

# The Empowerment of the EU's Second Pillar. A Retrospective View\*

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## Resumo

### O Fortalecimento do Segundo Pilar da UE. Uma Visão Retrospectiva

O artigo analisa condicionalidades que indicam um fortalecimento do segundo pilar da UE conforme observado entre 1990 e 2001. A primeira secção considera como é que as características institucionais do segundo pilar influenciaram a percepção dos estados membros sobre a consolidação e eficácia política do mesmo. A segunda examina o seu processo de institucionalização e como é que este contribuiu para melhorar a qualidade de actor da União Europeia. A terceira secção identifica características do segundo pilar que indicam a presença de uma política externa e de segurança de orientação normativa. Esta predisposição normativa molda o conteúdo e as acções da política externa e de segurança Europeia. Isto explica de que forma a agenda do segundo pilar revela uma apatência maior para equacionar problemas, do que para resolver problemas colectivos, através de soluções técnicas tal como acontece no caso do primeiro pilar. A quarta secção considera a PESC como um processo em construção, que evoluiu de disposições que apenas obrigavam os estados membros a informar, passando pela concertação de perspectivas e finalmente pela implementação de acções conjuntas. A última secção reflecte sobre o impacto da europeização da política externa e de segurança, através de mecanismos formais e informais de incorporação de orientações políticas.

## Abstract

*The article analyses conditionalities which indicate a strengthening of the EU second pillar, as observed for the period between early 1990s and 2001. The first section addresses how institutional features of the EU second pillar impact on the perceptions about the political strength of CFSP and its effectiveness. The second examines the progress of its institutionalisation and how it contributed to enhance the EU external actorness. The third section looks at characteristics of the EU second pillar that allow recognising it as a normative framework. This pro-norm predisposition shapes the contents and actions in European foreign and security policy. It explains in which manner, the second pillar agenda is more inclined to address policy issues than to solve common problems through technical solutions, as found in the first pillar. The fourth section addresses CFSP as a process in the making, having evolved from provisions that only obliged member states to inform, to concertation of views and implementation of joint actions. The last section considers the incidence of europeanisation on foreign and security policy through formal and informal ways of incorporating policy guidelines.*

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The impact of Common Foreign and Security Policy (CFSP) on member states has particular features, distinct from the regulative and legally binding aspects found in the EU first and third pillars. As Smith suggests 'the lack of robust compliance mechanisms in EPC/CSFP does not undermine the validity of the general rule to cooperate on foreign policy whenever possible'.<sup>1</sup> Likewise, the recognition of a binding dimension does not presuppose the existence of 'robust compliance', since it occurs on the basis of consensual and willing compliance.<sup>2</sup> The compliance by member states with CFSP behavioural rules benefited from self-enforcing prescriptive mechanisms that resulted from its pro-norm focus, conciliatory nature of the policy agenda and dissemination of referent behaviour, with which 'actors believe to share some level of identification'.<sup>3</sup> Concordant behaviour contributes to strengthen the normative building that member states themselves help to construct and compliance results from identification with what roles *represent* or *mean*, not from coercive power or strict instrumental conditionalities. As Smith characterises it, European foreign policy has been evolving through a process of continuous framing and reframing oriented to the definition of foreign policy issues and adequate institutional setting.<sup>4</sup> Consequent to the singular 'regulative' role of CFSP, one can add its characteristic of process-in-the-making for which its institutional design, for instance, cannot be said to have reached a final stage of institutional maturation.

The article analyses the conditionalities which indicate a stronger role for the EU second pillar, as observed for the period between early 1990s and 2001. The first section addresses how institutional features of the EU second pillar affected perceptions about the political strength of CFSP and its effectiveness. The second examines the progress of institutionalisation and how it contributed to enhance the EU external actorness. The third section looks at characteristics of the EU second pillar that allow its recognition as a normative framework and the way this frame shapes the contents and actions in European foreign and security policy. It explains in which manner, the second pillar agenda is more prone to address policy issues than solving common problems through technical solutions, as found in the first pillar. The fourth

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1 Smith 2004a, 123.

2 The programme of the European Commission of 1991 states that the Community's internal policies would not take precedence over member states foreign policies, see European Commission, *Programme of the Commission for 1991*, Doc/91/1, 23 January 1991, Paragraph 30.

3 Johnston 2001, 494.

4 M. Smith 2003, 559.

section addresses CFSP as a process in the making, from provisions that only obliged member states to inform, to concertation of views and implementation of joint actions. The last section considers the incidence of europeisation on foreign and security policy through formal and informal ways of incorporating policy guidelines.

All sections recur to empirical episodes found in the primary sources and secondary literature in order to find evidence of the assessments made. The analysis of the official record traces the empowerment of the second pillar, from its creation with the Treaty of Maastricht, to the moment of denser institutionalisation of the CFSP with the Treaty of Amsterdam and the stage of early operationalisation of the European Security and Defence Policy (ESDP) with the EU Treaty.

### **1. Enhanced mechanisms of policy institutionalisation**

The history of institutionalisation of CFSP has been object of detailed accounts in literature.<sup>5</sup> This section will broadly focus on the significant institutional developments regarding the instruments of foreign and security policy (*common positions, joint actions, common strategies* and *enhanced cooperation*) and their impact on the EU prescriptive role in those domains. These procedural orientations constitute part of CFSP codification of substantive norms of behaviour, which contributed to their internalisation by member states.

Between 1991 and 2001 the evolution of the institutional setting for the CFSP responded to internal pressures for a more active presence in international affairs. As Smith suggests, 'institutional reforms of EU foreign policy...reflected endogenous, path-dependent processes' that is, developments in the first pillar pressed for further developments within and across pillars.<sup>6</sup> The scope of issues addressed by CFSP functioned as representational and interpretative platforms for the construction of a common dimension of European foreign and security, based on a valorative core of principles. This occurred despite its slow progress in identifying which areas of cooperation could be enhanced, which policy issues ought to be dealt with priority,

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5 For a comprehensive examination see Regelsberger *et al.* 1997; Holland 1997; Nuttall 2000, 37-60 and 176-238 and Forster & Wallace 2000. On the specificity of the working methods of CFSP working groups, see Council for the European Commission - General Secretariat 1998.

6 Smith 2004b, 176.

and in which international events Europe could be asked to participate collectively. Furthermore, the CFSP was drawn separately from initiatives leading to European defence cooperation, which limited the development of that dimension.<sup>7</sup> The intra-pillar complexity pressed for a double commitment from national administrations that is, member states had to combine the 'regulative aspects of legitimacy' within the EU first pillar, with a 'normative conception of legitimacy' and soft compliance mechanisms of the second pillar.<sup>8</sup> This added problems of coordination and consistency to the already complex institutional framework of the EU, which resulted more from the complexities of division of labour between agents of decision-making and from the variety of conceptions on the future international role of the EU, than from any possible weak binding mechanisms of CFSP.<sup>9</sup>

Despite the limitations frequently pointed out from the institutional and operational point of view, the CFSP followed a discreet evolutionary path from general orientations on foreign policy behaviour, to concertation of policies and convergence of views and policy actions. The specificity of its institutional design reflects the nature and the complexity of the 'co-operation problem at stake'.<sup>10</sup>

The CFSP started from a weak division of labour and an external representation shared with other actors in the first pillar (e.g. Commissioner for External Relations) to gradual institutionalisation of representative entities, political organs, military bodies and institutional mechanisms of policy implementation. These were essential features to the international projection of CFSP, to its external representation and to the conciliation of various institutional voices.

The role of CFSP was conditioned by the propensity to competition between the two main actors charged with its external representation and implementation: the Commission and the EU Presidency and later between the High Representative for CFSP and the Commissioner for External Relations. This situation triggered problems of policy articulation and definition of competences which hindered CFSP international

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7 See K. Smith 2003, 41.

8 See Laffan 2001, 723.

9 Specific views about what the Union can be found, for instance: on a preference for a EU focused on regional problem solving (the United Kingdom preference); a Union that envisaged a 'place in the world' (the French view) or a Union that could implement at a higher level what member states could not attain individually giving them, through participation, the opportunity of 'leadership in equality' (the small states approach), see Smith, 2004, 244.

10 See Hasenclever *et al.* 1997, 48.

status.<sup>11</sup> Problems related with the financing of EU external relations also hampered the external visibility of CFSP, since administrative expenditures were supported by the EC budget, whereas the operational expenditures were drawn from member state contributions, without specific guidance on how governments should allocate those resources.<sup>12</sup> The sources of financing and the implementation of joint actions were divided between the Presidency (responsible for the implementation of CFSP agenda) and the Commission (responsible for budgetary implementation). This situation was later modified by the Treaty of Amsterdam by proposing the EC budget as the main source for CFSP funding. Unification of external representation for CFSP was also a sign of institutional stability and a step further to political integration.<sup>13</sup>

The Treaty on European Union set the idea of a CFSP and in particular of a common defence policy and a common defence as long-term goals, not as an immediate objective. The CFSP normative core was reflected on its 'milieu goals', more prone to address the civil aspects of conflict resolution and crisis management than to the responsibilities of collective defence.<sup>14</sup> Therefore the balance between goals and actions was consistent, which allows to disconfirm the arguments frequently used to impair observations about the reliability of the EU's security and defence dimension, based on the existence of a goals-capabilities gap.<sup>15</sup>

In order to pursue its foreign policy goals, CFSP gradually evolved from declarations and *démarches* to agreements on *common positions* and *joint actions*, *common strategies* and *enhanced cooperation* foreseen in the EU Treaty.<sup>16</sup> It evolved from guidance and

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11 Bretherton & Vogler 2000, 185. See also Allen 2001, 45-48.

