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Paradoxes of European Foreign Policy

The Instruments of  
European Union Foreign Policy

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**Paradoxes of European Foreign Policy**  
**The Instruments of European Union Foreign Policy**

**KAREN ELIZABETH SMITH**

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To the extent that it acted in international relations, the European Community (and European Political Cooperation) was frequently described as a 'civilian power', because it lacked military instruments and relied on economic and diplomatic means to try to influence other actors. Paradoxically, just as it seemed that civilian power would be the dominant mode of post-Cold War international relations, the Member States began to discuss establishing a common defence policy. The Maastricht Treaty contained provisions for using the Western European Union (WEU) as the defence arm of the European Union's new Common Foreign and Security Policy (CFSP).<sup>1</sup> The issue of a common defence policy was further discussed at the 1996-1997 Intergovernmental Conference, and while the Member States did not agree on proposals for an EU-WEU merger, the 1997 Amsterdam Treaty does provide for closer EU-WEU links.<sup>2</sup> The widespread perception is that the European Union will be unable to act effectively in international affairs unless it can use military instruments. European Commissioner Hans van den Broek has argued: 'To be credible, the Union needs power behind its diplomacy and power to act if diplomacy fails.'<sup>3</sup>

This paper\* will analyse the EU's foreign policy tools, taking into account developments in the Amsterdam Treaty. The first section will examine the extent to which the EU can use four general types of policy instruments: propaganda, diplomatic, economic and military. Does it have instruments associated with traditional foreign policy? While the EU has at its disposal several traditional foreign policy instruments, it also lacks several, most notably of the military type. However, the EU can also wield *sui generis* instruments which states cannot use.

Section two will consider the ways in which the EU utilises its instruments to try to influence other actors. The EU tends not to use them coercively, but prefers instead to use them to foster dialogue and interdependence. This is for a variety of reasons, ranging from the exigencies of compromise among the Member States (which can hinder the taking of strong negative measures) to a more profound aversion to using coercion.

The final section will take up the question of whether the EU needs to acquire military instruments to exercise greater influence in international affairs and fulfil its foreign policy ambitions. Expectations about what the EU can do have been running ahead of capabilities<sup>4</sup>: a re-evaluation of the EU's aims could lead to a better appreciation of its strengths and of the merits of civilian power. Military instruments are not the panacea they appear to be, and the abandonment

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of the civilian power image may not bring the advantages that are currently anticipated.

### Policy instruments classified

Foreign policy instruments are those means used by policy-makers in their attempts to get other international actors to do what they would not otherwise do.<sup>5</sup> David Baldwin has specified four types of instruments used in national foreign policy:

- propaganda, or the deliberate manipulation of verbal symbols;
- diplomacy, or the reliance on negotiation;
- economic, or resources which have a reasonable semblance of a market price in terms of money; and
- military, or the reliance on violence, weapons, or force.

The following four sub-sections will discuss the extent to which the EU has or has used policy instruments of these four general types, and thus the extent to which it can be compared to a traditional state actor. Of course, even where the EU does possess instruments, it must overcome two 'hurdles.'

The first is the familiar problem of 'consistency'. There are essentially two different frameworks (pillars, in Maastricht Treaty parlance) for making foreign policy decisions: the European Community for foreign economic policy, and the intergovernmental CFSP procedures for 'political' decisions.<sup>6</sup> Granted, the dividing line between the two frameworks can be fuzzy: an increasing number of 'global approaches' have been devised, which combine instruments from both frameworks.<sup>7</sup> Furthermore, the Commission can make CFSP proposals (which it could not do under the old European Political Cooperation framework), CFSP actions can be funded by the EC budget, and there has been some EC-CFSP institutional synthesis.<sup>8</sup> Nonetheless, the formal separation between the two pillars remains, as does the need to ensure that policies agreed upon, and the instruments used in both are, at the very least, consistent with each other.

A second hurdle is that of the division of competences between the EU and the Member States. Some of the instruments (mainly economic) discussed below are formally EC instruments. But the Member States use many other instruments separately, although they may choose to coordinate their use (as in the case of



diplomatic sanctions). Other instruments (such as regional political dialogue) have been developed in the context of the Community, EPC, or Union, and it may be inconceivable to use them outside of that framework, but they are not under its exclusive jurisdiction. That Member States still control many instruments means that decisions to use those instruments collectively are made case by case (and often by unanimous vote), and can thus be inconsistent.<sup>9</sup>

It should be noted here that although the CFSP contains provisions on taking common positions and joint actions, these are not instruments per se. They are better seen as mechanisms for making decisions to use foreign policy instruments.<sup>10</sup> Decisions to use diplomatic instruments tend to be either common positions or joint actions (as discussed below).

