CHAPTER IV
FRANCE, GERMANY AND THE COMMON FOREIGN AND SECURITY POLICY

The European Union's (EU) economic weight demands that it play a commensurate political role in world affairs. The end of the Cold War and the emergence of new conflicts in Europe have made it vital for the EU to develop a foreign and security policy identity. The political agenda for Europe adopted by the Madrid European Council in December 1995\(^1\) identified the foreign policy challenges which the EU confronts today: enlargement negotiations with Cyprus, Malta and Eastern Europe (hereafter CEEC), cooperation and partnership with the EU's neighbours in particular, Russia, Ukraine, Turkey, the transatlantic cooperation, its traditional relationship with the African Caribbean and Pacific countries, closer relations with Asia, Middle East and Latin America and finally the establishment of a European security system.\(^2\) The foreign policy arm of the EU is significant both for its institutional development and for its impact on world events. The post 1989 changes in the global architecture have heightened the demands on EU to shape its international role independently, assert its identity on the international scene and shoulder their share of global responsibilities. One of the most difficult areas of cooperation in the EU has been in foreign policy matters. Creating a wide-ranging

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collective unit with a common policy by accommodating a multitude of national units, each with its own identity differing historical traditions and specific sensitivities is an extremely complicated process involving a lot of preconditions.³

A HISTORICAL OVERVIEW

The various attempts to develop a collective foreign policy in the EU can be traced back to the failing initiatives of creating a European Defence Community in the 1950s, the experience of European Political Cooperation (EPC) in the 1970s and 1980s and the contemporary proclamation of a Common Foreign and Security Policy (CFSP) as proposed in the Maastricht Treaty of 1993.

The origins of European Political Cooperation can be sought in the post-war period when the West European states’ decision to replace the faulty political structures which had caused the war, coincided with the necessity to create conditions in which Germany could safely be allowed to rearm. The first move in this direction was the attempt to create a European Defence Community in 1957 which would have attached to it evaluative powers over foreign policy.⁴ This step however, failed essentially for French Domestic Politics.⁵ The Treaty of Rome of 1957 which was the first step to European integration


stipulated five areas which indicated the need to provide the European Community (EC) with an international political role.\(^6\) The first enlargement of the EC lent impetus to the ‘political’ content of these areas thereby adding depth and thrust to the integration process. EPC was also facilitated by external factors and inextricably linked with the vagaries of the international environment, in particular the twists and turns in the relations between the super-powers.\(^7\) It was in this connection that at the Hague Summit in 1969, it was agreed between the EC members to set a structure for foreign policy on intergovernmentalist lines.

The origin and history of EPC manifests three intertwining strands which have constantly influenced its development. The first aspect reveals the dichotomy between the integrationists (federalists) and the inter-governmentalists (functionalists).\(^8\) The second strand refers to the influence of the United States (US) on West European foreign policy making.\(^9\) The third is the organisational factor involving

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\(^6\) This refers to the provisions for Common Trade Policy (Art.113), the association with Overseas Territory (Art.132), association agreements with the countries (Art.238), power to conclude international treaties (Art.228) and the ability to receive and establish diplomatic missions.


\(^8\) For a critical appraisal of the models of political development see Paul Taylor, The Limits of European Integration, (Kent: Croom Helm, 1983), pp.118-160 and also M.Holland, European Community Integration (London: Pinter, 1993), pp.117-143.

the bureaucratic machinery which was set up in a piece-meal way to cope with the challenges facing EPC. There was a lack of a "grand design"; rather the structure of organization depended to a larger extent on the way EPC reacted to certain events.\textsuperscript{10} It has been acknowledged that the EPC "has evolved through practice, shared experiences"\textsuperscript{11} and not intended as a "legalistic exercise but as a pragmatic enterprise to establish common positions and common actions in foreign policy"\textsuperscript{12} which unfortunately lacked an institutional structure and has been versed in intergovernmentalism. The ambitious proclamation of the 1969 Hague Heads of States and Government meeting calling for "a United Europe capable of assuming its responsibilities in the world"\textsuperscript{13} was followed by the Luxembourg Report of 1970 where the objectives of EPC were "to ensure greater mutual understanding with respect to major issues of international policies by exchanging information and consulting regularly".\textsuperscript{14} The Luxembourg Report established a formal schedule for ministerial meeting to discuss foreign affairs marked the

\textsuperscript{10} Cf. Nutall, n.4, p.4.


birth of EPC.\textsuperscript{15} It reinstated the intergovernmental procedure which kept the European Parliament and the Commission on the fringes of foreign policy. Nevertheless, it also created the practice of working cooperatively which had a strong socializing effect within the Community.\textsuperscript{16}

In its first three years, EPC succeeded in forging a united position on the Conference on Security and Cooperation in Europe (CSCE) and at the initiative of France made progress in collaborating diverse national opinions on Middle East.\textsuperscript{17} It was still difficult to address the more politically important aspects of the EC's joint foreign policy positions. Therefore, the Copenhagen Report of 1973 updated and codified procedural reforms. The Report clarified the integrationist objective of EPC although political cooperation remained clearly intergovernmental.\textsuperscript{18} With the subsequent enlargement of the EC in 1973, the need to redefine the relationship with the US came to the fore.

This was thrust upon the EC of Nine by Kissinger's 'Year of Europe' in

\textsuperscript{15} For a summary on the Luxembourg Report, see Nutall, n.4, pp.50-60.


an attempt to retain the Atlantic leadership in the continent. No Member State could remain indifferent to the position of the US with direct consequence for the positions taken by the EPC. The EC’s response during this phase was made complicated by the outbreak of the October War and the Arab oil crisis. During this period external pressures once again compelled the EPC to widen its scope. The invasion in Cyprus in 1974 and the execution of the Basque terrorists in Spain in 1975 forced the EC into action.\textsuperscript{19} Their reaction posed the problems of how the EC’s trade policy towards these countries should be affected by political judgements. In the same period the EC had to turn its gaze to South Africa following the break-up of Portugal’s ex-colonies.\textsuperscript{20} The Nine emerged from these ordeals with shared experiences of working jointly. The future was secured by a radical attempt to reform EPC in the Tindemans Report in 1975 which called for a single decision-making structure and the merging of the EC and EPC.\textsuperscript{21} Its most ambitious recommendation was that the basis of EPC should be revised from its existing voluntary concentration to a legally binding obligation on the Member States to comply with common foreign policy decisions.\textsuperscript{22} The Tindemans Report, despite suggesting

\textsuperscript{19} See Nutall, n.4, p.6.


\textsuperscript{22} Holland, n.8, p.120.
institutional advances, did not provide the hoped for breakthrough. Once again, it required a series of international crisis to confront the existing inadequate nature of the EPC. The EC’s response to the Soviet Invasion of Afghanistan in 1979-80 and Polish domestic crisis highlighted the slowness of the EPC to act and also reflected the dichotomy that still existed between the EC and the EPC.\textsuperscript{23} With negotiations for enlargement to Greece, Spain and Portugal in 1978, the Nine had to cope with the difficulties of how to organize parallel accession to EPC. In view of this, the EC responded in the London Report of 1981 which began codifying EPC practices. The importance of the European Council was recognized and the Troika arrangement\textsuperscript{24} was extended.\textsuperscript{25} However, the traditional distinction between the EC’s economic and political affairs continued to exist. Intergovernmentalism was embodied as much as possible in the functioning of the EPC.\textsuperscript{26} The years that followed the London Report were marked by Europe’s increasing uneasiness with President Reagan’s administration.\textsuperscript{27} This had a noticeable impact on the development of EPC where the EC was torn between lending support to the US and maintaining their

\textsuperscript{23} For details on EPC’s activities during the late 1970s and early 1980s see, Nutall, n.4, pp.149-181.

\textsuperscript{24} ‘Troika’ refers to the arrangement where the current, preceding and succeeding presidencies operate collectively.


\textsuperscript{26} See, Holland, n.8, p.121.