During the process of ratification of the Treaty of Maastricht and Amsterdam it was possible to observe tensions between instances regarding the right to propose common positions, initiate joint actions and to control of financial aspects of actions related with the implementation of CFSP. However, in the case of the CFSP, decisions on common foreign policy crossed policy pillars and depended on the intervention of multiple organs for which the emergence of competition among decision making bodies was more likely to occur. See also Morth 2005, 173.

12 The imprecise nature of CFSP financing procedures and its divided sources hampered a more rapid adoption of joint actions in response to international crises. For a detailed account on the financial aspects of CFSP, see Monar 1997.

13 Göhler 1996, 8.

14 On milieu goals see K. Smith 2003, 16. Milieu goals have a general and non-confrontational nature and display a preference for the use of economic, cultural and political instruments rather than military ones.

15 On the assessment of the EU effectiveness based on a gap expectation-capabilities perspective, see Hill 2001 and Dover 2005.

16 Enhanced cooperation does not include matters with military and defence implications, see *EU Treaty*, Article 27b.

desirable conformity of national policies, to the observation of strict discipline by member states and vertical consistency between members' policies and the Union's policy recommendations.

Various elements of socio-institutional sophistication also strengthened CFSP standing, evolving from disperse representation and scarce institutional fabric to the consolidation of CFSP implementation instruments, with a scope and object consistent with the second pillar normative method to address foreign, security and defence problems. The resonance and affinity generated by the CFSP normative focus facilitated intensification of policy coordination and cooperation based on a broad valorative and non-contending agenda enhancing the status of the second pillar.<sup>17</sup> The Treaty of Maastricht defined a set of general objectives based on the safeguard of common values, preservation and strengthening of international security, promotion of international cooperation and consolidation of democracy and rule of law.<sup>18</sup> These goals created a base of agreement among member states, outlined the political limits of what was perceived as rightful, at the time when CFSP was institutionalised, and generated the functional means to pursue those goals.

If there was agreement on the scope of the CFSP agenda, its purpose was frequently misperceived, creating disagreement within the EU and contention with security organisations, like NATO. Within the Union, the reserve towards anything that would resemble a supranational orientation was refused by those countries, which wished to preserve the national orientation of their foreign and security policies. As far as relations with other organisations (NATO above all) were concerned, the reference to the CFSP as related with a 'European identity', rather than a process of European policy coordination and to ESDP as being associated with 'European security and defence identities', rather than 'European policies' was commonly used in transatlantic circles and among European-NATO member states, as a way to emphasize CFSP's weak institutionalisation.<sup>19</sup>

The development of a general basis of agreement and institutional conditions to attain common decision-making improved the level of socialisation among participants,

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17 See Marcussen *et al.* 1999, 618; Christiansen *et al.* 1999, 539; Glarbo 1999, 646-647; M. Smith 2003, 566-569; Krahmann 2003, 17-18; Smith 2004b, 117-208 and Koenig-Archibugi 2004a, 147-150.

18 *EU Treaty* Article 11, former Article J.1. The Treaty of Maastricht was agreed in December 1991, signed in February 1992 and entered into force on 1 November 1993.

19 See Wæver 1996, 124-125.

helping to gradually dismiss those misconceptions.<sup>20</sup> The permanence of decision-making bodies, the increasing frequency of meetings, the gradual clarification of the competences and actors involved in decision-making, and the consolidation of more substantive areas of political intervention for CFSP contributed to enhanced socialisation. The focus on a logic of appropriateness, which characterised most of the European policy issues addressed in common positions and joint actions, facilitated internalisation of foreign policy behaviour asserted as commonly beneficial and adequate.<sup>21</sup> These developments were contingently affected by the intervention of various agents involved in CFSP, by the circumstantial climate of competition among the EU Presidency, the European Parliament and Commission, and the mistrust observed between the Political Committee and the COREPER, which obstructed to a higher level of socialisation.<sup>22</sup>

The coexistence of an intergovernmental mode of decision making with a 'supranational' aspiration created different modes of routinisation of policy practices. The dual persistence of intergovernmental features (decision making by unanimity, constructive abstention and invocation of 'reasons of national policy' to impede qualified majority voting), together with characteristics that could imply 'supranational decision-making' (qualified majority voting and 'opt in' clause, and later enhanced cooperation, for states who wished to participate in CFSP actions), are central characteristics of the institutional design for CFSP.<sup>23</sup> In the case of CFSP, routinisation is incremental being dependent from gradual institutionalisation and from the international salience of the policy issues addressed. The learning-by-doing process of the CFSP, its method of consensual decision-making and policy implementation, the presence of circumvention clauses (constructive abstention and the possibility to invoke reasons of national interest), as well as its normative focus enabled the internalisation and imitation of behaviour by member states. The implementation of policy issues in the second pillar (considering its output through common positions and joint actions) shows a good record of success,

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20 The Treaty of Amsterdam created a High Representative for CFSP, a Policy Planning and a Early Warning Unit within the Council General Secretariat. The WEU's Secretariat was moved from London to Brussels and a permanent Planning Cell, a Situation Centre and a Satellite Centre for WEU were established. In 1999, during the Helsinki European Council, it was created a Military Committee and a Military Staff.

21 The idea of a logic of appropriateness means acceptance of a policy option based on what is 'normal, right or good, without, or in spite of, calculation of consequences and expected utility'. It reflects 'principles of conduct to justify and prescribe action in terms of something more than expected consequences'. See March & Olsen 2004, 3. See also Laïdi 2006, 55.

22 See Bretherton & Vogler 2000, 181.

23 See Wagner 2003, 578-579.

in particular for those initiatives where financial considerations were not at stake. This good record was not affected by the various institutional reforms, since provisions regarding further implementation of the CFSP were followed by agreements on circumvention clauses. This opened various opportunities for member states to participate, therefore to cooperate, in the presence of discreet regulative mechanisms of rule enforcement.

The decision-making and consensual voting in the EU second pillar produced institutional conditions of interdependence among member states, in particular with regard to the existence of agreements prior to actions, being decision taking preceded by understandings on the principles underlying actions. Normative compliance precedes functional or operational commitment involving the agreement of member states on a EU specific approach to CFSP areas.

The non-regulative aspects of CFSP made concordance pertaining to the 'spirit of loyalty and mutual solidarity', leading to variations in compliant behaviour resultant from the relation between degree of credibility acknowledge to CFSP initiatives and task assignment. Member states are expected to 'refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations'.<sup>24</sup> These obligations are mandatory even without specific provisions leading to coercive enforcement.<sup>25</sup> The texts on common positions and joint actions are legal texts, although compliance of national policies with the dispositions contained in common positions are left to member states.

The rules inherent to CFSP can be regulative in the sense that they established conditions of policy precedence, even when outside the scrutiny of the European Court of Justice.<sup>26</sup> In the case of joint actions, member states are committed 'in the positions they adopt and in the conduct of their activity', whenever these involve operational commitment by the EU.<sup>27</sup> The introduction of the procedure of *constructive*

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24 *EU Treaty* Article 11, former Article J.1.

25 See Smith, 2004b, 185.

26 Tonra 2003, 741. It is the responsibility of the Council to ensure that the obligations of support and solidarity under CFSP are complied with, see *EU Treaty* Article 2, former Article B. Once the Council decided on the first draft of common positions and joint actions the text is circulated to member states for their consideration and later submitted to the Council for adoption via the Political Committee and Coreper to be published by the Secretariat in the *Official Journal of the EC Legislation*. Although the Commission can propose common positions and joint actions, most of the proposals are initiated by the Presidency or member states showing how the Commission is not the main force in the CFSP. See K. Smith 2003, 38.

27 See *EU Treaty* Article 14 and Article 15, former Article J.4. and Article J.5.



*abstention* and the possibility to invoke reasons of national interest balanced provisions regarding *qualified majority voting* and safeguarded the intergovernmental orientation of CFSP.<sup>28</sup> The CFSP is a 'highly institutionalised and complex process of consultation and cooperation between Member State governments' not a policy which implementation depends on the transposition of laws into national legal instruments.<sup>29</sup> The responsibility to 'inform and consult' on matters of foreign and security policy is in itself a prescription regarding foreign policy behaviour of member states. If a member state fails to consult others, before a decision on foreign policy is taken, it is likely to suffer loss of credibility and trust from its counterparts, weakening its bargaining position within the second pillar.

A normative, rather than regulative, force binds compliance of member states with the EU orientations in foreign and security policy. Norms within CFSP are spontaneously adopted on a willing base, through which they acquire what Smith observes as a 'measure of legitimacy', resulting from a change from 'an instrumental regulatory conception of institutions to a more deontological view' by framing standards of 'behaviour in terms of duties, or moral purpose.'<sup>30</sup> The CFSP official record showed a total of 286 common positions and joint actions agreed between 1991 and 2001 with substantive guidance about 'behaviour obligations'.<sup>31</sup> These common positions and joint actions were supported under comprehensive normative umbrellas such as: human rights, rule of law, right to self-determination, good governance, appropriateness (by binding member and non-member states to international codes of conduct) or by handling sensitive security issues (e.g. land mines, non-proliferation of nuclear weapons, chemical, biological and toxic weapons). The common positions agreed for this period comprised: broad restrictions on economic and financial relations with contending parties in regional conflicts, ban of arms export to these areas and security-related issues regarding production and stockpiling of bacteriological and toxin weapons, respect for human rights, democracy, rule of law and good governance.<sup>32</sup> Likewise, the joint

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28 *EU Treaty* Article 7.2, Article 7.3 and Article 7.4, respectively former former Article F.1.2, Article F.1.3 and Article F.1.4. The use of QMV occurs only after an initial decision for CFSP action has been taken unanimously.