### **Propaganda instruments**

Propaganda differs from diplomatic instruments in that it is used to influence foreign publics, rather than governments.<sup>11</sup> The Union lacks the machinery (external information programs, control of media) needed to produce propaganda, although the Commission produces information on the EU, directed to both Member State and foreign audiences. The EU issues CFSP declarations, but these are primarily directed at governments (though press statements are also released). Deliberately manipulating words would be difficult to do, since declarations are not only often the result of careful compromise among the Member States, but can be interpreted differently by them when they communicate with other states.

It is also a matter of foreign policy style. Sensationalisation and the manipulation of stereotypes, typical propaganda techniques, are absent in EU foreign policy. It seems improbable that the EU would be accused, as the US recently has been, of 'rhetorical overkill.'<sup>12</sup>

### **Diplomatic instruments**

The EU, as set up under the Maastricht Treaty, does not have 'legal personality'; only the Community and/or the Member States can assume legal obligations with outsiders. The Community has the power to reach agreements on relations with other international organizations (articles 229-231 of the EEC Treaty), conclude association agreements with third countries (article 238), and negotiate and conclude agreements on commercial policy (article 113).<sup>13</sup>

The Community has concluded trade, trade and cooperation, or association agreements with most states in the world.<sup>14</sup> Often they include arrangements for regular consultations. Formal channels of communication (on first pillar matters)

are also provided by the increasing number of diplomatic missions to the Communities in Brussels, as well as by the Commission's and the Member States' representatives abroad.<sup>15</sup>

The Community's competence to conclude international agreements, however, does not cover areas outside its field of internal action. It did not have exclusive competence over all of the matters covered in the GATT Uruguay Round final agreement, for example, so the Member States also ratified it. Other 'mixed' agreements include the Lomé conventions (governing relations between the EU and 70 African, Caribbean, and Pacific countries) and, frequently, association agreements.<sup>16</sup> The Maastricht Treaty explicitly endorsed the Member States' competence to negotiate in international organisations and to conclude international agreements in the fields of monetary policy, environment, and development cooperation.<sup>17</sup>

On the 'foreign policy' side, there is no single diplomatic service and no permanent spokesperson who conveys positions and policies to the EU public and non-member countries. Instead this task is carried out by the rotating presidency (assisted, if necessary, by the previous and future presidencies and the Commission: the troika system). The Amsterdam Treaty states that the presidency will also be assisted in this task by the Council's Secretary-General, which may provide the Union with more continuity in its international representation.<sup>18</sup>

The Member States have agreed, on occasion, to coordinate their positions in international negotiations, such as the Conference on Security and Cooperation in Europe (CSCE) and the Nuclear Non-proliferation Treaty talks.<sup>19</sup> During negotiations in which both economic and political issues are discussed, agreement on mixed representation (Commission and EPC/CFSP) must be worked out.<sup>20</sup>

Thus, the EU hardly 'speaks with one voice' in international affairs. The division of competences between the Member States and the Union, and between CFSP and the EC is evolving and is still contentious.



**TABLE 1**

**The EU's Diplomatic Instruments**

Démarches  
Declarations/Statements  
High-level visits  
Supporting action by other  
international organisations  
Diplomatic sanctions  
Diplomatic recognition  
Political dialogue  
(bilateral and regional)  
Offering EU membership  
Making peace proposals  
Sending special envoys  
Sponsoring peace conferences  
Sending cease-fire monitors  
Administering foreign city  
Sending election observers

When the EU does speak and act collectively, it has wielded the diplomatic instruments listed in table 1. Most of these instruments are used by traditional states, though some are more unusual. Many were used by EPC, at least in its later stage (including pro-active instruments such as sending cease-fire monitors, to Yugoslavia). Since the Maastricht Treaty entered into force, the EU has been relatively more active, for example, deciding on joint actions to send envoys and election observers to non-member countries. For all but one (EU membership), decisions to use these instruments are taken within the CFSP framework.

Although *démarches* and declarations have been the most frequently used instruments (by EPC and CFSP), neither are mentioned in formal documents such as the London Report, Single European Act, or Maastricht Treaty. *Démarches* are generally confidential messages to other governments, delivered by the ambassadors of the troika (or just the presidency). They request further information on policies or express concern about developments (often relating to human rights).<sup>21</sup>

EPC declarations (or statements) were used to express concern, condemn, announce punitive measures, express satisfaction, encourage specific diplomatic activities, or announce Community initiatives. CFSP statements are generally used for the same tasks.<sup>22</sup> CFSP common positions are more formal and tend to specify the EU's aims. They have been used to announce punitive measures (sanctions) and EU initiatives.<sup>23</sup>

