'.

The government's initial intention to amend the Basic Law was overtaken by Chancellor Kohl's insistence on some degree of defacto participation in enforcing the UN-authorized 'no-fly zone' in Bosnia early in 1993. The tension between the coalition partners was only resolved by a favourable preliminary and interim decision of the Constitutional Court on 8 April, confirmed with respect to Somalia on 23 June, and this paved the way for the decision to make a sizeable contribution to UNOSOM II. In a similar tacit reservation to Ireland's, and showing a similar degree of sensitivity to domestic opinion, these troops were assigned a logistical mission, with the inference that they are not in a combat role. Nevertheless, the significance of the German decision should not be underestimated; by participating in a Chapter VII operation Germany was reinforcing its claim to a permanent seat on the UN Security Council.

Taken together, the Twelve's collective presence in UNOSOM II is significant. At the end of October 1993 it amounted to nearly one fifth of the total personnel (and a little more when the contribution of two of the candidate countries, Norway and Sweden, are taken into account). This exceeded the United States' participation (by this stage being reduced), but was almost matched by the biggest single national contingent, of Pakistan. However, this aggregated image must be qualified by the way in which the commitments were made or, indeed, declined, in a series of essentially national decisions. Motivations varied from one case to the other, as did the sensitivity of government policy to public pressures. Similar variations were also evident in the Twelve's subsequent experience in Somalia.

Operational realities

Barely a month after the official commencement of UNOSOM II it became clear that expectations of a largely voluntary disarmament process (with the UN's coercive capability only as a last resort) would not be met. On 5 June 24 Pakistani troops were killed in a deliberate attack by one of the main factions, the Somali National Alliance (SNA), led by General Mohamed Aidid. Between then and 9 October the SNA waged a persistent guerilla campaign against UN forces, especially in south Mogadishu. The loss of life by UN contingents naturally reduced the confidence of the affected countries, but the greater numbers of Somali fatalities led to accusations of partiality by the UN, thereby reducing the overall credibility of the operation. Attempts to capture General Aidid were fruitless, and one in particular marked a turning point; on 3 October, 18 members of an elite American unit were killed, 75 wounded and one captured. The effect on US opinion was decisively negative, President Clinton announcing American withdrawal from UNOSOM II by 31 March 1994, a year earlier than originally envisaged.

So far as the EC contributing states were concerned, the brunt of the violence and consequent political controversy was born by Italy. -On 1 July, three Italian soldiers were killed, an event which attracted much attention at home, particularly as these were the first combat fatalities in the Italian army since the Second World War. Tensions between the Italian military commander, General Bruno Loi, and the local UN command now became increasingly exposed, and were soon translated to the highest political level, between Rome and UN headquarters in New York (Agence Europe, various media reports). The latter publicly demanded the recall of General Loi, complaining of his failure to coordinate operations with the local UN military commander, General Bir of Turkey, and accusing him of virtual insubordination. The Italian government claimed General Loi took his orders from Rome, and threatened to redeploy the Italian contingent out of Mogadishu. Underlying these mutual recriminations were fundamental differences concerning the appropriate enforcement measures to be taken against the armed Somali factions. The Italian preference for small-scale, localised negotiation in the traditional peacekeeping mode was opposed to the UN predilection for a more visible and proactive intervention relying on its American helicopter gunship capability.

This can be seen, in effect, as a microcosm of a more general divergence between American and European diplomatic and military cultures. Nevertheless, the role of the United States was central; Somalia was as much a test-case for American commitment to the development of multilateralism as it was for the UN itself. Washington's leadership and military capabilities were seen as essential elements in the eventual success of a new world order, and the experience of UNOSOM II promised to offset the difficulties simultaneously encountered in Bosnia. Thus it was necessary to contain the row between the Italians and a UN leadership which was strongly influenced by and dependent on American policy towards Somalia. By the end of July, this appeared to have been achieved; General Loi was still Italian commander, the Italians remained in

Mogadishu, and improved consultation procedures were adopted in New York, while UN strategy was focused as before, on the pursuit of General Aidid. There were further Italian fatalities in September, and further tensions over specific incidents, but on the whole an uneasy *modus vivendi* lasted until the Clinton administration changed its approach radically following its humiliation at the beginning of October. By that time the overall credibility of UNOSOM II was in jeopardy. Though immediate humanitarian objectives had been realised, the prospects for durable political reconstruction were poor; the collective agent of that reconstruction - the UN - looked considerably less than the sum of its parts.

Indeed, it was sometimes easy to forget that UNOSOM II was a collective endeavour when considering the Italian experience. Yet if the limitations of the UN were self-evident by the autumn of 1993, it is also pertinent to ask to what extent the Twelve acted as a collectivity in the Somali crisis. The answer begins, not in the sphere of political cooperation, but in that of the Community's development policy (Humanitarian Aid of the European Community: Annual Report 1992, 21-23). In 1991-1992 the EC was the principal donor of humanitarian and food aid to Somalia, accounting for two thirds of the Red Cross distribution alone; in 1992, in addition to 101 million ecus provided by the EC, bilateral contributions by member states amounted to 57 million ecus. The prospect of such a significant expenditure achieving little, simply because the aid could not be distributed, was a strong incentive for the direct intervention which followed, and this in turn brought Somalia into the ambit of EPC.

A visit of the Troika foreign ministers on 4 September 1992 was followed by the decision to commit Community funding to the protection of humanitarian convoys, which as we have seen above was applied in the case of the eventual Belgian contribution to UNITAF and later UNOSOM II. This decision might appear as an experiment foreshadowing the provision in the Treaty on European Union which allows for operational expenditure being charged to the Community budget (Article J. 11.2); however, no such justification was offered, it being little more than a week before the controversial French referendum on Maastricht. The foreign ministers contented themselves with a much more general declaration on 13 September, of a largely exhortatory nature (P. 88/92).

With the evident failure of the original UNOSOM and on the eve of the UNITAF initiative, on 7 December 1992, the Council agreed a declaration supporting the relevant Security Council resolution (794), describing it as 'an important development in international law', and welcoming 'the contributions of a number of member States to the force as a European initiative' (P. 113/92). The conclusions of the European Council in Edinburgh shortly afterwards confirmed this legitimising statement at the highest level, though in a more concise form which omitted, *inter alia*, the description of the member state contributions as 'a European initiative' (Presidency conclusions: 12 December 1992, Part D, para. 20). Behind the scenes, it may be presumed that the Twelve's 'cooperation reflex' assisted

both the American mobilisation of the interim force and the UN secretariat's 'recruitment' of its successor, at a time when military commitments were being unexpectedly stretched elsewhere.

A further example of the Twelve providing declaratory support occurred after UNOSOM II itself was established, in response to the initial killing of UN troops at the beginning of June 1993. A declaration on 8 June strongly condemned what was described as a premeditated act and reiterated full support for the UN. The conclusions of the European Council on 21-22 June continue in similar vein, but the first signs of the operational dilemmas facing the UN are reflected in an expression of regret for civilian casualties (Presidency conclusions: 22 June 1993, Annex IV). These were causing concern in the European Parliament at this time, though in the event the Parliament continued to support UNOSOM II in principle (Agence Europe, 25 June/EP source).

Indeed, the subsequent exposure of UNOSOM II's internal tensions made it difficult simply to repeat these themes; after all, the issues at stake now had to do with the performance of the UN itself, and with differences between the contributing countries on how to run the operation. Thus the heated and very public dispute in early July, involving the Italians with both the UN and the United States, resulted not in high profile declaratory statements, but in 'quiet diplomacy' on the part of the Belgian Presidency. A meeting of the Council on 19 July appears to have authorised the Presidency to express the Twelve's concern to the UN Secretary-General, though it is not clear what degree of emphasis was agreed. The Spanish and Italian foreign ministers were reported to have understood that a clarification of the UN mandate was called for; the Presidency, however, claimed its task was to 'remind' the UN leadership of the political aims of UNOSOM II (Agence Europe, 20 and 21 July 1993). In any case, the Belgians, as a contributing country, were well-placed to mend the broken fences in New York. By the time the next meetings of the European Council took place, in Brussels on 29 October and 10-11 December, the situation in Somalia had changed to a tense stalemate, in which several contributing countries were more intent on withdrawal than commitment. Somalia did not appear in the conclusions of these summit meetings, which were now (in the context of the CFSP) adopting a more selective approach to the publication of declarations.

Below the level of ministerial involvement, the Somali crisis was characterised by a complex web of bureaucratic coordination. Consistency between the Community and EPC spheres of activity was involved from the outset, given the Commission's responsibilities for development aid. In March 1992 DG VIII set up a special unit, the European Community Humanitarian Office (ECHO), to deal with disaster relief. So far as Somalia was concerned, two difficulties were encountered. The first was the absence of a Somali government with which to relate in the normal financial procedures of development policy. The solution adopted was to work through procedures established under the Lome framework, thus

involving the Commission's ACP working group. The second difficulty lay in establishing a presence in the field, close to the non-governmental organisations which were the main implementors of aid in these circumstances. Coordination with member state governments, through EC working groups on Development and ACP relations, was channelled through the development divisions in the foreign ministries, which are generally separate from the political divisions; thus consistency was as much a question of the internal organisation of the foreign ministries as it was of procedures between the Commission and the member states. There appear to have been no attempt to anticipate or experiment with 'joint action' procedures.

Within the EPC sphere of activity, it was the Africa working group which was most closely involved on a day-to-day basis with UNOSOM II, not the United Nations group. The latter, with its orientation towards the agenda of the General Assembly, reflects something of the *modus operandi* of the pre-1990 EPC/UN relationship. It deals with peacekeeping issues in a general, thematic way, coordinating the Twelve's positions in the context of their New York representations' post-Assembly session assessment in mid-December and a pre-session report in June. The UN working group thus acts as a sort of feedback mechanism which may contribute to the formulation of common views in the medium term.

However, the fact that the operational questions to do with peacekeeping fall within the aegis of the Security Council means that the much larger and more heterogeneous group of UNOSOM II contributing countries was the primary focus of consultation at New York. The issues raised there, so far as the Twelve were concerned, were examined in the Africa working group, in which the volume of business has grown significantly since the end of the cold war.

On the whole, then, the policy process to do with the Twelve's involvement with Somalia has been if anything more than usually complex, incorporating several working groups on both Community and EPC sides, and a corresponding multiplicity of operational units within national foreign ministries. The level of collective decision, however, remains the Political Committee-Council nexus. The main bureaucratic input from outside the foreign ministries consisted of national defence ministries and their armed forces. However, with respect to the latter, there was little evidence that policies were directly influenced by the 'division of labour' debates (being conducted at the same time as the Somali crisis) on possible peacekeeping functions for either NATO or the WEU (cross reference Jopp chapter?).

The politics of exit

The abrupt United States decision, in October 1993, to drop its policy of coercive disarmament of the Aidid faction and to leave Somalia a year

earlier than originally envisaged, was an important turning point. There appears to have been no real consultation between Washington and its European allies, and it left the UN and the other contributing governments in a quandary. Although the short term humanitarian aims of UNOSOM II had been largely achieved, many non-governmental aid groups were critical of its assertive approach (EP: Vecchi Report, 1993). The prospects for political reconstruction were uncertain, the more so following the failure of reconciliation negotiations in mid-December. In his report to the Security Council on 12 November, the UN Secretary-General defined three options for the future of the intervention: maintaining the enforcement mandate (though 'enforcing' only as a last resort), in which case yet more troops would be required; reverting to a classical peacekeeping approach, at about half of the existing level of deployment; or reducing the scope of the operation to securing essential supply routes with a much smaller force (UN: S/26738, 1993). The stage was set for 'the politics of exit' - the decision whether, and under what conditions, to withdraw from a collective commitment.

- Such a decision may be difficult, involving as it does the credibility of both the contributing state and of the collectivity which has legitimated the intervention (Freedman, 1993, 41). In the case of UNOSOM II the reputation of the UN obviously stood to be affected by hasty or unanticipated withdrawals; but to the extent that the Twelve had approached Somalia as 'a European initiative' (as the Council had put it on 7 December 1992) their collective reputation was also at stake. The most straightforward solution to this dilemma, at least from a national point of view, is to make the commitment for a fixed term in the first place. This approach had been adopted by both Belgium and France; thus their withdrawal from UNOSOM II at the end of 1993 appeared as a routine event, quite independent of second thoughts by the Clinton administration or the actual situation in Somalia.

Germany's decision on withdrawal, like its decision to participate in the first place, was more problematic. The foreign ministry, with Germany's overall credentials as a future member of the Security Council in mind, was been anxious to avoid a precipitate departure, but the defence ministry did not seem to share these apprehensions. [more coalition and personality politics? update necessary]. Italy, on the other hand, having been (quite literally) in the front line of UNOSOM II, appeared to rest its reputation as much on an outcome which was successful in terms of the eventual rehabilitation of Somalia as on the timing of a possible withdrawal [but will foreign policy be an issue in imminent election?]. Ireland's commitment, being so directly related to the situation of Irish non-governmental aid organisations, and in any case being on a small scale, is likely to continue. Greece [no information: will Presidency affect the decision?].

[This whole section requires updating. By February? the renewal/redefinition of UNOSOM II mandate should be clear, and positions

of remaining contributors from the Twelve likewise. Possibly a Table 3, to indicate reduced weight of Twelve? Also any evidence of a collective CFSP assessment of the whole experience.]

Conclusions: the limits of the EU presence in global security

It would be invidious to generalise on the basis of the case of UNOSOM II alone, but there can be no doubt that, together with the difficulties the UN has recently experienced elsewhere, and especially in Bosnia, it suggests the limitations of, rather than the potential for, a more assertive type of multilateral security regime. With that in mind, did the involvement of the Twelve in this episode demonstrate an enhancement of their collective presence? Reverting to Hill's 'conceivable future functions', the effort to be a 'bridge between rich and poor' was substantial, in terms of humanitarian assistance, but marred to some degree by association with the UN and American insistence on an ineffective coercive approach to disarmament. As a 'mediator of conflict' the Twelve as such played a secondary role to the UN, mainly in the form of declaratory policy; at the local level, though, the participating member states may have made positive contributions.

The 'role of global intervenor' was even less evident. It proved costly enough for the one power with the apparent capabilities to bring its influence to bear through the UN framework, but UN cover proved to be no defence against the American administration's vulnerability to abrupt swings in domestic opinion - the 'CNN factor'. However, there was little to indicate that the Twelve are either willing or able to replace an uncertain American leadership in mobilising the international community on security issues outside the European region. The extent of commitment remained the prerogative of the individual member states, and while it was endorsed by all Twelve, in practice it was uneven. Nor is it clear that the application of the European Union's CFSP procedures would have made a significant difference in this respect. Those member states that did contribute directly to the enforcement experiment were not all necessarily in a stronger political position to sustain significant losses of ground troops than the Americans had been. Domestic opinion in Germany and Ireland was clearly sensitive on that point; even Italian and Belgian resolve, which was tested in practice, did not appear to be limitless.

An initial assessment of the Twelve's experience in Somalia therefore suggests that global security is not a promising field for the development of their international presence. Yet such a conclusion may discount the effects it may have on future policies, now within the CFSP context. After all, the history of EPC over nearly twenty five years demonstrates a capacity to learn. - If there was a common lesson to emerge from Somalia for the Twelve, it was the primacy of political ends over military means. This was a persistent theme at the UN General Assembly session in 1993, in the contributing countries' national statements, as well as in the Belgian Presidency statement. The use of force might be

legitimate, but as the Italian foreign minister said, the real issue was 'its advisability and timing' (Andreatta speech at UNGA, 30 September 1993). Moreover, doubts about peace enforcement do not preclude the possibility that UN peacekeeping, in the more traditional sense of the word, will continue to expand. There is little evidence of a decline in demand for such services; the issue rather, for those states which can supply them, is whether to do so through the UN, regional organisations, ad hoc coalitions, or a mixture of these.

For the evolving European Union, the desire to stress regional security organisations for issues arising in the European region has already been tempered by the experience in former Yugoslavia. So far as issues outside Europe are concerned, the UN framework still seems to be an indispensable source of legitimacy, but that begs the basic question which now confronts the Twelve - is the UN to be developed as a serious multilateral security agency, or is it to be merely an acquiescent and occasional legitimator of ad hoc coalitions? The answers to this question will be formulated in the context of the debate on the reform of the UN, and they may prove to be quite difficult, if not divisive, in the development of the CFSP. The composition of the Security Council is a case in point. That Germany (along with Japan and one or more major Third World powers) should be a permanent member is a proposition which is hard to deny (Otunnu, 1993, 72-73). Yet, apart from arguably over-representing the EU on the Security Council, it crystallises the privileged position of a *de facto* directorate which the other nine (or more) EU member states may find difficult to live with. The answer to that quandary might lie in a more generous interpretation of Article J. 5.4 than seems to prevail at present.

At least as important as the question of institutional prerogatives will be that of financing an extended UN, and the *quid pro quo* in this respect is a very thorough reform of the global body's internal organs and procedures. With particular regard to the UN's broad peacekeeping capacity, the question of providing standing forces or other procedures for the more rapid deployment of troops with more specific peacekeeping training is an important aspect of UN reform, and one in which an advanced regional organisation (as the EU aspires to be) should have a role to play (Roper, 1993). At least it cannot be said that the agenda is insubstantial; the challenge is for the European Union, at a time of considerable internal change, to take it seriously.

It may be, after the experience of Somalia, that the member states will approach these issues with less unrealistic expectations than they held in the early 1990s. Although it is true that the European Union's 'civilian power' capacity looks more promising than its security attributes, and this is reflected in the extent to which the first CFSP joint actions mostly concern issues which are in a relatively benign phase, it is difficult to envisage a European Union with no presence in the field of global security.

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[9298+630(tables)=9926 words: c.22.5+1.5(tables)=24 pages]

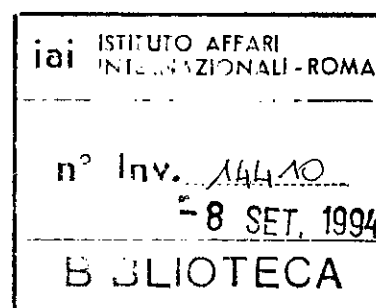
TABLE 1
The Twelve's Contributions to UN peacekeeping operations
(as of 31 October 1993)

	Civilian Police	Troops	Military Observers	Total Personnel	Number of Operations
THE TWELVE					
Belgium	5	1,989	17	2,011	9
Denmark	44	1,314	59	1,417	6
France	63	8,457	74	8,594	8
Germany	4	1,859	-	1,863	3
Greece	-	101	7	108	3
Ireland	36	783	46	865	9
Italy	12	3,697	25	3,734	8
Luxembourg	-	35	-	35	1
Netherlands	2	1,077	67	1,146	6
Portugal	35	293	12	340	2
Spain	106	1,189	46	1,341	4
United Kingdom	-	<u>2,754</u>	<u>30</u>	<u>2,784</u>	<u>4</u>
The Twelve's Total	307	23,548	383	24,237	
CANDIDATE COUNTRIES					
Austria	9	808	37	854	8
Finland	-	1,104	37	1,141	7
Norway	30	1,587	73	1,690	7
Sweden	<u>38</u>	<u>1,882</u>	<u>72</u>	<u>1,992</u>	<u>10</u>
The Candidates' Total	77	5,381	219	5,677	
WORLD TOTAL	1,020	72,152	1,933	75,105	17
THE TWELVE'S SHARE OF WORLD TOTAL			32.23%		
THE SIXTEEN'S SHARE OF WORLD TOTAL			39.78%		

Source: United Nations, "Summary of Contributions to Peace-keeping Operations by Countries as of 31 October 1993"

TABLE 2
The Twelve's contribution to UNOSOM II
(as of 31 October 1993)

	Number of troops	Type of Unit	Number of fatalities (as of 11 October 1993)
The Twelve			
Belgium	989	Infantry battalion	3*
France	1,113	Brigade HQ Infantry battalion Aviation Unit Logistical battalion	1
Germany	1,731	Logistical units	-
Greece	101	Medical units	1
Ireland	79	Transport company	-
Italy	2,590	Brigade HQ Three infantry battalions Aviation unit Logistical / engineering unit Medical unit	6
The Twelve's Total	5,604		
Candidate Countries			
Norway	136	Headquarters company	-
Sweden	133	Field hospital	-
The Candidates Total	<u>269</u>		
Total UNOSOM II	28,980		
The Twelve's Share of total UNOSOM II	19.34%		
The United States share of total UNOSOM II	11.97%		



* Incurred under UNITAF (March 1993)

Sources: United Nations, 'Summary of contributions to peacekeeping by countries as of 31 October 1993'.

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**The Twelve as an Attractive Interlocutor
Political Dialogue with Third Countries and Regional Political Groupings**

(Draft, not for quotation)

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"Political dialogue": The content of the term

It is commonly accepted that the Twelve's "political dialogues" with third countries are one of the main features, instruments as well as achievements of their cooperation on the international stage. Yet, the term is mentioned neither in the long series of constitutive texts of EPC nor in the Union Treaty and its meaning needs clarification.

In the London Report of 1981 the Foreign Ministers took the view that the Member States should be able to respond adequately to demands of third countries for "more or less regular contacts". In a carefully drafted official information brochure on EPC established by the EPC Secretariat in 1988, mention is made of the "close links" the Twelve have "*whether informal or institutionalized*" with many third countries and groups of third countries. This suggests a basic distinction between "more or less regular" and "institutionalized" contacts and other contacts which are more of an ad hoc and informal nature.