29 Bretherton & Vogler 2000, 169.

30 See Smith 2004b, 118-119.

31 See Smith 2004b, 117-121.

32 Council of the European Union, *Common Positions* 94/779/CFSP of 28 November 1994, *OJ L* 313, 6 December 1994, p.1; 95/150/CFSP of 28 April 1995, *OJ L* 099, 29 April 1995, p.2; 96/184/CFSP of 26 February 1996, *OJ L* 058, 7 March 1996, p.1; 96/508/CFSP of 9 August 1996, *OJ L* 212, 21 August 1996,

actions agreed for the same period, although having a functional purpose, entailed a reasoning, which can be said to be conformant with a global normative agenda. Various actions directed to extra-European territories and broad security issues were addressed such as: humanitarian aid, ban on anti-personnel landmines, establishment of assistance programmes to counter terrorist activities and promotion of transparency on nuclear-related export controls.

## 2. Actorness through foreign and security policy

The period addressed in this study offers interesting evidence of European ability to integrate and to enhance the dimensions of foreign, security and defence policy, as well as to mobilise member states towards common views in those domains. The close proximity of foreign and security policy to traditional state's sovereign attributes makes the idea of a European Security and Defence Policy (ESDP) difficult to conceive. However, the development of a CFSP/ESDP based on willing compliance in foreign, security and defence domains generated a degree of consensus among member states that allowed moving from a foreign dimension to the implementation of a security and defence capacity, focused on non-military and military aspects.

Various arguments are commonly referred to in literature to sustain the weak impact of CFSP/ESDP on member states: its proximity to the national core elements of state sovereignty (external relations, territorial security and defence), the unbalance between its goal set, the resources made available and the presence of limited institutional means of coordination. In the primary sources analysed none of these reasons appeared to have weakened the impact of the EU in the domains considered. The history of CFSP until the entry into force of the EU Treaty in 1999 was not a fast track to full integration of European foreign and security policy. The period between 1991 and 1996 featured a preparatory path to attain commonality of views on foreign and security

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p. 1 and 01/375/CFSP of 14 May 2001, OJ L 132, 15 May 2001, p.7 *European Foreign Policy Bulletin Online* <http://www.iue.it/EFPB/Welcome.html> (Acceded 14/05/2001). Council of the European Union *Joint Actions* 94/276/CFSP of 19 April 1994, OJ L 119, 7 May 1994, p.1; 96/588/CFSP of 1 October 1996, OJ L 260, 12 October 1996, p. 1; 97/288/CFSP of 29 April 1997, OJ L 120, 12 May 1997, p. 1; 98/623/CFSP of 3 November 1998, OJ L 297, 6 November 1998, p.1; 98/627/CFSP of 9 November 1999, OJ L 300, 11 November 1998, p. 1; 99/346/CFSP of 17 May 1999, OJ L 133, 28 May 1999, p.3; 00/297/CFSP of 13 April 2000, OJ L 097, 19 April 2000, p.4 and 01/748/CFSP of 29 October 2001, OJ L 286, 30 October 2001, p.2 *European Foreign Policy Bulletin Online*, <http://www.iue.it/EFPB/Welcome.html> (Acceded 14/05/2001).

policy issues, to reach broad agreements on aggregative principles and to outline the scope of policies to be addressed. However from the policy documents analysed two reasons can be inferred on why the EU's international role in foreign and security policy was limited. On the one hand, the CFSP went through a long process of institutional adaptation since the Maastricht Treaty characterised by various Treaty reforms. On the other, the EU/CFSP sought to export a liberal identity, with a global reach (good governance, rule of law, human rights, protection of minority rights, disarmament and arms control), while keeping its functional focus limited to regional non-military actions and to the use of economic instruments to coerce behaviour. CFSP evolved from a cooperative project, to a policy of cooperation with its own institutions, policy instruments and resources. Those countries with integrationist perspectives, favoured an overarching entity and decision-making procedures that would enable member states individual performances in the integrated context of policies for the second pillar. On the other hand, those member states that supported an intergovernmental view encouraged the adoption of a model based on co-decision.<sup>33</sup> This generated divergent perspectives among member states that hampered the CFSP international status, although discussions among member states reflected more their own apprehensions, than the real limits of CFSP.

The programme of the Commission in 1992, concerning the strengthening of the Community's international role, was clearly oriented towards a functional specification of instruments and structures that would enable a new international role for the Union.<sup>34</sup> The reasoning behind this proposal was based on normative beliefs and instrumental considerations about the polarising effect of the EU over neighbouring countries, leading to imitation of foreign policy behaviour based on prescriptions that emanated from the EU to member states. For the period considered in this study, the EU/CFSP international visibility relied on a combined use of valorative, economic and financial incentives in order to induce compliant behaviour (e.g. towards South Africa and the policy of apartheid).

During the Portuguese Presidency, in the second half of 1992, the approval by the Council of the Ministers of Foreign Affairs on the likely development of CFSP identified

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33 From a procedural perspective, the integrationist and intergovernmental traditions display what Ginsberg distinguishes as reflecting traditions of foreign policy, based on the *acquis communautaire* where 'supranational law, common institutions and the use of qualified majority voting' prevail; and a tradition of foreign policy based on the *acquis politique* based on 'preservation of legitimacy rooted in the national interest, expertise drawn from member states's Foreign Ministries and decision making by consensus or unanimity', see Ginsberg 1997b, 15.

34 European Commission, *From the Single Act to Maastricht and Beyond: The Means to Match Our Ambitions, Part II Maastricht: New Ambitions*, Doc./92/2, 11th February 1992.

the policy areas open to joint action and defined the topical and regional scope of the orientations to be put forward.<sup>35</sup> This placed the CFSP at the level of an integrated policy, rather than of a policy project, setting the conditions to reach agreements on the horizontal domains of CFSP and the competences comprising joint actions to be taken by the Union. The joint actions were to have broad prescriptive focus comprehending: strengthening democratic principles and institutions; respect for human and minorities rights; creation of political and economic frameworks of regional cooperation; prevention and peaceful settlement of conflicts; humanitarian relief and cooperation on fight against arms proliferation and terrorism.<sup>36</sup> Common interests based on geographical proximity, political and economic stability, and existent threats to European security interests determined the policy agenda. The proposal also specified the issues which fell into the security dimension of CFSP that could be object of joint actions: disarmament and arms control, nuclear proliferation issues, control of transference of military technology and arms export. The nature of the issues addressed and the success of CFSP in aggregating common positions around some of these contending issues (e.g. nuclear proliferation) improved perceptions about the mobilising effect of the EU second pillar.<sup>37</sup> This proves the resonance of the dynamics of integration, but also the way the EU represented the valorative concerns of member states and the approach the EU Presidencies to particular security concerns of member states and those of applicant countries.

The EU intervention in the Balkans showed consistency between normative pledges and policy actions based on aid programmes, and recovery and rehabilitation of infrastructure, for which the EU is particularly well suited. The take over of post-conflict tasks such as: humanitarian assistance, recovery and reconstruction of political administrations, recuperation of legal frameworks and material infrastructures add

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35 European Council, *Presidency Conclusions, II-External Relations, 3-Report to the European Council in Lisbon, on the Likely Development of the Common Foreign and Security Policy (CFSP) with a View to Identifying Areas Open to Joint Action vis-à-vis Particular Countries or Groups of Countries*, Doc./92/3, Lisbon 27th June 1992.

36 The first common position adopted by the EU dates from 22 November 1993 and regarded reduction of economic relations with Libya, see 93/614/CFSP. The first joint action was approved on 6 December 1993 concerning support to the transition towards a democratic and multi-racial South Africa, see 93/687/CFSP.

37 That was the case for the CFSP common positions and actions regarding the Nuclear Non-Proliferation Treaty, the Stability Pact in Central and Eastern Europe and the contributions to democracy and economic development in South Africa, see Smith 2004b, 194-198. The CFSP also recorded cases of success with reference to the arms embargo against former Yugoslavia, participation in the electoral process in Bosnia Herzegovina and the administration of the city of Mostar in association with WEU.

significance to the international position of the CFSP.<sup>38</sup> The EU limitations regarding military engagement in former Yugoslavia resulted from lack of prior experience in real conflict resolution, from the characteristics of the conflict itself, from the limited immediate availability of European military resources and from the process of institutional adaptation of CFSP.<sup>39</sup> This generated misperceptions about the international performance of the EU in the Balkans. In 1996 the contribution of the *High Level Group of Experts for CFSP* to the Intergovernmental Conference sought to conciliate the specific nature of CFSP with the particularities of military response, signalling availability to contribute with military assets and capabilities and indicating political willingness to cooperate with NATO.<sup>40</sup> The necessity for a comprehensive concept of European security, the development of operational capabilities, the growth of European cooperation in the field of armaments and improved relations between the EU and the WEU were crucial developments to a stronger international role.<sup>41</sup> Among the proposals conveyed by the Messina Group was the appointment by the European Council of a High Representative for the CFSP. The matter of external representation was an essential requisite to the international projection of Europe, adding coherence to the external political and economic dimensions, enhancing coordination and strengthening the EU external action.

The opening statements of the UE Treaty reaffirmed two important aims with direct implications on the international position of CFSP: 'to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence' and 'to maintain and develop the Union as an area of freedom, security and justice' bordering the provisions foreseen for the third pillar.<sup>42</sup>

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38 European Council, *Presidency Conclusions*, Edinburgh, 11-12 December 1992, Paragraphs 2, 3, 5 and 6. For a different interpretation see Dover 2005.