The EU's positions or concerns can be transmitted 'in person.' The troika or Council president will visit non-member countries to state the EU's position.<sup>24</sup> The Member States have also jointly supported action by international organisations to criticise other states, such as sponsoring UN resolutions.<sup>25</sup>

The Member States have agreed to impose jointly diplomatic sanctions, such as withdrawing ambassadors, expelling military personnel in third country representations, and suspension of high-level contacts. Implementation of these measures is necessarily national.<sup>26</sup>

Concerted diplomatic recognition has recently been attempted: the Yugoslav republics were to have been recognised jointly. But Germany unilaterally recognised Slovenia and Croatia in December 1991, and Greece blocked joint recognition of Macedonia, so several Member States went ahead and recognised it in December 1993. Bosnia/Herzegovina, though, was recognised collectively (and by the US as well), in April 1992.

Political dialogue is the key forum in which the EU exercises persuasion (see section II) and is also used as a 'carrot' in and of itself.<sup>27</sup> At the end of 1994, the EU was engaged in 25 political dialogues, including with 8 groups of countries (such as ASEAN, Central America, and the Gulf Cooperation Council).<sup>28</sup> The regional dialogues have been used to encourage regional cooperation, as well as to demonstrate political support.<sup>29</sup> Dialogues with important partners (such as the bilateral dialogue with the US or the multilateral dialogue with the Central and East European associates) involve frequent meetings at several levels. Other dialogues (with India or the Gulf Cooperation Council, for example) take place less frequently, at lower levels, and may involve only the troika or the presidency. Generally, the only basis for the dialogue is an exchange of letters or a joint declaration, but the more recent association and cooperation agreements provide for political dialogue.

Offering EU membership has been used to influence other governments, although it is a very particular kind of instrument. It clearly is limited: membership is only open to European states. The prospect of EU membership for the Central and East European associates is proving to be the EU's most powerful instrument to encourage them to undertake major economic and political reforms, and behave as good neighbours. The prospect of membership has also been extended to Cyprus, partly in the hope that it would relieve the stalemate there.

The Union (and EPC before it) has, on several occasions, tried to help resolve conflicts or potentially dangerous disputes, using a variety of instruments. Some of these are fairly low-key, such as advancing peace proposals or sending envoys to participate in the peace-making process.<sup>30</sup> The EU has also taken more high-profile initiatives, namely in the former Yugoslavia. In 1991 and 1992, EPC attempted to mediate in the Yugoslav crisis. It tried to broker cease-fires, dispatch cease-fire monitors, set up a peace conference, and submit peace plans.

More unusually, the EU was assigned the task of administering the Bosnian city of Mostar, under the terms of the Washington agreement of February 1994 (which created the Bosnian Federation and ended hostilities between Bosnian Muslims and Croats). The EU's mission was to create the conditions for the reunification of the city, by overcoming the division between Muslims and Croats. The EU's administration lasted from July 1994 to July 1996. An EU administrator was placed in charge, and the EU funded infrastructure repair and development and social services. The WEU supplied a team of policemen who tried to establish a unified police force.<sup>31</sup>

In addition, the EU has tried 'preventive diplomacy' and 'peace building'.<sup>32</sup> Concerned about tensions between the EU's associates (and prospective Member



States) in Central and Eastern Europe, the EU sponsored the Pact for Stability. This was a series of conferences and roundtables between May 1994 and March 1995, in which the associates were encouraged to reach agreements between themselves concerning minority rights and border disputes. To try to ensure peaceful transitions to democracy, the EU has sent election observers to Russia, South Africa, Mozambique, the Palestinian Authority, and Bosnia/Herzegovina. All of these instruments were employed through CFSP joint actions.

### **Economic instruments**

The EU can wield a wide variety of economic instruments, as listed in table 2. These generally fall under the European Community's jurisdiction. However, there are several economic instruments that are not controlled exclusively by the Community. The Member States can still grant export credits,<sup>33</sup> promote investment, and conclude economic cooperation agreements with third countries, as long as the provisions of their agreements do not violate the Community's Common Commercial Policy (CCP). They can tax and freeze foreign assets. Member states can provide debt relief, which has been, for example, a major part of the West's efforts to assist Eastern Europe.

**TABLE 2**

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

Furthermore, the EU's resources are limited. The Community's budget in general is small, and only a small portion of the budget (5.6 per cent in 1996) is devoted to external action.<sup>34</sup> Nonetheless, the Union can wield quite powerful economic instruments, stemming from its relative economic strength. It is still, for example, one of the world's largest aid donors.<sup>35</sup> Imposing trade embargoes and offering trade concessions do not require budgetary funding (though they may exact other costs), and given that the EU is the world's largest trader, these can be very powerful instruments.