In the past, the term "dialogue" was not always used consistently. It did happen that in public declarations a second or third occasional meeting with representatives of a third country was referred to as having taken place as part of a "dialogue" although there had been no previous agreement on regular, institutionalized contacts. Nowadays, however, the term is only used (at least by the Twelve) if three conditions are fulfilled:

- (1) there has to be a formal decision of the Political Committee and/or the Ministers to engage in a "dialogue";
- (2) there has to be a formal agreement with the third state(s) concerned which can take the form of an informal arrangement between the Presidency and the third state(s), of a common understanding through an exchange of letters (example: Australia), of a joint declaration (example: Japan) or of a formal treaty obligation (example: "Europe agreements" with the countries of Central and Eastern Europe, Visegrad group);

- (3) the agreement must provide for regular political contacts at one or several levels in addition to the normal diplomatic relations.

These conditions show that the "dialogues" have become a quite specific form of contact with third countries which - although committing neither side to a sort of political alliance - goes clearly beyond occasional meetings and normal diplomatic business.

Forms of dialogues

Not only have the dialogues become a specific form of contact, they have also grown to a quite comprehensive set of institutionalized contacts, consisting at present of well over 30 dialogues, with individual countries as well as regional political groupings. The forms they take vary considerably from one dialogue to the other. They mainly differ in three respects:

- (a) level(s) of the meetings,
- (b) size of the Union delegations attending the meetings,
- (c) frequency of the meetings.

These may also be seen as criteria for the intensity of the dialogue. Unlike some of the Twelve's dialogue partners, however, one should not simply equate the formal "intensity" in terms of level, delegation size and frequency with the political importance of the dialogue. It is obvious, for example, that the political dialogue with China, which has been resumed by a decision of the Political Committee in June 1993, is politically much more important than the one with applicant country Malta although the latter dialogue provides for contacts at one level more, that of the Presidency.

There are three main levels at which the dialogue meetings can take place. In each case the representative(s) of the Twelve are accompanied by representatives of the Commission of similar level and meet their counterpart(s) of the dialogue partner(s):

At the level of the **Presidency of the European Council**, it is the Head of State or Government of the Country holding the Presidency together with the President of the Commission. This is the "highest" possible formula and it is limited until now to the dialogues with Canada, Japan, Russia, the United States and the group of the Central and Eastern European countries. The frequency of the meetings - at least as it is foreseen - varies from occasional ad-hoc meetings (Central and Eastern European countries) to halfyearly meetings (United States).

At the **ministerial level**, it is either the Foreign Minister of the Presidency or the ministerial Troika or all the Foreign Ministers together with one or (sometimes in the latter case) several Members of the Commission. The "one minister" formula is applied, *inter alia*, in the dialogues with Cyprus and India, the Troika formula, *inter alia*, in the dialogues with Australia and China and the "twelve" formula mainly in the dialogues with regional political groupings. The latter formula being the "heaviest" from the point of view of organization, meetings under this formula are in most cases held on the occasion of association council meetings (dialogues with the ACP and the Baltic countries, for instance), of the openings of the United Nations General Assembly (dialogues with the Rio Group and Russia, for instance) or in combination with ministerial meetings provided for by cooperation agreements (dialogues with the ASEAN countries and the San José Group, for instance). An exception is the dialogue with the United States which provides for halfyearly ministerial meetings on the basis of the "twelve" formula, biannual ministerial meetings of Presidency and Commission and additional *ad hoc* ministerial meetings which can take various forms (including Troika). Contacts at the ministerial level still add some lustre to dialogues, not only because ministers are involved but also because some of the dialogues (Pakistan and Ukraine, for instance) do not provide for contacts at this level.

At the level of the **political directors**, it is either the Political Director of the Presidency (dialogues with New Zealand and Switzerland, for instance) or the Troika (dialogues with Russia and Turkey, for instance). With the exception of some major group-to-group dialogues (Andean Pact group, ACP countries, Rio Group, Gulf Cooperation Council and Central America) most of the dialogues provide for contacts at the political director level so that this level of contacts can be regarded as a kind of backbone of the Twelve's dialogue activity. Some of the dialogues providing for at least one meeting during each Presidency (Canada, Japan, United States), this has put increasing strain on the directors' heavily charged agenda, and meetings at the deputy political director level only are until now limited to the dialogue with Pakistan.

Apart from these three main levels, some dialogues also provide for regular contacts at **senior official or expert level** (normally the heads of the divisions being in charge of relations with the country concerned in their national foreign ministries and the Commission) or at **parliamentary level** (members of the CFSP committee and/or of the corresponding delegation of the European Parliament).

Reasons for engaging in dialogues: the side of the Twelve

Seen from a historical perspective the main reason for setting up dialogues has been that there was a strong demand from third countries to enter into somewhat more structured

relations with the new emerging political actor that was EPC. The Six (and then the Nine) had to meet this demand which at the same time allowed them to strengthen their collective diplomacy via a set of regular high level contacts with third countries.

This "reactive" component of the dialogues' origins does not mean, however, that there were and are no other good reasons for engaging in dialogues on the European side.

Firstly, the dialogues are a very flexible instrument: They can be established by a mutual agreement which does not even need to be formalized. They can precede or complement intensified economic relations. They commit both sides only to more or less regular contacts at one or several levels - not to any common political position - and even the commitments entered in respect to contacts can be handled flexibly according to interests and time constraints. Also each dialogue can easily be intensified through additional ad hoc meetings, an increase of the number of regular meetings or providing for meetings at a higher level. Last but not least, a dialogue can as well be "frozen" with relative ease, i.e. meetings can simply be suspended in case of a perceived misbehavior of the dialogue partner as this happened, for instance, with the dialogue with China after the violent repression of June 1989. In sum, the dialogues are a form of structured political relations which can easily be adjusted to the Twelves' political ends, and this without creating any substantial political obligation for them.

Secondly, the dialogues are a convenient way to convey political positions the Twelve have agreed on to third countries and to try to convince them to support these positions or even an international initiative of the Twelve, for example, in the framework of the UN or the CSCE. The regular contacts and the regular flow of information they entail create a favourable climate for a better comprehension of the Twelves' positions and more willingness to support or, at least, not to oppose these positions. Although no third country will publicly admit that it has adopted this or that position partly under the influence of its political dialogue with the Twelve diplomats of the Twelve frequently point to this "conveyer role" of dialogues as one of their essential "raisons d'être".

Thirdly, dialogues can be a valuable instrument in pursuing certain mid- or long-term political strategies. Such aims can be the preparation of applicant countries for membership (as it is done now - not with overwhelming success in respect to the CFSP chapter - in the dialogues with Austria, Finland, Norway and Sweden), the adding of a political dimension to formerly almost exclusively economic relations (dialogue with the ACP countries) or the encouragement of regional cooperation or peaceful conflict resolution (Rio group, San José group). Using the dialogues for the protection of human rights in third countries can also counted among the Twelves' longer term strategies. Yet, the fact that of most of the Twelve reacted negatively to the strong emphasis the last Portuguese presidency laid on human rights in the dialogue with the ASEAN countries (East Timor problem) may be taken as an indication for that they are not really prepared to make the existence of a dialogue dependent on human rights issues.

Fourthly (and closely linked with the two previous points), dialogues allow the Twelve

to affirm their collective identity vis-à-vis the dialogue partners. It is true that normally all or at least most of the Twelve have more or less developed bilateral relations with the dialogue partners and that these partners can become familiar with all major positions adopted by the Twelve through their official statements on international issues. But in bilateral relations between the Twelve and a third country or a group of third countries the Twelve normally only appear as an "acting" collective identity through the high level contacts of the dialogues in which they explain common positions and listen and react to the positions taken by the dialogue partners.

Fifthly and finally, there are the advantages of an increased level of information such as the possibility to complement the information collected through bilateral contacts, to get a clearer idea about the positions (and internal divisions) of other regional political groupings and to create new contacts at various levels which may afterwards ease the flow of information.

If these reasons for engaging in dialogues are valid for the Twelve as group, one should also not forget that some of the Twelve may appreciate dialogues for more national reasons. Some of them may see a dialogue as a means of supporting certain national positions on the international stage (such as France in the dialogue with ACP countries), others simply as an occasion - when holding the Presidency - to add some political prestige to their diplomacy. Some of the smaller Member States would certainly have much less high level contacts with third countries if the Twelves' set of dialogues would not exist. This adds to the willingness to bear the organizational burden of the dialogues which is particularly heavy for the smaller foreign ministries.

Reasons for engaging in dialogues: the side of the third countries

Most of the Twelves' dialogues have been established on the demand of third countries. Recent examples for such demands are those of the Central and Eastern European countries, of several countries of the former Soviet Union and of Switzerland. What are the reasons for this strong and apparently still increasing demand?

Some of the reasons for the Twelve for engaging in dialogues are certainly also valid for their dialogue partners: The flexibility of the instruments has its advantages for them as well, and so has the conveyor role of dialogues and the increased level of information they can provide. Yet, the mid- or long-term strategies they pursue by engaging in dialogues can be quite different from those of their European partners.

For a quite considerable number of third countries dialogues with the Twelve appear very attractive because of the huge economic power of the European Community. It is true that in formal terms the Twelve only represent intergovernmental cooperation in the field of foreign and (since shortly) security policy. But many third countries have never really accepted the legally rigid but politically subtle distinction made by their European partners

between "pure" foreign policy issues to be dealt with by the Twelve and "pure" economic and financial issues to be dealt with by the Community. Quite understandably it has been difficult to convince them that ministers who meet as the General Affairs Council in Brussels to decide on major Community issues have no power over the Community's external economic relations and development policy when talking to the counterparts in the framework of "political" dialogues. The presence of Commission representatives in these meetings has only added to the impression that the distinction between foreign policy and economic and financial issues is more declaratory than real.

Contacts with the Twelve in the framework of dialogues therefore means for many dialogue partners a convenient way to have regular contacts with high level representatives of the economic giant that is the Community. This is particularly true for the developing countries of the Andean Pact group, the San José group, the Central American group and the ACP group, but as well for groups with more specific economic interests like that of the Gulf Cooperation Council.

No less important is for many dialogue partners the symbolic political value of being engaged in a structured political relationship with the Twelve. For some of them it helps to assert their independent standing in international relations. Examples are here the position of Australia vis-à-vis the United States and (with a more dramatic note) of the Ukraine vis-à-vis Russia. For others having a dialogue means to underline their claim to political nearness to the Europe of the Twelve and to future membership in the Union. Examples are here the Baltic States, the Central and Eastern European States, which both are bringing their strong security policy into the dialogues, and Turkey, which has always regarded its dialogue as one way of paving the way for membership. Finally, a dialogue with the Twelve may simply be a precious instrument for increasing international diplomatic prestige or paving the way for a general political rehabilitation. An example for the latter has been the recent resumption of the dialogue with China which gave a strong signal on the international stage.

There are, of course, also the countries which - mainly due to their economic and/or military strength - do not have to seek a dialogue for economic reasons or for asserting their political positions in international relations. These countries are nevertheless interested in a structured political relationship with the Twelve which is adequate to the importance of their international status and to the importance of the Twelves' collective weight. The interest of the Twelve in such a relationship being normally at least as strong as the third country's, dialogues then take a particular intense form which also for the outside world underlines the importance given to this kind of structured relationship. Examples are here the dialogues with the United States (whose broad range and frequency of contacts is particularly impressive), Canada, Japan and Russia. In these cases the demand to establish a dialogue can not be located on one side only but takes the form of a more or less common initiative. Needless to say that these "big" dialogue partners sometimes try to convey their political positions to the Twelve in a much more than informative form for which the gatherings of the Twelve with the United States during the Gulf crisis are a good example.

Last but not least there is also the aspect that dialogues largely function as a consensus operation which means that dialogue partners have ample possibilities to avoid that topics which are particularly unpleasant for them are put on the agenda. Also, it is normally avoided to blame the other partner publicly for positions taken within a dialogue or for the disappointing results of a meeting.

Major trends of development

The number of dialogues has significantly increased during the last ten years and - taking into account the continuing external demand - is likely to increase further. A number of major development trends which have emerged during the last years is likely to persist as well.

First of all, the Twelve are consistently expressing their interest in dialogues with regional political groupings and their group-to-group dialogues cover at present over 100 third countries. For the Twelve, dialogues with regional groupings have advantages in respect both to practicability and to political content.

Taking into account the heavy organizational burden and the increase in timetable problems each new dialogues brings with it, agreeing on regular contacts with a group of countries rather than with each of them individually is a very powerful practical argument in favour of dialogues with regional groupings. This argument has played an important role in the establishment of all the group-to-group dialogues existing until now, even in the case of the dialogue with the Visegrad group whose members would have preferred quite strongly to have individual dialogues with the Twelve.

But there are reasons of political content as well: It belongs to the central elements of the "acquis politique" of the Twelve to encourage regional cooperation and peaceful regional conflict resolution. Group-to-group dialogues are obviously the most appropriate means to encourage such developments and to influence regional groupings in this direction, if necessary with the help of some economic and financial incentives of the Community. The dialogues with the San José group and the Central American States are successful examples in this respect.

The political interest of the Twelve in dialogues with regional groupings is even greater in case of groupings which are geographically on the doorsteps to the Union such as the Visegrad group, the Baltic countries and the Arabian Ligue. Here the Twelve try through the dialogues (the one with the Arabian Ligue has been downgraded to the technical level for some time due to the Libyan problem) to stabilize their immediate environment which gives a particular quality to these contacts.

It should be noted, however, that the group-to-group formula also creates problems. Many of the countries being part of regional groupings would have preferred individual dialogues with the Twelve and have reacted with some disappointment to the establishment

of a group dialogue instead. The already mentioned case of the Visegrad countries is a recent example. Although the group-to-group dialogues are normally not much affected by such initial disappointments there is a risk that countries which are particularly keen to cooperate with the Twelve lose some of their enthusiasm if they are forced to bring it to bear only from within a large grouping of their own region.

Another problem is that regional groupings (and the Twelve themselves are a good example for that) tend to agree on the least common denominator only if it comes to common positions on foreign affairs issues which makes it difficult for the Twelve (if they can agree on such an intention) to go very far with the whole group. A case in point is here the dialogue with the huge group of the ACP countries which has not produced very substantial results until now.

A fairly new but nevertheless important trend is to include obligations to enter into a political dialogue in association treaties concluded with third countries like this has been done in the case of the Europe Agreements with the Visegrad countries. The advantages of such a formalization are that the dialogue is thereby put on a treaty base and that it is directly and firmly linked with the close relationship established at the Community level. A possible disadvantage is that dialogues entered on such a solid base may be less easy to adjust to changing political circumstances. "Freezing" a dialogue provided for by a Europe Agreement will certainly be a much bigger step than it was to suspend the informal dialogue arrangements existing with China before 1989. Nevertheless the first Europe Agreements have established an important precedent which may become a model for other association agreements as well.

Another trend is that of a growing decentralization of meetings: In order to avoid the time table and other organizational problems of organizing special meetings in capitals of the dialogue partners, more and more meetings (particularly at the ministerial and political director level) are organized in the margin of other international gatherings such as association council meetings or the opening of the United Nations General Assembly. This helps to keep up to the frequency of meetings as provided for by the existing agreements but at the same time it is somewhat to the detriment of the solemnity and the political prestige of the high level meetings which sometimes appear to be very much "in the margin" of the main international gathering.

Finally, there is still another trend mainly due to problems of time and organization, and this is growing decrease in the level of participation at meetings. Since a couple of years already it has become a growing practice that ministers of foreign affairs send junior ministers as their deputies to dialogue meetings at ministerial level. This has not always been appreciated by dialogue partners but may be inevitable, at least in many cases. The agenda difficulties of the political directors (which play a key role in most of the dialogues) have increased as well quite considerably. In order to discharge them there is a growing tendency to provide in dialogues only for regular meetings at deputy political director (dialogue with Pakistan) or senior official level (dialogue with the Baltic countries). Such official

arrangements with dialogue partners for meetings at a slightly lower level are certainly preferable to a situation in which partners would have to see in an increasing number of meetings scheduled at political director level the Twelve silently replacing their directors by more junior officials.

Problems of performance

Some performance problems of the dialogues have already been mentioned: The heavy burden the ever increasing set of dialogues places on the Twelve, the substance problem of some of the group-to-group dialogues, the dissatisfaction of some individual third countries with the group-to-group formula, the "marginalization" of dialogue meetings on the occasion of other international gatherings and the decrease in the level of participation in meetings.

To these one may add the old problem of discontinuity, i.e. the fact that due to the rotation of the Presidency dialogue partners have to deal with a different set of representatives every sixth month, except for those of the Commission which represents the only element of continuity. It has been said that this increases the influence of Commission representatives in dialogue meetings, and this may be true to some extent. It should be noted, however, that there are still some regular contacts provided for at the level of the Presidency only (one example is the dialogue with Australia at the ministerial and political director level). Since the Commission participates in all other types of dialogue meetings we have here another element of discontinuity which - in addition - is not in line with the "full association" of the Commission provided for by Article J.5(3) of the Union Treaty.

Yet, the biggest problem of performance the Twelve have to face in respect to their many dialogues is that how to keep all of them manageable, particularly in the light of the prospect of even more dialogues to come up in the future. The Twelve have already agreed in 1992 on a number of non-binding guidelines such as to adapt political dialogue commitments to the changing importance of dialogues, to limit meetings at ministerial level to one per presidency in whatever formation, to spread contacts over successive presidencies and to allow presidencies to deploy deputy political directors or regional directors. Provided that such pragmatic adjustments are made in full agreement with the dialogue partners they can be quite useful. In addition, the Twelve could consider the possibility of presidencies entrusting certain dialogue contacts to other members of the Troika or of the enlarged Troika and of reducing the commitment to regular yearly or halfyearly contacts to the level of the political directors or the deputies, providing for meetings at the ministerial or Head of State or Government level only on an ad hoc basis or biennial basis. Some of the briefing of third countries could also be carried out by the CFSP Secretariat or the Council Secretariat DG it may become. Such solutions may not please some of the Twelve partners but a certain streamlining and partial shrinking of many dialogues may prove necessary to keep the entire dialogue system operative.

Conclusions

The persisting strong interest of third countries in political dialogues and the impressive set of dialogues which has been set up until now clearly show that the dialogues have become a major policy instrument of the Twelve. The increasing regional and global responsibilities the Union has to face will only add to the value of this instrument.

Yet, like any instrument, the dialogue system needs to be handled with some circumspection. This means, for example, that however attractive group-to-group dialogues may seem they should not lead the Twelve to overlook the importance political contacts with individual group members or sub-groups of countries might have. This means also that the flexibility of the instrument - perhaps one of the main reasons for its success - should be protected against more and more stiff and more and more stiff commitments. In consequence, a too rigid codification of commitments needs as well to be avoided as an overload by too many and too frequent multilevel dialogues need to be avoided. In this respect, more dialogues with less frequent meetings at fewer levels seem to be preferable to fewer dialogues with very intense commitments.

Also, like any instrument, the dialogue system needs some regular refit. In view of the increasing load in terms of organization and time this means above all that there have to be found new procedures to reduce the burden of the the Presidency, new formulas for contacts with third countries and new divisions of tasks between the various levels of contact.

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EPC/CFSP AND THE STATES OF THE FORMER SOVIET UNION - DOES THE 12 HAVE A COHERENT POLICY?

David Allen

Introduction

Before 1989 it was clear that the member states of the EC faced changes in their individual and collective roles in the evolving international system. At the beginning of the 1980's the EC states had achieved a degree of success in managing their own distinct response to the outbreak of the 'new cold war' so that EPC observers talked of European foreign policy reaching a new 'plateau' and of the EC member states establishing themselves as a 'second western voice' in international relations. However the effectiveness of that voice in influencing the activities of either superpower was questioned by the circumstances surrounding the US-Soviet summit in Reykjavik in 1986.

Those who saw the Gorbachev détente initiatives and the positive response to them by the US anticipated a time when the EC states would have to play a fuller role in providing for their own security and shaping relations with the Soviet Union but thinking on both foreign policy and internal EC arrangements remained based on the assumption that European politics would continue to be fundamentally structured by the post-war cleavage. By the end of 1990 however the Cold War and all that went with it had all but disappeared. Germany was united within NATO and NATO and the Warsaw Pact had mutually agreed that they no longer represented a threat to each other. In Paris in November 1990 all the members of the CSCE had drawn up the Paris Charter which was seen as the foundation of a 'New European Order'. The EC was perceived by both superpowers, with apparent enthusiasm, as being the key organisation upon which the new Europe would be centred.

These revolutionary changes could be seen as presenting the EC and its member states with a great opportunity to both widen and deepen their integrative experiment in a Europe no longer divided or dominated by the

superpower protagonists. The Cold War could, in this view, be seen as having placed definite limits on what was achievable at the collective European level particularly in the foreign and security policy spheres and especially in relation to the Soviet Union. The end of the Cold War therefore might be seen as presenting the EC states with the opportunity to build on their previous success and to rise to the challenge of developing internally and externally in general and with regard to the Soviet Union in particular.