39 In the context of larger cooperation efforts undertaken by the international community, the EU allocated a total of ECU 80 million to finance the EU Administration task in 1995. For a more detailed account about the EU involvement in conflict prevention and conflict resolution see Rummel 1997, 105-119 and K. Smith 2003, 146-170. For a view that accounts for the limited intervention of the EU in the Balkans, see Kintis 1997, 166.

40 See Groupe d'experts à haut niveau sur la PESC, Premier rapport, *La politique de sécurité de l'Europe à l'horizon 2000: les voies et moyens d'une véritable crédibilité*, Bruxelles, 19 Décembre 1994.

41 See Intergovernmental Conference Reflection Group, Reflection Group's Report, *Part III - Giving the Union greater capacity for external action*, Messina, 2 June 1995 and WEU Council of Ministers, *Madrid Declaration, European Security: a Common concept of the 27 WEU countries*, WEU Contribution to the European Union Intergovernmental Conference 1996, Madrid, 14 November 1995. During the WEU Portuguese Presidency it was agreed a preliminary study during the WEU Council of Ministers, *Lisbon Declaration, Common Reflection on the New European Security Conditions*, Lisbon, 15 May 1995.

The Treaty of Amsterdam came to solve problems of inter-pillar consistency, of external representation for CFSP and consolidation of permanent decision-making bodies. The foreign and security domains addressed by Article C gave the Council and the Commission specific responsibilities in order to ensure the consistency and the implementation of external relations and to develop policy guidelines, which would enable a better operationalisation of policy goals.<sup>43</sup> Similarly, Article 18 sought to solve the problems posed by the diversity of representational positions within the EU. The Treaty proposed a shared system of representation composed by the Presidency, entrusted with the representation of the EU 'in matters coming within the common foreign and security policy'; the High Representative for the CFSP, also the Secretary-General of the Council, responsible for the 'formulation, preparation and implementation of policy decisions' and the Commission fully associated to the tasks of representation and implementation.<sup>44</sup> By giving the Presidency representation powers, the Union Treaty gave to each member state chairing the Presidency a unique opportunity to influence the course of the CFSP agenda.<sup>45</sup> Various agents of decision-making were brought together in functions of representation and policy implementation combining the supranational tonus and the weight of the Commission's legal personality (e.g. through the Commissioner for External Relations), the national and intergovernmental preferences of the Presidency, the High Representative for the CFSP and the expertise of EU officials.<sup>46</sup> This had a negative impact on the visibility of the CFSP seen internally as a stage of clashes between decision-making bodies and experts, and externally as a

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42 The Treaty of Amsterdam was agreed on 17 June 1997, signed on 2 October 1997 and entered into force on 1 May 1999.

43 *EU Treaty* Article 3, former Article C.

44 *EU Treaty* Article 18, former Article J.8. See also Allen 2001. On the complexities and lack of clarity in the use of troika model on what concerns representation, see Cameron 2001, 60-61.

45 However, the presence of the Presidency in the conclusion of international agreements had been little successful in those cases when representatives of the Commission were absent. These accounts for the external role recognised to the Commission the main voice in the EU external relations. The model of multi-representation that resulted from the Treaty of Amsterdam comprising national representatives, Commission officials, the EU Presidency and occasionally EU special representatives did not attain the goal of a single international voice for the EU. See Smith, 2004b, 216.

46 The tasks attributed to the High Representative for the CFSP and the Commissioner of External Relations also enclosed some potential for generating competing views. The CFSP troika encompassed a complex set of relations where the 'EU Presidency still represents member states (intergovernmentalism), the Commission speaks for the European institutions (supranationalism)' and the High Representative for CFSP and the External Relations Commissioner divide the political and economic dimensions of CFSP. See Smith 2004b, 230.

fragmented entity without a centralised decision-making core and a single external representative.

From the operational point of view various steps paved the way to a possible European defence policy: the Lisbon Declaration on a *Common Reflection on the New European Security Conditions*, the WEU contribution on *European Security: a Common Concept of the 27 WEU Countries*, the possibility to integrate WEU into the EU and a specific reference in Article J.7.1 of the EU Treaty regarding a 'progressive' rather 'eventual' common defence policy. These initiatives added visibility to the EU defence dimension which absence was perceived as hindering the CFSP international position.<sup>47</sup>

The Joint Declaration issued at the St. Malo Summit weakened the divisive lines that separated European and transatlantic allies on the emergence of a European security and defence policy. The final declaration suggested the scope, the legal frame, the institutional setting and the military assets and capabilities required to build an autonomous capacity 'backed up by credible military forces' and a security and defence commitment that would preserve the obligations set out in the Article 5 of the Washington Treaty and Article V of the Brussels Treaty.<sup>48</sup> The decisions approved during the *Cologne European Council* in June 1999, the *Helsinki European Council* in December 1999, the *Lisbon Extraordinary European Council* in March 2000, the *Feira European Council* in June 2000 and the *Nice European Council* in December 2000, all converged in the same direction: providing Europe a military dimension. The Treaty of Nice specified the obligations inherent to CFSP/ESDP adding to the principle of flexibility, a set of rules concerning enhanced cooperation and reinforcement of the competences of the former Political and Security Committee, emphasising the security component of CFSP.<sup>49</sup> The decisions with implications for the development of a common European policy on security and defence

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47 EU Treaty Article 17.1, former Article 7.1. See also WEU Council of Ministers, *Lisbon Declaration, Common Reflection on the New European Security Conditions* Lisbon, 15 May 1995; WEU Council of Ministers, *Madrid Declaration, European Security: a Common concept of the 27 WEU countries*, Madrid, 14 November 1995 and WEU Council of Ministers, *Declaration on Western European Union, A-WEU Relations with the European Union*, Maastricht, 9-10 December 1991. See also WEU Council of Ministers, *Petersberg Declaration*, Bonn, 19 June 1992, *Part II - On Strengthening WEU's Operational Role*, Paragraph 4. The Petersberg tasks included humanitarian and rescue tasks, combat forces in crisis management and peacekeeping.

48 Joint Declaration by the British and French Government, *British-French Summit*, Saint Malo, 3-4 December 1998. This initiative was preceded by a Franco-German Summit on 1 December 1998, which set bilateral arrangements regarding European cooperation; see *Final Declaration* by the French and German Government, Franco-German Summit, Potsdam, 1 December 1998.

49 The military dimension of WEU was integrated into the EU and it was conceded that cooperation in the domain of European armaments and defence industries was to be initiated. See Assembly of WEU, *Organising security in Europe-political aspects*, Doc.1509, 26 January 1996, at.10.

would be taken in the framework of CFSP giving to the future European Defence Security Policy (EDSP) an integrated dimension, rather than propitiating the edification of a separate pillar for defence issues.<sup>50</sup> In terms of political and strategic control, the member states agreed on the creation of specific CFSP bodies supported by the *EU Military Committee* (composed by national military representatives) and the *EU Military Staff* (Situation Centre) working in close collaboration with the experts the *Political and Security Committee* (composed by political and military experts) acting as a permanent body in Brussels. These institutional developments allowed creating an integrated community of experts that helped to inform the future defence dimension of ESDP.

The implementation phase of ESDP was mainly procedural from the point of view of military action. Any fundamental changes to be introduced to national defence policy were left to member states' willing coalescence.<sup>51</sup> This voluntary dimension constituted a strong driving motive to member states, to comply with the EU guidelines. It facilitated responses from national administrations, without raising domestic opposition to integrated initiatives for security and defence and without introducing dramatic changes in countries' defence policies.

Another argument commonly used to hamper the CFSP/ESDP international visibility in the security and defence domains results from a misconception regarding Europe's ambition to replace NATO.<sup>52</sup> The official documents analysed showed little evidence of such ambition. As defined in Nice, the EU was to generate military and civilian crisis response tools in a comprehensive manner comprising, promotion of political stability, build up of an early warning cell, conflict prevention, crisis management skills and post-conflict reconstruction tasks. None of these tasks collided with NATO's collective defence mission.<sup>53</sup> The proceedings from the Laeken European Council also disconfirm the idea that the EU aimed at a competing military role.<sup>54</sup> The military capabilities envisaged by the EU, namely those of force protection, intelligence, command

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50 European Council, *Presidency Conclusions*, Cologne 3-4 June 1999, *Annex III-Presidency Report on Strengthening of the Common European Policy on Security and Defence*.

51 The CFPS solves through willing compliance the tensions between 'formal independence of states with their practical interdependence, which forces states to cooperate.' Ver Klabbers 2005, 279.

52 For a perspective that agrees with the view conveyed in the present study about misconceptions on the goals defined for CFSP/ESDP and the absence of a competing agenda see Howorth 2006, 83.

53 See European Council, *Presidency Conclusions*, Helsinki, 10-11 December 1999, *Annex IV-Presidency Report on Strengthening the Common European Policy on Security and Defence and on Non-Military Crisis Management of the European Union*.

54 European Council, *Presidency Conclusions*, Laeken 14-15 December 2001, *Annex II-Declaration on the Operational Capability of the Common Foreign and Security Policy*. See also WEU Council of Ministers, *Audit of Assets and Capabilities for European Crisis Management Operations*, Luxembourg, 22-23 November 1999.



and control and strategic mobility were also essential to the fulfilment of civilian crisis management tasks. The EU did not seek to replace NATO. The national positions in favour of one or other organisation were largely drawn from the evaluation of which organisation was most efficient, in terms of best-fitted commitment of resources and which was most appropriate, in terms of suggesting the most convincing argument and presenting the best legitimate solution to address a specific security issue or problem.<sup>55</sup> Humanitarian relief, electoral and human rights monitoring, support to local administrations and legal rehabilitation, and post conflict reconstruction were likely to become the core of CFSP external tasks. This focus would shape the future dimension of ESDP.