\textsuperscript{27} See, E. Regelsberger (ed.), n.17.
independent stance on certain issues. This reflected on their position in Poland, the CSCE and Middle East where the EC could consider using Community instruments to implement policies decided in political cooperation. Sanctions followed the imposition of martial law in Poland, it applied to Argentina after the Falkland crisis\textsuperscript{28} and in South Africa. The London Report of 1981 created by the UK since 1978, adopted a tightening procedure but nevertheless, did not appeal to all Member States. There were apprehensions in Germany that international economic and political developments were making the European integration process go through some bumpy stretches. The potential of the EC seemed to be directed to finding solutions to problems caused by the oil crisis, enlargement and the economic hazards. These factors almost made the political goal of the EC recede into the background.\textsuperscript{29} A political prospect was incumbent in order to retain the internal cohesion and commitment of the Europeans to the EC. Repeated attempts to achieve institutional progress of EPC during the early 1980s continued with initiatives like the Genscher-Colombo Plan\textsuperscript{30}, the Solemn Declaration and moves in the European Parliament which led to the setting up of an ad-hoc committee on Institutional


\textsuperscript{29} See, Nutall, n.4, p.183.

Affairs and later with the decision by the European Council in 1985 setting the process till the culmination of the Single European Act (hereafter SEA) in 1987.

The most significant feature of the SEA was that it combined provisions for political cooperation and amendments to the Community treaties in one legal text. Despite this, the preamble of the SEA reflected more of "integrationist wishful thinking" than the actual political realities. It sought to create a European Union which in relation to the foreign policy will have the "necessary means of action with the purpose of speaking with one voice and to act with consistency and solidarity". The SEA succeeded in blurring the intergovernmental distinction between the EPC and EC activities by connecting EPC directly to the EC treaties. Though SEA provided EPC with a legal basis, both the EC and EPC activities were distinguished by their decision-making structures and by the role of other community institutions. Title III of SEA introduced many innovative procedural reforms:


33 Cf. Holland, n.8, p.121.

34 The Common Provisions of Title I state that "The EC and the EPC shall have as their objective to contribute together to making concrete progress towards European unity." Title III envisages the replacement of 'national foreign policy autonomy' by 'constant development of EPC'.

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it clarified and extended the role of the Commission as fully
associated with the proceedings of EPC (Art.30.3(b));
- it acknowledged a close association between the European
Parliament and the Presidency (Art.30.4);
- EPC was entitled to have its own secretariat (Art.30.10(e));
- Finally, EPC was entrusted with the task of coordinating
positions more cohesively on the political and economic aspects
of security (Art.30.6(a)).

Such commendable innovations were not enough guarantees for
common action. The need to develop an obligatory common foreign
policy by Member States by adopting a consensus on foreign affairs
were again absent. The step to communautarise EPC was wasted in
favour of the same form of intergovernmentalism that previously
impeded the development of a common foreign policy.35

The first two decades of EPC revealed some drawbacks that
jeopardized the development of a more integrated Community. Both
necessitated reforms of EPC.36 In 1990, the EC confronted a precarious
imbalance between the achievements of EPC and the greater
accomplishment of the Economic and Monetary Union (EMU). With
the emergence of the Single Market, an equilibrium between the
political and economic union was paramount. The external imperatives,
like the political changes in Central East European countries, German
unification, and the anticipated Nordic enlargement led the EC to

35 W.Nicoll and T.C.Salmon, Understanding the European Community (Maryland:
Barnes and Noble Savage, 1990) p.117.
36 The constraints of the "consensus principle" imposed on EPC had become
apparent in EC's policy in Gulf War, South Africa and Eastern Europe. See
M.Holland, n.20 and E.Regelsberger, "The Twelve's Dialogues with Third
Countries" in Holland, n.7, p.143-160.
reassess its role in Europe. The EC had to use its economic instruments like trade sanction and aid to promote its policy. The joint Franco-German Communiqué in March 1991 outlined the aims of those Member States committed to an integrated community. The economic momentum generated by the Single Market encouraged the EC to commence a new Inter-Governmental Conference (hereafter IGC) on Political Union which would run parallel with the IGC on Economic and Monetary Union, both commencing on December, 1990 and concluding in the end of 1991. The issues debated within the IGC on Political Union were disparate, ranging from foreign policy, citizenship democracy and institutional reform. During the Luxembourg Presidency, a treaty centered on strengthening common defence policy and a federal objective as common foreign policy was drafted. The draft treaty indicated how the EC had reached a crossroad in making a choice between deeper integration or intergovernmentalism. It also reinstated the principle of unity, (viz. a single institutional framework to ensure consistency and continuity of actions). Nevertheless it remained unsuccessful in the ‘federal’ debate. Foreign policy was perhaps the most potent area where debate was the fiercest. Vagueness and non-specific alternatives continued to influence the discussion revolving around the concept of CFSP. In keeping with the traditional

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tussle between the federalists and functionalists, the debate that was carried over the Dutch Presidency draft and Luxembourg draft treaty in 1991 highlighted the incompatibilities between the intergovernmental and federal options of a common foreign policy.

MAASTRICHT TREATY AND CFSP

The most gigantic leap which laid down the foundations for a refined CFSP was taken at the Maastricht Conclusions of the IGC in December, 1991. The Treaty on European Union (TEU) came at a time when the EC found itself facing a new order with the collapse of the socialist regime and a receding influence of the US in the European scene. An extremely uncertain nature of security threat seemed to replace the old concepts. The TEU represented a compromise between the various ambitions of the 12 Member States. Though the TEU established the framework for an all-embracing European Union, it nevertheless involved the continuing distinction between the supranational activities of the EC and the intergovernmental traits within the EPC.39

Art 3.1 of the TEU states that the main treaty revisions were designed to "define and implement a CFSP .... covering all areas of foreign and security policy". Setting the objectives of the CFSP it called upon the Member States,

39 For more details see, Phillipe de Schoutheete Terverant, “The Creation of CFSP”, in Regelsberger, n.17, pp.41-63.
- to safeguard the common values, the fundamental interests and the independence of the Union,
- to strengthen the security of the Union and its Member States;
- to preserve peace and strengthen international security;
- to promote international cooperation, to develop and consolidate democracy and rule of law, respect for human rights and fundamental freedom (Art 3.1.2).

The provisions of CFSP as embodied in the TEU called for states to consult within the Council in order to ensure that their combined influence is executed as effectively as possible by means of concerted and convergent action (Art.J.2.1.); it required national foreign policies to conform to the EC’s common positions (Art.J.2.2.) and instructed the Member States to coordinate their actions and to promote common positions in international organizations (Art.J.2.3.).

A move towards a federalist approach was made in the procedure for attaining and executing common action. This was to be manoeuvred through the Council of Ministers. Under Art.C.1, the Council was authorised to determine which foreign policy issues were subject to joint action. The details for implementing joint action were to be taken by majority voting.40 Once adopted, any joint action could be binding on the Member States in the positions they adopted and in their conduct of their activity (Art.J.3.4) Art J.3.7. further provided for the possibility with the approval of the Council of Member States to exclude themselves from joint action so long as such decisions do not “run counter to the objectives of the joint actions nor impair its

effectiveness”.

Along the lines of the codification of EPC provisions in the SEA, the TEU enhanced some aspects of the CFSP. Art. J.5. confirmed the role of the Presidency and the ‘fully associated status of the Commission’ (as similar to Art 30.3(b) and 30.10(b) of the SEA). A new provision empowered the Troika system with legal recognition. Modifying Art. 30.8 and 30.9 of the SEA, the TEU called for closer diplomatic cooperation and consultation between Member States’ missions in other countries. As regards the European Parliament, it was to be kept regularly informed and consulted with its views ‘duly taken into consideration’ (replicating Art. 30.4 of the SEA). The Treaty only bestowed the Parliament with a limited form of initiative as it did not provide the latter with the ability to shape Community foreign policy. The TEU was concerned with developing a ‘common foreign policy’ and not a ‘single foreign policy’. This difference between a ‘common foreign policy’ and a ‘single foreign policy’ is of paramount importance. Member States could on grounds, where it concerned their own geographical, political or economic interest, adopt a national policy provided it did not clash with the aims of any common policy of the EC. Such a provision although allows for progressive development in the implementation of collective Community’s foreign policy, also provides the possibility for Member States to abstain or be excluded from a common policy because of specific obligations.