On the other hand one could see all the European institutions (both Eastern and Western) as being essentially Cold War institutions which might be unlikely to survive its peaceful conclusion. This view would have predicted the collapse of the Warsaw Pact and Comecon but would also have anticipated that NATO and the EC would have problems maintaining internal cohesion once the discipline of the Soviet threat was removed. It is argued here that the initial jubilation about the liberating impact of the events of 1989 on the EC and EPC failed to take account of the dynamic effect of those changes on the position and perspectives of the EC member states. Prior to 1989 the EC had indeed got itself into a reasonably good shape thanks to the Single Market Programme and the Single European Act. Future developments could be considered in a relatively relaxed fashion with a gradual consideration of the process of EMU and further institutional reform and a postponement of further enlargement consideration until after the completion of the 1992 objectives. One of the immediate effects of 1989 was to give much greater urgency and significance to all EC and EPC decisions.

The Relationship with the Soviet Union

In the late 1980's the EC had already begun a reconsideration of its relationship with the Soviet Union and its client states. This was partly inspired by their reaction to the 1992 programme but was mainly the result of a Soviet desire, evident from 1985 onward, to forge a new relationship with all the potential inhabitants of Mikhail Gorbachev's celebrated 'Common European Home'. The EC, already dealing with those East European states that had started to show signs of reform potential was under pressure from Moscow to consider a framework agreement both with the Soviet Union and Comecon. The EC member

states, were, however, divided in their reading of Gorbachev's intentions.. Britain in particular, despite Mrs Thatcher's evolving role as an intermediary between Reagan/Bush and Gorbachev , worried that the Soviets were merely pursuing their age old policy of attempting to divide the Atlantic Alliance and detach the West Europeans in general and West Germany in particular from the US. West Germany was the EC member state which responded most positively to Soviet advances and as a result France demonstrated its traditional concern about a neutralist West Germany 'escaping' from the restraints of the EC and NATO in its search for reunification.

These first signs of division between Britain, France and Germany - the major players in EPC/CFSP - were to be reinforced by subsequent developments so as to raise significant doubts about the ability of the 12 to develop a coherent and substantial policy towards the Soviet Union in the new environment. At the end of 1988 Gorbachev's UN speech ,in which he announced major unilateral force cuts, was received cautiously by Mrs Thatcher who urged that it be " kept in perspective" but with enthusiasm by Herr Genscher who argued that the anticipated deployment of short range nuclear weapons by NATO should now be delayed (Genscher was accused of 'renting a room in the common European home before the plans for the building had been drawn up'!)The subsequent row primarily between the UK and Germany over this planned deployment was the precursor of much greater differences between the two states (and between them and France which also viewed Germany's enthusiasm with concern) which were to prevent the emergence of a coherent policy towards the East. Moreover the row was not confined to the big Three. Whilst British policy reflected American concerns other EC member states joined the Germans in questioning whether the new circumstances required new thinking in the west as well as the east. The result was that until the NATO Summit in 1989 the West Europeans were unable to respond collectively because of their particular national fetishes.

The western failure to respond effectively was essentially a failure of leadership. The newly elected George Bush apparently needed time for thought in early 1989, despite his long association with the White House, and it was not until he completed his post-inaugural contemplation's that

the West came up with a response. The disappointment was however the failure of the EC member states to fill the vacuum - as they had done in the 1980/81 transition from Carter to Reagan?. Thus the western failure was essentially a European failure once the major criteria for dealing with the Soviet Union became political rather than military. It was surely up to the Europeans to come up with a constructive response to the idea of a common European Home? However instead it was the Americans, supported by their new 'partners in leadership' in West Germany who pulled the West together by offering the Soviets a response, which many, in hindsight saw as too little too late for Mr Gorbachev.

The EC itself adopted a carrot and stick strategy towards the East applying the principle of conditionality to its offers of assistance and seeking to emphasise separate dealings with individual east European states rather than collective dealings with Comecon. In April 1989 a political dialogue with the Soviet Union was begun and the EC ambassadors in Moscow started to receive regular briefings from the Soviet foreign ministry. In July 1989 the EC Commission, once again as the result of a policy orchestrated by the Americans and West Germans, were given overall responsibility for all PHARE aid to be provided not just by the EC12 but by the wider Group of 24.. The PHARE programme was initially offered to Poland and Hungary and then extended to all the states of eastern Europe, Albania and some of the states of the former Yugoslavia. - i.e all states which have been given reason to believe that they may one day become full members of the EC Interestingly the three Baltic states were also eventually made a part of the PHARE programme but aid to the rest of the former Soviet states was organised in a different forum known as TACIS. The European Commission did not seek and does not have overall responsibility for managing all G24 aid to the former Soviet states. If by distinguishing in name and form between aid to Eastern and central European states, who can aspire to membership, and aid to former Soviet states ,who can't ,the EC 12 were attempting to clarify policy then the inclusion of the Baltic states in the PHARE programme serves to confuse the issue.

Aid both within the PHARE and TACIS programmes is subject to political and economic conditionality which involves a degree of cooperation between the EC and EPC/CFSP processes. The aid process

has also, as we shall see, highlighted the conflicting economic and political dilemmas that the EC12 face in trying to develop a coherent policy whilst trying to balance the political advantages of economic and financial generosity, in the shape of aid, assistance and improved trading terms, with the economic costs both to the governments of EC member states and to industrial and commercial forces within the Community who fear that they will lose out to in competition with the East. In terms of Community policy-making this produces a continuous conflict between west European foreign offices and in particular Soviet and former Soviet desks who see the advantages of economic incentives and who work together in the EPC/CFSP process and trade, industry and agricultural ministries who feed into the COREPER/EC process who fear the short term economic consequences - an old dilemma for EC/EPC coordination but a definite obstacle to be overcome if a coherent and effective policy towards the former Soviet Union is to emerge.

The fall of the Berlin wall forced the West Germans to act quickly and decisively because for them the preferred British policy of 'waiting and seeing' was not an option. If West Germany's partners in the EC could not act in harmony vis-a-vis the question of German unification and redefining the relationship with the Soviet Union then West Germany would have to act alone. The sense of urgency was compounded by concern in West Germany about Gorbachev's own position within the Soviet Union. Whilst Britain urged caution and France urged the further development of the EC the West Germans, ably supported by the United States perceived that a potentially narrow window of opportunity existed and chose to drive for unity.

The West's approach to German unification further illustrated the divisions within the Community that inhibited the development of new policy towards the Soviet Union. Britain, whose credibility when it came to defining European interests had been sorely questioned by Mrs Thatcher's activities, seemed to prefer the maintenance of the status quo. After the emergency European Council meeting in Paris, called by President Mitterrand to ensure a European input into the upcoming US-Soviet Summit in Malta, Mrs Thatcher said that

" the question of borders (by which she meant the East and West German borders) is not on the agenda - they should stay as they are and all military matters should continue to be conducted through NATO and the Warsaw Pact. This arrangement has suited us very well and at a time of great change it is necessary to keep a background of security and stability"

This certainly accorded with what the Soviets were saying and served an agreed EC interest in reassuring the Soviets that the West would not take advantage of the changes in eastern Europe, but it inevitably led to friction with the Germans and with the French who saw further integration as the way of living with German unification if it could not be contained by other means (President Mitterrand met with President Gorbachev in Kiev in December 1989 after Chancellor Kohl had announced his 'ten-point plan' for unification. In Moscow, to the extent that they were of interest the signals coming from the EC and its member states must have been confusing at the end of 1989 and the beginning of 1990.

Again from the perspective of Moscow the Western approach to German unification in 1990 would have seemed confused at the EC level but effectively dominated by West Germany and the United States. Whilst Britain and France sought to preserve the status quo with a 4+2 formula designed to reinforce the position of the four occupying powers, the United States was willing to allow the Germans to make their own arrangements (2+4) and it was the United States who orchestrated the NATO Summit in London in June 1990 which came up with enough (a joint peace declaration with the Warsaw Pact, an invitation to Gorbachev to address NATO and the revision of nuclear strategy) to enable Gorbachev - or more importantly his military critics - to live with a united Germany inside NATO. The Ottawa and London meetings were crucial to the eventual German settlement and they both illustrated the continued dominance of, and European dependence on, the US, despite beliefs/aspirations to the contrary, over Western policy towards the Soviet Union.

This paper will conclude with the argument that this state of affairs, which is contrary to the view that via the EPC/CFSP process the EC12

have developed a distinctive and effective voice in East -West affairs, continues to this day. At the recent NATO summit (January 1994) called to consider the future purpose and membership of the alliance, proceedings were dominated by the US proposal for a 'Partnership for Peace' which is a reflection of Washington's view that Yeltsin must be supported at all costs even if this means saying no in the short to medium term to Polish and Hungarian aspirations to become full members of the Alliance. Although The EC states have gone along with this policy their own deliberations in the run up to the NATO meeting had produced little clarity or coherence of policy or purpose. Once again , as in 1990 it took the intervention of a US President, until now not noted for his grasp of or interest in European affairs. to outline the major parameters of policy towards Russia and the other former Soviet states

Once the question of German unification was settled the Paris summit of the CSCE called in November 1990 was convened at which all the participants reconfirmed and developed the principles first established in Helsinki in 1975. There was much optimism that Paris was a major turning point in the evolution of Europe and that the Charter of Paris would form the basis of the new European order. To the extent that the EC had a policy towards the Soviet Union it seemed to be based on the assumption that Mr Gorbachev should be supported with technical and financial assistance (although there was a considerable difference of opinion between Germany and the UK about the scale of that aid) in his continuing bid to reform and democratise the Soviet Union whilst keeping it intact, that the states of eastern Europe should be encouraged in their progression towards democracy and market economies without threatening the security of the Soviet Union and that the Soviet Union should be encouraged to constructively participate in the UN and elsewhere towards the construction of a wider world order

To this end in 1990 the 12 had agreed at the Dublin summit in June to draw up proposals for short term credits and long term support for structural reform in the Soviet Union and in December in Rome it was decided to grant food aid of up to ECU 750 million and technical assistance of ECU 400 million. The EC had already, in February of 1990 ,concluded a 'first generation' trade and cooperation agreement with Moscow and this provided for regular consultations between the

Commission and the Soviet foreign ministry. The first indications that the integrity of the Soviet Union itself might be under challenge came with a deterioration of the situation in Lithuania and in March 1990 the 12 issued a statement calling on both Moscow and Vilnius to engage in an 'open and fair dialogue' and to show maximum restraint in their handling of the situation.

The objective of engaging the Soviet Union in cooperation on global matters led to the successful negotiation in September 1990 of a joint EC - USSR statement that underlined common positions on both the Gulf Conflict (Iraq had invaded Kuwait in August 1990), the Arab-Israeli conflict and the Lebanon. In the case of Kuwait the EC and the Soviet Union expressed their support for the proposed UN measures and in the case of the Middle East the two argued for a comprehensive peace settlement that suggested that their common position might be at some variance from that taken by the United States.

However the optimism about future dealings with the Soviet Union that was so apparent in Paris at the end of 1990 was soon to be dashed by events in early 1991. A foretaste of the problems that lay in store for Mr Gorbachev within the Soviet Union came with the resignation of his foreign minister Eduard Shevardnadze who had expressed concern that Gorbachev might be back tracking on reforms under pressure from the Soviet military and communist party hard-liners (in particular Shevardnadze expressed concern about possible Soviet hesitations over the implementation of the CFE agreements that he had negotiated). This problem of supporting a moderate leader forced to act in an immoderate fashion by hard-line opposition was to arise time and time again in the EC's dealings, first with Gorbachev and the Soviet Union and later with Yeltsin and Russia.

The 12, whilst issuing a statement regretting Shevardnadze's resignation were nevertheless clear that all their eggs were in the Gorbachev basket. this led them to resist the attempts of the Russian president Yeltsin to visit Brussels in his own right. For in backing Gorbachev the 12 seemed also, regardless of their sympathy for the stirrings in the Baltics, to be supporting the idea of preserving the integrity of the Soviet Union and resisting the idea that it might itself be split up.

The Baltic States

The policy discussed above was immediately challenged in January of 1991 when things began to go wrong (or right depending on your point of view) in the Baltics. As Soviet forces were sent into action in Lithuania, the 12 called once again for a peaceful dialogue and referred to the 'legitimate aspirations of the Baltic peoples'. Referring to the CSCE obligations so recently renewed in Paris and disappointed by a Soviet refusal to allow the CSCE to discuss the situation in the Baltics the 12 threatened the withdrawal of the only recently agreed assistance to the Soviet Union. The problem for the EC was that whilst some states emphasised the attack on human rights and the right of self determination, others worried about giving ammunition to the hard-liners and therefore further undermining Gorbachev at a time when the Soviet Union had still to ratify the 2+4 agreements and initiate the agreed process of troop withdrawal from eastern Europe. This was also a time when the Soviet Union appeared to be contemplating searching for new agreements with the east European states with the idea of creating a buffer to replace the collapsed Warsaw pact - a buffer which the west saw as potential 'finlandisation'.

Nevertheless the EC did decide to try and bring its economic muscle to bear vis-a-vis the Baltics with the freezing of some aspects of the Soviet assistance programme. Once the referenda had been held in the Baltic states and confirmed the will of the majority to leave the Soviet Union the 12 repeated their call for a peaceful dialogue and argued that the will of the people could not be disregarded. The Baltic situation raised several problems for the EC 12 in addition to those mentioned above. Whilst the case for supporting Gorbachev seemed sound it was not clear that there was much that the Community could actually do to impact on events inside the Soviet Union. That being the case there was an attraction to emphasising the human rights aspects of the Baltic situation with some states keen to proclaim their support for Universal Self Determination (this was not popular with the Spanish or the Italians for obvious reasons) - this idea was not compatible with the continued existence of the Soviet Union. However the real policy debate on this matter seemed to be carried out in the US rather than Europe with some arguing that

Gorbachev was a lost cause and others that the memory of the American civil war should lead the US to support the maintenance of the Soviet Union against demands for secession..

When the Baltic states seized the opportunity occasioned by the August coup to declare their independence the 12 were quick to recognise the 3 new states and soon agreed to their incorporation as beneficiaries of the PHARE programme. As we stated above despite their status as former Soviet states the Baltic states have effectively been treated by the Community as if they were part of east/ central Europe. This may cause the 12 some problems in the future - the success of the nationalists in the recent Russian parliamentary elections led to nervous Baltic requests for full membership of NATO and closer relations with the EC. Inside the EC some present members(Britain, Denmark) and some prospective members (Finland, Norway and Sweden) would be sympathetic to a close relationship (possible membership?) between the EC and the Baltic states. However in their pursuit of an active human rights policy the 12 may well find that they are forced to side with the significant Russian minorities in the Baltic states. In July of 1993 the EC and the 12 issued a statement welcoming the amendments that the Estonian parliament had made to the law on aliens, which discriminated against Russians, and hoping that other states would follow the Estonian example.

The delicate balancing act with regard to the Baltics was further illustrated by an EPC statement in September of last year welcoming the fact that, after much prevarication, Russian troops had at last been withdrawn from Lithuania following the personal intervention of Presidents Yeltsin and Brazauskas. At the time of writing however Russian troops remained in Estonia and Latvia. The EC has some difficult decisions to take with regard to the Baltic states in the future. Despite all attempts to soften the dividing line via the notion of the Partnership for Peace Europe, however defined, will, in the future, be divided in some way between those who are either in or moving towards full membership of the EC and those who are not. It will clearly be in the interests of those who are not to reach an accommodation with the EC (free trade area, extension of the single market?) which in turn will require the outsiders to cooperate with each other to maximise their effectiveness. At present it looks as if the states of the former Soviet

Union will form that group of outsiders but, as we have noted above, the position of the Baltic states remains ambiguous, grouped as they are with the states of eastern and central Europe in the PHARE programme and recognised as they were, ahead of the formal break up of the Soviet Union.

Notes from here I am afraid!

The August 1991 coup

The 12's reaction to the events of August 1991, which effectively marked the end of Gorbachev and the beginning of Yeltsin, not to mention the beginning of the end of the Soviet Union, was, perhaps understandably, hesitant. Although a meeting of foreign ministers was called within hours of the coup's announcement and although action in the form of a suspension of food aid and technical assistance (this action was revoked two days later when the 12 " learnt of the collapse of the coup with profound relief and satisfaction") was agreed on, the 12 were clearly uncertain as to whether they should continue to support Gorbachev or seek some sort of accommodation with the coup's instigators. Once Gorbachev was restored it was clear that he had lost all authority to Yeltsin and that therefore the days of the Soviet Union were numbered. During the coup the major western actors were the Americans, Germans, British and French and they seemed mainly to talk to each other - mainly via the Americans.

Once the coup was over and Yeltsin predominant the 12 had to face the problem of whether to continue to support the maintenance of the 'Union' or go with the Soviet republics (it was clear that whatever they chose would make little difference inside the Soviet Union - the problem was to pick winners and the west had already made the mistake we now know with hindsight) of rejecting Yeltsin in favour of Gorbachev.)

On the question of supporting the self determination of the Soviet republics the 12 were internally divided - as they are over the question of further bids for independence by groups within the present former Soviet states : Trans Dniestra and Moldova, Ossietia and Georgia and the Crimea and the Ukraine. Spain worries about Basques, Italy about the Northern

League, Belgium about Flanders and perhaps in the future Britain about Scotland!. The question of Moldova and Trans Dniestra could be problematic for the 12 in the future if Moldova seeks union with Romania - which has a European Agreement with the EC - and Trans Dniestra resists with Russian support!

The break up of the Soviet Union

By the time it happened it was expected and the 12, following a US lead, met twice in December to successfully agree a set of conditions for 'recognition of new States in Central Europe and the Soviet Union'. - the application of these principles eventually to all the former Soviet states was a lot less painful than their application in the case of the former Yugoslavia!. Although the 12 worried collectively about the control of nuclear weapons and nuclear expertise in the former Soviet states of Russia, Ukraine, Belarus and Kazakhstan they were inhibited a bit by the British and French nuclear forces. The main problem here has been the Ukraine and its dispute with Russia but the main western actor has been the United States - how do Britain and France persuade anybody of the virtues of nuclear disarmament?

The break up of the Soviet Union raised the question of EC 12 representation as well as recognition. This is a problem for all the national foreign services who, with the exception of Germany, are under considerable financial pressure. There does not seem to have been a great deal of EPC/CFSP cooperation on this matter to date although there are one or two examples of shared facilities (Britain and Germany). Is this an issue for the future inside the CFSP? At the moment the response is essentially national but in the end some states may prefer to be major players in an effective 'European' representation than ineffective participants in an underresourced national effort. It may also be the case that there is some scope vis-a-vis the former Soviet states for a division of labour when it comes to some aspects of representation.

Conflicts inside the former Soviet Union

In 1992 and 1993 there have been a succession of EPC/CFSP hand wringing statements recording the 12's concern about events in Ngornoo-

Karabakh, Georgia, Moldova and Tadjikistan. The statements all refer to CSCE principles, regret the use of force, and usually are supportive of Russian attempts to intervene and keep the peace. There is little evidence that these statements have any impact on the situations inside these former Soviet States

Support for Yeltsin

This has replaced support for Gorbachev as the main principle of the 12's policy towards Russia and was backed up during the events of 1993 with specific support for his actions in calling for a referendum and eventually taking action against the Parliament.. Progress towards the signature of the Cooperation and Partnership Agreement with Russia was speeded up and slowed down in apparent harmony with events inside Russia and culminated in the less than triumphal signing of a political declaration just before the European Council meeting in Brussels in December . Yeltsin's visit to Brussels (the last visit by a Russian leader to Brussels had been by Peter the Great in the 18th century) was arranged to take place the day before the Russian parliamentary elections and the political declaration was meant to boost his appeal. In his speech at the dinner Yeltsin complained about the forthcoming NATO summit and argued that the EC too was exhibiting some reluctance to establish a close relationship with Russia.

At the European Council meeting called to herald in the European Union at the end of October 1993 the EC leaders decided that one of the areas of joint action for the new CFSP procedure would be to send observers to the parliamentary elections in Russia in December. In the event the EC team joined a group of nearly 1000 such observers whose reports on an election, which produced the wrong result both for Yeltsin and the west, should nevertheless make interesting reading. One suspects that European union observers could be kept very busy in the next few years monitoring the progress to democracy (or lack of it) of the various former Soviet states

The economic relationship with Russia and the former states

The story of western aid to the former Soviet states is not for this chapter other than to make the obvious point that most of the criticisms of the better established aid programmes for eastern Europe seem to apply to this area as well. The development in 1992 and 1993 of the idea that one day Russia and some other former Soviet states might enjoy free trade area status (or even a Russia et al version of the European Economic Area?) with the EC seems to be an attempt to soften the blow of non-membership. The free trade area proposal could be seen as the EC's economic equivalent of the NATO Partnership for Peace proposals and are clearly politically rather than economically inspired.

The problem of leadership?

It is not clear that the EC 12 do have a clear and coherent policy towards the former Soviet states. Is this because the member states rightly agree that they can have little impact on political developments anyway and so the less said the better - no hostages to fortune - or are they handicapped by the CFSP procedures so that they are not capable of exercising the leadership that their policies deserve? Was it unfortunate that in 1993, when Yeltsin faced his problems, whilst the US could deliver a newly elected President for a Clinton-Yeltsin summit the best the Europeans could manage were meetings with the Danish and Belgium presidencies? Is there anything to the argument that the EC and the 12 are always going to have difficulties mobilising their not inconsiderable resources whilst they stick to the current arrangements and does this not show in the lack of a coherent policy towards the East? Is it not inevitable that the EC will always fail to deliver the 'grand vision' because there is no focus (central set of institutions) to develop that vision? Is a European policy towards the former Soviet states essentially incompatible with the continued pursuit and organisation of national policies? Is it not the case that EC trade and aid policies will always revert in practice to the lowest common denominator and will the EC policy process always tend to favour short term protection over long term vision? In other words if one accepted (and one may not) that there is a case for a Marshall type programme or vision for the political and economic development of the former Soviet Union would the EC/CFSP procedures be capable of initiating,

developing and sustaining such a policy. Given the lack of central focus, is this not one of the reasons why 'western' policy towards Russia et al is still essentially dominated by the United States despite the fact that most of the aid and assistance is coming from the EC in general and Germany in particular. Events leading up to the recent NATO summit would seem to suggest that leadership and policy direction as well as serious public debate about policy towards Russia and the other former Soviet states are to be found in the United States not the European Community.