The explicit use of EC economic instruments to support EPC orientations did not begin until the early 1980s, in relation to economic sanctions on third countries. In practice, political considerations 'spilled over' into the Community's external economic relations, without intrusion from EPC - just as it had when it concluded a trade agreement with Romania in 1980 to reward that country's independent foreign policy vis à vis the Soviet bloc. Since the late 1980s, politics and economics have become more explicitly intertwined. Conditionality - or the use of (primarily) economic instruments to encourage democratic reforms and respect for human rights - has become an integral aspect of the EU's foreign relations.

Trade, trade and cooperation, and association agreements have increasingly been used explicitly as foreign policy instruments.<sup>36</sup> The decision to open negotiations with third countries is frequently a political one, but not necessarily one taken first in CFSP.<sup>37</sup> The EU often holds out the promise of such agreements if the country concerned meets certain political and economic conditions. Negotiation and conclusion of an agreement will also reflect political support for the country.<sup>38</sup> The content of agreements (schedule of trade liberalisation, intensity and scope of economic cooperation, and provisions for political dialogue) further reflects EU 'approval'.<sup>39</sup>

Rewards are provided to countries according to the new rules on the Generalised System of Preferences (GSP). Additional preferences will be given to countries that apply ILO conventions on freedom of association and child labour, and International Tropical Timber Organisation standards on forest management.<sup>40</sup>

Aid has been extended or increased for political reasons. The Community/Union has given aid to Eastern Europe and the former Soviet Union to boost the process of political and economic reforms there, and thus help ensure security and stability. The extension of (non-humanitarian) aid is also conditional - dependent on the recipients meeting certain political and economic criteria.<sup>41</sup> EU aid has been given for democratisation and human rights projects,<sup>42</sup> and for



regional cooperation initiatives. The Union has extended loans to third countries as well.<sup>43</sup>

As for negative measures, the practice of imposing EC trade sanctions was controversial through the early 1980s, because some Member States objected to the use of Community instruments for overt political purposes. The first time Community sanctions were imposed, following an EPC decision, was against the Soviet Union in 1982, with respect to the imposition of martial law in Poland. It then became practice for a political orientation regarding sanctions to be defined in EPC and implemented through EC instruments.<sup>44</sup>

Economic sanctions could include measures that the Member States then implemented on a national basis, because they fell under national jurisdiction. For example, the 1986 ban on new investments in South Africa was decided in EPC, but implemented, via a loosely-binding Council decision, by each Member State.<sup>45</sup> In the early 1990s, however, services were included in EC regulations based on article 113 (CCP) imposing sanctions on Iraq, Libya, and Serbia/Montenegro (in accordance with UN Security Council resolutions), even though there has been a debate over whether the article includes services.<sup>46</sup>

The Maastricht Treaty codified and extended the procedures for imposing sanctions. Article 228a provides for the interruption of economic relations with third countries, following a common position or joint action adopted (unanimously) to that effect in CFSP. Importantly, article 228a covers all economic relations, not just trade or the provision of services. Furthermore, under article 73g, the Council can take negative measures also with respect to capital movements and payments.<sup>47</sup>

Other negative measures that the EU can take include delaying the signing or conclusion of agreements,<sup>48</sup> or even suspending or denouncing agreements. In May 1992, the Council decided that agreements with other CSCE states would contain a clause either permitting the agreement to be suspended if human rights and democratic principles are not respected, or providing for appropriate measures to be taken if the parties fail to meet their obligations, including respect for human rights and democratic principles (the non-execution clause). In May 1995, the Council agreed that all future agreements with third countries would contain the non-execution clause.<sup>49</sup> A state can also be withdrawn from the list of GSP beneficiaries if it practices forced labour, exports goods made by prison labour, fails to control the export or transit of illegal drugs, or fails to comply with international conventions on money laundering.<sup>50</sup>

Economic aid has been cut off or reduced as a result of EPC/CFSP decisions on sanctions, as in the 1995 case of Nigeria. In October 1991, following a military coup in Haiti, the Commission suspended aid (provided under the Lomé IV agreement); the decision was then endorsed in EPC.<sup>51</sup> Aid to Sudan, Zaire, and Malawi has been suspended for human rights violations.<sup>52</sup>

## **Military instruments**

The EU's lack of a military capability is its most conspicuous instrument 'deficit.' Collective defence was, and still is, the domain of NATO, and Member States retain national forces. Denmark, Greece, and neutral Ireland opposed even discussing defence matters in EPC. However, in both EPC and CFSP, the Member States have agreed to impose arms embargoes, although these are implemented nationally.<sup>53</sup> In addition, military personnel have been subject to diplomatic sanctions.