The principle of unanimity which required the EC to commit to
joint policy, had the potential of promoting policy sclerosis and thereby lead to decisions based on the lowest common denominator.\textsuperscript{41} A consensus rule or unanimity was required for defining the scope of CFSP and once unanimously decided on the issue, majority voting was to be used for the implementation of the policy. The question that arises is what constitutes ‘majority decision’. In this context it would be quite appropriate to mention what Jean Monnet commented “that the member states were entering an unknown world where the veto would be the exception and the rule of the majority would be law”. The issue remains as to what constitutes “majority”.\textsuperscript{42} In the Maastricht negotiations, weighted majority was adopted. This move towards majority decision was balanced with an important defence of intergovernmentalism in the form of an ‘exception clause’ which provides for ‘vital national interest’. This implies that the situation of common and bilateral foreign policy existing in tandem would continue in the foreseeable future.\textsuperscript{43}

So far as the security dimension of the TEU was concerned the Western European Union (WEU) was to be created as the primary pillar of European defence, either by incorporating it within the EC or as a


\textsuperscript{43} Holland, n.8, p.80 and p.126.
parallel regime. The problem lay in creating a European pillar within the North Atlantic Treaty Organization (NATO) as it carried the question of an appropriate security architecture for the EC in the post Cold War era. Although the TEU redefined and widened the scope of security by ‘including all questions relating to the security of the Union’ (Art. J.4.1.), it made the structure of future defence role of the EC more complicated because despite implementing all security matters through the framework of the WEU (Art J.4.2.), it did not rule out the development of other forms of defence cooperation. To give an example, there were signs of the existence of foreign and security policy sub-systems. 44

Under the TEU there are three centres of foreign policy activity, all loosely connected but fused together by the objective of consistency. The 15 Member States (with the admission of Sweden, Finland and Austria into the EU) still continued to shape and implement their own national foreign and defence policies. Secondly, the CFSP itself is another framework within which the Member States and the EU are expected to coordinate their foreign policy. Finally, the Commission is also a participant in the CFSP process. The CFSP lacks central institutions apart from the Secretariat and depends to a large extent on the Presidency and the Troika for carrying out its tasks. 45 Uncertainties over an appropriate division of work between the COREPER and

45 Cf. Allen, n.40, p.47.
Political Committees and a massive dispute both inside CFSP and with the European Parliament over the CFSP turned out to be more laborious than expected.

The TEU provided for three new pillars dealing with the EU, the CFSP and a new pillar concerning cooperation in justice and home affairs. The TEU also provided for a common institutional framework which is designed to establish and increase consistency between the three pillars. There remains a problem concerning the overlapping between the external policies of the EU and CFSP. The third pillar entitles the EU to deal with matters like immigration, terrorism, drug trafficking etc, which relate to its internal security but also have a distinct external dimension. Any viable Common Foreign and Security Policy needs the harmonious coordination and joint cooperation in all three pillars. The TEU has entrusted the Commission and the European Parliament with a formal role within the CFSP process. The Commission is to be associated with all aspects of CFSP and shares the right of initiative with the Member States. Despite this shared right, the Commission has never been a very keen actor in dealing with the issues in the CFSP agenda. The European Parliament too lacks any legislative role, which implies that there is no role envisaged for the European Court of Justice. The establishment of a common institutional framework means that the Council of Ministers have become the Council of the Union and considers all aspects of external relations - foreign and security policy within the same form regardless
of which pillar they originate.\textsuperscript{46}

The performance of CFSP in the period between 1993-1995 reveals many deficiencies much of which can be drawn from EU's international involvement during the early 1990s and its response in particular to the Yugoslavian Civil War, which provides a useful case-study for examining the effectiveness and efficiency of CFSP.

\textbf{THE YUGOSLAV CRISIS: A CASE STUDY}

The origins of the Yugoslav crisis can be traced back to early 1991 with hostilities eventually breaking out at the end of June. After the Second World War, Yugoslavia symbolized a 'third-way' between Soviet communism and Western free-market economy. After emerging a victor out of the conflict with Soviet Union in 1948, Yugoslavia assumed the position of equidistance in relation to both the super powers. The Federal People's Republic of Yugoslavia consisted six republics and two autonomous provinces which was built on the nationalistic version of communism called 'administrative socialism', which in turn drew its legitimacy and cohesion from its neighbouring nemesis - the Soviet Union. By the late 1950s and the early 1960s, it turned its gaze towards the Third World countries and under Marshall Tito's tutelage it developed a policy of non-alignment. Non-alignment legitimised an independence from the Soviet Union and bestowed some kind of a national identity to Yugoslavia. Coupled with this was the

\textsuperscript{46} Ibid.
profit and prestige that it derived from bipolarity.\textsuperscript{47}

The national problem of Yugoslavia centered on a fundamental conflict between federalism and centralism. The ‘Second Yugoslavia’ was based on the absolute centralized rule of the Communist Party which served to hold the system together in its grip through the charismatic leader Marshall Tito. The end of the Cold War, and bipolarity reduced the importance of the principle assumptions on which its national and international position was based. The ‘artificial constitution’, proclaiming the Federal Republic of Yugoslavia a multi-national constitution containing the distinct but latent potentiality for secession broke into a violent ethnic struggle with the death of Marshall Tito. The Serbs who were the dominant group in the government, bureaucracy and secret service realized that they had nothing to maintain their dominance when in 1990 other republics began to strike out for national independence. The Soviet disintegration made them lose their raison d’être, non-alignment become almost irrelevant and the concept of ‘administrative socialism’ was discredited with the collapse of Eastern Europe. The only weapon left in abundance was resorting to old ethnic classes. As succinctly observed by Josef Joffe, “if Serbia could not dominate all of Yugoslavia, then Greater Serbia was the

\textsuperscript{47} This was also largely due to the strategic interest of the West to preserve Yugoslavian stability in times of crisis in the 1970s and 1980s, as the country was a buffer-zone between the Warsaw countries and NATO members in Europe. Any instability in Yugoslavia, as was the case during the economic crisis of 1980s, brought in all kinds of economic measures by the West to support its economy.
second best solution".  

The idea worsened as centrifugal tensions grew within the state-party. As national and ethnic ambitions revived, Slovenia and Croatia rose against Serbia over secession. This added new dimension in the clashes with ethnic Albanians in the south when Bosnia-Herzegovina voted for independence in 1992 while the Serbians proceeded to extend the war into that republic. By the end of 1992, the war escalated to the whole of Yugoslavia and 70 per cent of Bosnian territory was under Serbian control.

EU'S RESPONSE TO THE YUGOSLAV CRISIS

The escalation of the Yugoslav crisis coincided with broader geopolitical changes in the continent, including the unification of Germany, disintegration of the Soviet Union and emergence of new states. Against this background, the EU emerged as the undisputed force in European affairs. The outbreak of the Yugoslav civil war also coincided with the European Council Summit in Luxembourg in 1991 which provided the EC to react immediately. With initial statements calling for institutional reform, support for Yugoslavia's territorial unity and integrity and diplomatic appeals for restrain, the EC dispatched a Ministerial Troika on 28 June 1991 to Yugoslavia to assess

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the situation. During 1991 the EC policy consisted of two broad approaches. In its first phase of solving the crisis, it oriented towards providing 'good services' and other forms of mediation. It sent a team of diplomats to monitor the situation and when this process failed to achieve practical results, the EC began to act from a position of authority and abandoned the role of a mediator and assured the role of an arbitrator which was manifested in the following activities:

- it began to exert efforts to halt armed conflicts by pressurising the parties concerned to sign cease-fire agreements;
- a peace conference on Yugoslavia was launched at the Hague under the chairmanship of Lord Carrington for the purpose of finding a solution to crisis;
- an Arbitration Commission was established to “arbitrate” the legal issues regarding the future organization of states and their links in the Yugoslavian territory.

Successful breaches of cease-fire by the Serbian armed forces and rejection of EC proposals for a reformulated federation saw this process derailed. In November at The Hague Conference in 1991, the republics failed to reach a consensus and this gave way to economic sanctions, which included:

- suspension of the application of the trade and cooperation agreements with Yugoslavia,
- restoration of quantitative limits for textiles;
- removal of Yugoslavia from the PHARE Programme;
- exclusion from G-24 forum.