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Paul Luif:

Enlargement as a Challenge and Incentive for Reform

Paper for the Conference "Regional and Global Responsibilities of the European Union in the 1990s — The Potential and Limits of a Common Foreign and Security Policy (CFSP)"

Brussels, 27–29 January 1994

First version, not for quotation!

1. Introduction

The enlargement of the European Union in the 1990s basically concerns three groups of countries:

- (1) at least four EFTA countries (Austria, Finland, Norway, Sweden and maybe Switzerland at a later date);
- (2) three Mediterranean countries (Turkey, Malta, Cyprus);
- (3) several East-Central European countries.

These enlargements have already raised simply the question of *numbers*: how to maintain and perhaps even improve the efficiency of decision making with up to 16 or 20 member states or even more.

The problems concerning the membership of the Mediterranean and the East-Central European countries will not be touched here. The paper will concentrate on the accession of the EFTA countries. The fact that most of the applicant EFTA countries have had a long tradition of neutral foreign policies poses the question of the *quality* of CFSP. Will the new members influence the contents of the CFSP statements and decisions and if, in what way? Will there be the possibility of joint actions?

The origin of EPC had much to do with the first EFTA enlargement: In particular the (political) weight of the United Kingdom made it necessary to find a platform for foreign policy coordination among EC member states. It was significant, that this foreign policy cooperation was started *before* the United Kingdom (as well as Denmark and Ireland) became members of the

EC.¹ The neutral status of Ireland played no role in the membership negotiations. The southern enlargement brought the "Greek" problem and the reduction of consensus among EC members on EPC questions.

Security (especially "hard" security in a military sense) has never been part of European integration — except in the unsuccessful attempt of the European Defense Community (EDC) of the 1950s.² It often lingered in the background, in particular during enlargement negotiations (United Kingdom 1961–63, Spain in the 1980s),³ but it never became part of EC decision making.

2. Why Did the EFTA Countries Apply for EC Membership?

Looking at Figure 1 on page 4, the preliminary question to answer is why the EFTA countries did *not* apply at an earlier date for EC membership. They all have a large and growing amount of trade with the EC. The answer used to be quite simple. Four of the EFTA members have been neutral countries that were militarily not aligned to the West. Neutrality used to be seen as an obstacle for EC membership. Norway, a NATO member, tried to join the EC in 1972, but the Norwegians rejected membership in a referendum. Iceland, a NATO member as well, never thought of joining the EC because it did not want to open its fishing waters to Community fishing industries. Liechtenstein which is a member of EFTA since 1 September 1991, has generally followed Swiss behavior in external affairs.⁴

Why has this attitude toward the EC/EU changed? A recent study by John Redmond suggests the following reasons:

-
- 1 In a similar way, the original EC members agreed on the first common fisheries policy in 1970, just before countries which had fishing interests far greater than those of the Six joined (or intended to join — Norway's membership was discarded after a negative vote in a referendum); see John Redmond, *The Wider Europe: Extending the Membership of the EC*, in: Alan W. Cafruny/Glenda G. Rosenthal (eds.), *The State of the European Community, Volume 2: The Maastricht Debate*, Boulder, CO — Harlow, Essex: Lynne Rienner Publishers — Longman, 1993, pp. 209–225, here p. 211.
 - 2 See Klaus Dieter Harwig, *Verteidigungspolitik als Moment der westeuropäischen Integration*, Frankfurt/Main: Haag + Herchen, 1977.
 - 3 One big bone of contention during the first phase of accession negotiations between the United Kingdom and the EC was the close security relationship of the United Kingdom with the United States. Spain, having joined NATO in 1983, drew a clear link between its participation in the Alliance and membership in the EC.
 - 4 Liechtenstein is connected with Switzerland through a customs union.

- The creation of the European Economic Area (EEA) would not be sufficient to offset the handicap of being outside the EC's internal market.
- The rapid collapse of the Soviet bloc.
- A growing sense that non membership of the EC implied, in some sense, exclusion from "Europe".
- There has been a "bandwagon" of "domino" effect which has been accelerated by the sheer pace of change of the political map of Europe.⁵

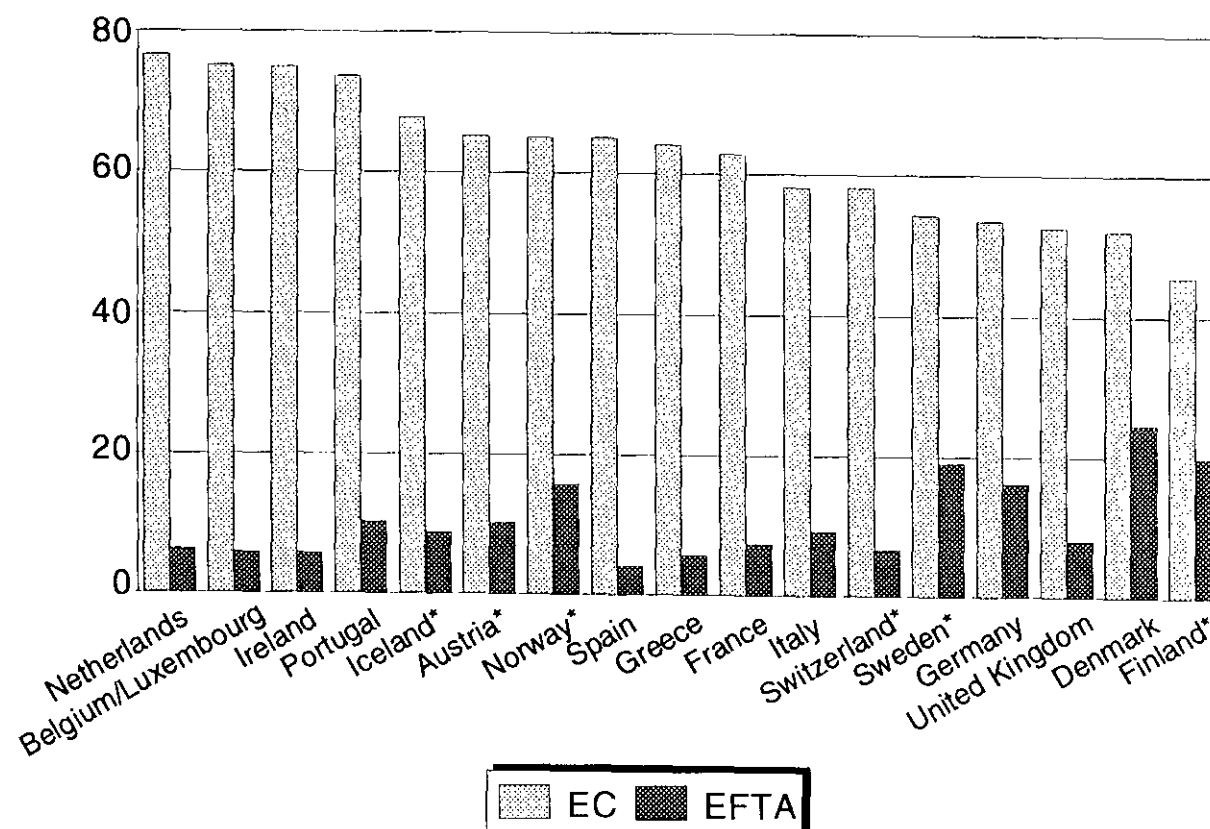
There can be no doubt that all four factors played a role in the decision of the EFTA countries to apply for membership. It is clear that the offer of the EC, and in particular Commission President Jacques Delors, to start negotiations on the EEA gave some of the EFTA countries a possibility to avoid the issue of EC membership. When it turned out that the EEA would not be an alternative to EC/EU membership, the countries most eager to reach an agreement with the EC (Sweden and Switzerland) did change their integration policy. But Redmond misses important points.

The answer on the foreign policy change of the EFTA countries given here consists of three elements: transformation of domestic structures, new interpretation of neutrality in connection with change in international politics and public opinion.

The economies of the EFTA countries had a relatively bad performance in the second half of the 1980s and the early 1990s. Figure 2 on page 6 summarizes one aspect — economic growth. Between 1973–1978 the economic growth rate in the EFTA countries did not exceed the EC average. In Switzerland economic development was actually quite bad. The best performance was by the Austrian economy. For the late 1970s and early 1980s, figures indicate a stronger economic performance of the EFTA countries compared to the Community average.

5 See Redmond, note 1, pp. 213/214.

Figure 1: Exports of EC and EFTA Countries to Both Integration Groups in 1990
(Percentages of Total Exports)



Note: Asterisks show EFTA member states.

Sources: External Trade, Statistical yearbook 1991, Brussels — Luxembourg 1991; EFTA Trade 1990. Geneva 1991.

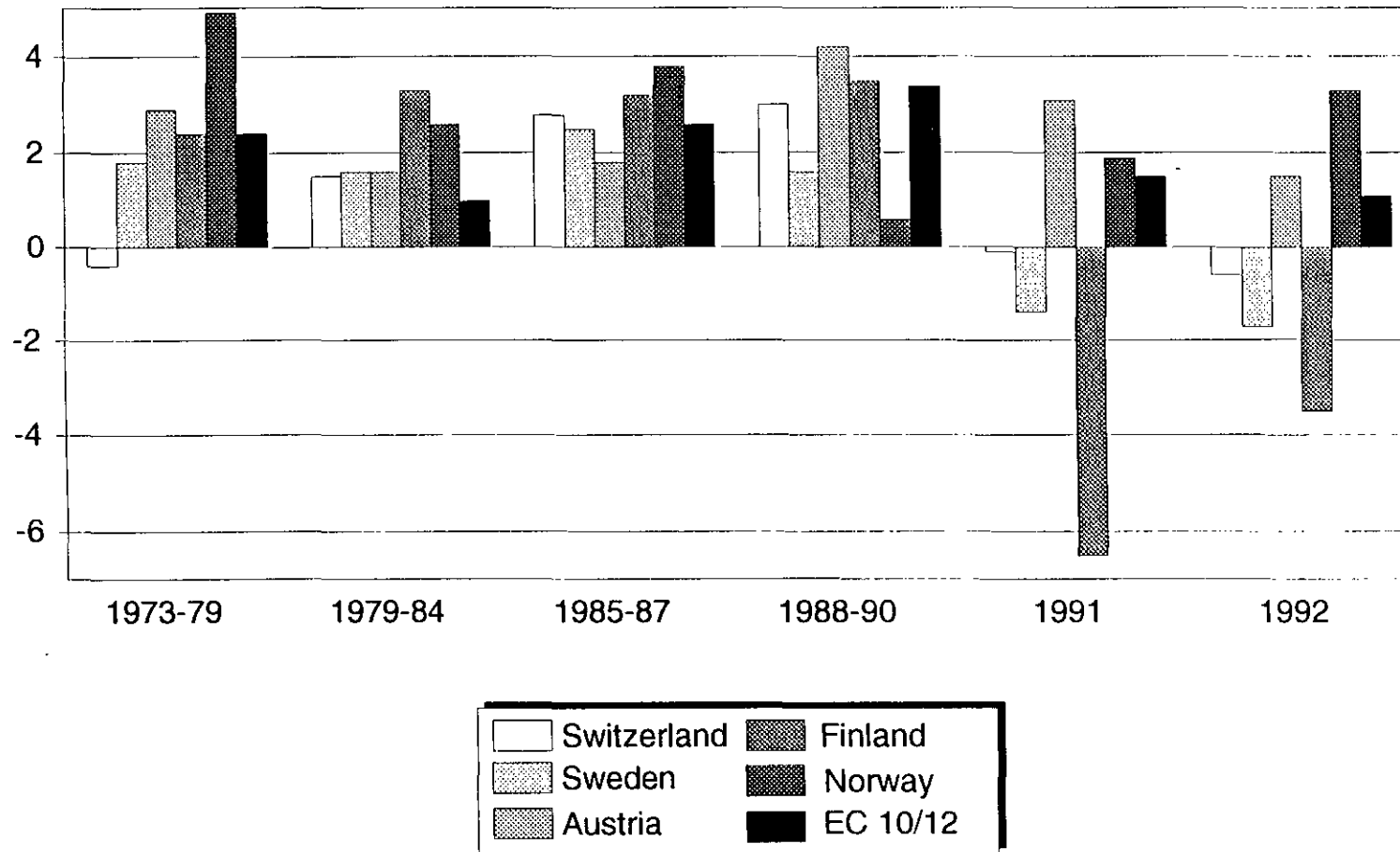
In the mid-1980s, the EC but also the EFTA countries attained higher economic growth — except *Austria*. Just at a time when the “new dynamics” of the Community bestowed it with renewed prestige, the Austrian success story came to an end.⁶ The “Austrian way”, the so-called Austrokeynesianism, where the government tried to maintain through “deficit spending” higher economic growth rates than its competitors as well as full employment also under adverse (international) conditions was no longer possible. As already mentioned, the relative low growth rate of Austrian GDP in connection with various scandals (wine, Waldheim etc.) lead to a decline of Austrian self-confidence.

In 1987/88, business circles, but also the Austrian People's Party (ÖVP — Christian democrat, conservative), the junior partner in the government coalition, saw the EC as a way to improve the performance of the Austrian economy. The push for EC membership had also some ideological overtones. Important parts of business and then the ÖVP wanted a “modernization” and “liberalization” of the Austrian economy and society.⁷ The trade unions were split — the workers and employees of the modern, competitive sectors opted for EC membership whereas the trade unions of the protected sectors were against membership application. The final compromise was a cautious support for EC membership by the Trade Union Council.

6 Cf. the quite explicit praise of Austrian economic and social policies in Peter J. Katzenstein, *Corporatism and Change: Austria, Switzerland, and the Politics of Industry*, Ithaca — London: Cornell University Press, 1984.

7 See Heinrich Schneider, *Alleingang nach Brüssel. Österreichs EG-Politik*, Bonn: Europa Union Verlag, 1990, pp. 208/209.

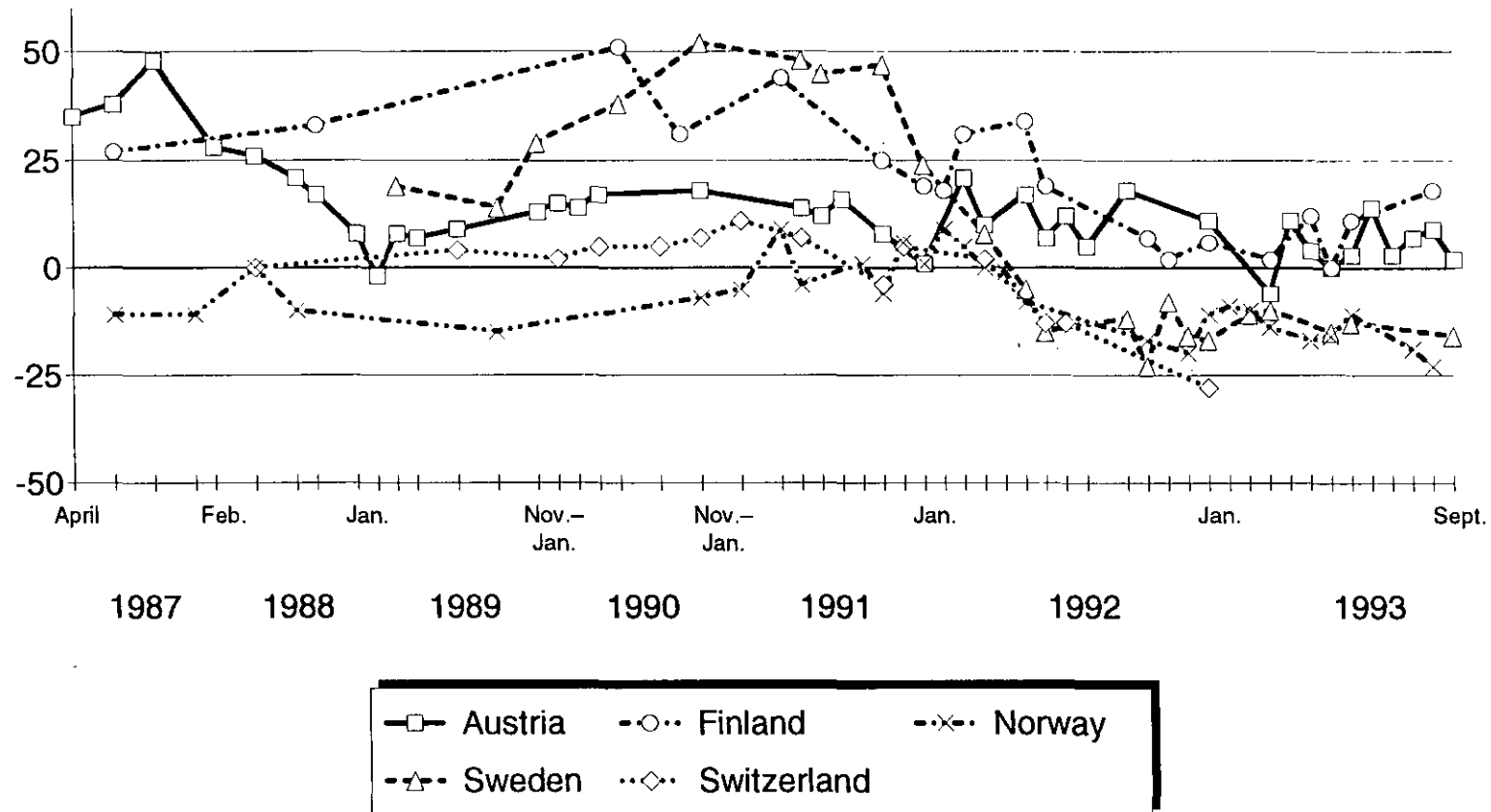
Figure 2: **(Average) Annual Growth Rates of the Real Gross Domestic/National Product**
(Percentages)



Source: OECD.

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Figure 3: The Attitudes of the Populations on EC Membership
 (Data from Various Public Opinion Polls,
 Differences of Percentages "For" Minus "Against" Membership)



Sources: Paul Luif, Die österreichische Integrationspolitik, in: Hanspeter Neuhold/Paul Luif (eds.), Das außenpolitische Bewußtsein der Österreicher. Aktuelle internationale Probleme im Spiegel der Meinungsforschung, Wien: Braumüller, 1992, p. 71, and additional polls..

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The farmers were very cautious. Since the early 1980s the prices for farming products were rising much faster in Austria than in the EC so at the end of the 1980s they were on the average some 30 percent higher in Austria. But since their party, the ÖVP was pushing toward membership application and EC membership was very popular (in 1987, there was a 30 to 50 percentage points majority for it, see Figure 3 on page 7), the representatives of the farmers accepted membership application as long as their possible losses would be compensated. Among the Social Democratic Party (SPÖ) a group of "modernizers" also pushed for membership, but it took some two years to make an official decision. As the leading government party, its decision was crucial. It was under pressure since the EC question seemed to be — at least until mid-1988 — quite popular. Most economists predicted advantages for the Austrian economy through EC membership. Not to take this chance would have given the ÖVP an big issue in the campaign for the next general elections.

In April 1989, the SPÖ finally decided for membership application. But the ÖVP had to accept two conditions: a neutrality clause in the formal application letter and no reduction of social standards by EC membership.

Looking again at Figure 2 on page 6, one can also see the big problems of *Swedish* economy in the late 1980s and early 1990s. Its growth rate was far below the EC average or the growth rates of the other neutrals. In the Swedish case there is another indicator which pointed to a difficulty in the economy of the late 1980s — the large direct investments of the Swedish companies abroad. This used to be a sign of strength for Swedish business (compared e.g. with Austria) but the tremendous increase of foreign direct investments in the late 1980s (especially in the EC countries)⁸ turned out to be a significant liability for the Swedish economy. The problem was slowly recognized by the trade unions and then by the Social Democrats. Finally, the Social Democratic government decided — quite surprisingly for some observers — to opt for EC membership in October 1990. Significantly, this turnaround was announced in a government report on "Measures to Stabilize the Economy and to Limit the Growth of Public Expenditure". The Swedish government stated:

8 For the first time in 1989, Swedish firms invested more capital abroad than at home. According to the Swedish central bank, some 70% of the country's record foreign direct investment, or about SKr 35 billion (\$ 5.5 billion) went to the EC; see Swedish firms set sail for Europe in: *The Economist*, 1. September 1990, pp. 59.