An indication of change of perception regarding the international visibility of the EU second pillar was found in specific references in the EU Treaty regarding asserting the EU identity and creating a 'coherent force' that would allow the EU to actively participate in international security.<sup>56</sup> The conciliation of diverse foreign and defence policy preferences, traditions and national constraints (e.g. constitutional restrictions in the case of Germany, transatlantic defence traditions in the case of Portugal and the United Kingdom and preference for neutrality in the case of Nordic countries), kept the CFSP and ESDP based on the conciliation of policy preferences, rather than on formal and mandatory incorporation of policy provisions. Various elements point in this direction: maintenance of decision-making by consensus; voluntary adaptation of national defence policies to the developments resultant from the institutionalisation of a ESDP; location of political choice at the national level with regard to attribution of military forces to EU-led operations and observation of the priorities and commitments assumed by member states, in the context of other organisations. In this case, voluntary adherence is the most evident feature of positive perception about CFSP/ESDP among member states. The fact EU member states with atypical positions (i.e. Germany, Portugal and Finland) towards ESDP, initiated some of the most important contributions to this dimension, proves the growing support given by member states to the EU second pillar.

De Schoutheete de Tervant featured the process of European integration as evolving from a community of information, to a community of views and finally to a community of action.<sup>57</sup> The CFSP followed this path from an initiative that gave way to information exchange and consultation, to a forum of policy implementation. Both CFSP and ESDP

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<sup>55</sup> See Sjursen 2004, 16-18 and Sjursen 2003.

<sup>56</sup> Ver Howorth 2006.

<sup>57</sup> See Tervarent 1986.

evolved on the basis of gradual institutionalisation, accumulation of expertise, internalisation of behaviour and development of mechanisms of common response to external challenges. It was outside the limited realms of national deliberation and inter-party bargaining, about integrated security and defence, that the legitimisation of CFSP/ESDP decisions and actions has been taking place. The creation of CFSP permanent decision-making bodies enabled the formation of a base of expertise, which facilitated further European socialisation, internalisation and compliance with policy guidelines.

In sum, a positive view on the EU/CFSP international visibility can be drawn from its ability to mobilise member states support, not on the basis of regulative policy orientations, but on the basis of willing and informal compliance. The institutionalisation of a single CFSP representative and of institutional mechanisms to formulate policy positions and operationalise policy actions constituted an essential condition of international projection. In the case of the CFSP/ESDP, appropriate problem addressing was supported by forms of problem-solving compatible with the Union's political and valorative core in the second pillar. The focus of policy documents on preventive diplomacy and civilian tasks in the post-conflict period is consonant with the mobilising effect of EU in problem-addressing, both for small and major member states. An indication of strengthening of international status was found in specific references in the Treaty of the European Union to assert an international identity and create a 'coherent force' that would allow the EU, not only to voice, but also to actively participate in international affairs to address and to solve common problems.

### **3. An agenda focused on ways to address problems**

The early stages of CFSP evolved to a normative focus on the policy issues open to joint actions intended to generate policy precedence and to disseminate appropriate behaviour among member states.<sup>58</sup> The EU conveyed to applicant countries values and norms in the field of foreign and security policy, which member states could not reject without hindering the normative foundations of the Union itself. As Payne

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<sup>58</sup> This can be also observe in the provisions adopted regarding the enlargement process and the Euro-Mediterranean Partnership. Both involved a functional conditionality based on broad normative frames, which worked as conditional backgrounds for appropriate policy action. The specification of criteria of accession to applicant countries underlined both a functional and a normative reasoning. The modernisation

suggests, norm entrepreneurs commonly use material levers and act strategically to achieve desired ends that is, by using a normatively driven language they seek to disseminate 'shared ethical traditions', which bind both member states and the applicant countries to the same political purposes.<sup>59</sup>

The EU involvement in former Yugoslavia is a good illustration of this particular concern with how to address on the base of appropriateness. The EU made use of its political strength, diplomatic profile and economic weight to help ending hostilities and to support negotiations for a peaceful settlement in the region. The focus on the civilian and humanitarian aspects of conflict resolution and peace settlement constitutes evidence of consistency between normative goals (support for conflict resolution by non-military means) and non-coercive material means (e.g. diplomatic *démarches*, financial aid and humanitarian relief). The documents issued in the context of the European Council and EU Presidencies reflect such focus. The concerns voiced through the European Council reiterated the normative agenda of the EU towards the conflict: end of hostilities through negotiated peace; refusal to accept territorial claims from the parts involved in the conflict; support to a constitutional settlement based on 'mutual recognition of the multi-ethnic character of Bosnia-Herzegovina'.<sup>60</sup>

The fact that the EU second pillar was able to generate commonality of positions among member states and applicant members regarding contending issues, like nuclear proliferation, also illustrates its high normative profile. The Corfu European Council set the guidelines for the adoption of a joint action concerning the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preparation for the NPT conference, which took place in 1995. The EU successfully produced common positions by presenting a procedural framework strongly embedded in universal principles which enabled the acceptance and compliance by the parties to the NPT.<sup>61</sup> In the specific domain of CFSP, the full commitment of associated countries to the EU's decisions

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of national economies, transition to a market economy and compliance with the political, economic and monetary aims of the Union were considered side by side with the criteria of stability of institutions, respect for democracy, rule of law and human rights, protection of minorities and democratic control of the armed forces. See European Council, *Presidency Conclusions*, Copenhagen, 21-22 June 1993, *Annex II-Cooperation with the Associated Countries Geared to the Objective of Membership*.

59 Payne 2001, 54 and 38.

60 European Council, *Presidency Conclusions*, Edinburgh, 11-12 December 1992, *Annex D-Declaration on the Former Yugoslavia*, Paragraph 2 and 3.

61 See European Council, *Presidency Conclusions*, Corfu, 24-25 June 1994, *Part II Common and Foreign Security Policy, L. Guidelines For a Joint Action on the Preparation of the 1995 Conference of The Parties to The Treaty on the Non-proliferation of Nuclear Weapons*.

(related with unconditional and unlimited application of the Nuclear Non-Proliferation Treaty and support for joint actions on anti-personnel mines) constitutes strong evidence of the high normative profile of the provisions endorsed by the EU as international political actor. The EU was not only able to persuade new members to adopt core community values regarding sensitive security issues like arms control, but it also endorsed a way to agree on foreign policy behaviour, by convincing members and applicant states on the unconditional validity of the Non-Proliferation Treaty.<sup>62</sup> The agreement was even supported by the United Kingdom and France, the only EU member states that could have opposed to the initiative, in order to protect their position as nuclear powers.

In the primary sources it is possible to observe positive and negative conditionalities. The positive conditionalities indicate a specific concern with appropriate ways to address foreign policy issues from a normative point of view, which do not rule out the possibility to make use of consequential behaviour, based on economic power and political status (e.g. by denying or delaying access to the EU membership). The material incentives provided by the EU, in return for compliance with its *acquis politique* did not have the same consequential impact on the compliant behaviour of all applicant countries. The behaviour of applicant countries reflects important signs of external impact. Their record of normative compliance improved substantially in the face of financial and aid development incentives as part of the EU pre-accession strategy. This was the case of Hungary, Poland and former Czechoslovakia, which faced situations of strategic void and weak participation in international organisations. Membership to the EU was an occasion to signal their own political maturity towards a new set of international opportunities. In these cases, compliance with the EU guidelines functioned as an incentive to further integration in an inclusive framework of mutual rights and responsibilities.

The negative conditionalities in the second pillar result from the focus of European-NATO members on transatlantic relations and from the American resistance to cooperate with Europe in the field of armaments and defence industries. This limited the possibility of a ESDP supported by military might and favoured those arguments that stressed the existence of a goals-capabilities gap.<sup>63</sup> However, as from mid 1990s, the EU achieved

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62 Conclusions of the ECOFIN Council, Part B, 19 June 1995, *Implementation of The Strategy in the First Half of 1995, VIII.CFSP*. Appended to the *Cannes European Council*, 26-27 June 1995.

63 See Camps 1972, 559-578, Holland 1995, 555-572 and Hill 2001, 18-38.

a high level of agreement on the imposition of various sanctions (ban to Former Republic of Yugoslavia (FRY) carriers over EU territory, freezing of funds and assets of FRY and Serbian government and end of flow of funds and weapons), which allowed to perceive its consequential capacity being exercised by other means than strict military power.<sup>64</sup>

The observation of dissemination of frames of appropriate behaviour in policy documents offers findings consistent with the notion of a European 'ethical community' associated with CFSP. This community is characterised by a low confrontational posture, strongly embedded in the norms of international law, combining best practices and adequate means to solve security problems at a level beyond the strict technical one. The civilian focus of CFSP in crisis management also underlines this base of appropriateness through the institutionalisation of organs such as the Committee for Civilian Aspects for Crisis Management and programmes like the EU Programme for the Prevention of Violent Conflicts. This reinforced the EU/CFSP agenda on human rights, strengthened by the decision to draw a Charter of Fundamental Rights of the European Union with the goal to identify basic procedural rights, guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>65</sup> The European Council was particularly active in conveying a discourse underlining the normative role of the EU by stating the 'European Community's moral obligation' to avoid the perpetration of crimes against humanity and to safeguard 'fundamental European values'.<sup>66</sup> This not only stressed the normative focus of the Union, but also called the attention to the inclusion of procedural rights in the Treaty's text, giving it a mandatory character. The EU by defining itself as an 'ethical community' strengthened its normative agenda beyond a strict technical dimension of common problem-solving, giving it a specific dimension on how to address security and defence issues.<sup>67</sup> The edification of ESDP itself was conformant with the EU's low confrontational posture drew from the use of diplomatic resources in conflict mediation, employment of financial resources in the recovery of local administrations and infrastructures, and police activities defined as core functions of the EU security and defence dimension.