50 Cf. Holland, n.8, p.136.

These economic measures failed to discriminate between those republics regarded as aggressors (Serbia) and those whose territory was being violated (Croatia, Slovenia). Consequently, a series of compensatory measures for those who had been negotiating in good faith were adopted. These republics were Croatia, Slovenia, Macedonia, Bosnia - Herzegovina. They were reintegrated into the PHARE programme and trade preferential system. While Greece opposed the positive measures, it chose to abstain thereby allowing EPC consensus to be enacted although this consensus was put to test by a German initiative in December, 1991. The lifting of these economic sanctions did not necessarily imply the Community’s intention of recognizing these four republics despite German pressures. However, a week after the Maastricht meeting, the Community’s collective policy was jeopardized by Germany’s unilateral recognition of Croatia and Slovenia. To avoid the EPC from being derailed, the EC adopted a dual strategy: a general policy on the recognition of new states and a set of conditions which had to be met before any Yugoslavian republic would be recognized. These conditions emphasized the rule of law, democracy and respect for human rights with the commitment to the protection of ethnic minorities and national self determination as stipulated within the CSCE framework. On 11 May 1992, the EC on a Declaration on Bosnia - Herzegovina restated its faith on the principles established in the constitutional talks between Serbs and Croats and Muslims sponsored by the Peace Conference in order to bring a
political solution to the crisis. This was followed by the European Council Declaration at Lisbon on 27 June 1992, which reaffirmed the application of sanctions as stipulated by the UN Security Council. It also called upon the CSCE to take necessary steps to restore its confidence by not recognizing Serbia and Montenegro as a successor state of former Yugoslavia.

Though the political involvement affected the development of the Yugoslav crisis, it did not succeed in halting the conflicts. The involvement of the EC was appraised as positive in the republics which had taken steps to recede from Yugoslavia, but on the other hand, it was appraised as one-sided and biased in political circles which opted in favour of remaining in Yugoslavia. In any case the continuation of "ethnic cleansing" in Yugoslavia made the EC aware that its possibilities were almost exhausted in halting the civil war. This prompted the UN to appear on the scene and find means of solving the crisis.

CRITICAL ANALYSIS OF EU'S ROLE

The Yugoslav conflict entered its fourth year in 1995 with renewed encounters in Croatia and a deteriorated situation in Bosnia-Herzegovina followed by a worsening condition in Kosovo in 1997-98.


54 Petkovic, n.51, p.5
The ongoing stalemate and the rejection of all peace plans by Bosnian Serbs calls for a re-examination of objectives and assumptions. The Yugoslav crisis gave the EU its first chance to prove that it could settle a problem in its own backyard especially after the formulation of CFSP on the Maastricht Treaty. The activities of the EU in this civil war revealed that the Member States were ill-prepared to deal with such forms of conflict. The process of coordination between EU mechanisms and EPC mechanism, as well as within these respective political systems proved inadequate in several aspects. The threatened break-up of Yugoslavia highlighted the tensions of hitherto latent dangers that were surfacing in Eastern Europe. At the outset any ethnic dimension was played down by the EC-Twelve in the interests of encouraging democracy and liberation within the territory. There was hardly any move towards allowing the minorities to take a centre state given the overlapping of ethnic identities and boundaries. With the primary responsibility assigned to the EU by CSCE, there was a belief that the coincidence of the IGC on Political Union would likely reinforce the EU’s influence since the assumptions of a greater security identity was a core matter.

By the year’s end the new Europe which was confident about mastering its own future in early 1992 proved unable to coalesce into a

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single purpose. The Yugoslav crisis underscored the limits of the capabilities of the budding EU as a political institution and raised questions about the aim of establishing a true system for European security. The policies of EU revealed the limits of CFSP and the institutions of the Union and the divergence of approaches and interests among the Member States highlighted the shortcomings of the EU in times of crisis. The fact that after six months of fruitless attempts to find a solution, the EU was forced to hand the question over to the United Nations revealed the continued dependence in the involvement of other institutions. The EU's policy of pursuing traditional and restrictive measures of introducing economic sanctions were not particularly effective, for as Lawrence Freedman put it,

The economy was in a ruinous state before the fighting and will be in an even more wretched condition now. Sanctions are unlikely to be persuasive when the fundamentals of national identity are believed to be at stake.57

With the continuation of the conflict, the EU like other Western democracies could not cross the gap between preventive diplomacy and military interest and there was little consensus amongst the Member States on what should follow when preventive diplomacy failed. As Nicolle Gnesotto suggested:

Having been unduly virtuous at the outset of the conflict—refusing to back the redrawing of frontiers which were previously internal - the democracies now run the risk of an ultimate moral indignity by accepting the fait accompli achieved by violent means.58

57 The Independent, 12 September 1991
The EU’s failure to act in a timely and decisive fashion on the Balkan crisis had a dismaying outcome. Its aspirations to act as a political entity on security matters was not matched by the authority and institutions a true sovereign requires. The EU’s principal deficiency was in the political will needed to overcome divisions on the hardest decisions. They revealed deep divisions between the Member States and their incapacity to agree on how to handle the break-up of the Yugoslav federation. They also highlighted the fragility of the Franco-German axis. Since the beginning of the crisis, the EU Member States particularly Britain and France upheld their claim for a united Yugoslavia (implicitly supporting Serbia) while the Germans wanted to recognize the independence of Slovenia and Croatia. For France, Yugoslavia was still a recognized legal entity and it did not favour the idea of recognizing the dissident republics as long as the question of the rights of the different minorities in Yugoslavia could not be settled. Behind these legal considerations lay concerns about the political fallout of any hasty recognition of Croatia and Slovenia. This had an impact on other Yugoslavian republics which were getting ready to proclaim their independence. As the pace of recognition was rushed by Germany, it widened the division especially within France and Germany. The French could spot a “Teutonic bloc” with long-term

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German leaders sought to rationalize their pressure for recognition through their own exercise in self-determination. To quote Volker Ruehe, former German Defence Minister, "we have no moral or political credibility if (we) did not recognize Croatia and Slovenia".\textsuperscript{61} The German stance, while sought to balance its domestic pressures ended up in a mockery of both the aspirations to a common policy and the principles on which it was meant to be based. As Lord Owen remarked,

The EC... recognized those republics against the judgement of France and Britain in the mistaken belief that the hallmark of a future Maastricht - type European foreign policy was simultaneous recognition.\textsuperscript{62}

Prior to unification, Germany had an impeccable EPC record. Its break with the principles of consensus underlined the weakness of foreign policy coordination based on unanimity. Ironically enough, Germany was one of the strong advocates of CFSP which aimed to prevent intra-community divisions. Though the Franco-German axis

\textsuperscript{60} Alex Macleod, "French policy towards the war in the former Yugoslavia", International Journal, vol.LII, no.2, April 1997, p.246. The declaration of Germany to recognise Croatia and Slovenia was the outcome of two declarations on Yugoslavia and recognition of new states which were adopted upon the joint initiative of France and Germany at the meeting of the EU Council of Ministers on 16 December, 1991. Contrary to these, Germany recognized the two republics which were interpreted by the other EU Member States as a demonstration of newly acquired strength of a united Germany.

\textsuperscript{61} Cf. Financial Times, 4 July 1991. To German policy makers, Western countries were prepared to accept the new role of Germany and Europe and the fact that Yugoslavia was the first testing ground for this was only an unfortunate coincidence which probably created obstacles for German participation in UN peace-keeping forces in Yugoslavia.

\textsuperscript{62} Cf. Edwards, n.56, p.177.
played an important role in unifying the European position on the
Yugoslav conflict, it was not without conflictual differences as was
evident in the Copenhagen Summit of June 1993, when Kohl’s proposal
of lifting embargo on arms in former Yugoslavia faced strong
opposition from the French (and also the British). Similarly, during the
Geneva Agreement of 8 September 1995, French suggestions that the
Franco-German Eurocorps should play a major part of a multi-lateral
intervention force to enforce eventual peace was rejected by German
Defence Minister, Volker Ruehe. After overcoming their initial
disagreement over the recognition of separate republics, Germany took
a significant initiative in the ‘global concept’ which lay the foundations
of EU’s peace plan in November 1993.

The conflict in Yugoslavia transformed the traditional
perceptions of European security. Not only did it become essential to
broaden the old concepts of security but also redefine the existing
security institutions. The CSCE despite being the organization
concerned with the preservation of peace and security in Europe, did
not prove particularly effective in the Yugoslav crisis primarily as all
decisions in the CSCE had to be based on unanimity and the CSCE did
not dispose of a system of collective security like the UN. The WEU
was relegated to overseeing sanctions against Serbia and the EU was
reduced to administering Mostar. The NATO assumed the dominant
role, given its structure and resources and the Yugoslav crisis once

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again confirmed the continuity of the role of the US in managing any crisis in Europe. 64

The Yugoslav conflict also revealed the uncertainties of the EU's institutional structure. The heavy burden on the Presidency was also coupled with the lack of expertise within one foreign ministry. What came as a relief to some Member States were the negotiations which moved gradually to form a Contact Group. Nevertheless, this too reflected the reservations of Germany until it was included in the group and Italy whose presence in the negotiations depended largely on its internal political situation. Perhaps a paradoxical situation arose with the Member States' commitment to act together within a CFSP, on the one hand, and ensuring legitimation for going beyond political and economic institutions to involve intervention from the UN, on the other.