Swedish membership in the EC while maintaining Swedish neutrality policy is in our national interest.⁹

Figure 2 on page 6 shows also the problems *Finland* had in 1991 with its economy, after an outstanding economic performance in the 1980s. The loss of the markets in the former Soviet Union,¹⁰ due to its breakup and the transformation of the successor states to market economies, made Western Europe the only viable alternative. In January 1992, Finland agreed on a new treaty with the Russian Federation which replaced the old Treaty of Friendship, Cooperation and Mutual Assistance with (the now defunct) Soviet Union. The new treaty did away with any restrictions Finland would have to take into account in its relations with the EC. At the end of February 1992, the Finnish government "decided that it will apply for membership of the European Community". According to the Finnish government, it "is essential for the Finnish economy to be able to operate on equal terms with its competitors on its principal markets".¹¹

In *Switzerland* EC membership has been — except for a short phase in early 1991 — never really popular (see Figure 3 on page 7). According to Figure 2, Switzerland also began to be a "candidate" for EC accession. Its economic performance in 1991 was quite bad. The economic difficulties brought uneasiness about Switzerland's special position and identity ("Sonderfall") in the center of Europe. For a long time the Swiss government denied the necessity of EC membership. But the slow economic growth and the applications of the other neutrals put a heavy pressure on the Swiss government. In March 1992, the Commission started discussions on enlargement of the EC. Switzerland was in danger to "miss the train". In early May 1992, Commission President Jacques Delors remarked that the EC will now be quickly enlarged by the Austria, Sweden and Finland. So one day after the Swiss public agreed in a referendum to membership of Switzerland in the Bretton Woods institutions (18 May 1992), the government decided to apply for EC membership. The rejection of the EEA-Agreement by the Swiss

9 Regeringens skrivelse 1990/91:50 om åtgärder för att stabilisera ekonomin och begränsa tillväxten av de offentliga utgifterna, 26 oktober 1990, Stockholm: Norstedts Tryckeri, 1990 (= Riksdagen 1990/91. 1 saml. Nr. 50), p. 5 (translation Paul Luif).

10 In the mid-1970s, more than one quarter of Finnish exports went to the Soviet Union; in 1991, only 5 percent of all Finnish goods were exported to the (former) Soviet Union.

11 Government's Decision Regarding the Communication to Parliament on Finland's Membership in the European Community. Helsinki, February 1992, Manuscript.

population in the referendum of 6 December 1992 led the government to suspend the membership application.

A similar negative attitude of public opinion has developed in *Norway*. After EC membership was rejected in the referendum in 1972, membership never became popular again (see Figure 3 on page 7). The performance of the Norwegian economy was quite bad in the late 1980s, but in 1991 it had improved, as Figure 2 on page 6 clearly shows. One important factor in the Norwegian economy have been the large oil and gas revenues from the wells in the North Sea which help in financing the state budget.

Conflicting opinions on the EC question ended the rule by a non-socialist coalition only after one year in October 1990. The small Center Party which represents the interests of the farmers rejected any closer cooperation with the EC, even in the context of the planned EEA. The biggest party of the coalition, the conservative Right, had in contrast pushed for membership application. The new Labour Party minority government, although supported by the Center Party, started to move toward EC accession. But only very late in 1992, when the "membership train" almost had left the station, the government submitted its application for accession to the EC in Brussels.

Iceland being a small country and economically relying on its fisheries exports, did not apply for membership in the Union since it would mean opening up of the Icelandic fishing grounds to all EU fishermen. The population of small *Liechtenstein* — in contrast to Switzerland — did accept the EEA in a referendum on 13 December 1992. But to accede to the EEA, the government has to first solve the problems caused by combining EEA with the Liechtenstein-Swiss customs union. The government has no intention to apply for EU membership.

To conclude this section it is clear that one important cause of the "new dynamics" of the EC as well as the "problems of corporatism" were the changes in international economic relations. The increased competition from Japan and the United States had to be faced by the Europeans. Completing of the internal market by opening up the economies of the member states and increasing economic growth by more competition challenged the tight corporatist structures of most of the EFTA states. Their applications for EC membership was a sign of the breaking up of these structures and indicates a (West-)Europeanization of their societies. They were ceasing to be "special-

cases" where politics and economics differed notably from the West European "standard".¹²

Figure 3 on page 7 is also an indicator for a differentiation between Austria and Finland on the one hand and Sweden and Norway on the other hand. In the latter countries EU membership has become or has remained very unpopular. In the former countries, the positive attitudes towards accession to the EU have also decreased in late 1991 and 1992, but in most opinion polls the share of people wishing EU membership was larger than the share of the population opposing membership. One could interpret this difference with the precarious geographical position of these countries — vis-à-vis the conflicts in former Yugoslavia (for Austria) and the turmoil in Russia (for Finland). As will be shown below, political reasons, in particular increasing the security by joining a larger group, has supplemented or even replaced the economic arguments for EU membership in the applicant countries. This reasoning seems to have fell on fertile ground especially in Austria and Finland.

3. The Attitudes and Interests of the Commission and the EC Member States

According to the Maastricht Treaty, the CSFP "shall include all questions related to the security of the Union, including the eventual framing of a common defense policy, which might lead in time to a common defense" (Article J.4 of the Treaty on European Union). The WEU will elaborate and implement decisions and actions of the Union which have defense implications. After the signing of the Maastricht Treaty, representatives from EC member states were quite explicit in their attitudes on what this should mean for the future of neutrality. According to the Portuguese Prime Minister, Cavaco Silva, one could not imagine that a potential member state would not follow all principles which have been laid down in Maastricht. Neutrality might be a psychological problem for some, but inside the Community there would be no room for neutrality (Kurier, 21 February 1992, p. 3). Italy's Foreign Minister, Gianni De Michelis, could not imagine a member of the EC that did

12 See e.g. for Austria Anton Pelinka, Österreich: Was bleibt von den Besonderheiten?, in: *Aus Politik und Zeitgeschichte*, B 47–48 (13 November 1992), pp. 12–19, for Sweden Leif Lewin, *Samhället och de organiserade intressena*, Stockholm: Norstedts, 1992, (= *Riksdagen och de organiserade intressena*, 1).

not accept all rules. A neutrality clause would not be possible (Die Presse, 23 March 1992, p. 3).

The mentioning of an eventual Irish "model" in this context was rejected by both politicians. They referred to the Irish Prime Minister who has said: "[O]ur position is to maintain our traditional policy in regard to military alliances subject only to the qualification that if the Community develops its own defense arrangement we will favorably consider taking part in that arrangement"¹³.

The Commission was given the task by the European Council in Maastricht to prepare a report on enlargement for the Lisbon European Council (26/27 June 1992). In April, Jacques Delors presaged that this report would come as a "political, intellectual and institutional shock to the Twelve". He warned "that widening is not at the expense of deepening". Observers saw this as an attempt of the (majority of the) Commission to bring forward the Intergovernmental Conference scheduled for 1996, calling for an early review of constitutional and administrative principles. A preliminary draft suggested removing all member states' right to have at least one commissioner, cutting the voting threshold needed to pass routine business through the Council of Ministers, and introducing "a genuine European executive ... to implement external policy" (Financial Times, 7 April 1992, p. 2).

After the criticism from the smaller EC member states (they feared for their influence) and the Danish No to Maastricht the Commission had to soft-pedal the issue.¹⁴ In the final version of Report on enlargement the

13 See Patrick Keatinge, *The Foreign Relations of the Union*, in: Patrick Keatinge (ed.), *Political Union*, Dublin: Institute of European Affairs, 1991, p. 151.

14 On the attitude of the Commission (and EC/EU members) on enlargement see among others Anna Michalski/Helen Wallace, *The Challenge of Enlargement*, London: Royal Institute of International Affairs, 1992, Thomas Pedersen, *Integration and Enlargement — Challenges to the EC in the 1990s*. Paper presented to the Inaugural Pan-European Conference in International Studies, Heidelberg 16–20 September 1992, Philippe Lemaître, *L'élargissement risquerait de paralyser la Communauté. Faute d'audace en matière politique et institutionnelle*, in: *Le Monde*, 10 June 1992, p. 8, Jens van Scherpenberg, *Probleme und Optionen einer Erweiterung der Europäischen Union*, in: *Internationales Umfeld, Sicherheitsinteressen und nationale Planung der Bundesrepublik*. Teil C: Unterstützende Einzelanalysen. Band 1: I.A Europäische Konstellationen, Ebenhausen: Stiftung Wissenschaft und Politik, Februar 1993 (= SWP — S 383/1), pp. 67–89, *Enlargement and the CFSP: Political Consequences*. Preliminary Report for the European Parliament by the Trans European Policy Studies Association (TEPSA), coordinated by John Pinder, Brussels: TEPSA, 15 October 1993, and Barbara Lippert/Wolfgang Wessels, *Erweiterungskonzepte und Erweiterungsmöglichkeiten*, in: Cord Jakobkeit/Alparslan Yenil (eds.), *Gesamteuropa. Analysen, Probleme und*

Commission stated that the accession of the EFTA countries should not pose any insuperable problems of an economic nature. Negotiations with these countries should begin as soon as the Maastricht Treaty was ratified and the negotiations on the Delors II package (on financing the Community) have been concluded. The accession negotiations should be conducted separately but in a parallel way to avoid a series of accessions on different dates.

The report referred also to the CFSP of the Maastricht Treaty (Articles J.1–10). It demanded that members of the Union would have to subscribe to these provisions and would have to implement the decisions taken under the Treaties. Applicant countries should be left “with no doubts in this respect”. Specific and binding assurances would be sought from them with regard to their political commitment and legal capacity to fulfill these obligations.¹⁵

The Commission Report clearly spelled out that fear the EFTA enlargement could be dangerous for the development of the European Union, especially CFSP. Among the member states, this attitude is shared in particular by *France*. It has preferred for a long time “deepening before widening”. For some time there was also a fear of a “Germanic” bloc created by EU membership of Austria and the Nordic countries. France would also lose influence as “leader” of the Latin Southern bloc inside the EU.

Belgium as guardian of the supranational institutions has also been very unfavorable toward enlargement if it meant diluting of the Union. It stressed the importance of CSFP and many of its politicians had criticized the neutrality clause of the Austrian membership application “letter”. The *Benelux* countries have always demanded that enlargement must not be accomplished at the expense of weakening the influence of the smaller EC/EU members.

Especially *Spain* among the Southern EC member states (including *Ireland*) has been doubtful about EFTA enlargement. It would weaken the influence of the poorer EU members. The Southerners always insisted on the implementation of the Delors II package as a precondition for widening. On the other hand, the former EFTA countries would be net contributors to the EU budget and could strengthen the singular security position of Ireland.

Entwicklungsperspektiven, Bonn: Bundeszentrale für politische Bildung, 1993 (= Schriftenreihe Band 317), pp. 439–457.

15 Europe and the Challenge of Enlargement. Report of the Commission for the European Summit, Lisbon, 26/27 June 1992. Europe Documents, No. 1790 (3 July 1992), p. 4.

As often concerning important EU decisions, *Germany* has been taking a middle road on EFTA enlargement. Ratification of the Maastricht Treaty was seen as a condition before widening the Union. But German leaders have always been in favor of rapid negotiations to be finished before the planned Intergovernmental Conference.

Denmark has been very much in favor of EFTA enlargement since it would bring its Nordic partners into the EU. The *United Kingdom* has always been very keen to enlarge the EC/EU. Officially the priority has been "widening *before* deepening" but this could also be interpreted as "widening *instead of* deepening". A EU with 16 or even more than 20 members would be hard to organize in a supranational, federal way. The member states would more easily remain independent, sovereign entities — a situation preferred by the British Conservative government.

Only after receiving the assent of the European Parliament a country can join the EC. The Parliament has in principle welcomed enlargement on the condition that the accession of a new member should not endanger its fundamental principles and structures. Individual members of the Parliament have pushed for institutional reform and pointed out that enlargement would be impossible unless the European Parliament first becomes a true co-legislator. But it is doubtful if the Parliament will use its power and really cause problems for any of the EFTA countries.¹⁶

As agreement on the financial package (Delors II) was achieved at the European Council in Edinburgh, 11/12 December 1992, the EC leaders assented to start the enlargement negotiations with Austria, Sweden and Finland at the beginning of 1993 (and later with Norway). The conclusion of the Presidency stated:

The conditions of admission will be based on the acceptance *in full* of the Treaty on European Union and the "acquis", subject to possible transitional measures to be agreed in the negotiations.¹⁷

These words seemed to mean that the new members would not get any exceptions like the concessions for Denmark agreed upon in Edinburgh. They somehow repeated the tough phrases of the Commission's "avis" on Austria, Sweden and Finland. In the EFTA countries this insistence was seen as

¹⁶ See Michalski/Wallace, note 14, pp. 32/33.

¹⁷ European Council in Edinburgh, 11/12 December, 1992. Conclusion of the Presidency. Manuscript, p. 5, emphasis Paul Luif.

“unfair” because the EC asked for commitments (especially in the field of defense) that current members had not had to make — especially since nobody knew what the common defense policies would be.¹⁸

4. The Attitudes of the Applicant Countries Concerning CFSP

4.1. Austria

In Austria, discussions about EC membership already started in the mid-1980s. After a long debate of the pros and cons of accession, the two big parties in government, the social democratic SPÖ and the conservative ÖVP agreed on an application. The report of the Austrian federal government to parliament from April 1989 stated on the foreign policy aspects of the Community:

The cooperation which includes military aspects actually does not take place in the framework of EPC ... Therefore, the participation of a permanently neutral state in the EPC seems to be without risk from the point of view of neutrality law. However, Austria could under no circumstances partake in an eventual future progress of the EC toward a defense community; the same would be true for a binding foreign policy of the EC with majority decisions, as far as they would include areas of relevance for neutrality.¹⁹

The letter on EC membership was submitted by the Austrian foreign minister some three months later (17 July 1989) in Brussels. Austria made this application on the understanding that “its internationally recognized status of permanent neutrality, based on the Federal and Constitutional Law of 26 October 1955 will be maintained and that, as a member of the European Communities by virtue of the Treaty of Accession, it will be able to fulfill its legal obligations arising out of its status as a permanently neutral State and to continue its policy of neutrality as a specific contribution toward the maintenance of peace and security in Europe”.²⁰

18 Say Yes. Yes to what? Stop arguing, in: *The Economist*, 8 August 1992, p. 21.

19 Bericht der Bundesregierung an den Nationalrat und den Bundesrat über die zukünftige Gestaltung der Beziehungen Österreichs zu den Europäischen Gemeinschaften. Manuskript, Wien, 17. April 1989, III-113 der Beilagen zum Stenographischen Protokoll des Nationalrates, p. 38, translation Paul Luf.

20 This translation of the Austrian “letter” is taken from Austria’s application for membership. Commission Opinion, Brussels: 1 August 1991 (= SEC(91) 1590 final), p. 6.

Quite soon the Austrian government realized the importance of participating in the foreign policy cooperation of the EC. In an Aide mémoire (February 1990) the government acknowledged the basic aims of the EC treaties and the Single European Act. Austria will participate fully in their realization with a spirit of solidarity.²¹ The cooperation of Austria in the Kuwait crisis — allowing planes of the Gulf allies to overfly Austrian territory (see below) — also helped to increase its credibility in this area.

The EC Commission published its Opinion on Austria's application more than two years after Austria had sent its letter to Brussels. The relatively long duration of this procedure points to the fact that the Austrian application had met some opposition inside the Commission. It seems that during the final stages of the decision on the "avis" the Commission was split. Jacques Delors and Frans Andriessen wanted to postpone negotiations on Austria's application until after the reform of the EC's institutions and the planned treaty revisions on defense policy in 1996. Others, like Henning Christophersen from Denmark — who wanted to keep the EC open for the Scandinavians — pleaded for the prompt start of negotiations with the Austrians.²²

In the ensuing compromise the "avis" confirmed that on the basis of economic considerations the Community should accept Austria's application for membership. From the political standpoint, the application had to be situated in the general context of the future development of the Community and of Europe in general.

In this connection, Austria's permanent neutrality creates problems for both the Community and Austria. The first issue which arises is that of the compatibility of permanent neutrality with the provisions of the existing Treaties. In addition, developments in the intergovernmental conference on political union would also require the Community to seek specific assurances from the Austrian authorities with regard to their legal capacity to undertake obligations entailed by the future common foreign and security policy.

Subject to possible further developments in the discussions under way in the intergovernmental conference, these problems should not however prove to be insurmountable in the context of the accession negotiations.²³

21 Aide mémoire der österreichischen Bundesregierung vom 16. Februar 1990, in: Österreichische außenpolitische Dokumentation. Texte und Dokumente (April 1990), p. 17.

22 Otmar Lahodynsky, Ein neuer Nettozahler für die Gemeinschaft, in: EG-Magazin, No. 9 (September 1991), p. 30.

23 Austria's application 1991 (see note 20), p. 29.

The results of the European Council at Maastricht, December 1991, were widely regarded as "positive" by the Austrian representatives. Just before the European Council in Lisbon (26/27 June 1992), Austria sent another Aide mémoire to the Twelve. It stated that "Austria identifies itself fully with the objectives of the Common Foreign and Security Policy of the European Union and Austria will participate in this policy and in its dynamic development actively and in a spirit of solidarity".²⁴

The situation in neighboring former Yugoslavia, in particular the Serb aggression, the plight of Bosnia-Herzegovina and the danger of an escalation and spreading of the violence initiated a change in the attitudes of the Austrians. They have begun to feel more insecure and to think that the Austrian armed forces would not be able to defend Austria against armed intervention.²⁵ Already in mid-1992, the conservative ÖVP started to maintain that the prime reasons for joining the EC would be security questions. It was admitted that stressing the economic aspects of EC membership had been a mistake and that the ultimate goal of Austria's accession would be the Political Union. Austria should join the Western European Union (WEU) and more or less "forget" about neutrality.²⁶ The Social Democrats started to talk about security aspects of EC membership as well but still favored neutrality until an alternative security system would develop in Europe.

As a compromise, the Aide mémoire of June 1992 was welcomed by the socialist and conservative majority of the Austrian Parliament (*Nationalrat*). It supported the aims of the Common Foreign and Security Policy. The Parliament called upon the government

to ensure that Austria can participate in the development of a system of collective security in Europe; in this connection it will be assumed that the European peace and security organization developed by the European Union

24 Aide Mémoire an die Mitgliedstaaten der Europäischen Gemeinschaften, Wien, im Juni 1992, in: Österreichische außenpolitische Dokumentation. Texte und Dokumente, No. 4, (October 1992), pp. 50–52.

25 Cf. the poll reported in *Der Standard*, 8 January 1993, p. 1, where 84 percent Austrians thought that the danger of war has increased during the last years and 63 percent maintained that the Austrian army would not be capable to protect Austria against an armed intervention (telephone poll, December 1992, n=504).

26 Helmut Spudich, *Die EG, eine Sache des Gefühls*. Busek: Politische Union eigentliches Beitrittsziel — Fehler in bisheriger Kampagne, in: *Der Standard*, 12.6.1992, p. 6.

and possibly other institutions will be a regional arrangement according to Chapter VIII of the Charter of the United Nations.²⁷

A complete abandonment of neutrality has not been proposed by the government. Many officials stated that the neutral status should be maintained until a working European security order can replace it.²⁸ An important reason for this quite cautious approach was the still existing popularity of neutrality among Austrians. A large (but diminishing) majority of Austrians would rather renounce EU membership than abandon neutrality if EU membership should only be possible with abandoning neutrality. No party — except for the right-wing liberal-national Freedom Party (FPÖ) — has demanded a formal abrogation of the neutrality law.

4.2. Sweden

After the Swedish Social Democratic government had announced its favorable attitude toward EC membership, the Swedish parliament prepared a report on the integration question. On 12 December 1990, this report was approved in parliament by a large majority, only the Greens and the Left Party (former Communists) voting against. It stated that "Sweden should strive to become member of the European Community while maintaining its neutrality policy".²⁹ To prepare the application for membership, the Swedish foreign ministry conducted a comprehensive study on the development of the foreign and security policies in Europe during the spring of 1991. The study concluded that the security concept of the EC countries was not as closely connected with defense and military matters as the Swedish discussions would suppose. In the EC, "security" included questions of disarmament, CSCE, minority conflicts and security aspects of North-South relations.³⁰

27 Bericht des Außenpolitischen Ausschusses über den Antrag 364/A (E) der Abgeordneten Dr. Gugerbauer und Genossen betreffend österreichische Neutralität und kooperatives Sicherheitssystem in Europa, in: 724 der Beilagen zu den Stenographischen Protokollen des Nationalrates XVIII. GP, Vienna, 20.10.1992, p. 3, translation Paul Luif.

28 Andreas Khol, Neutralität — ein überholtes Instrument österreichischer Sicherheitspolitik?, in: Österreichisches Jahrbuch für Politik 1990, pp. 677–709.

29 Sverige och den västeuropeiska integrationen, Riksdagen, Stockholm, 22 November 1990 (= Utrikesutskottets betänkande 1990/91:UU8).

30 See Sverige, EG och den säkerhetspolitiska utvecklingen i Europa, Stockholm: Utrikesdepartementet, 1991 (= UD informerar, 1991:4); the Swedish researchers are pointing here to what Keatinge (note ~~Error: Bookmark not defined.~~, p. 139) calls "soft security" in the EPC context.

Prime Minister Ingvar Carlsson explained the Swedish application in parliament on 14 June 1991. Questions concerning EPC got a prominent place in his speech. According to Carlsson, most EC members were still very cautious about adding a defense dimension to the Community. There was no reason to assume that the EC in the process of turning into a military alliance. Any decision on defense matters would be based on unanimity and there would be a continued readiness to find solutions for states which do not wish to or cannot participate in such a cooperation. The government concluded that the EC decision-making structures will assure the possibility to safeguard fundamental Swedish security interests. Membership of the EC would be compatible with the requirements of the policy of neutrality.³¹ In the official request for EC membership, Swedish neutrality policy was — in contrast to the Austrian application — not mentioned.