The end of the Cold War put defence on the agenda. The withdrawal of many US forces from Western Europe, the Gulf War, and the Yugoslav crisis seemed to indicate that the Community/EPC needed to provide for its own defence and to back up diplomatic and economic sanctions with military capability. Increasingly, the WEU (little more than a framework for discussing defence issues) was seen as a potential military arm, and this was reflected in the Maastricht Treaty.<sup>54</sup> Under article J.4(2) of the CFSP, the EU can request the WEU to elaborate and implement decisions and actions which have defence implications. Thus far, the WEU has only been involved in one EU joint action, that on Mostar (see above).<sup>55</sup>

Although an EU-WEU merger has been repeatedly proposed, the UK and the neutral Member States in particular oppose it. The Amsterdam Treaty states that close institutional relations are to be fostered with the WEU; if the European Council so decides, the WEU could eventually be integrated into the Union. The EU can avail itself of the WEU to elaborate and implement decisions relating to humanitarian and rescue, peacekeeping, and crisis-management tasks (including peacemaking);<sup>56</sup> all Member States could participate in these tasks, even if they are not full WEU members.<sup>57</sup>

The WEU has been developing its operational capacity. The Combined Joint Task Force (CJTF) framework, launched at the January 1994 NATO summit, is also supposed to help remedy the WEU's weaknesses. WEU forces would be able to use NATO assets (logistics and intelligence) in out-of-area operations. But the US has insisted that it must approve the use of NATO assets,



which raises the issue of a potential US veto of the use of military instruments by the EU/WEU.

### **Instruments, power, and context**

Given the combined weight of the Member States, the EU must be considered potentially a very influential international actor. It has at its disposal many of the same traditional foreign policy instruments used by states, as well as a few unique ones. In comparison to other international organisations (even the UN), it can certainly wield more foreign policy instruments. But the EU also lacks several instruments, even in economic areas. In addition, the EU's use of the instruments can be hindered because the division of competences between the Community and CFSP, and between the national and European levels, is still contested. The Member States must agree unanimously to use many of the instruments that the EU does have (and frequently they do not). Reaching agreement among the Member States can entail compromising the 'strength' of the measures taken, which could thus reduce the EU's potential influence. Resources are also necessarily limited and choices must be made about where and when to utilise them. How effective the EU will be will depend on context (influence in some situations may simply be difficult to exercise), as well as on how the EU decides to wield its instruments and for what purpose.

### **How does the EU use its instruments?**

Providing that agreement can be reached on a common policy or approach, how does the Union use its policy instruments? There are six ways in which an international actor can influence other international actors. It can:

- use persuasion (elicit a favourable response without explicitly holding out the possibility of punishments);
- offer rewards;
- grant rewards;
- threaten punishment;
- inflict non-violent punishment; or
- use force.<sup>58</sup>

Which techniques seem to be preferred by the EU? (We can obviously exclude the use of force, because the Union has yet to use it.) Broadly speaking, there is a preference for using persuasion and 'carrots' (offering/granting rewards) over 'sticks' (threatening or inflicting punishments).<sup>59</sup> Rather than coerce other actors, the EU tries to convince them, using persuasion or rewards, to behave

responsibly, cooperate with each other, or democratise and respect human rights.<sup>60</sup>

Extending the promise of an agreement or aid when countries meet certain conditions has become a regular practice. In December 1996, for example, the EU promised to negotiate a cooperation agreement with Cuba if the Cuban authorities make progress towards democracy.<sup>61</sup> Negotiation and conclusion of agreements can then be delayed, if needed. Negotiations on trade and cooperation agreements with Romania and Bulgaria were suspended in 1989 because of concerns about human rights abuses there.

But the EU clearly has difficulties breaking off relations that have already been established.<sup>62</sup> Sanctions have, of course, been imposed on third countries, often in accordance with UN decisions, and the Community/Union has initiated international sanctions (as in Yugoslavia).<sup>63</sup> But unilateral negative measures seem harder to take, especially over the issue of human rights and democracy. The Community suspended development cooperation (aid) with weak states, such as Sudan and Haiti. With respect to more important third countries, such as Algeria and Indonesia, the EU relies on persuasion or *démarches* and declarations.

The reluctance to use coercion can make manifest serious inconsistencies in the EU's approach. While CFSP statements condemn the behaviour of a state, trade concessions and aid flows remain unaffected. Aid can even serve as an alternative to negative measures: in June 1996, the Council supported aid to improve the human rights situation in East Timor, but has not imposed negative measures on Indonesia over the issue.<sup>64</sup>

There are several reasons for this reluctance. Commercial interests were part of the reason why the 1986 sanctions against South Africa affected only 3.5 per cent of EC-South African trade,<sup>65</sup> and why sanctions against China have not been reconsidered since 1990.<sup>66</sup> The EU's 'critical dialogue' with Iran left Member States free to import Iranian oil; oil was also not included in the list of sanctions imposed on Nigeria in 1995.