By seeking authorization from the UN Security Council, the EU had to reduce its autonomy as its policy had to be based on the agreement of the other members of the Security Council, namely, the US, China and Russia. This highlighted the unequal balance between the role of Britain and France who are permanent members of the UN Security Council and the other Member States of the EU. Such a tendency in future strengthened Germany's claims to be a permanent member of the Security Council. 65 A more general problem of inequality and


efficacy in decision-making of the EU during the Balkan conflict brings us to the question whether the Presidency should remain the primary interlocuter for the EU or whether the Commission should be entrusted with a more viable role. To make up for the shortcomings, the French proposal for a Stability Pact was signed in 1995 which laid down mechanisms for settling problems of ethnic minorities and border issues.

The events in Yugoslavia revealed not only the weakness of the institutions but also the absence of any effective institutions for ensuring preventive security. Despite the declarations for CFSP, the Member States failed to create a system readily able to meet non-traditional security challenges. What the Yugoslav conflict offered was both the opportunities for innovative policies in a changed scenario and also revealed the limits to common action. The crisis which presented the Member States with a challenge to commit themselves to common action brought to the fore their own national concerns and highlighted the absence of an overall coherent policy that encapsulated the "common European interest". Jacques Delors suggestion that "the lesson to be learned here is that a strategic planning and analysis capability is needed at a European level" could form the basis of a future viable CFSP of the EU.

WESTERN EUROPEAN UNION: PROSPECTS AND ROLE FOR A EUROPEAN DEFENCE

In so far as there is an attempt to identify and develop common West European security interests outside the NATO structure, it is the WEU which has provided the most convenient institutional umbrella for those Member States wishing to participate in it. The WEU owes its origin to the Brussels Treaty of 1948. As a stepping stone for Germany to enter the NATO, seeking to lock the UK into a significant political and military framework to European defence, and committing to a mutual military assistance clause, the WEU offers enigmatic but intriguing prospects for working towards a European security order.

With the initial failure of the European Defence Community in 1954, European security and defence were mainly organized within the NATO and the WEU. After three decades of virtual inaction, the WEU --- "a Sleeping Beauty kissed awake by the Maastricht agreements" received a fresh impetus when the Treaty called upon the WEU "to elaborate and implement decisions and actions of the Union which have defence implications". During the drafting of the TEU, there were significant differences between those Members States who favoured the US stronghold in European defence affairs (and feared that a total European defence arm would weaken the NATO) and those who supported the development of an exclusive European defence (to replace the NATO). Therefore, the WEU which was relegated by the

TEU, formed the nucleus of a compromise between Member States like Great Britain, the Netherlands, Denmark and Portugal, who feared anything that could weaken NATO, and other Member States like France, Germany, Belgium and Spain, who wanted a more 'Europeanist' responsibility for European defence. This was reinstated in the Declaration on WEU attached to the TEU where the WEU is referred to as "the defence component of the EU and as a means to strengthen the European pillar of the Atlantic alliance". The TEU relegated the WEU to the status of the defence arm of the EU and sought to strengthen the European pillar of the NATO. The Petersburg Declaration of WEU in June 1992 attempted to strengthen the WEU's operational role by incorporating peace-keeping, peace-making and humanitarian operations at the request of the UN or the CSCE. The ascendance of the UN in European security constrained the authority of the WEU in crisis-management due to the provisions of the UN Charter and a relatively more effective decision-making process. In November, 1992, the WEU expanded its domain to include Greece, and offered membership to Iceland, Norway and Turkey. Denmark and Ireland agreed to the status of observers. The fact that the WEU shifted its headquarters from London to Brussels in 1993 reflects the need to facilitate closer cooperation between the European Commission, the

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Soon after the ratification of the TEU, there was a confusion in the EU over the extent to which the European Commission could involve itself in WEU meetings. Britain and France were reluctant to allow the Commission access to the WEU. However, a consensus was reached to allow the Commission to participate in and obtain information from the WEU meetings as part of the delegation of the Member States holding the EU presidency.

The WEU has often been regarded as the “second pillar of NATO, as its rival, as a bridgehead between the Alliance and the EU”. Nevertheless, these aspects did not prevent tensed relations between both these organizations in recent times. This came under strain in 1992 due to the duplicate assignments of the WEU and NATO ships in the Adriatic to monitor the UN embargo. The two organizations also experienced mutual clashes over their role in the peacekeeping and crisis-management activities of the UN and CSCE. Pro-Atlantist Member States like the UK and the Netherlands preferred NATO’s primacy over the WEU while France favoured the WEE. This had to be resolved by seeking mandate from the Member States of both the organizations. Relations improved in 1993 when France adopted a

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softer attitude towards the NATO and when the US under President Clinton appeared more relaxed about the development of a European defence identity. A joint NATO/WEU command had been formed for the Adriatic operations.\textsuperscript{73}

Although several Member States of NATO (like Germany and France) support an independent European defence mechanism, others still prefer interlocking the WEU into NATO. Britain still continues to stress the need of NATO as the most suitable device for European defence. In order to retain its cooperation with the WEU, NATO allies agreed in a Summit in January 1994 to allow WEU to use the collective assets of NATO and also develop a Combined Joint Task Force (CJTF) as a means to improve cooperation between the two organizations.\textsuperscript{74} To what extent the CJTF could be successfully implemented is still uncertain as France still is not too keen on NATO's involvement in crisis management. French and German dissatisfaction with some of the defence provisions of the TEU prompted them to develop a “Euro-Corps” --- a bilateral military organization, subordinate to NATO, on the insistence of the US. Members of the WEU who favour the role of the US in European defence seek to guarantee that the WEU is not opposed to NATO, on the contrary, it ensured that it (WEU) acts as a


supplement to and strengthen cooperation.\(^75\)

Despite the deficiencies the WEU faces in so far as its functioning capabilities are concerned, it has extended its arms to nine Central East European Countries (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia) in 1994 offering them the status of associate partners. This relation did not serve as a security guarantee but it gave these countries the opportunity to acquaint themselves with the security and defence of the EU through its participation in WEU meetings and peacekeeping activities. This initiative for introducing the status of associate partner was launched by France and Germany with Britain joining later. A problem arises with the distinction between the associate partners of the WEU and the associate members which are also the members of NATO. Secondly, there are overlapping of membership since some countries are members of the NATO and the WEU but not of the EU (like Turkey) or those who are members of the NATO and EU but not of the WEU (Denmark, for instance).

WEU’s performance and institutional build-up does not offer ground for much optimism. Its activities in the Adriatic and on the Danube have revealed certain potential problems. In the Adriatic, WEU’s independent operation was followed by cooperative action with the NATO. However, the situation changed when the UN Security Council expanded its mandate from monitoring to enforcing the

embargo. This necessitated the introduction of a joint-command between NATO and WEU due to the former’s superior military assets and command facilities while the latter remained subservient to NATO.

On the Danube too, the WEU supports Hungary, Romania and Bulgaria in order to ensure the effectiveness of the embargo against Serbia and Montenegro. Germany, a strong supporter of the Danube mission was constitutionally constrained to participate in the WEU or NATO or the UN. On the other hand, the permanent members of the Security Council, like France and Britain, in view of NATO and UN’s role in the Yugoslav crisis expressed their doubts on the capability of WEU’s atypical operations in the Danube. The question remains that as long as most of the EU Member States show a preference for the UN or NATO in cases of operational capabilities, WEU’s role will only remain in the fringes.

Given the fact that WEU is only a nascent defence organization with regard to its operational development, its institutional structure still needs to be modified to a large extent. Its planning cell which was set up in April 1993. lacks support by the Member States, the Satellite Centre, aimed to incorporate a space-based observation system, needs to develop its operational capacity. Finally, bodies like Eurocorps are not fully operational and the problem of political and military management structures of WEU still need to be addressed. There is also a problem of compartmentalization of policy-making in security matters at the level of the WEU, CFSP, the Commission and the EU itself.
Another problem which the WEU is likely to confront with further enlargement of the EU is the idea of ‘second-class members’, which would hamper the political cohesion of an enlarged EU especially with respect to the development of an effective CFSP. An issue that could be on the agenda in the IGC, 1996 is concerning the development of a common defence policy. As long as there is no unanimity amongst Member States on Europe’s role in international security, it would be difficult to define Europe’s military needs and capabilities. This leads to the need for appropriate institutional set-ups and decision-making procedures. There is a further problem arising from the shift of the US in relevant aspects of European security. As West Europeans are confronted with the task of a credible leadership capacity in certain circumstances, it remains uncertain as to whether this can be carried out with purely intergovernmental procedures, i.e. on the basis of unanimity. In view of the anticipated enlargement of the EU, greater efficiency in decision-making would require the application of majority-voting in CFSP matters. It is not just WEU’s military capacity that requires improvement but also a political will and consensus amongst Member States to use WEU in crisis management tasks that would enable it to emerge as ‘Europe’s defence arm’.