After the general elections in September 1991, the new conservative led government started to formulate a more restricted interpretation of neutrality. For Prime Minister Carl Bildt it was obvious that the notion "neutrality policy" did not represent an adequate description of Sweden's foreign and security policy. Sweden would for now not join any military alliance and would maintain a strong defense. But Sweden wanted to pursue a policy with a clear *European identity*. It had a great interest in the establishment of a new security structure in Europe.³²

In reaction to the outcome of the European Council in Maastricht, the Swedish Prime Minister, Carl Bildt, advocated Swedish participation in a European defense and security cooperation. But he excluded participation in a military alliance (*Le Monde*, 28 December 1991, p. 5). The foreign policy spokesperson of the Social Democratic opposition, Pierre Schori, expressed an idea which has been widely held among politicians in the neutral countries. The Swedish policy of freedom of alliances should be valid as long as it would not be replaced by a common security, a real and enduring all-European peace order (*Dagens Nyheter*, 14. January 1992, p. 4).

As the discussion about Swedish EC and security policy went on, some parties, especially the Social Democrats started to criticize that Prime Minister

31 Ingvar Carlsson, Statement to the Riksdag by the Prime Minister on 14 June 1991, on Sweden's application for membership of the EC. Manuscript, p 7.

32 Carl Bildt, Schweden — vom zögernden zum begeisterten Europäer. Ausführungen von Ministerpräsident Carl Bildt im Büro der Kommission der Europäischen Gemeinschaften. Bonn, Mittwoch, den 13. November 1991, Manuscript, p. 13.

Bildt went too far in stressing the European identity. In May 1992, a compromise was found between the main parties (except the Left Party). The Swedish parliament accepted two reports of its foreign policy committee. In one report it was agreed upon that Sweden's *alliansfrihet* (freedom of alliances, nonalignment) should remain. It was now interpreted to mean that Sweden will try to *be able* to stay neutral in the event of a war in the *vicinity* of Sweden.³³ This was a slight change over the previous Swedish position where the intention was retain the credibility to stay neutral in all circumstances (and not only to maintain the possibility to stay neutral) in case of war.

In the second report, the Swedish parliament agreed with the government that the request for EC membership was based on the understanding that Sweden participated in all parts of EC cooperation. Sweden had a strong interest to be able to participate in the development of the European Union. The Maastricht Treaty was compatible with Sweden's aim to become member of the EC.³⁴

The EC Commission published its opinion on the Swedish request for membership in July 1992. Similar to the opinion on the Austrian case, it affirmed that the EC "will on the whole benefit from the accession of Sweden". But there was also a caution on foreign policy cooperation:

In the area of Foreign and Security Policy, the Commission notes that Swedish policy has evolved significantly, especially since the beginning of the nineties. There seems to exist a consensus in Sweden in relation to a full participation in the Common Foreign and Security Policy of the European Union. Sweden will be required to accept and be able to implement this policy as it evolves over the coming years. There seems however to remain reservations in the Swedish position relative to the eventual framing of a common defence policy and, in an even more marked way, regarding the possible establishment in time of a common defence. The Commission recommends that in the context of the accession negotiations, specific and binding assurances from Sweden would be sought with regard to her political commitment and legal capacity to fulfil the obligations in this area.³⁵

33 Säkerhet och nedrustning, Riksdagen, Stockholm, 28 April 1992 (= Utrikesutskottets betänkande 1991/92:UU19), p. 17.

34 Sverige och EG, Riksdagen, Stockholm, 28 April 1992 (= Utrikesutskottets betänkande 1991/92:UU24), pp. 9/10.

35 Sweden's application for membership. Opinion of the Commission, Brussels: 31 July 1992 (= SEC(92) 1592 final), p. 29.

In Sweden, this in general positive but concerning defense slightly critical attitude of the Commission started a new round of discussions about Sweden's security policy. One prominent scholar of Sweden's neutrality who in the past strongly supported the traditional foreign policy line now even suggested that the government should use the occasion and proclaim that it would participate fully in the security cooperation of the EC. That would enhance Sweden's security and abandon the neutrality policy which has lost its value.³⁶

4.3. Finland

In *Finland* the government and all relevant parties and interest groups spoke for a long time clearly against EC membership. Finland (like Switzerland) tried to play the "EFTA card". It wanted to gain access to the internal market of the EC via the EEA. In early 1991 it was clear to the Finnish officials that as a condition for participating in the internal market, the EFTA countries would have to accept the *acquis communautaire* and would not be granted co-decision rights for new legislation. In addition to these difficulties with the EEA, the fact that Sweden, the most important economic partner of Finland, had applied for EC membership on 1 July 1991, put additional pressure on the decision makers.

During 1991, the economic situation deteriorated dramatically (see Figure 2 on page 6). By summer 1991, the consensus among the political groups in Finland concerning EC policy finally dissolved. The party congresses of the Conservative Party and the Swedish Party, both parties being members of the government, redefined their official integration policies more favorably toward eventual EC membership. The party leadership of the main opposition party, the Social Democrats, began to support an accession to the EC during the summer of 1991 as well.³⁷

The question was now the attitudes of the President and the agrarian influenced Center Party, the biggest party in the Finnish parliament. The break up of the Soviet Union and the new treaty with Russia seems to have helped to diminish the relevance of the neutrality question and more or less

36 Sverker Åström, EG:s försvarssamarbetet gagnar Sverige, in: Svenska Dagbladet, 9 August 1992, p. 3.

37 Esko Antola, The End of Pragmatism: Political Foundations of the Finnish Integration Policy under Stress, in: Yearbook of Finnish Foreign Policy 1991, p. 21.

removed the last obstacles to a membership application. In the decision of the government on EC membership at the end of February 1992, the security issue was dealt with in a similar way to Sweden:

In a change Europe, where the Cold War division has vanished, the core of Finnish neutrality can be characterised as military non-alignment and an independent defence. The central goal of this policy is to maintain and strengthen stability and security in Northern Europe. ...

In the European Community, Finland's point of departure is the maintenance of an independent defence. ... Membership in the Western European Union is not a precondition for membership in the European Community. Finland's future decisions in this respect will depend on how the role of the Western European Union in carrying out the foreign and security policy of the European Community is elaborated.³⁸

On 18 March 1992, Finland — like Sweden — applied for EC membership without any neutrality clause. The rising turmoil in the former Soviet Union led the Finnish government to look for support for its security. It participated as observer — the first “neutral” country to do so — at the North Atlantic Cooperation Council (NACC) in Oslo, 5 June 1992. According to President Koivisto, Finland got useful information on the development of the military situation in areas adjacent to it by participating as an observer in meetings of the NACC. When applying for membership of the European Community, Finland stated that it would accept the objectives of the Maastricht Treaty, also with regard to the defense dimension. But Koivisto did not see any immediate action necessary. Finland “will in due time consider and develop its relations with the WEU”.³⁹

In the “avis” on the Finnish application for membership, the Commission admitted that Finland's neutrality is not rooted in international law. But problems could arrive if Finland would “oppose itself systematically to certain actions which, in its view, could be prejudicial to its policy of neutrality, or what is left of it”.⁴⁰

The developments in Russia, in particular the strengthening of the reactionary and communist elements intensified the discussion on the security

38 Government's Decision Regarding the Communication to Parliament on Finland's Membership in the European Community. Helsinki, February 1992, Manuscript, pp. 2/3.

39 Meeting Between Dr. Mauno Koivisto, President of Finland, and Mr. Manfred Wörner, Secretary-General of NATO, in Brussels on 28 October 1992. Manuscript, Embassy of Finland, Vienna, p. 1.

40 Finland's Application for Membership. Opinion of the Commission, Brussels: 4 November 1992, (= SEC(92) 2048 final), p. 30.

aspects of EU membership. Some thought that WEU membership would not be sufficient and argued for joining NATO. In October 1993, the government saw no urgency in considering NATO membership, but did not exclude accession to NATO in the future.⁴¹ The social democratic dismissed NATO membership and demanded, that adjustment to the coming EU security cooperation should occur according to Finland's economic and political possibilities.⁴²

5. Empirical Indicators on the Foreign Policy Behavior of the EFTA Applicants

5.1. The Kuwait Crisis and the Breakup of Yugoslavia

The invasion of *Kuwait* by Iraq on 2 August 1990 and its annexation shortly thereafter was a clear case of aggression by one state against another. The response of the United Nations was in many ways its most immediate and effective action concerning aggressions.⁴³ Only four days later, on 6 August 1990, mandatory economic sanctions were imposed by the Security Council against Iraq, acting under Chapter VII of the UN Charter. Resolution 661 was approved by 13 members of the Council, with two abstentions from Cuba and Yemen. The most decisive resolution passed during the Kuwait crisis was Resolution 678 where the Security Council, acting under Chapter VII, again demanded that Iraq withdraw immediately and unconditionally all its forces from Kuwait. In case Iraq did not comply before 15 January 1991, the Security Council authorized UN members to "use all necessary means" to implement its demands. In addition, the Council stated that it "[r]equests all States to provide support for the actions" undertaken in pursuance of this resolution. Cuba and Yemen voted against it, China abstained.

41 Bjarne Nitovuori, Säkerhetspolitiken allt viktigare i EG — men inte på grund av Ryssland, in: Hufvudstadsbladet, 8 October 1993, p. 5.

42 Paavo Lipponen, EG, inte NATO, in: Hufvudstadsbladet, 7 October 1993, p. 2.

43 A full account of the Kuwait crisis cannot be given here. A very useful short analysis is Paul Taylor/A.J.R. Groom, *The United Nations and the Gulf War, 1990–91: Back to the Future?* London: Royal Institute of International Affairs, February 1992. (= Discussion Paper No. 38). The reactions of the WEU/EC countries are analyzed in Nicole Gnesotto/John Roper (eds.), *Western Europe and the Gulf*, Paris: The Institute for Security Studies of Western European Union, 1992. An analysis from a military point of view of a neutral state is Bo Hugemark (red.), *Storm över öknen. 13 uppsatser om Gulfkriget*, Stockholm: Probus, 1992.

Even before the Security Council imposed sanctions, the EC had already decided (4 August 1990) on freezing Iraqi assets and on an embargo on oil and arms. The economic embargo of the UN was implemented by the EC states as well as by all EFTA countries. Finland was member of the Security Council at that time and voted in all resolutions on the Kuwait crisis with the majority. Foreign Minister Pertti Paasio stated:

The Persian Gulf crisis clearly indicates that traditional neutrality cannot be applied to conflicts in which the rules of international interaction have quite obviously been violated and this has been indisputably and unanimously established. This applies to the UN Security Council decisions in particular. As a member of the UN, Finland is bound to its Charter, Chapter VII, and the decisions made by the Security Council. We have adopted this restricting principle ourselves. It binds both neutral and other members of the UN in a similar way.

Thus Finland cannot refer to her neutrality in cases where the UN Security Council has decided to impose sanctions according to the Charter or to resort to any other measures mentioned in Chapter VII that would restore international peace and security. This principle applies similarly irrespective of whether Finland, as a member of the Security Council, actively participated in the formulation of these sanctions or only as a member of the UN follows them.⁴⁴

The surprise was Switzerland. Just before the UN Security Council passed Resolution 661, the government agreed to comply to any economic measures of the UN. It then faithfully implemented the resolution. To attenuate the scope of this turnaround, the Swiss foreign minister declared that whereas a neutral must not support a belligerent with financial means, economic measures would be allowed under neutrality law.⁴⁵ In practice, Switzerland had returned to the "differential neutrality" of the League of Nations period.

But Switzerland did not allow any transit flights of the Gulf allies. In contrast, the Austrian government permitted US, British, Canadian and German "unarmed transport aircraft" to overfly Austria.⁴⁶ At the beginning, these transport flights were allowed without "legal" base. There existed neither a appropriate resolution of the Security Council, nor was there any Austrian law geared to that situation. Resolution 678 came to a great relief for the Austrian authorities. Although the Security Council only "requested"

44 Pertti Paasio, *Finland and Regional Conflicts*, in: *Yearbook of Finnish Foreign Policy* 1991, pp. 3–5, here p. 3

45 Bundesrat verhängt Wirtschaftssanktionen gegen den Irak und Kuwait. Keine neutralitätspolitischen Vorbehalte, in: *Neue Zürcher Zeitung*, 9 August 1990, p. 21.

46 *Austrian Foreign Policy Yearbook* 1990, Vienna — Riverside, CA: The Austrian Ministry for Foreign Affairs — Ariadne Press, n.d. (1991), p. 64.

cooperation, the resolution was seen as a base for Austrian compliance with the demands for overflights and transport of tanks through Austrian territory. When shooting started on 16 January 1991, the Austrian parliament changed two laws in a hasty action that took a record short time of only 30 hours. The Justice Committee of the Nationalrat (lower house of parliament) met at 3 o'clock in the morning of 17 January 1991. Article 320 of the Austrian Penal Code (on actions which endanger Austria's neutrality) was modified so that it no longer applied in circumstances where the Security Council had authorized military action under Article VII of the UN Charter. As mentioned in the report of the Justice Committee, this included military measures taken by UN members acting by authority of the Security Council. The Federal Law on Import, Export and Transit of War Materiel was changed in a similar manner.⁴⁷ With these adjustments, Austria's neutrality was made compatible with the altered situation in the UN. Austria could no longer hope that disagreement in the Security Council or that the respect of the Security Council for Austria's status would make the question of priorities irrelevant. Since January 1991 it has been clear for the politicians as well as the specialists in international law that the UN Charter has primacy over neutrality law. The question which some law makers posed but which was not answered by the amendments concerned the standing of neutrality law vis-à-vis the acts of the EC/EU.

In looking back, one can hardly reject the notion that the *Yugoslav crisis* originated already soon after the death of Tito. Since Slobodan Milosevic came to power in Serbia in 1987, Serbia's government has conducted a consistent nationalist policy including the violation of the autonomous status of both Kosovo and Vojvodina and political repression of minorities. In 1990, the differences between the Yugoslav republics became more and more apparent. Democratically elected non-communist governments came into power in Slovenia and Croatia (April, May 1990) whereas (former) communists remained in power in Serbia and Montenegro (elections of December 1990). The constitutional bodies of Yugoslavia had more and more difficulties to function normally. In August 1990 an armed Serbian uprising started in the Krajina part of Croatia, to be followed in February 1991 by armed attacks in Slavonia. On 22 December 1990, the large majority of

47 See Änderung von § 320 (Neutralitätsgefährdung) des Strafgesetzbuches und des Bundesgesetzes über die Ein-, Aus- und Durchfuhr von Kriegsmaterial; Bericht des Justizausschusses, Wien, am 17. Jänner 1991, in: Österreichische außenpolitische Dokumentation. Texte und Dokumente, No. 7 (February 1991), pp. 32–35.

Slovenians voted in a referendum for "independence and sovereignty". The same happened in Croatia on 19 May 1991.

At an informal meeting of EPC ministers on 26 March 1991, the EC countries stressed that "a united and democratic Yugoslavia stands the best chance to integrate itself in the new Europe".⁴⁸ On 21/22 June 1991, the US Foreign Minister, James Baker, visited Belgrade and emphasized the importance of Yugoslav unity as well. A few days later, Slovenia and Croatia declared their independence (25 June 1991). Two days later, the Yugoslav People's Army started to intervene in Slovenia.⁴⁹

Since then, EC/EPC, CSCE and later on the United Nations became heavily involved in the Yugoslav crisis. To no avail; more than 100,000 dead and millions of refugees after, the blood bath has not stopped. Apparently there has been a lack of anticipation and forward planning, if not in national foreign ministries of the EC countries, then certainly in the European Political Cooperation framework.⁵⁰

Already in the spring of 1991, the *Austrian* foreign minister had proposed the creation of a "Council of Sages" to mediate in the conflicts among the Yugoslav republics. As the Yugoslav People's Army advanced on the Slovene border to Austria, it fired shots on Austrian territory and Yugoslav military aircraft repeatedly violated Austrian airspace. On the first day of the armed attack, Austria together with Italy demanded in the framework of CSCE an explanation for this extraordinary military activity. The reply by the Yugoslav authorities was not satisfactory.

As the lack of the early EC efforts became obvious, Austria as member of the UN Security Council (for 1991/92) informed the Council in writing on the latest developments in Yugoslavia. On 19 September 1991 it requested urgent consultations on the matter. These took place on 25 September and resulted in an embargo on arms deliveries to all of Yugoslavia. Austria,

48 EPC Press Release P. 35/91.

49 Again, this is not the place to tell the — still going on — story of the breakup of Yugoslavia. For interesting details of importance here see Eric Remacle, *La politique étrangère européenne: de Maastricht à la Yougoslavie*, Brussels: GRIP, 1992, and Sir Russel Johnston, Rapporteur, Explanatory Memorandum, in: Document 1395 of the WEU Assembly on Lessons drawn from the Yugoslav conflict, 9th November 1993.

50 That is the opinion of Sir Russel Johnston, note 49, pp. 5–7.

together with Germany, also pushed for an early recognition of Slovenia and Croatia.⁵¹

The activities were criticized by the Belgrade authorities. They accused Austria of supporting separatist activities and contended that together with Germany it forged imperialistic plans on the Balkans. These ideas were reflected in some West European capitals.⁵² In view of the negative comments, Austria recognized Slovenia and Croatia only in company with the EC on 15 January 1992. On account of recent history, Austria has not participated in any peace keeping operations on the Balkans, but it provided transit routes on land and airspace for NATO aircraft, including AWACS reconnaissance planes.

Although other countries slowly abandoned their evenhandedness,⁵³ the EC/EPC has tried most of the time to act as a "honest broker" between the warring factions. In the Yugoslavia crisis, the Twelve have been more "neutral" than Austria. In Austrian eyes, Serbia's military action should not allow it to attain its political aims. If Europe allowed it to have its way, other Eastern European countries might be tempted to follow its example.⁵⁴

History and geography made for different reactions from Swedes and Finns in the Yugoslavia crisis. Both recognized Slovenia and Croatia a few days after the EC. In contrast to the EC, Sweden did not recognize Bosnia and Herzegovina formally but simply by voting for its admission in the UN. Finland and Sweden have actively cooperated in the peace-keeping efforts there. Sweden participated in the EC Monitor Mission. Within the framework of UNPROFOR, a Nordic battalion (together with a United States contingent) has been deployed along the Macedonian-Serbian border in order to prevent

51 On information of Austria's activities see Austrian Foreign Policy Yearbook 1991, Vienna — Riverside, CA: The Austrian Ministry for Foreign Affairs — Ariadne Press, n.d. (1992), pp. 38–43, and Austrian Foreign Policy Yearbook 1992, Vienna — Riverside, CA: The Austrian Ministry for Foreign Affairs — Ariadne Press, n.d. (1993), pp. 42–52.

52 Hubertus Czernin/Danny Leder, "Brandstifter kritisiert Feuerwehr". Österreichs proslowenische Offensive schafft zunehmend Probleme mit der EG unmittelbar vor der Entscheidung über das Beitrittsbegehren in Brüssel, in: profil, No. 29, 15 July 1991, pp. 10–12.

53 See e.g. Thomas L. Friedman, U.S. Puts Blame on Serbia. Baker Abandons Evenhandedness, in: International Herald Tribune, 28./29 September 1991, p. 2.

54 Cf. the speech of the Austrian defense minister in Mr. Fasslabend: Austria will not come to WEU with empty hands, in: Letter from the Assembly of the Western European Union, No. 14, February 1993, p. 3.

the armed conflict in former Yugoslavia spilling over into the Former Yugoslav Republic of Macedonia.

At the end of 1992, Sweden changed the frame law for peace-keeping operations of the UN Security Council. On this basis a "Nordic battalion" has been sent to Bosnia to help in implementing the safe area decision of the UN. Finland was not in a position to send troops, since its laws allowed participation only in "traditional" peace-keeping operations. The mandate for the safe areas went further and the troops could also use force in self defense. So Finland did not send troops, but equipment with the Nordic battalion to Bosnia.

The question of sanctions used to be a sensitive matter for the European neutrals. But in the last years all of them adjusted their laws and foreign policy behavior so that they could participate in most activities — except for actually fighting wars — ordered or authorized by the UN Security Council. That way, they got closer to the position of the EU/CFSP. As the Yugoslavia crisis has shown, the EU has based most of its actions on (or at least let them be legitimized by) decisions of the Security Council. The behavior directly in the United Nations will now be another test for the similarities/dissimilarities between the EC/EU and the applicant countries.

5.2. The Voting Behavior in the UN General Assembly

In the past, the voting behavior in the United Nations has often been used to find the "position" of countries or group of countries in international relations in general or in specific issue areas. Since the Community consensus or majority votes give an "anchor" point, one would need only to calculate the distance between this point and the position of the other — here the EC/EU applicant — countries.

Here, a "Distance Index" is used to measure the distance of the applicant countries from the EC/EU. A state which always voted with the EC majority (be it a Community country or a third state) will get a DI value of 0; a country always having voted contrary to the EC majority (or voting yes or no when the EC majority abstains) will have a DI value of 100.