The reluctance to use coercion for primarily commercial reasons is not, of course, limited to the EU. US policy towards China is also heavily influenced by commercial interests. But there are other reasons why the EU hesitates to use coercive measures, which are specific to the Union.

The need to reach a compromise among the Member States can entail backing away from strong negative measures. For example, in 1986, the Member



States could only agree to impose diplomatic (rather than economic) sanctions on Syria, but '[t]he Twelve did not come to the rational view that the wider interest required a moderate approach; the moderate approach was all that they could manage in the face of differing national positions.'<sup>67</sup>

Delaying agreements can reflect the interests of one Member State in impeding the development of relations with a third country. This can happen when unanimity is required to proceed with a positive measure. Portugal is blocking the signing of a new EU-ASEAN cooperation agreement in protest of the Indonesian annexation of East Timor.<sup>68</sup> Greece has frequently slowed the development of relations with Turkey, ostensibly over human rights abuses.<sup>69</sup> But such objections have not been enough to prompt the EU to break off relations, which likewise requires unanimity. The EU's 'message' is thus unclear.

There are also more profound objections to the use of coercion. The Community's reaction in 1982 to the Polish crisis differed greatly from that of the United States, and exemplifies its different approach to coercion. The US imposed sanctions on Poland and the Soviet Union. This fit with its general opposition to trade and economic cooperation with the Soviet bloc. The EC, in contrast, reluctantly imposed (rather limited) sanctions against the Soviet Union, under pressure from the US. The Member States considered it more important to maintain trade ties and detente with their eastern neighbours, as a way of stabilising political relations and reducing the military threat in Europe.<sup>70</sup> Jan Zielonka has labelled these two different approaches interdependence and economic containment.<sup>71</sup>

Although conditionality is increasingly used in the EU's foreign relations, the emphasis is still on positive measures. There is some opposition within the EU to applying strict conditionality because it would isolate those states that most needed aid and ties with the EU and generate instability. Integration, dialogue, and trade should be used to engender democracy, economic reforms and 'good behaviour.' Sanctions may only hurt the population, or cause it to rally to the government's support. In addition, the EU cannot exercise influence if it has no ties to the country concerned.

These dilemmas were evident in the debates over the response to the Russian intervention in Chechnya in December 1994. In early 1995, the EU delayed the conclusion of an interim trade agreement with Russia and insisted that Russia accept an international monitoring mission in Chechnya; by June, the EU had decided to proceed with the agreement even though fighting was still raging. The view that Russia should be integrated into Western institutions and

cooperation networks prevailed over the view that it should be coerced into stopping the fighting.<sup>72</sup>

The EU's aversion to negative measures has recently led to clashes with the US over relations with Cuba and Iran. The US has banned trade with the two countries; the EU had been engaged in a critical dialogue with Iran, and is promising to expand cooperation with Cuba.<sup>73</sup> Both approaches may actually be indicative of the limits to outsiders' influence on developments within other countries. On the US position towards Iran, one observer has argued, 'Seventeen years of constant pressure have wrought little change. Clinton's confrontational approach may not fare better, given the lack of support by US allies.'<sup>74</sup> A *New York Times* editorial on US policy towards Cuba charged that 'neither Congress nor President Clinton seems inclined to try anything more creative than the isolation strategy that over nearly four decades has failed to budge Fidel Castro from his autocratic ways.'<sup>75</sup> But the EU's critical dialogue with Iran did not succeed in persuading Iran to respect human rights and behave more responsibly in international affairs.<sup>76</sup>

It is not utopian to maintain that fostering interdependence and dialogue could have a positive influence. The EU is well-equipped to pursue such a strategy. But a preference for persuasion and carrots opens it up to charges of complicity and appeasement.<sup>77</sup> Sanctions might be necessary just to express the EU's displeasure with a country's behaviour. Inconsistent use of sticks and carrots may eventually lessen the EU's influence.

Paradoxically, the EU has been busy discussing how to augment its coercive capacity, by wielding military instruments. But simply increasing a potential capacity to use coercion does not mean the EU will be any more willing or able to do so. Nor is it clear that it should do so: military instruments may not be any more effective than the EU's other instruments.