GERMANY AND CFSP

The search for domestic and international accord and recognition in the post-war years was one of the primary reasons behind Germany's commitment in shaping the content and framework of European political cooperation. The most viable demonstrations were the Genscher-Colombo Initiative in 1981, the Stuttgart Solemn Declaration in 1983 and the Kohl-Mitterrand proposals at Milan in 1985 which contributed to the Single European Act and set EU’s agenda for the 1990s through the Treaty on European Union. Germany’s active pursuit of EPC and political union reflected the dual goals of national political and economic interest, satisfied through an “internally coherent and externally assertive EC and an idealistic conviction, based on German history that the EC represented an antidote to excessive nationalism”.77

The unification of Germany rendered it with a dynamism that required it to accelerate European integration which as Chancellor Kohl stated was the ‘absolute priority’ of unified Germany. This was demonstrated with Germany’s push at Maastricht for a federal Europe, for increased powers of the Parliament and the Commission and for CFSP. Germany viewed political union as a necessary fore-runner of the Economic and Monetary Union. Political union represents the “enshrinement of Germany’s post-war ideal of muted national power

and the opportunity to exert international influence”.

The EU’s activities during the Gulf War and the Yugoslav crisis indicated that Germany would define the parameter of CFSP through its political reluctance and constitutional limitation to use military force. Although Germany declined military action in the Balkan conflict, it failed to dominate the political action through its decision of granting recognition to Slovenia and Croatia in December, 1991. Unified Germany’s geo-strategic location in the centre of Europe has added a new thrust in its security perceptions in Europe. This perception has led Germany to seek to meet its security concerns through the full participation in the political and economic reconstruction of CEEC and the simultaneous integration of West Europe. The presentation of collective security in terms of Western Alliance and extending it either through the North Atlantic Cooperation Council or the Partnership for Peace to Eastern Europe and Russia, form the basis of Germany’s security policy.

One persistent element of German policies has been its pursuit of balance along the East-West axis in Europe. From the German perspective, a security vacuum in Central Europe also makes Germany vulnerable to the diverse threats emerging in that region. This makes it important to bring the area between united Germany and former USSR.

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into a close security relation with Germany. Consequently there has been a German security drive to the east to extend the NATO security umbrella over the Visegrad countries. This security logic has implications for Germany's role in NATO. Germany sought NATO to provide membership and security guarantees and perhaps deployment to the Visegrad Four. Germany also views NATO as a way to contain nationalist extremes and political instability. Nevertheless, the whole question of NATO's eastward enlargement gives rise to new versions of old problems regarding commitment and credibility. Coupled with this security dimension is the economic-logic, which is driving Germany to create a Central European realm. This has been an underlying theme in Germany's interest in building CFSP and has created a double tension between Germany's eastern necessities and its Western rigidities.\textsuperscript{80}

Germany resides at the pivotal point between the designs for European security that emphasize European institutions and those that emphasize NATO. It is largely due to German mediation that a fundamental contradiction between the development of a 'European security and defence identity' and the maintenance of a strong US connection has reduced. It is still not clear as to where the European identity should be built - in NATO, in the WEU or in the EU itself for it would have major implications for the membership policies of each organization. German leaders have devised a formula for answering

such questions with the acronym of ‘final congruence’. Under this policy the EU would set a time-table to take over the responsibility for European defence while the EU and NATO would agree to make their membership congruent within the next decade. Advocates of this approach vary in their degree of rigidity but its application in any form would make it difficult for the EU to extend membership to a country that was not a near-term candidate for NATO membership. NATO would face the same constraints with respect to a prospective members’ EU candidacy.81

The real basis of German security lies in its relation vis-à-vis the US. Germany’s efforts towards forming a Franco-German defence umbrella would only mean another attempt to strengthen its Atlantic Alliance through NATO. Germany has been one of the strongest advocates in identifying the need and the instruments for a EU-US partnership in responding to all regional challenges. This pre-requisite is a revised transatlantic relationship that has unfolded in a number of cases, whether in a “close and confidence-based partnership” as propounded by Klaus Kinkel or a “strengthened and expanded alliance” by Helmut Kohl, a “NATO-plus-partnership-of-responsibility” coined by foreign minister Hans-Dietrich Genscher, or “Transatlantic structures” by Edzard Reuter.

The Federal Republic of Germany’s approach to international

issues was dominated by its twin concerns for security and for the maintenance of the principle of a United Germany. Therefore, relations with the US was paramount. Prior to unification FRG needed US protection and support—protection against the Soviet threat and support for reunification. As far as its relation with the US is concerned, German leadership occupied a position between the confident partnership “to which the British declared their commitment and the combative competitiveness of the French”.  

Germany’s special relation with the US in security matters sometimes came in conflict with its relation with France. At one level, Germany teamed up with France in the 1980s through its active commitment to European integration but it never relinquished its attachment to the US. Perhaps Germany faces a constraint in its efforts to “ensure that greater defence integration with France does not weaken its defence link with the US”.  

German foreign policy elites continue to stress the fact that European integration is the only way of preventing a denationalization of German foreign-policy. The latter could be fraught with dangerous consequences resulting in increasing alienation from its neighbours as its geographical position has strong political underpinning. The policy initiatives formally to establish CFSP in the EU and to link the WEU

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with the CFSP so that it becomes the operational arm of the EU in
defence-related matters, and the creation of Eurocorps are consistent
with a determination to give European cooperation in foreign and
security policy more substance.\footnote{Bluth, n.79, p.54. Also see, Timothy Garton Ash, "Germany's Choices", Foreign Affairs, vol.73, no.4, July-August 1994, pp.65-81.}

In view of the IGC, 1996, Germany sought to lend greater
momentum to the CFSP and prepare the basis for a European defence
identity. According to the Christian Democratic Union (CDU) member
Wolfgang Schäuble, Germany intended to make all foreign policy
decisions, except those with direct military implications subject to
majority-voting amongst EU members. That would do away with
national vetoes in the policy domain.\footnote{The Economist, 17 June 1995.} On 20 September 1996, former
Foreign Minister, Klaus Kinkel proposed the setting up of the office of
a EU Secretary-General for foreign and security policy who would be
accountable to the European Council. A Planning and Analysis unit
under the chairmanship of a new Secretary General would prepare the
European Council’s foreign policy decisions, define long-term interests
and help in crisis-management.\footnote{R.K. Jain, "Germany and the EU", International Seminar on Germany in the Nineties, School of International Studies, Jawaharlal Nehru University, 4-5 November 1996, p.21.} In a paper published by the
Committee on Foreign and Security policy of the CDU, the party
expressed its reservations regarding the solution of a high
representative for CFSP as proposed by France during the IGC, 1996.
According to the paper, the increased CFSP visibility which would arise would not reduce the risk of "later complications regarding the institutional matters and the breakdown of tasks". The CDU also distanced itself from the French position when insisting on the significance of the participation by the European Commission personnel in the future Planning and Analysis unit to be set up for CFSP. By doing so, the EU could ensure to carry its foreign policy activities on the basis of "common interests" and not on that of "evaluations by Member States competing amongst themselves by using the smallest common denominator" as a base. On the other hand, the CDU endorses the French proposal of a "new form of Troika" formed by the Council President, the Secretary-General of the Council and the European Commissioner responsible for foreign policy. The CDU expressed its support for the principle of majority-voting by double-majority (of states and populations) in order to prevent the "inflexibility of the consensus principle".  