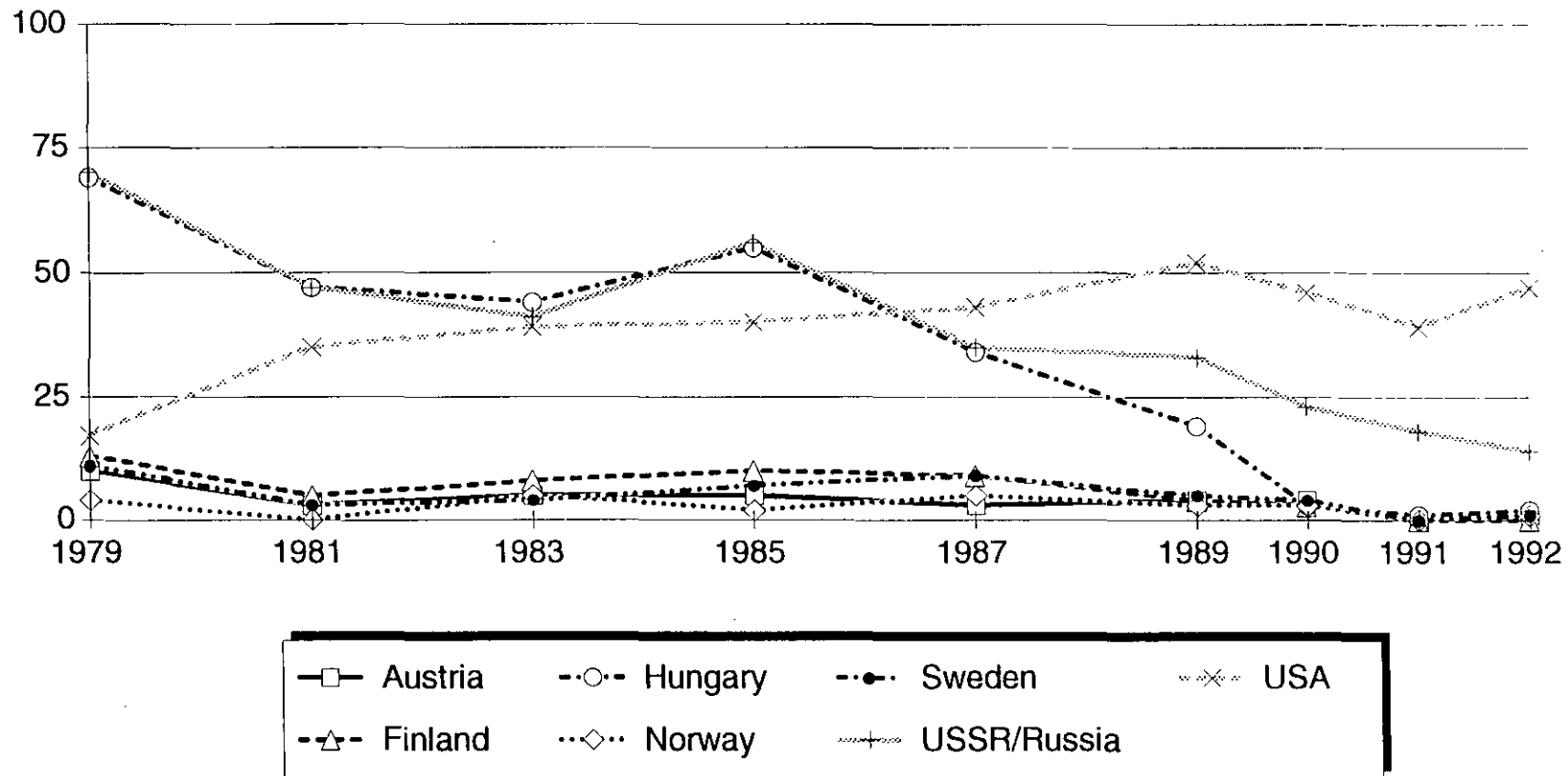
When all the EC countries expressed a uniform voting behavior, where did the applicant EFTA countries stand? Figure 4 on page 30 shows that in the past, the EFTA countries always voted very similar to the EC/EU *consensus*.

Except for Finland, the DI was never above 10. In 1991 all applicant EFTA countries voted exactly like the EC consensus. This trend continued at the 47th session of the General Assembly (1992) with two interesting exceptions. The resolution on Bosnia and Herzegovina (no. 47/121), sponsored by the Organization of Islamic Countries, led to a voting pattern which in itself constituted a premiere: Austria (as well as Turkey and Hungary) voted — together with the US — positively, whereas the Community and the other EFTA applicant countries abstained.⁵⁵ In one case (Resolution no. 47/116D), concerning the maintenance of the oil embargo against South Africa, Norway and Sweden voted for, the EC countries as well as Austria and Finland abstained and the United States (as the only country) voted against the adoption of the resolution. All together, only Finland — in the past more distanced from the Community consensus — voted on all resolutions with the EC countries in 1992.

Here, the anchor point is not the EC consensus, but the voting behavior of the *majority* of the EC countries. When there were 9 EC member states (up to 1980), majority meant that at least 5 Community members voted the same way. With 10 members, the majority was 6 and with 12 members 7. The voting behavior of all countries, including the EC countries, is then compared with the votes cast by the EC majority.

55 Ernst Sucharipa, EPC Acquis and Austrian Foreign Policy Trends, in: Economy. Fachmagazin für internationale Wirtschaft, Vol. 5, No. 4 (1993), pp. 83–88, here p. 87.

Figure 4: Distance from the EC Consensus in the UN General Assembly: All Votes
(Maximum Distance = 100, Minimum Distance = 0)



Sources:

Own calculations. Basic data for 1979, 1981 and 1983 are from Hanna Newcombe/Joyce Litster/Ruth Klaassen/Michael Klaassen/Allison McNaught, Nations on Record: United Nations General Assembly Roll-Call Votes (1978-1983). Second Supplement, Dundas: Peace Research Institute; 1986. Data from 1985 on are from the annual press releases of the UN on Resolutions and Decisions Adopted by the General Assembly, supplemented by the Provisional Verbatim Records of the UN General Assembly.

At the bottom of Table 1 on page 32, one can see the category "Number of Recorded Votes". The figures in this row give the total amount of recorded (or roll-call) votes in the UN General Assembly for the respective year. In the mid-1980s, this number was quite large. During the Gorbachev "détente" it decreased substantially. In 1991 and 1992 there were less than 90 controversial votes in the UN General Assembly. "Percentage of Votes with EC Majority" gives the share of votes where a majority of the EC countries voted the same way. As one can see, an "EC majority vote" could not always be discerned — be it that there was an equal split (from the 12 EC countries 6 voted one way and 6 the other) or that there even was a "three way split" (some voting yes, some abstaining, some voting no). The relatively low percentages for 1981, 1983 and 1985 (the share of votes with a clear EC majority being below 95 percent) are an indicator that the EC countries were more divided then as before or later on.

Table 1 on page 32 renders a distinct division among the EC countries.⁵⁶ There is a kernel, a core group of EC member states which most of the time vote the same way in the UN General Assembly. This EC "kernel" has consisted since 1981 of the three Benelux countries, Italy and (the Federal Republic of) Germany; i.e. the founding members of the EC minus France. Since 1987, Portugal has been part of this EC core group. France, the United Kingdom, Denmark and Spain have usually been more removed from the majority votes than the core countries. Ireland and in particular Greece have stayed for a long time far outside of the center in the Community's political cooperation in the UN. But both, Greece since 1987 and Ireland since 1991, have moved towards the EC core. In 1992 it was the United Kingdom that was furthest removed from the kernel of the Community.

⁵⁶ Brackets in the tables indicate that this country was not yet member of the EC and therefore was not included in the calculation of the majority votes.

Table 1

Distance from the EC Majority in the UN General Assembly:**All Votes**

(Maximum Distance = 100, Minimum Distance = 0)

	1979	1981	1983	1985	1987	1989	1990	1991	1992
USSR/Russia	71	59	61	69	53	52	43	31	18
USA	20	34	39	36	41	44	44	40	48
Hungary	71	59	61	69	52	41	17	7	4
Norway	12	7	10	10	13	14	13	5	4
Austria	17	15	26	27	19	23	22	11	6
Finland	21	18	25	27	21	21	18	7	5
Sweden	20	14	21	25	21	22	21	7	6
Greece	(28)	20	35	32	24	22	15	12	8
Spain	(26)	(20)	(20)	(20)	13	13	14	10	7
Portugal	(17)	(14)	(12)	(6)	1	2	2	4	2
Ireland	10	11	18	17	15	17	17	10	5
Denmark	9	14	13	11	11	11	11	4	3
UK	9	9	12	9	9	10	15	10	10
France	13	8	8	11	7	8	14	7	6
Netherlands	9	3	3	2	2	0	0	1	0
Italy	8	3	3	4	1	1	1	1	0
Germany, FR	5	5	7	3	4	3	1	3	1
Luxembourg	1	3	2	1	1	0	0	0	0
Belgium	1	1	2	0	1	0	0	1	0
Number of Recorded Votes	163	151	170	203	177	143	103	89	88
Percentage of Votes with EC Majority	97.6	92.7	92.3	93.1	95.4	97.9	96.1	96.6	97.7

Sources: See Figure 4 on page 30.

There was a sizable and comparable distance between the EC core and the EFTA applicant countries (in particular the neutrals Austria, Finland and Sweden) in the 1980s. The figures give a hint that in the past the neutral

countries had voted in very similar ways in the General Assembly. In comparison, Norway, being a NATO member, used to be always closer to the EC core. In the 1990s, the EFTA applicants moved closer towards the kernel of the EC. But it is a bit surprising that Austria, applying for EC membership already in summer 1989, did move closer to the EC core only as late as in 1991. This is a sign that the Austrian authorities for a long time did not take the political aspect of integration, EPC, very seriously. Between 1990 and 1991 all the applicant countries reduced the gap between their voting and that of the EC core. They now had lower DI scores than several EC countries. Not only the (impeding) membership application but also the end of the (second) Cold War could be a reason for this change.

There are indications that the changes of the neutrals' voting behavior were caused by a conscious policy. At the end of the 1980s, the EC Commission started to look closer at the voting behavior of the applicant countries.⁵⁷ When in fall 1991 the new bourgeois government came into power in Sweden, it instructed its delegation at the UN to change the votes on some of the usual resolutions and by doing so reduced deliberately the distance to the EC. This move was criticized by the social democratic opposition.⁵⁸ Finland and Norway adjusted in the same way, but Austria held out somehow. Only in 1992 all applicant countries, including Austria,⁵⁹ were — measured by the DI — near the EC core; they were closer than the United Kingdom, Greece as well as Spain and as close as France.

After 1989, Hungary moved rapidly towards the EC majority. Its voting behavior in the UN General Assembly is now almost identical with the EC core. The Soviet Union/Russia has come nearer to the EC kernel as well. But since the 1980s, the United States has had a quite consistent distance to the EC kernel which even increased in 1992.

57 Klaus-Dieter Stadler, who did research on the voting behavior of the EC countries in the UN, was explicitly asked by the Commission to also look at some applicant countries. He did so concerning Austria, Norway and Turkey; see Klaus-Dieter Stadler, *Die Europäische Gemeinschaft in den Vereinten Nationen. Die Rolle der EG und ihrer Mitgliedstaaten im politischen und wirtschaftlichen Entscheidungsprozeß der UN-Hauptorgane am Beispiel der Generalversammlung*, Florenz: Dissertation am Europäischen Hochschulinstitut, 22 April 1991, pp. 403–435. His results are very similar to those reported here.

58 See Pål Ruin, *Sverige röstar som EG. Ändrat strategi i FN efter regeringsskiftet*, in: *Dagens Nyheter*, 27 September 1992. According to this report, the biggest changes were in Third World and disarmament questions; see also below.

59 The Political Director of the Austrian Foreign Ministry, Ernst Sucharipa, seems to have been instrumental for this change, see his arguments in Sucharipa, note 55.

As was done above using the EC consensus as the anchor, Table 2 on page 35 shows that most countries of the EC have voted with the EC majority on *Middle East* questions since 1981. Greece and Spain voted consistently in a different manner than the EC core. Austria among the neutrals had for a long time a distinct voting behavior, whereas Finland, Sweden and Norway have already been close to the EC core since the late 1980s. The distance of the United States from the EC is quite large, Soviet Union/Russia has moved nearer to the EC since 1989.

On resolutions concerning *Southern Africa* (Table 3 on page 36), the EC countries displayed large differences until the early 1990s. In 1992 only the UK voted differently from the other EC member states. Since 1990, the independence of Namibia and the step by step abolishing of apartheid made the topic less controversial in the UN. In 1992, only 6 votes were recorded in the General Assembly.

The most interesting results for examining the attitude of the (former) neutral countries towards EPC/CFSP can be found in Table 4 on page 37. The EC countries showed little consensus on *security issues* in the UN General Assembly. The United Kingdom and France as nuclear powers, partly also Denmark, Greece and neutral Ireland all used to be quite removed in their voting behavior from the EC core countries. This changed in 1992, when all countries — except the United Kingdom — moved closer to the core.

In the 1980s, the neutrals were far away from the majority of the EC countries. But their behavior was not dissimilar to the only neutral EC member, Ireland. Even in 1991 Austria had quite a different manner of voting on security questions. Only in 1992 it came into line with the other applicant countries.

It is not surprising that Norway, as a NATO member, voted much more similar to the EC core than its fellow applicants in security questions. Since 1990, Hungary has voted as or even more similar to the EC majority than the EFTA applicants. Once again, the distance of the United States and the relatively closeness of Russia (in 1992) to the EC core is surprising.

Table 2

**Distance from the EC Consensus in the UN General Assembly:
Middle East**

(Maximum Distance = 100, Minimum Distance = 0)

	1979	1981	1983	1985	1987	1989	1990	1991	1992
USSR/Russia	72	60	42	60	49	40	35	32	30
USA	19	49	60	42	47	51	58	59	70
Hungary	72	60	42	59	48	34	9	8	2
Norway	4	2	7	1	1	0	0	0	2
Austria	7	11	17	16	12	7	9	5	4
Finland	6	4	10	13	8	3	4	2	2
Sweden	6	4	10	15	9	4	5	2	2
Greece	(35)	44	35	31	25	24	16	12	11
Spain	(35)	(44)	(28)	(22)	19	12	15	12	11
Portugal	(24)	(33)	(18)	(9)	0	0	0	0	2
Ireland	2	5	0	2	3	0	0	0	2
Denmark	4	5	0	0	1	0	0	0	2
UK	2	0	0	0	0	1	0	2	0
France	11	2	1	2	0	0	0	0	0
Netherlands	4	0	0	0	0	1	0	2	0
Italy	2	2	0	2	1	0	0	0	0
Germany, FR	2	0	3	0	0	1	0	2	0
Luxembourg	2	2	1	0	1	0	0	0	0
Belgium	2	0	0	0	0	0	0	0	0
Number of Recorded Votes	31	35	43	51	44	37	31	34	34
Percentage of Votes with EC Majority	100	100	100	100	97.7	100	100	100	100

Sources: See Figure 4 on page 30.

Table 3

**Distance from the EC Consensus in the UN General Assembly:
South(ern) Africa**

(Maximum Distance = 100, Minimum Distance = 0)

	1979	1981	1983	1985	1987	1989	1990	1991	1992
USSR/Russia	80	71	64	81	74	77	88	31	0
USA	22	29	38	20	29	28	21	23	38
Hungary	80	71	64	81	74	38	25	0	0
Norway	34	4	5	15	23	28	38	15	13
Austria	27	8	8	20	16	26	38	8	0
Finland	39	8	8	20	23	28	38	8	0
Sweden	39	8	8	20	23	28	38	15	13
Greece	(54)	10	33	20	16	13	25	8	0
Spain	(54)	(17)	(18)	(15)	10	13	29	8	0
Portugal	(37)	(13)	(13)	(2)	3	8	0	0	0
Ireland	24	6	8	11	10	15	29	8	0
Denmark	27	6	10	15	10	18	29	15	0
UK	12	17	26	13	19	18	13	15	13
France	12	15	15	6	3	3	4	0	0
Netherlands	20	0	5	2	3	0	0	0	0
Italy	17	6	8	0	0	5	4	0	0
Germany, FR	10	10	18	7	13	3	0	8	0
Luxembourg	0	2	3	0	0	0	0	0	0
Belgium	0	2	5	0	0	0	0	0	0
Number of Recorded Votes	28	35	27	34	20	24	15	9	6
Percentage of Votes with EC Majority	92.7	80	85.2	94.1	95	95.8	100	100	100

Sources: See Figure 4 on page 30.

Table 4

**Distance from the EC Consensus in the UN General Assembly:
Security, (Dis-)Armament**

(Maximum Distance = 100, Minimum Distance = 0)

	1979	1981	1983	1985	1987	1989	1990	1991	1992
USSR/Russia	65	78	69	68	52	48	38	38	18
USA	18	16	24	25	41	42	48	32	47
Hungary	65	78	71	68	52	48	23	9	6
Norway	3	12	16	10	20	21	17	9	3
Austria	13	34	47	39	39	42	33	26	6
Finland	25	50	54	44	38	39	29	15	6
Sweden	15	32	46	41	39	41	35	18	6
Greece	(8)	28	48	43	34	31	12	15	6
Spain	(10)	(8)	(19)	(14)	11	13	6	3	0
Portugal	(5)	(6)	(5)	(5)	0	1	4	12	3
Ireland	13	30	46	34	34	37	29	24	9
Denmark	3	18	28	16	23	21	17	9	3
UK	10	10	13	9	15	14	31	18	32
France	15	6	8	18	25	18	37	18	9
Netherlands	3	4	5	0	0	0	0	3	0
Italy	3	2	1	3	0	0	0	0	0
Germany, FR	0	2	1	1	2	3	0	3	0
Luxembourg	0	4	0	0	0	0	0	0	0
Belgium	0	0	0	1	0	0	0	3	0
Number of Recorded Votes	23	32	53	54	41	45	32	20	20
Percentage of Votes with EC Majority	100	100	96.2	88.9	92.7	100	93.8	95	100

Sources: See Figure 4 on page 30.

The data on voting in the UN General Assembly do not give a final picture on the position of the EFTA applicant countries vis-à-vis the EC/EU on political questions. But there can be no doubt that in the last years they tried

at getting closer to the EC/EU core. This was not without difficulties and seemed to have happened sometimes through prodding from the Community. The change in the voting behavior of the applicant countries, in particular the neutrals, was one of the "confidence building measures" to win the trust of the EC/EU member states. But they also had to take into account the general public of their countries. Sometimes this looked like a tightrope walk. But the political changes in Europe undoubtedly did help them in their efforts.

6. The Enlarged Union — Scenarios for Its Development

The negotiations on membership started with Austria, Finland and Sweden on 1 February 1993, with Norway on 5 April 1993. Following a slow start, the negotiation gained speed in the second half of 1993, especially after the Treaty of European Union came into force. December brought two important "Christmas" presents for the applicant countries.

At the European Council, Brussels, 10/11 December 1993, the EU member states agreed on the place of the applicant states in the institutions and bodies of the enlarged Union. Each of the new country will get one member in the Commission, to bring the total to 21 (provided all applicants will join). The European Parliament will increase the number of its members from 536 (including the 18 members from former East Germany) to 639. There will be a slight increase of seats for the bigger countries, to make for a more proportional representation (but without changing the number of seats — 99 — for Germany). Here the EU decided to go beyond the status quo and moved toward a "pragmatic evolutionary concept" in its institutional adaptations for enlargement.⁶⁰

When weighting the votes in the Council, the new members will get 4 votes (Austria, Sweden) resp. 3 votes (Finland, Norway). But the European Council did not decide on the amount of votes necessary for a qualified majority. The quarrels among the smaller and larger member states on this topic have not been closed yet. The rotation of the Presidency will maintain its 6 months duration; the first new member country to hold the Presidency will

⁶⁰ See. Enlarged Community: Institutional Adaptations. Final Report. Study on Behalf of the European Parliament by the Trans European Policy Studies Association (TEPSA), Luxembourg: European Parliament, Directorate General for Research, June 1992. (= Political Series, 17); the European Council has followed here the Bocklet/De Gucht proposals, pp. 43/44

be Austria in the second half of 1998 (if Austria will become member). This means most probably that for the Council, the EU will retain the (adapted) status quo.

As was shown above, in particular the neutral (or "post-neutral") countries progressively adjusted their foreign policy behavior to EPC/CFSP. This seems to have been "rewarded" at the Ministerial Meeting of the Conference on Accession, 21 December 1993. The chapter on foreign and security policy of the negotiations was regarded as non-problematic. In the final Act of the accession negotiations, a declaration will be added wherein the applicants will confirm their full acceptance of the rights and obligations attaching to the Union and its institutional framework (the *acquis communautaire*) as it applies to the present member states.

The acceding states will declare that they will be ready and able to participate fully and actively in CFSP. They will take on in their entirety and without reservation all the objectives of the Maastricht Treaty. Concerning CFSP, the new member states will make their legal framework compatible with the *acquis*.⁶¹ The agreement on this declaration was highly welcomed in the applicant countries. The gist of the understanding seems to be that the new members will not have to promise more than the present members are obliged to do in CFSP.⁶²

What will these developments mean for the future of CFSP? It is clear that the new member countries will in most areas only have a marginal influence. One cannot really predict the future behavior of the new members and only present some scenarios of the evolution of CFSP and make an educated guess on how the new members will fit in.⁶³

61 This last provision directly aims toward Austria, the only applicant country that has a legal obligation (a federal constitutional law) to maintain its neutrality status. France seems to have unsuccessfully tried to get a separate declaration from the Austrians, which would have practically meant — looking at the public opinion polls in Austria — preventing Austria's membership in the EU; see Otmar Lahodynsky, *Mangelnde Sensibilität in Brüssel*, in: *Die Presse*, 22 December 1993, p. 8. On the details of the planned declaration (which has not yet been published), see *NZZ*, 23 December 1993.