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64 See Common Position 98/240/CFSP of 19 March 1998 and Common Position 98/326/CFSP of 7 May 1998.

65 European Council, *Presidency Conclusions*, Santa Maria da Feira 19-20 June 2000, *Annex I-Presidency Report on Strengthening the Common European Security and Defence Policy, III-Civilian Aspects of Crisis Management*.

66 European Council, *Presidency Conclusions*, Berlin 24-25 March 1999, *Part III - Statements on Kosovo, Statement by the European Council Concerning Kosovo*.

67 Neyer 2003, 692.

The operationalisation of the ESDP through the Headline Goal, agreed in 1999, was also preceded by convincing argumentation supported by a 'language of values', which reaffirmed the EU commitment in 'building a Common European Security and Defence Policy capable of reinforcing the Union's external action through the development of a military crisis management capability, as well as a civilian one, in full respect of the principles of the United Nations Charter'.<sup>68</sup> The functions inherent to the civilian aspects of crisis management fit well into the less contending profile of European security. Among those one may refer to the re-establishment of disrupted administrative systems, recovery of infrastructures, provision of training in penal expertise in cooperation with the UN and OSCE, training of local administration officials in periods of political transition and missions of search and rescue in disaster relief operations. The civilian component of ESDP was reinforced by aspects suggested in the context of rule of law, where the EU was recognised to have a unique prescriptive approach in post-conflict situation (e.g. in contributing to the creation of provisional legal frameworks in situations of institutional and normative void). The long tested European tradition in law drafting and regulations issuing, combined with a specific concern in conciliating the various constitutional provisions of member states placed it in the forefront of foreign and security tasks that could hardly be overtaken by other international organisations.

In sum, the uniqueness of the external roles that emanated from the EU's second pillar derived more from their appropriateness than from their consequential nature. The use of normative frames and the focus on non-military security tasks had a double mobilising effect, improving participation. To smaller member states it enhanced the conditions of regional and international cooperation. To major ones enable pursuing international initiatives under an integrated European label. The primary sources show that the consequential effects, both positive (economic incentives in the pre-accession period among other material rewards) and negative (in delaying or denying membership or by suppressing material rewards), did not impact evenly among member states and applicant members. Recognition of appropriateness seemed to result more from domestic resonance of the European values disseminated, than from the consequential reaction of CFSP decision-making organs towards non-compliant behaviour. The long tradition of European law drafting and diplomatic cooperation and coordination gave

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<sup>68</sup> Tonra 2003, 750. See also European Council, *Presidency Conclusions*, Santa Maria da Feira, 19-20 June 2000, I-Preparing the Future, C. Common European Security and Defence Policy.

the CFSP a unique place in the way foreign, security and defence problems are addressed and framed within the EU second pillar.

#### 4. Institutionalisation as a process in the making

The gradual institutionalisation of CFSP instruments opened the possibility to consolidate policy practices leading to common positions and joint actions. The necessity of a common view on policy issues claimed for the setting of institutional conditions of routinisation of policy procedures. The implementation of CFSP instruments improved considerably the routinisation and internalisation of new foreign policy preferences and strengthened the reproduction of 'behavioural obligations' among member states.<sup>69</sup> The dynamics of European integration called for routinisation of consultation procedures for CFSP involving the Commission, the European Council and the Presidency and for congruity of decisions taken across pillars. Habitual consultation became a practice, as the scope of common positions and joint actions adopted expanded.

The development of a more autonomous military capability within WEU and the announcement by NATO that its forces could be made available to EU-led operations provided the material support for a stronger European coordination in security and defence matters. Consequently the routinisation of policies and procedures is an essential condition of efficiency for the second pillar, as imitation of behaviour is a guarantee of what to expect in terms of foreign policy.

The UE Treaty (version ratified in 1991) conveyed a strong conceptual and normative focus regarding European foreign and security policy, as compared to its modest attempts to set procedural routinisation. The UE Treaty (version ratified in 1999) improved the conceptual boundaries of the CFSP instruments (common positions), with the aim to 'define the approach of the Union to a particular matter of geographical or thematic nature' and the obligations inherent to their adoption, for which member state were to ensure that 'their national policies conform to the common positions'.<sup>70</sup> This introduced a habitual practice of policy consultation regarding joint actions, which addressed 'specific situations where operational action by the Union was deemed to be required' and joint actions which committed member states in the positions they adopt and in

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<sup>69</sup> See Smith 2004b, 117-121.

<sup>70</sup> *EU Treaty* Article 15, former Article J.5. Emphasis added.

the 'conduct of their activity'.<sup>71</sup> Member states were to 'inform' and 'consult' one another within the Council on matters of foreign and security policy, ensuring the 'concertation' and 'convergence' of actions. The improvement of procedural guidance defined which actors were involved in decision-making in the context of CFSP and outlined the contours of future political consultations. The Council defined principles and general guidelines for CFSP and the Presidency was tasked with representing the Union, implementing the decisions taken and expressing the position of the Union in international organisations and international conferences.<sup>72</sup> External representation and policy implementation gave member states chairing the Presidency not only considerable external visibility, but also broader responsibilities in voicing member states common positions in international affairs that is, in representing a European collective position and aggregating dispersed preferences. This reflects more than a simple expression of national preferences.

It is not entirely accurate to hold the Maastricht initiatives responsible for short-sighted goals and weak enforcing mechanisms, which are said to have affected the impact of the EU on member states' foreign and security policies. The literature that refers to the inability of the EU to solve substantive problems, given its recurrent focus on procedures forgets that, the Treaty provisions that define the scope of policies and the mechanisms to implement and to enforce compliance were preceded by the identification of aggregative principles leading to a broader external agenda and to an improved institutional structure.

Further institutionalisation of CFSP was also affected by inter-pillar competition, as already referred to, partly due to a situation of shared political representation among the Council, the Commission and the Presidency. This hampered for some time the development of a proper routinisation of procedures since, for the instance external representation varied on a case by case basis, dependent on the Presidency in office and the policy issue to be addressed.<sup>73</sup> This shared representation, although beneficial to the internal consistency of aims, hindered the external perception about who represented Europe's voice in foreign and security policy.

The EU Treaty as approved in Amsterdam institutionalised various initiatives, which contributed to enhance the institutionalisation of various external roles. The creation

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71 *EU Treaty* Article 14.1 and 14.3, respectively former Articles J.4.1 and J.4.3. Emphasis added.

72 *EU Treaty* Article 18.1 and 18.2, former Articles J.8.1. and J.8.2.

73 Allen 2001, 45-48 and Cameron 2001, 60-61.



of permanent CFSP organs (policy planning and early warning units) tasked with advisory and evaluation functions, the harmonisation of views and policies and the synchronisation of EU/WEU meetings, improved routinisation of common procedures and policy practices, without affecting the specificity of foreign policy preferences of member states.

The new treaty created also the possibility to circumvent decisions (*constructive abstention* and invocation of *reasons of national interest*) without blocking implementation or impairing its adoption by the Union as a whole. As foreseen in Article J.13.1, member states 'shall not be obliged to apply the decisions, but shall accept that the decision commits the Union'.<sup>74</sup> The EU prescriptive function was preserved by the provision that set the integrity of the commitments of the Union *as a whole*. The EU role prescriptions were also reinforced by the dispositions of Article J.1.2. concerning refraining to act in a way contrary to the interests of the Union.<sup>75</sup>

From the conceptual point of view, the EU Treaty agreed in Amsterdam did not generate a more objective conceptualisation of CFSP instruments, notably of common positions and joint actions nor did it define the 'areas where the Member States had important interests in common', as suggested in Article J.3.2, limiting itself to agree on procedural related aspects about objectives, duration and the means to be made available for their implementation.<sup>76</sup> The Council and the Commission were entrusted with ensuring consistency of external policy and the position of the Council was reinforced in terms of recommending and adopting common strategies and common positions. These procedural developments were essential to the consolidation of processes of intra-pillar routinisation of policy practices and fundamental to the maturation of 'automatic reflexes of consultation', which were at the origin of routinisation of procedures and imitation of behaviour.<sup>77</sup>

The decision to improve cooperation between the Council and Secretariat-General of WEU and the Council and General Secretariat of the Council of the European Union was a crucial step to the harmonisation of views and policies. This aspect of synchronisation of dates and venues of meetings, harmonisation of working methods and Presidencies and closer cooperation between WEU's and EU's decision-making bodies had a far more important role than has been recognised. It facilitated inter-

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74 EU Treaty Article 23.1, former Article 13.1.

75 EU Treaty Article 11.2, former Article J.1.2.

76 EU Treaty Article 13.3, former Article J.3.2.

77 Nuttall 1992.

-organisational routinisation and improved contacts among representatives of the capitals and national permanent representatives in Brussels, as well as between EU and WEU officials. The decision to harmonise the WEU and EU Presidencies allowed countries chairing the respective Presidency, to combine efforts of coordination and consultation. This had considerable advantages regarding the consistency in the agenda setting and a more efficient allocation of scarce expertise. This enhanced the institutionalisation of patterns of consultation, information exchange and interface of policy practices.<sup>78</sup>

As the CFSP permanent bodies developed it was observed an intensification of international contacts between officials, a higher degree of routinisation of policy practices (e.g. representation role of the Presidency) and a more extensive consultation among member states. The Treaty, under Article 25, extended to the Political Committee a security dimension by transforming it into a Political and Security Committee (PSC) composed of national representatives at ambassadorial level, with the aim to 'monitor the international situation' in the areas of interest to CFSP and to 'contribute to the definition of policies by delivering opinions to the Council' at its request. The PSC was also entrusted with pursuing, under authorisation of the Council, 'the political control and strategic direction' of operations in situations of crisis management, which provided better conditions for policy coordination.