As regards European defence, proposals show a strong German desire for a common European defence where an essential step during the IGC, 1996 would be to fix a time-table for integrating WEU with the EU which would compliment NATO. This could be done by including in the EU treaty all the West European Union tasks including the 'Petersburg tasks'. In view of the varying members and 'neutrals' of the EU, Art.5 of the WEU treaty, dealing with territorial defence on

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the one hand, and humanitarian assistance on the other, would have to be excluded or attached in a Protocol to the EU treaty. The former German Defence Minister, Volker Ruehe, suggested that the IGC, 1996, “should not preclude the higher aim of a political union and the development of a European defence”. According to Volker Ruehe, the IGC should “provide a mandate for making defence policy which should become part of the Union’s responsibilities on an intergovernmental basis”. Any decision that was backed by a majority within the EU should not be blocked by a veto. A “positive abstention” could allow countries ready to make a commitment to act legitimately in the name of the EU. Moreover, he proposed closer links between the Commission and CFSP. On matters concerning EU and WEU, Ruehe suggested that the European Council should be the only body to take decisions concerning CFSP and defence policy, the decision-taking would be up to the Union and their implementation up to the WEU.

FRANCE AND CFSP

Since the mid-sixties, France has been pursuing the goal of establishing a ‘special status’ within the Western alliance. It is not easy to disentangle French policy towards European political integration between 1958 to 1963 from the personal strategy of General Charles de Gaulle, the President of the Fifth Republic. De Gaulle who opposed the Jean Monnet vision of European supranational institutions and an

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88 Ibid.
Atlanticist Europe, believed that the basic unit in politics is the nation. Thus, he refused to subjugate France to any supranational authority.\textsuperscript{90} The US provided the standard against which to measure France's status, the foil for French efforts to demonstrate the status, and the most immediately visible threat to the independence and autonomy which de Gaulle considered intrinsic to the preservation of French status and power.\textsuperscript{91} Till the Algerian Crisis, the strength of the French challenge to US domination was moderated to an extent by a cautious acceptance of loading itself with too many foreign policy tasks. The development of 1963-66, from the veto on British entry to the EC in 1963, to the withdrawal from the NATO in July 1966 all reflected French preoccupation with international prestige and status.

The French idea of a European Political Union was encapsulated in the Fouchet Plan in 1962 which aimed to build a "European Europe" capable of dealing with the US on an equal footing.\textsuperscript{92} The Fouchet Plan provided a model for European collaboration in foreign policy in deliberate contrast to the Atlantic collaboration enshrined in the NATO. De Gaulle's efforts to create European unity through a mechanism of state consultations through the Fouchet Plan was rejected by the Benelux countries who felt it would undermine the EC.


\textsuperscript{91} Wallace, n.82, p.206.

\textsuperscript{92} See Elie Kedourie, "De Gaulle", Commentary, vol.95, no.1, January 1993, pp.43-49.
The failure of the two Fouchet Plans at the beginning of the sixties allowed the antagonism with the US to surface more clearly. When the foundations of EPC were laid at The Hague Summit in 1969, defence policy was tacitly excluded.\textsuperscript{93} French keenness to have an independent CFSP was never clearly defined by the other Member States of the EU since they feared that this might strain the European-American relation.

The French need to bridge the gap between their wide foreign policy objectives and the resources available to them required them to find partners in their endeavours. The Treaty of Rome which had successfully harnessed German economic resources to French political objectives in Africa through the creation of the European Development Fund made France seek the cooperation of West Germany. The FRG appeared more easily as a partner because of its limited international acceptability and its limited foreign policy objectives made it a potential auxiliary rather than a rival.\textsuperscript{94} This relation was sealed with the Elysee Treaty in 1963 providing for foreign policy and defence collaboration. After de Gaulle, on President Pompidou's insistence at The Hague Summit of 1969, on reviving the Fouchet proposals of 1961 for consultations between European governments on foreign policy, was

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a reminder of the Gaullist legacy. The French proposals at The Hague Summit included the completion of the CAP, through agreement on common funding and proposals for EMU through which some hoped to lock the French economy with its German counterpart and its commitment to accept Britain as a member of the EU. Political cooperation would thus serve as a framework for balancing Britain against Germany as foreign policy priorities shifted, provided that Britain’s priorities were shifting towards a course convergent with that of France. On French insistence, EPC was exclusively intergovernmental and not accessible to the Commission and the European Parliament. The institution of the EU Council as the highest decision-making body following the initiatives of Giscard d’Estaing gave EU’s foreign policy greater clout. This gave the Member States an excellent platform for the management and coordination of foreign policy with a ‘nation-state accountability’. Despite its considerable interest in CFSP, France obstructed a further development of EPC for many years through its resolve to leave it intergovernmental. President Mitterrand, for instance, rejected the proposal of the Genscher-Colombo Initiative of 1981 which wanted to dovetail the EU Council with the EPC.

It was only in the SEA that Mitterrand’s policies towards political union underwent changes. He agreed to transfer the external

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competence of the nation-state within the framework of the EU. President Mitterrand brought in a sea-change in the French policies towards European political development. In 1984, declaring himself a 'federalist' which was a great departure from his predecessors, Mitterrand affirmed that a federal Europe was desirable as a long-term objective and the EU’s economic entity would be destroyed if it had no political entity. Commenting on European political authority he stated,

I am utterly convinced that quarrels will not be resolved and there will be no further progress if Europe fails or fears to provide itself with a political policy. The time has come to provide our institutions with the coherence they lack.

The emergence of German unification in 1989 accelerated French efforts to bind Germany to Europe by deepening the EU. On 19 April, 1990, in a joint letter, President Mitterrand and Chancellor Kohl advocated a European political and security union. French designs for a political Europe was different from German proposals. While Germany, wanted the European Parliament to be given a much greater role, France preferred the Council with more extensive powers on CFSP. During the Maastricht referendum debate, President Mitterrand stated,

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98 Mitterrand’s Interview in Agence Europe, no.3782, 4 February 1984.

I like federalism as a concept very much but I believe the introduction of a federalist structure would be precipitate step for Europe at this juncture and if... such a step never becomes necessary for Community development well then! It would be useless to attempt it.  

The French attitude can be explained for two reasons: first, the weak role of the French National Assembly is perhaps not the right model for a strong European Parliament and second, the size and population of a united Germany entitles it to a greater number of members than any other Member State. Enhanced power would thus imply German dominance in political and monetary issues.

Although President Mitterrand was willing to contribute towards the breakthrough of the majority rule to share foreign policy competence with partner states to a much larger extent than before, he categorically rejected ‘supranationalism’ with rights of co-determination for the Commission and the Parliament. French Minister for European Affairs, Elizabeth Guigou stated that sovereignty should not simply be ceded but that it should be shared and not only in fields in which further progress was impossible on one’s own. There was a continuity in President Mitterrand’s policy with regard to a deprivation of the power of nation-state in favour of the EU, even though it allowed for change in certain respects especially with regard to the perception of external competence of the nation-state. Whereas his predecessors

would have aspired for an independent role for France, Mitterrand realized that France can play a part together with European partners, particularly Germany.

As far as security questions were concerned it was inter-twined with French inhibitions around their continuing ambivalence towards Germany’s international role and their uncomfortable awareness of their dependence on German cooperation. The certainties of Gaullist foreign policy had rested upon the assumptions of an American commitment to European security and a German acceptance of the American security guarantee, both of which were weakening. The painful reconstruction of French priorities which this situation necessitated erupted from time to time in outbursts of French hysteria about the direction of German policy. During 1979-80 and in 1981-82, the French elites were preoccupied with the ‘German problem’ and with the FRG turning to the East. French attacks on the FRG for its failure to support the US sufficiently firmly under conditions of East-West tension repeated from 1981-83 reflected their perceived dependence on Germany for their security. This relationship did not, however, fail to go through spells of short-lived crisis owing to the lack of congruence between the two states on international issues. Eventually French willingness to reopen a dialogue on defence policy between the two countries in 1982 and President Mitterrand’s vigorous support to Chancellor Helmut

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103 This refers to the less well-established relations between President Mitterrand’s government and its German counterpart over the imposition of martial law in Poland in 1981 with accusations about German ‘designs’ being voiced in Le Monde and in French circle.
Schmidt on the need to accept the US intermediate nuclear missiles in Germany were indicative of French adjustment to a more assertive and self-confident Germany.\textsuperscript{104}

In 1983, under French insistence the Elysee Treaty of 1963 with Germany was reactivated, a moribund WEU was revived and in 1991, the French desire for a European identity in the field of defence led France to set up a Franco-German Eurocorps around the WEU.\textsuperscript{105} Some reports suggest that the Franco-German proposals stem primarily from French initiatives and Germany’s support is based on a desire to maintain positive relations with France.\textsuperscript{106} Germany shares the long term French aspirations for a political union but has concerns similar to those of the UK regarding the risk of weakening NATO.\textsuperscript{107}

\textbf{GERMAN UNIFICATION AND AFTER}

German unification brought in France an array of contradictory anxieties regarding EU’s defence implications. A substantive concern was the fear of a strategic vacuum in Central Europe and that Germany might follow an independent course in its relation with Russia,\textsuperscript{108} which France alluded as characteristic of a historical pattern in German-Russian relations. It became imperative “to organize Europe so that it

\textsuperscript{104} Cf. Wallace, n.82, p.220.