### **The end of civilian power in Europe?**

Several observers have argued that civilian power is of limited utility in a world filled with leaders, groups and countries willing to use force to achieve their goals. For Michael Clarke, the Union's potential to encourage peaceful behaviour is limited to the long run, because 'economic interdependence, international institutionalism, and the incentive to join prosperous security communities are difficult to manipulate for the good in short-term crises.'<sup>78</sup>



The Community/EPC experience in Yugoslavia is often cited. It used several diplomatic instruments to try to solve the crisis and then employed the full gamut of negative economic measures against the former Yugoslavia, yet it could not coerce the parties into reaching an agreement.

Although the possibility of a WEU intervention was discussed, most Member States proved extremely reluctant to make use of military force. This, together with the fact that the WEU's operational capabilities continue to be extremely limited, seriously weakened the Member States' leverage over the warring parties and clearly illustrated the limits of 'civilian power' instruments such as diplomatic negotiations and trade sanctions.<sup>79</sup>

The 1996-1997 Intergovernmental Conference discussed various proposals to develop the EU's ability to respond to crises using armed force. Collective defence will remain NATO's primary responsibility, but the Amsterdam Treaty provides for closer EU-WEU institutional links, and for the possibility that all the Member States could participate in WEU-implemented humanitarian, peacekeeping, and crisis management operations. Even though the Amsterdam Treaty disappointed those who advocated an EU-WEU merger, the EU still seems to be heading towards an expansion of its military capabilities and the issue of a common defence policy remains on the agenda.

There are, however, several reasons to object to this move. It could raise 'jurisdictional' problems with NATO, which is even busier developing its peace-keeping and intervention capabilities.<sup>80</sup> It could also weaken the UN:

[I]t will presumably be the aim of members of the Union to support the peace-keeping role of the United Nations. To maintain an independent military peace-keeping force would cast doubt on this aim. And if the primacy of the United Nations' peace-keeping responsibility is recognized, it matters little whether the Community's contribution is made through national or Community contingents.<sup>81</sup>

More importantly, the assumption seems to be that if the EU can use force, its influence will increase: '[t]he Union's foreign policy suffers from its inability to project credible military force.'<sup>82</sup> Yet this assumption is based on an optimistic view of the utility and effectiveness of military force. As Ken Booth has argued:

In their instinct to 'do something', many people seem to have forgotten the limited utility of foreign forces in complex conflicts whose terrain features forests, mountains, cities and sanctuaries: Vietnam, Afghanistan, Beirut and Belfast. There is a dangerous over-confidence in military force in some quarters, which recent history does not support.<sup>83</sup>

It is by no means clear that military force can help resolve conflicts; there may be little that outsiders can, or should, do. Intervention in internal conflicts (even for humanitarian purposes) is simply not considered legitimate unless sanctioned by the UN. Given this, it would be better to concentrate on improving the UN's ability to intervene.

The EU's concentration on acquiring an intervention capability is also paradoxical in that states in practice have been hesitant to intervene at all in conflicts: witness the discussions over sending soldiers to Albania or Zaire, in 1996-1997. And assigning international forces tasks over and above protecting humanitarian deliveries is controversial.<sup>84</sup>

A civilian EU is preferred because 'security' in the post-Cold War world has acquired a much broader connotation than military security: threats to security within and between states arise from a variety of sources, including ethnic disputes, violations of human rights, and economic deprivation. And the EU is very well placed to address the long-term causes of insecurity. Mathias Jopp has argued, 'as many conflicts and tensions are rooted in political, social and economic instabilities, the Union is much better equipped than any other international organisation to address related problems.'<sup>85</sup> As Christopher Hill has written, 'Its comparative advantage is in the long-term effort to change the environments out of which crises tend to spring -- so as to inoculate against them.'<sup>86</sup>

The end of the civilian power image would entail giving up far too much for far too little. An EU intervention capability could be seen by outsiders as a step towards the creation of a superpower that uses military instruments to pursue its own interests. Of course, one could argue that based on its past record, the EU would probably not behave as the superpowers did during the Cold War. Nevertheless, it would signal the end of the EU's (potential or actual) contribution to a different kind of international relations, in which civilian instruments are wielded on behalf of a collectivity which had renounced the use of force among its members and encouraged others to do the same.<sup>87</sup>

## Conclusion

Rather than seeing military force as a panacea, the EU should re-examine the use of the instruments it has already. Removing the divisive issue of a common defence policy from the agenda could make way for such a re-appraisal. The division of competences between the Community and CFSP, and between the Union and the Member States, has been one of the obstacles to using the EU's

instruments; overcoming this division, however, requires Member State agreement. Clearly the way in which the EU is represented in international negotiations and organisations could be reformed. The barriers between the pillars could be smoothed. 'Global approaches' combining a variety of instruments, seem to be a promising strategy (in particular because they exploit the Union's strengths) and could be used more often. While employing coercion would still require Member State agreement - a greater capacity for policy analysis and planning (as provided for in the Amsterdam Treaty) could indicate when a stronger negative message should be sent.