62 In particular the Swedish social democrats were happy the outcome of this round of talks. They thought that now the negative opinion of the Swedes will change; see Ewa Thibaut, "Nu vänder opinion", in *Dagens Nyheter*, 22 December 1993.

63 I have taken inspiration for these scenarios from the TEPSA Report on Enlargement and the CSFP, note 14, pp. 36–40.

Starting from the most pessimistic scenario one can imagine a situation where many EU members will try to “*veto*” any CFSP decision which is against their interests and where cooperation is at a minimum. An example could be the behavior of Greece in the conflict about Macedonia. It is hard to imagine that the new members will act in such a way and bloc many decisions. As was shown above, they have adjusted their foreign policies in recent years — if not exactly to the views of the core of the EU countries then at least close enough.

Another possibility of CFSP development could be more an “*active neutrality*” stance in international affairs, something the EU is in effect practicing in the conflicts of former Yugoslavia. The (post-)neutral countries would fit in quite well. They have ample experience in peace keeping missions and the Nordic countries have cooperated closely with the EU. The problem could be that one of the new country would like the EU to go further and take sides — but avoiding to commit itself to tasks like peace making or peace enforcing because of its tradition of neutrality.

A similar problem could arise when CFSP develops at *different speeds* or evolves even into *different tiers*. It seems that none of the new members (with the possible exception of Norway) will join WEU at the beginning of their membership. This could strengthen the position of Ireland and Denmark and make the gap between (economic) external relations and foreign and security policy larger than before or intended by the Maastricht Treaty. It is difficult to predict if and when the new member states will join WEU. A lot will depend on public opinion in the new member states, on the distribution of political forces in these countries (the center-right parties are more likely to opt for WEU membership than the social democrats), but also on the security situation in Europe (notably Russia) and the relations between NATO and EU/WEU (or USA–EU).

It also could be that the EU rapidly develops a *European defense identity* and moves beyond its “civilian power” profile. It is very hard to imagine that the new members, in particular the (post-)neutral countries will follow this path in the near future. The 1996 Intergovernmental Conference could show how far the new (and old) members are ready to go here.

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The Next Intergovernmental Conference: How to Reform CFSP?

Reinhardt Rummel, SWP, Ebenhausen, January 1994

I. The Context for Revision

Europe and its international environment have changed significantly since the negotiation of the Maastricht Treaty in 1991. Economic deterioration has questioned some of the assumptions for establishing Economic and Monetary Union (EMU), challenges from regional crises such as the one in ex-Yugoslavia, Somalia and Georgia have shed some new light on the rationale and the scope of Common Foreign and Security Policy (CFSP) while the transformation process in Eastern Europe has caused hundreds of thousands to migrate to Western Europe - a tough test for cooperation among members states of the European Union (EU) in areas of domestic affairs and law enforcement. All of the three pillars of the EU have been strained and need repair or strengthening. CFSP is just one element of it.

Furthermore the revision of Title V of the Maastricht Treaty needs to be placed in the context of ongoing reform in both the EU and other security related organizations in Europe (NATO, NACC, CSCE) and the UN. The interplay of these organizations, their institutional development and their role in the European security order will co-determine the future size, fabric and function of EU and WEU within this structure.

The transatlantic dimension of the European security order remains vital for security and stability on the Continent. As NATO is adjusting to the dynamics of the EU and the European security and defense identity, the Alliance is rebalancing and reorganizing. The January 1994 NATO summit in Brussels decided upon some major changes in the Alliance's military structure, with a view to regaining more flexibility and to allowing NATO to make its means available to the WEU through combined joint task forces, and also to tackle the threat of proliferation of means of mass destruction through a common political and military approach. The Alliance is, in principle, opening up to new members, inviting cooperation partners (NACC), as well as all the other members of the CSCE, to take part in the Partnership for Peace program. For some Eastern countries, this program will lead to full membership, for others, to closer ties with NATO. These initiatives add to those of the EU such as the Europe and Partnership Agreements and the Stability Pact aimed at stabilizing Europe.

The lesson from this new outlook on Europe is that the continent is in need of the EU as a strong actor in security and stability matters and that neither the US nor East European states are opposed to such an actor rather they encourage Brussels to a more forceful stand in this regard. With regard to CFSP and its potential revision, Western Europe has moved away from the pre-Maastricht constellation into a new regional and international context which is characterized by a revival of nationalism, a disappointing performance of the EU's foreign and security policy and a pressure for early enlargement of the present membership. These factors add to those motives which originally led to a CFSP related revision clause in the Treaty of Maastricht. Today's motivating factors would most likely trigger a reconsideration of the Treaty on their own grounds. According to the historical background chosen (a 1991 point of view or a 1996 approach), the revision process will most likely produce substantially different results, either narrowly focused on security and defense matters or entailing CFSP as a whole and even the entire Maastricht Treaty. To meet a wider demand for revision, some observers in the European public and in the European Parliament have reintroduced the long standing idea of a constitution for the Union.

The Treaty specifies that in 1996 an Intergovernmental Conference (IGC 96) will revise the provisions of Art. J.4 on security and defense cooperation. Such reconsideration needs to be completed before the Brussels Treaty on Western European Union (WEU), after 50 years of duration, comes to a provisional end in 1998. Should the Brussels Treaty be continued and revised? Should WEU remain autonomous? Should it become more interconnected with EU or be merged into the EU, either as an identifiable organization or be dissolved altogether? Should EU develop a military component of its own in addition to WEU? This is the startup set of questions for IGC 96. Art. J. 4 (6) points out that a report on the experience and progress of security cooperation (Report 96) should be the basis for such an exercise. There are almost three more years to go until the Council will present this report to the European Council. It is a bit early to start drafting the report, but some ideas on substance and procedure of the revision may be collected for future consideration. This seems also to be the view of the Greek presidency which, with the backing of Jacques Delors, plans to set up a working group to begin studying the institutional evolution in anticipation of the intergovernmental conference due to take place in 1996.

II. Subjects of Revision

Obligatory revision

At present, WEU is part of the development of EU, not part of EU as such. If WEU were to give up most of its autonomy to EU, either by merging or by extensive interaction with EU, the West European defense organization would become an integral part of EU. In this case WEU would go beyond its present duties in EU. It would deal not only with defense related aspects of the Union's policy, but also with common defense policy or even common defense as projected in Art. J. 4 (1). Given the reluctance of many of the EU member states to give up sovereignty in the core of their defense and given the complicating factor of enlargement 95, a common defense policy of the EU does not seem to be a realistic goal for IGC 96. Rather it seems likely that the WEU Treaty will be extended beyond 1998 while WEU's functions within the framework of EU will grow or, as an alternative, that EU takes on some of the military security functions.

The potential growth area for the WEU-EU relationship could be all the military backed missions which are neither part of Art. J. 3-type joint actions nor belong to defense related functions of WEU as laid down in Art. J. 4 (2). Such missions would cover all kinds of "new military tasks" (as opposed to collective defense and non-military foreign policy) such as peacekeeping and peace enforcement as well as humanitarian interventions and disaster relief operations. A catalogue of such missions is part of the WEU Petersberg Declaration. Like in NATO, these operations should not necessarily engage all WEU member states, while WEU planning and infrastructure could be used to support ad-hoc coalitions formed of individual states.

Another field to be considered in the IGC 96 revision process could be the acquisition of common infrastructure (airlift capacities, communication, surveillance capabilities) for EU-decided and WEU-backed missions. Such assets could either be contracted from NATO or the United States, or they could be developed as a common basis of EU and WEU. These assets would be used for both collective security missions and UN Charter defense actions such as those of Chapter VIII, Art. 53. These assets are needed badly

when it comes to military actions of EU/WEU without direct involvement of either NATO or the US. To the extent that the EU takes on a wider range of security tasks in Europe and in other critical regions of the world such support will be indispensable. At present, NATO allies are in the midst of sketching solutions to WEU's dependence on NATO and the US in this regard.

The same reasoning applies to military forces. For the time being WEU does not have any troops at its direct disposal. A fact which also makes it difficult, if not impossible, to comply with the decisions of the European Council concerning defense aspects as they are enshrined in the current version of the Maastricht Treaty. As it stands, Art. IV of the Brussels Treaty categorically excludes any military organization proper to WEU referring instead to NATO assigned military forces. This avoids duplication of military forces, but also somehow contradicts the obligation for mutual defense listed in the Brussels Treaty. If WEU is supposed to play a more assertive role and represent a new European security identity, it will not only need infrastructure but also military forces. The Eurocorps and other military forces of WEU member states from outside NATO could be assigned to WEU. This would also reduce the often perceived automaticity of NATO membership for new WEU member states. They could assign their military contributions solely to WEU.

Major subjects for revision are political guidance and military command. In this respect, recent experience in the Adriatic has demonstrated confusion as well as conflict among the allies. On the insistence of Washington, NATO has declared to remain the prime framework for security consultations. Yet, it will be the European Council which gives political guidelines to WEU for Art. J. 4-actions. The relation between the European Council and the NATO Council needs clarification beyond the provisions of Art. J. 4 (5) of the Maastricht Treaty and those of the Declarations from WEU and NATO connected with it.

Likewise, the command structure needs to be clarified to avoid that West European troops receive orders from both NATO headquarters and WEU operational staff. So far, the Maastricht Treaty does not contain any reference to the problems of military command. It might, however, be wise to introduce a respective clause or add a declaration in order to specify the division of labor between NATO and WEU. The

recently proposed Combined Joint Task Force (CJTF) allows for the possibility to overcome some of the problems of incompatibility and duplication between WEU and NATO. It is a pragmatic solution which also meets the position of WEU member states like France and Spain which, as a political principle, prefer to remain outside the permanent military integration of NATO forces. The central idea of CJTF consists of a mobile headquarters which, in a sense, is ranked above Western defense organizations and will be assigned forces for specific missions on an ad hoc basis. Such clarification on the practical level needs to be translated into appropriate language connected to the IGC 96 revision. Art. J. 4 (5) may require some specification.

Depending on the experience with CFSP joint actions it could be examined whether the instrument of joint actions should also be introduced for the "new military tasks." As of now, this proposition seems to be a long shot. Hardly any member state will be prepared to have its soldiers be committed to fight by the procedure of Art. J. 3 (2) [qualified majority decision]. However, with respect to sharing support structures, a start could be made, especially to the extent that WEU possesses such assets of its own. Moreover, the joint actions approach for the "new military tasks" could be mentioned explicitly in Art. J. 4 (1) (along with common defense policy) as one of the long-term goals for the development of the EU. Finally, the EU needs provisions for the integrated use of military and non-military instruments in order to deal effectively with the new types of security challenges including preventive and post-conflict measures (see also below).

As a consequence of changes to Art. J. 4, the provisions of other articles of Title V may be affected. In this case, IGC 96 will have to examine further changes according to Art. J. 10. Such alterations will - generally speaking - liberate security matters from their ghetto in Art. J. 4 and introduce it into other articles of Title V. One example would be the mentioning of the "new military tasks" in Art. J. 1 (3), expressing that the Union could use military means to support the principles of the UN Charter and the CSCE Charter. Another example would be to change Art. J. 8 in order to extend to WEU bodies some of the rights to launch initiatives.

While the prescriptions for revision in Art. J. 4 and Art. J. 10 remain within the field of CFSP as defined by Title V, Art. B (hyphen 5) calls for a revision of the policies and procedures of CFSP in case the Community can not operate effectively. Therefore, it

should be part of the deliberations of IGC 96 to discuss and clarify the interconnection of policies in all three pillars. Here are some exemplifying questions: To what extent should Community trade and economic cooperation policy be connected with CFSP? Is CFSP non-proliferation policy to be harmonized with foreign aid policy? Should cooperation in Law and Home Affairs and CFSP be enhanced to deal effectively with immigration problems and, thus, to allow the full implementation of the Community's internal market? Answers to these questions are likely to lead to a wider change of the Maastricht Treaty than just Title V.

Facultative revision

While IGC 96 was originally scheduled and motivated by the expiring Brussels Treaty, the revision process will substantially be influenced and driven by more recent events. Among them is the factor of a growing nationalism which causes ambivalent dynamics with respect to European integration. On the one hand, rising nationalistic political forces within member countries of the EU are trying to slow down further integration and to reduce multilateralism. This attitude is not limited to foreign and security policy. It extends into almost all areas of the EU and is part of the opposition which emerged during the ratification period of the Maastricht Treaty. Part of this trend away from further union building has its roots in the end of the Cold War and the disappearance of the formerly uniting factor, the Soviet threat. Another part of the rejection of integration is stimulated by the poor record of the EU's recent performance in international crisis management. In this view, linking one's foreign and security policy to a group of indecisive countries leads to inefficiency and paralysis which justify and even necessitate the option for unilateral action. Some observers, moreover, argue a deepening of CFSP would undermine NATO, others see a French or a German or a Franco-German hegemony in the making and therefore oppose to evolve CFSP.

Other political leaders, on the other hand, draw exactly the opposite conclusion from the same analysis. They regard most of the new challenges in the field of foreign and security policy as requiring intensified multilateral cooperation and intend to control any newly rising nationalism or hegemonism by enhancing CFSP and connecting it to a multitude of security related organizations in Europe. Some of these proponents will ask for an inclusion of CFSP in the communitarian framework of decision-making or, at

least, the formulation and implementation of common defense policy, if not common defense. To them, the modest record of CFSP's crisis management in the recent past is due to the incomplete competence and construction of the Union.

Thus, if IGC 96 were not required by Art. N (2) of the Maastricht Treaty, Art. N (1) would have been used by one of the member states of the EU or by the European Commission to call for a revision in order to try to repair some of the weaknesses of the current system as mentioned above: lack of competence in new areas of security, missing military infrastructure and forces of the EU, underdeveloped orchestration of the various foreign policy and security instruments of the Union as well as unstructured WEU-NATO relations. Repair of these deficiencies would improve the EU's capacity for crisis management operations. The report on the performance of CFSP, as required for the Art. N (2) revision process, will probably reveal a number of further deficits concerning the functioning of the EU's institutions, the instruments at its disposition, the decision making mechanism and the range of issues treated on the EU level.

The subject of institutional reform will also be pushed by the enlargement 95 and it is not excluded that Revision 96 will consist of two dossiers if not two IGCs, one on CFSP, the other on institutions. Many issues have already emerged since Maastricht and many more are to come: the size of the European Commission, the majority quota in the Council, the relationship Commission-Council. Does the Treaty clause of "the single nature of the institutional framework" enhance the role of both the European Commission and the European Council? Following up Art. C provisions: what is the record concerning the responsibility of the Commission and the Council to ensure "coherence and continuity of the Union's external actions as a whole?" Which institution should be determinant in those areas where cooperation and Community subjects as such meet or are superimposed (like in the field of external relations)? Should such influence be left to a pragmatic process? What is the experience of the interlocking of COREPER-Council secretariat-Political Committee? The sizing of the liaisons (member states/EU/WEU; within EU; EU/WEU/NATO) will be crucial for the performance of CFSP.

The most pressing factor, however, to consider changes of Title V of the Maastricht Treaty is enlargement which looms over the horizon for 1995. Austria, Sweden and Finland, three formerly neutral countries, are seeking entrance to the EU. Although they

applied for membership on the basis of the Maastricht Treaty as put into force in November 1993, a big question mark must be made concerning the provisions of CFSP as well as WEU membership. Foreign and security policy is a sector of decisive importance and high sensitivity in the process of ratification: all candidates will have to undergo painful decisions in their parliaments as well as a referendum. Two scenarios are of relevance here:

(1) If enlargement comes about in 1995, it is likely that the new members will not be very fond of intensifying CFSP, especially not in the military field. They will have promised their constituencies that, once the Accession Treaties have been accepted, they will not soon support any move beyond the present state of CFSP. They are aware that the 1996 Treaty revision will require another ratification act.

(2) If enlargement does not occur in 1995, present EU member states will refrain from any leap forward in CFSP cooperation. They would rather lower the threshold for the group of accession candidate countries than raise it via a substantial IGC 96 revision process.

Both scenarios refer to a negative interference of the upcoming coincidence of Treaty revision and Union enlargement, especially as it will be impossible in either case to exclude the candidate countries from the discussions of IGC 96. One of the central political questions is whether the neutral countries will claim the provisions of Art. J. 4 (4) which form the basis for the Irish acceptance of CFSP within Maastricht or whether they will try and plead for the Danish avenue of general exemption from CFSP provisions. Legally speaking, only the Irish option is viable. Yet, in the end, it may rather be the British and the Danes who reduce any Revision 96 boldness and not the neutrals.

III. Procedure of Revision

Given the negative experience with the public acceptance of the Maastricht Treaty, its revision which will have to be ratified in the end should avoid the same mistake. A large part of criticism toward the Maastricht Treaty referred to its technocratic nature and its lack of appeal for the European citizen. The European public at large learnt too little too

late of the farreaching intentions of the so-called Eurocrats. In fact, the elaboration of the Treaty has mainly been a task of the experts and diplomats centered around Brussels. The process resembled a classical multilateral negotiation between states. Except for the participation of the Commission and the commentary from the EP little hinted at the struggle for and the creation of a union. A main political debate - to the extent that this can be called a debate - took place only over the final document, and in a selective manner, country by country. The member states needed a special European Council session in Birmingham to meet the objections that originated as much in the procedure of elaboration as in the substance of the Treaty.

The narrow rules of the revision clause in Title V of the Treaty are a great temptation to repeat the same error. Certainly, it would look awkward, at the first glance, if a broad EU-wide discussion were launched to discuss some minor alterations of Art. J. 4. Yet, even if the Treaty is not changed at all, the chance for a wider political debate on a major part of the political union should not be missed. Most member countries, with the exception of those who underwent a referendum for the ratification of the Maastricht Treaty, will need such a debate, to catch up. Foreign and security policy has been a late-comer in the integration process and treated as such in the IGCs which led to Maastricht. The sector needs more elaboration and the EU people need to determine the range of their commitment to a wider, transnational responsibility sharing in a new international constellation. The seemingly technical revision of Art. J. 4 needs strategic guidance and a comprehensive political approach.

The Maastricht revision process should therefore be designed more as a public debate on the external reach of the EU than as a negotiation among governments. To achieve this, the discussions need to be started early on, not only by the Revision 96 Working Group, but also by political movements, interest groups, the media and non-governmental experts. The report and the proposition of a "wise men's" group, or a temporary think tank, would serve such a purpose better than the suggestions of the diplomats for *their* future duties based on *their* report of *their* previous performance. Certainly, the discussion of a draft constitution which includes foreign and security policy of the Union would serve the need for a broader-based consensus in this area of European integration even better. But it is unlikely to become reality soon. Whether Art. J. 4 revision or draft

constitution, the outcome of the process should be a combination of legal clarification as well as political acceptance (integration level as well as policy objectives).

Should the candidates for membership be part of the revision process? Two options are being discussed: full participation and observer status. Concerning the public debate, the EFTA countries should participate in full from the very start of the revision discussion. In fact, it may well turn out that within their constituencies public interest is stirred up early on because of these countries' ratification procedures for membership during the second half of 1994. Come January 1995, four of the Eftans could be members of EU and, as such, would qualify as full participants anyhow. For them, the observer status would be temporary, during 1994 only. If one of them fails to ratify the accession treaty in time, he would continue to participate as an observer. If a country rejects membership, it will have to give up its observer position in the Revision 96 bodies.

IV. Expected Results

The net result of the revision process could be both a larger awareness of the body politic of the EU on issues of international relations (a political Report 96?), and a legal document which can be read and understood by the citizens of the EU. It could help to clarify

- the further pace and scope of integration in Western Europe,
- the range of external commitment of the Union,
- the nature of the EU's connection with the other European countries.

Concerning security and defense matters, IGC 96 is likely to concentrate on a specification and addition of the present setup of Art. J. 4 leaving the long-term provisions for a common defense policy and a common defense more or less untouched. In the eyes of many in Europe and especially in Germany, this would further imbalance the parallel development of EMU and Political Union provided the steps for a common currency and a European Central Bank are implemented as projected. A more enlightened view should, however, regard the "new military tasks," if they were to become a prime

responsibility of post-1996 EU, a major balance factor within the give and take among the major powers of the EU in the European integration process.

Moreover, a CFSP competence for collective security could pave the way for a constructive integration of neutral countries into EU security policy. UN-madated peace operations have traditionally made up the bulk of neutral countries' military activities. Collective security related integration of an enlarging EU will cause no problem to Moscow, as it does not represent the extension of NATO. The enlarged EU will, however, share a common border with Russia via Finland from 1995 on, which needs attention of its own...

The difficulties of ratification of the Maastricht Treaty have proved that the method of successive revisions (for deepening and widening purposes) by means of intergovernmental conferences may be too clumsy in the future and creates a constant uncertainty about the Union's range and stability of action. Hence the idea of choosing another path which would reduce the need for the EU to undergo repeated alterations and amendments of its founding treaties by diplomatic negotiations without the peoples really knowing what kind of statehood the Union is heading for. The alternative path could be the writing of a constitution for the Union. The initiation of a constitutional process would be the foremost task of the European Parliament (EP) in collaboration with the parliaments of the member states. The Fernand Herman Draft Constitution on behalf of the EP Committee on Institutional Affairs could be considered as starting the discussion during the campaign for the June 1994 EP elections. Other initiatives from the European Council as well as from the European public (see the draft of the European Policy Forum) would enrich such a process. While it avoids the disadvantage of the revision-of-the-revision method, this procedure has tremendous risks of its own.