\textsuperscript{105} Steven P.Kramer, “France faces the new Europe”, \textit{Current History}, vol.89, no.550, November 1990, pp.365-386.


\textsuperscript{107} \textit{The Economist}, 2 February 1991, p.30.

\textsuperscript{108} See Chevenement Interview, \textit{Le Monde}, 13 July 1990
escapes the two perils of hegemony or explosion... (with) a better assured security and a will to solidarity". In institutional terms, the movement of the EU towards Political Union should include a ‘European identity’ in the domain of security but within the Atlantic Alliance.

Therefore, moving closer to NATO and accepting the American nuclear umbrella as compatible with an independent French defence policy became visible by early 1990s and this was a marked change from the Gaullist stance. On 5 December 1995, in the North Atlantic Council Meeting, the French Foreign Minister announced that France would resume full participation in the NATO military committee which do not encroach with its independent nuclear planning. This was followed with its suggestion to establish a ‘concerted deterrence’ in Europe. In February 1996, President Jacques Chirac proposed to overhaul its defence mechanism which can be seen as a step to joint action through CJTF in future. Germany as the main ally of France


113 Some analysts agree that the new structure of French nuclear force will be parallel to that of Britain’s especially at a time when two countries are exchanging information on defence strategies with a view to creating common policies. See for details, Stuart Croft, “European Integration, Nuclear Deterrence and Franco-British Nuclear Cooperation”, International Affairs, vol.72, no.4, October 1996, pp.1-17.
expressed its reservations fearing that this ‘contagion of professionalism’ might spread to its own guarded “citizens’ army”, and due to its (German) ‘historical baggage’ would not follow the French desire for a stronger international defence role.\textsuperscript{114} The political scheme for European integration for France means that security and defence matters would be dealt at EU level, but at the same time it would be a means to consolidate the Alliance. To quote French Defence Minister, Charles Millon,

There can be no European defence policy that does not take account of the Atlantic dimension, there can be no lasting Alliance without the affirmation of a strong European pillar. The purpose is to arrive at a form of collaboration between Europe and North America within NATO.\textsuperscript{115}

Recognizing the WEU as a ‘natural tool for the development of the European defence identity’, the French Foreign Minister stated on 5 December 1995, that it needs to become the consultative body for European cooperation on defence matters, both as the defence component of the Union and as the European pillar of the Alliance.\textsuperscript{116}

French defence policy, thus conceived embedded in a broader framework that of a foreign policy designed to reassert French presence in South Africa, Asia and Middle East or by its attempt at mediating

\textsuperscript{114} The Economist, 12 March 1996.


between Israel and the Arabs in April 1996.

In view of the IGC, 1996, the proposals made by France with regard to CFSP differed substantially with those of Germany. The two governments did not concur in their view on majority voting in CFSP although Germany was more keen on it than France. Unlike Germany, France sought to limit the role of the Commission while enhancing that of the Council.\(^{117}\) The French government supported the role of a High Representative - 'Monsieur Pesc', in charge of CFSP. French proposal to marginalise the European Parliament's role while strengthening the National Parliament,\(^ {118}\) was in tune with its earlier preference for intergovernmentalism. De Gaulle sought to devise a political union based on intergovernmental procedures, Giscard d'Estaing initiated the European Council and Francois Mitterrand suggested the creation of the 'second' and 'third' intergovernmental pillars at Maastricht.

**PROSPECTS FOR CFSP**

In spite of an expected rapprochement between France and Germany over the proposed structure of CFSP in the IGC, 1996, it might prove difficult to bring out a position of convergence on foreign policy matters with regard to the other 15 Member States. Britain, in particular is opposed to the strengthening of CFSP and a close relationship between the EU and WEU.

Since the inception of the CFSP pillar in the TEU, it has become

\(^{117}\) The Times, 14 March 1996.  

\(^{118}\) The Independent, 14 March 1996.
quite clear that the treaty is an insufficient basis for the EU to meet the mounting pressures of external challenges. The Yugoslav crisis and recent incidents highlighting deep divisions in the EU on China’s record on human rights and over the issues on Middle East crisis where Britain and France came under sharp divisions\textsuperscript{119} all indicate that the EU has not been able to meet the challenges as an effective international actor in terms of both capacity to produce collective decisions and its impact on events.

The EU also did not fail to witness constant wrangles over the legal base and budgetary aspects of CFSP. There has been a lack of strategic planning, an almost disregard for EU procedures complete with loopholes in the Council Presidency system.\textsuperscript{120} The inception of CFSP heightened the capabilities of EU but a significant capability-expectation gap exists and this is already presenting the EU with difficult choices and experiences.\textsuperscript{121} This also poses a serious challenge to EU in terms of its ability to reach a consensus in terms of its resources and the instruments at its disposal. An element of ‘collectivity’ present in the functioning of CFSP varies in its degree and extent due to the differing levels of commitment of the Member States

\textsuperscript{119} The Guardian Weekly, 1 February 1998, Also L. Barber, “EU fails to build Common Foreign Policy”, Financial Times, 7 April 1997.

\textsuperscript{120} Gunter Burgardt, “The Potential Limits of CFSP” in Regelsberger, no.17, p.321.

to cooperate in a consistent and cohesive manner. This has been perhaps aggravated with the presence of the 'variable geometry' pattern in foreign policy matters with some states heading towards 'communautarization' and others concerned with 'national sovereignty' or 'special status'. When 'variable geometry' tends to undermine EU solidarity, as was the case during the Yugoslav crisis (with German recognition of Croatia and Slovenia), then the question arises whether collective action can be sustained over time without a leap into federalist structures. The earlier performance of EPC and later of CFSP reveal an increasing difference between the expectations and the actual capability. The gap can only be narrowed through coordination and harmonization of views and strengthening the institutional set-up like the decision-making procedure and the role of the Commission and by evolving a common defence structure. The 'consensus principle' which has been the defining characteristic of the first two decades of EPC has promoted policy sclerosis and led to decisions based on the lowest common denominator. This rule if applied in a wider Union

122 To give an example, Franco-German close bilateral relations have often been rivalled by the Benelux countries. Britain too makes no mystery about its 'special relations' with the US. South African issues which keep France preoccupied does not exist for the other EU members. Italy's interest in developing a Central European policy through the Pentagonal or Hexagonal initiatives often raises questions about the presence of a "foreign policy sub-system". For details see, P. de Schoutheete, "The EC and its Subsystems" in W.Wallace (ed.), The Dynamics of European Integration (London: Pinter, 1990).

could “bring the embryonic CFSP to a grinding halt”.124

In post-communist Europe, CFSP is confronted with a formidable challenge and an opportunity to derive strength and motivation by providing the CEEC with an anchor of stability. As the EU is preparing the ground for negotiation strategies with some of the East European countries, the issues related to national and ethnic minorities and bilateral disputes involving the applicant states, could run the risk of burdening the cohesion of the EU. A geographically expanded EU would be more heterogeneous in its foreign and security interests and perceptions.125 Although the applicant countries in all probability could adopt the EU acquis but the CFSP needs to emphasize collectivity in order to ensure that the new entrants find the acquis politque more binding upon them.126

During EU’s Nordic enlargement the candidate countries like Austria, Sweden and Finland managed to enter the EU without changing their foreign policy traditions and their status as ‘neutrals’. This probably reflects a sign of light constraints imposed by CFSP or confirms the need to re-emphasize the acquis politque. An effective

124 Burghardt, n.120, p.331. Also see R.Rummel, “The IGC 1996: How to Reform CFSP” in Regelsberger, n.17.


and consistent CFSP comprising elements of preventive diplomacy and reinstating 'collectivity' would be necessary if the EU is to successfully tackle the impending challenges with which it is confronted. As a matter of fact, ensuring a strong commitment to reinforce CFSP did not seem to be too easy to achieve in the IGC, 1996. The weight of national history, national administration and most of all national interest may again prove stronger against an effective CFSP.