The changes introduced at the level of ESDP, with the agreement on the Headline Goal, made available a military capacity for crisis response which pressed for a better routinisation of policy guidelines and military procedures from which its operationalisation was dependent.<sup>79</sup> Similarly, the agreement between the EU and WEU, on the synchronisation of meetings and harmonisation of working methods, contributed to a better coordination of policy decisions and military activities, with implications to the external visibility of CFSP/ESDP.

During early 2000 one can detect improvements concerning routinisation of procedures and practices, in particular on what concerns initiatives that could be taken forward by a limited number of states, namely regarding enhanced cooperation. Enhanced cooperation, without having direct impact on decisions with military or

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78 As from 1999 the Council of the European Union informally started gathering Ministers of Defence and Foreign Affairs Ministers, which was not only an unprecedented occasion, but also significant from the perspective of a more coherent and better-articulated European security and defence, see Wessel 2003, 273.

79 The goal of a EU military force followed a meticulous inventory of forces (Force Catalogue) based on attribution of national contributions to the EU.

defence implications, improved the operationalisation of CFSP by creating alternative procedures to decision taking by a specific group of states.<sup>80</sup> The definition of procedures, guiding the initiation of enhanced cooperation answerable to the Council and scrutinised by the Commission and the European Parliament, made this mechanism of policy implementation accountable to the EU decision-making organs and member states, improving routinisation on this aspect.<sup>81</sup> The possibility to veto decisions to establish enhanced cooperation was ruled out by the Treaty, which together with the reiteration that abstention by member states would not prevent the adoption of decisions, facilitated reaching limited agreements implemented by a smaller group of member states.

In sum, the institutionalisation of policy practices followed the various phases between the entry into force of the EU Treaty as agreed in Maastricht and the EU Treaty as agreed in Nice. Routinised practices evolved from the simple duty of member states to inform on decisions regarding foreign policy, to the concertation of views on common positions and joint actions, to the development of common strategies and enhanced cooperation. If the first (inform and concert) sought to generate 'behavioural obligations' based on routinisation of policy practices, the latter attempted to create conditional routines that allowed CFSP to move forward. This was possible without the need of unanimous agreement (although accountable to the Council and to the Commission) and without falling outside the integrated supervision of EU decision making bodies. The study shows that within CFSP/ESDP imitation of policy behaviour is strengthened on the basis of policy precedence and mandatory and circumvention mechanisms, which allow member states to comply with guidelines and to accommodate them into their policy preferences. Instead of weakening the institutionalisation of policy practices in the second pillar, this combination made it rather compatible with member states' own security identities about foreign and security policy, as well as with their commitments with other international organisations.

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80 This situation changed with the EU Constitutional Treaty where Common Security and Defence Policy is not excluded from the areas in which enhanced cooperation is possible although it requires decision-making by unanimity. See Naert 2005, 205.

81 Initiatives on enhanced cooperation are accountable to the Council therefore they are under direct surveillance of ministers representing member states. Requests regarding enhanced cooperation are to be forward to the Council by those countries which intend to establish forms of enhanced cooperation among them. This request is forward to the Commission (who gives its opinion and ensure consistency with the Union's policies) and to the European Parliament. The High Representative for CFSP is tasked with guaranteeing that the Council and the European Parliament are properly informed about the implementation process of enhanced cooperation. The Council gives the final authorisation.

## 5. Incidence of europeanisation on foreign and security policy

The moments that lay between the agreement of member states on the Treaty texts and their ratification are periods of adaptation to the normative and functional conditionalities set forward within CFSP. It was expected that enhanced institutionalisation resultant from the ratification of the EU Treaty would be followed by significant concordance of national policies with the tasks prescribed by the EU. However, the fact that the CFSP is a process in the making, places the observation of formal concordance with its guidelines in a different dimension. The CFSP produced 'soft laws' with binding nature.<sup>82</sup> Compliant behaviour does not result from implementation of directives or regulations, but rather occurs within the ample space left to member states to decide on what to incorporate and what to exclude. Evidence of formal concordance can be traced back to the period immediate to the entry into force of the EU Treaty in 1993, with the approval by member states of common positions and joint actions comprising a wide range of policy issues and regional problems, as described earlier. The mandatory nature of common positions and joint actions does not result from regulative mechanisms to which sanctions are commonly associated, but from a pro-norm approach in which member states are embedded through membership. The proposal for the creation of permanent decision-making bodies for ESDP was followed by the Council's Legal Service assessment on which decisions regarding European security and defence policy could be implemented, without further amendments to the Treaty on European Union.<sup>83</sup> This meant that the ratification by national parliaments was not necessary and that the political and operational process inherent to ESDP could be initiated.<sup>84</sup> In the later period considered in the article, formal compliance revealed a discreet occurrence in the policy documents analysed. This is consistent with the low regulative orientation of CFSP/ ESDP. The EU self-enforcing mechanism of concordant behaviour, based on willing compliance, generated a degree of concordant behaviour among member states that allowed moving to the implementation of security and defence capacities, without strict regulatory guidelines.<sup>85</sup> Two reasons contributed to

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82 Wessels 1996, 33.

83 For a detailed account on aspects of ESDP accountability, see Wagner 2005.

84 On the intervention of European parliaments in the decision making process regarding the EU external military operations see Bono 2005.

85 European Council, *Presidency Conclusions*, Cologne 3-4 June 1999, *Annex III-European Council Declaration on Strengthening of the Common European Policy on Security and Defence*, Paragraph 3 and 4 and *Presidency Report on Strengthening of the Common European Policy on Security and Defence*, Part 3. Decision Making and Modalities of participation and cooperation.

improve concordant behaviour, one internal and another external. The internal reason concerns member states willing commitment to European security and defence in the absence of major external threats, with the entry into force of the UE Treaty (as agreed in Amsterdam) and the nomination of the High Representative for CFSP, which added consistency to the EU foreign, security and defence dimensions. The external reason pertains to the war in the Balkans and to the strengthening of a defence dimension that involved definition of broader rules of engagement to European forces and strict observation of international law. The crisis caused by the surprising escalation of war in the Balkans, led to the development of 'efforts to deepen and further institutionalise the internalisation of role expectations' about which common behaviour member states should adopt.<sup>86</sup> Further evidence of formal impact was traced in policy documents that depict initiatives of the EU Presidencies, whose countries had "atypical" positions regarding the second pillar, as already mentioned. Compliance and political support was observed in the case of member states with a more recent democratic practice and with less contact with integrated forms of policy making. The Portuguese Presidency (Lisbon European Council 1992) and the Greek Presidency (Corfu European Council 1994) substantiated considerably the EU's prescriptive role on matters of foreign and security policy. Their historical past (both former dictatorships), and in the case of Portugal its traditional proximity to NATO and the United States, made them less likely to concord with roles prescribed for foreign, security and defence policy in the European context.<sup>87</sup> The measures approved by the EU Treaty are the result of the implementation of decisions with operational and military implications adopted during the course of the German, Finnish and the Portuguese presidencies. Formal compliance among those considered to be less pro-European member states was encouraged, as from the moment when these countries chaired the EU Presidency, with growing responsibilities in the domain of the Union's external relations. The same can be said about EU member states with security identities reliant on long established traditions of neutrality (Scandinavian countries) or those like Germany which had, until 1997, constitutional impediments to military involvement in international missions. Under these Presidencies (Cologne European Council in 1999, Helsinki European Council and Feira European Council in 2000) the institutionalisation of various EU and WEU initiatives led to improvements in the security and defence dimensions, which accounts for compliance with EU/CFSP

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86 See Tonra 2003, 741.

87 Cf. Tonra 2003, 745.

guidelines. The German Presidency, initiated in March 1999, marked a turning point in European security and defence and underlined a particular concern with civilian, rather than military focus of European crisis management and conflict resolution. The specific nature of CFSP permitted Germany to combine the limitations of its past history, with its new commitments towards integrated security and defence policy.<sup>88</sup> Finland, traditionally neutral, held its first European Union Presidency in 1999 for which it was in a sensitive position to question the dynamics of progressive integration of European security and defence. As a newcomer it had a greater responsibility in showing concordant behaviour with new commitments and in moving forward the European project. Portugal chaired its second EU Presidency in the first half of 2000, in a European climate of strengthened trust in European security and defence and supported by its closest European ally, the United Kingdom. A change in the Portuguese position found its origins in a denser socialisation within the Union, which increased internal support by national political and military elite towards European security and defence. As Tonra suggests, the CFSP is seen by countries with a colonial history as having a 'positive impact in reshaping their identity' by perceiving themselves as part of an integrated policy that facilitated their own regional and international visibility.<sup>89</sup> Concordant behaviour with new international responsibilities meant undertaking opportunities of international participation, which individually those member states could not assume.

The development of a European military capability underlined new concordant positions of member states concerning the Headline Goal, 'reflecting member States' political will and commitment towards these goals' based on 'equal footing in all decisions' and commitment of national assets based on member states 'sovereign decisions'.<sup>90</sup> The Nice European Council drew important conclusions on the need to establish permanent political and operational organs that could lead to the constitution of a toolbox of military capabilities.<sup>91</sup> The Nice European Council succeeded

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88 Germany shared a political culture developed along 'civic lines', defined as 'anti-militaristic' and maintains a far-reaching 'scepticism about any form of military grandeur or nationalism', see Seidelmann, 1998, 114.

89 Tonra 2003, 745.

90 European Council, *Presidency Conclusions*, Helsinki, 10-11 December 1999, *Annex I – Presidency Progress Report to the Helsinki European Council on Strengthening the Common European Policy on Security and Defence – Military capabilities for Petersberg tasks and Decision-making*. See also WEU Council of Ministers, *Audit of Assets and Capabilities for European Crisis Management Operations – Recommendations for strengthening European capabilities for crisis management operations*, Luxembourg, 22-23 November 1999.

91 European Council, *Presidency Conclusions*, Nice 7, 8 and 9 December 2000, *Annex VI – Military Capabilities Commitment Declaration*, Paragraph 4 and Howorth 2000.

in establishing a ESDP, that from the prescriptive point of view, observed various conditions favourable to compliant behaviour from member states. Among these one may refer: observation of the limitations emanating from national law; respect for the commitments and obligations of member states in the framework of other organisations, namely those assumed within NATO; integrity of the opting out clause, enabling member states not to participate without blocking decisions taken in the framework of CFSP/ESDP and the possibility to invoke reasons of national interest in issues with implications on national foreign policy. Wessel points to the oddity of the Treaty in referring to the 'progressive framing of a common defence' based on Article I-16 after the same policy entered into force.<sup>92</sup> The arrangements conducive to the ESDP, like CFSP itself, are policy processes that have not achieved a stage of maturity that may lead to strictly formal and mandatory provisions to be incorporated by member states. The policy behaviour observed within CFSP/ESDP reflected flexible modes of agreement and participation in specific functional domains, where the norms conveyed functioned as a 'template for coordinating joint action'.<sup>93</sup> By adding to the instruments of common positions, joint actions, and common strategies, the mechanism of enhanced cooperation in the second pillar, the EU enabled member states to choose the circumstances in which they wish to engage in new integrated functions.

In sum, the early normative guidelines of the UE Treaty, as instantiated in Maastricht and Amsterdam, based on 'unreserved support', 'spirit of solidarity' and abstention from impairing actions that could obstruct a cohesive CFSP, are considered as given facts, enabling flexible compliant behaviour and coalescent action. Decisions in the domain of CFSP/ESDP resulted from concordant behaviour in agreement with member states' respective constitutional arrangements, political cultures and policy traditions. Each treaty revision sought to improve concordance of member states' views, behaviour and policies with the guidelines commonly prescribed. The various revisions reflect an effort to conciliate internal diversity into a single frame of agreement, with binding consequences in the field of foreign and security policy. This helped to preserve a non-regulative base of concordant behaviour and to accommodate the various concepts of security identity of member states. By safeguarding diversity of national positions, the EU second pillar preserved its prescriptive impact through a distinct concordant

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92 Wessel 2003, 274. EU Treaty Article I-16, former Article 17.

93 Kratochwill 1984, 707.

behaviour from the one that emanates from specific regulations, as it can be observed for the first and third pillar.

## Conclusions

The initial strains generated among the various CFSP agents created problems of intra-institutional competition and representation which affected the EU's second pillar effectiveness and international reputation, within and outside the borders of the EU. Limited coordination, problems of policy consistency and of visibility of the EU as an international actor are consequences of a complex and pillarised decision-making structure, not a problem of lack of substantive focus of the CFSP/ESDP. The clearer definition of CFSP goals and the growing availability of institutional and material assets to the second pillar, through the various revisions of the text treaties, enabled CFSP a better international position. The CFSP is both an institution-building process and a process aimed at framing policy behaviour. Its prescriptive action being less evident in regulative terms, than what can be found for the first pillar, relies strongly on the ability of the CFSP agenda to represent a broad scope of external policy concerns, generate common meanings and supply behavioural standards about what is being valued. The CFSP draws its power from a normative and valorative core and consequent identification of member states with this comprehensive set of values. The strength of the CFSP rests on the sustainability of a diverse scope of common positions and national preferences, and from a normative structure in which policy guidelines were publicly embedded.

The goal-set for CFSP is conformant with the actions taken in the context of european foreign and security policy. The CFSP task dependency (e.g. successful regarding the democratisation and social and economic development of South Africa, less successful in mobilising support and coordinating positions regarding the Balkans) generated misperceptions about the external visibility of CFSP/ESDP. The security dimension of CFSP aimed at the civil aspects of crisis management and conflict resolution. It did not involve responsibilities of collective defence nor did it embody a dimension based on a confrontational military purpose. Compliance resulted from persuasive action and reputation of the negotiators involved, not a consequence of regulative enforcement. Affinity and resonance are generated by consensual policy positions, willing compliance with policy guidelines and observation of compliant behaviour about the common



positions and joint actions to be adopted.<sup>94</sup> This accounts for the successful record of adherence, in particular regarding those policy issues that could be brought under broad normative umbrellas, comprising good governance, human rights, arms control and rule of law. Mutual solidarity and common understandings framed national preferences in a mobilising mode of appropriate behaviour.

Likewise, the persistency of the external roles conveyed benefited from progressive routinisation and internalisation facilitated by consensual decision-making, by the presence of circumvention mechanisms safeguarding national preferences on sensitive matters and by the normative substance of common and joint positions. A gradual clarification of competencies and the definition of the actors involved in the process balanced the hindering effects of previous inter-pillar competition and unclear division of work.

The CFSP instruments functioned as 'legal' texts in the sense that they generated policy precedence in foreign policy behaviour. This quality of precedence was reinforced by the obligation of member states to inform and consult before acting, ensuring concordance with a general orientation, in the absence of regulated obligations. The foreign and security policy dimensions of CFSP relied strongly on persuasive rather than coercive mechanisms, and normative rather than instrumental substance of the CFSP agenda. The cases of successful impact in members foreign policy are observed, when common positions are perceived by member states as reflecting understandings about Europe as an ethical community of values. Similarly, its security and defence dimension mobilises greater support in those cases when the roles conveyed are predominantly oriented to civilian tasks, enabling the use of political, diplomatic and economic instruments. The existence of policy precedence across time, binding obligations and duties conformant with the value set conveyed and their internalisation through denser socialisation created good conditions that enabled compliance. Between late 1990s and early 2001 the CFSP initiatives featured in primary sources lead to conclude on significant developments partially due to the process of institutionalisation of CFSP and ESDP.

The EU, by making use of a broad normative framework in its second pillar, captured the policy affinities of member states. The intergovernmental decision-making structure for the second pillar, associated with the non-regulative characteristics of its policy guidelines, ensured the compliant behaviour of member states. Its ethical orientation

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<sup>94</sup> *EU Treaty* Article 11.2, Article 23.1 and Article 23.2, respectively former Articles J.1.2 and J.13.1 and J.13.2.

made it particularly attractive to member states in the period immediate to the end of Cold War, at a time when contending military agendas were less mobilising.

Similarly, the gradual process of institutionalisation of CFSP, with the establishment of specific policy instruments, the creation of autonomous decision-making bodies and entities representing the foreign and security dimension of EU helped operationalising it. The CFSP evolved in a consistent and coherent manner by developing core principles that bonded behaviour and helped implementing policy actions sustained by more permanent decision-making bodies. The creation of permanent bodies had a considerable impact on the guidelines that emanated from the second pillar by improving and enabling European coordination on foreign, security and defence matters.

The CFSP, as a process in the making, evolved at a pace compatible with the commitments and responsibilities assumed by member states in other international organisations. This avoided the development of dysfunctional behaviour among member states, whenever pressed to comply with distinct foreign and security policy goals and tasks.

In the policy documents analysed, the presence of limited functional tasks, as frequently assumed in literature, was not observed. The functional focus of the EU Treaty, as agreed in Amsterdam, was consistent with the developments that took place with the consolidation of the European economic and monetary union and the enlargement process. The consolidation of European guidelines on foreign and security policy encompassed an evolution from normative to operational functions, as institutionalisation of the CFSP progressed. It is largely assumed in literature that the asymmetry between European expectations and capabilities affects the prescriptive impact of the CFSP/ESDP on member states. However, the real limitation of the CFSP may lay in the convolutions of the treaties' discourse and the excessive concern of literature with what limits, rather than with what enables the development of a foreign, security dimension. These misperceptions also result from confusing visibility of guidelines with existence of legal and material (e.g. military) instruments that help to enforce behaviour. They result from a feeble analytical connection between the internal procedures and capabilities of international organisations to emerge as prescriptive entities to member states. The CFSP is an ongoing process. Its prescriptive impact depends from social interaction and political will among member states, as well as from processes of institution building and availability of material resources.

Late 1990s is rich in evidence of normative orientation of CFSP/ESDP, even in the unlikely dimension of European defence, with the approval of initiatives that

emphasised the observation of ‘best practices’ and ‘behavioural obligations’ in dealing with security and defence matters. The emergence of ESDP was, from the very beginning, associated with the idea that it contributed to safeguard the EU core values, not strictly its security and defence goals. The policy outline for the ESDP and its procedural mechanisms were preceded by argumentation on the EU’s normative repertoire, based on regional stabilisation and military and non-military arrangements for crisis management, humanitarian relief and nation-building. This pro-normative repertoire was enforced by the EU’s singular aptitude to fulfil post-conflict tasks, such as law enforcement, stabilisation of internal order, reconstruction of local administrations and infrastructures and capacity to provide financial aid. The language used within the EU to improve conciliation of preferences and generate consensual positions relies on expressions like ‘commonality’, ‘shared values’, ‘moral obligation’, ‘equality in participation’ and ‘partnership’, which connected member states to a comprehensive valorative community represented by the Union.

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