More importantly, however, a re-evaluation of the EU's strengths would show that civilian power could be effective, providing the Member States are willing to cooperate on foreign policy issues. If they agree on common 'civilian' foreign policies, there are policy instruments available to implement them.



Notes:

<sup>1</sup> The Maastricht Treaty entered into force on 1 November 1993. It sets up a European Union consisting of three 'pillars'. The first pillar contains amendments to the three European Communities treaties (the European Coal and Steel Community, or ECSC; the European Economic Community, or EEC; and the European Atomic Energy Community, or Euratom). The CFSP provisions (the second pillar) replaced the framework for European Political Cooperation (EPC) as codified in Title III of the 1987 Single European Act. The third pillar provides for cooperation in justice and home affairs. The Maastricht Treaty renames the EEC as the European Community, but sometimes the term European Community implies all three European Communities, and sometimes it implies the Community **and** the member states acting within the bounds of EPC. In this paper, European Community refers to the old EEC; European Union refers to the collectivity (since 1993).

<sup>2</sup> At the time of writing, the Treaty had not yet been ratified, so reference to it is necessarily provisional.

<sup>3</sup> Hans van den Broek, 'Why Europe Needs a Common Foreign and Security Policy', *European Foreign Affairs Review* 1:1 (July 1996): 4.

<sup>4</sup> As Christopher Hill argued in 'The Capability-Expectations Gap, or Conceptualizing Europe's International Role,' *Journal of Common Market Studies* 31:2 (September 1993).

<sup>5</sup> David Baldwin, *Economic Statecraft* (Princeton: Princeton University Press, 1985): 8-9.

<sup>6</sup> The Amsterdam Treaty maintains the formal division between the two frameworks.

<sup>7</sup> For example, the pre-accession strategy for the Central and East European associates, approved by the Essen European Council in December 1994, mixes aid, economic cooperation, and political dialogue. This was not a CFSP decision. Other global approaches have been articulated first in CFSP (such as the 1994 common position on Rwanda). Under the Amsterdam Treaty, the European Council is to decide on 'common strategies', which could be a way to develop further global approaches.

<sup>8</sup> An enlarged EPC Secretariat was merged into the Council Secretariat, several EPC and Council working groups were combined, and the Council (rather than the ministers of foreign affairs meeting within EPC) is formally acknowledged as the primary decision-making body. The Amsterdam Treaty clarifies the procedure for funding the CFSP (which had been a major point of contention with the European Parliament after Maastricht).

<sup>9</sup> The Maastricht Treaty provided for qualified majority voting (QMV) to implement CFSP joint actions, but this first required a unanimous vote. Under the Amsterdam Treaty, member states can abstain from CFSP votes. QMV can be used to adopt joint actions and common positions that are part of a common strategy, or to implement joint actions or common positions. But a member state can oppose the use of QMV, and block decisions.

<sup>10</sup> Recent common positions, for example, announce economic sanctions; recent joint actions include sending election observers to third countries. The member states are to ensure that their policies conform to common positions and are bound to follow joint actions, a firmer obligation than hitherto recognised. The difference between common positions and joint actions in practice, though, has been obscure. The Amsterdam Treaty states that joint actions address specific situations where operational action by the EU is considered necessary, and common positions define the EU's approach to a particular matter. Both can be used to implement common strategies.

<sup>11</sup> See K.J. Holsti, *International Politics: A Framework for Analysis*, (Englewood Cliffs: Prentice-Hall, 1995).

<sup>12</sup> Shahram Chubin, 'US Policy Towards Iran Should Change - But It Probably Won't,' *Survival* 38:4 (Winter 1996-1997): 18.

<sup>13</sup> The ECSC and Euratom have similar powers, but only Euratom can conclude association agreements with third parties. D. Lasok and J.W. Bridge, *Law and Institutions of the European Communities* (London: Butterworths, 1991: 60-61. Under the Draft Treaty of Amsterdam, the Council can authorise the presidency to negotiate international agreements which fall within the CFSP framework; the Council would then conclude them unanimously.

<sup>14</sup> Because these agreements provide for trade concessions and economic cooperation, they will be covered under economic instruments - although they could be considered diplomatic instruments since they result from negotiation.

<sup>15</sup> The Commission's own delegations promote and protect the interests of the Communities and the member states; the presidency's representations in particular present the joint views of the member states and the Commission where competence is shared. Iain MacLeod, Ian Hendry, and Stephen Hyett, *The External Relations of the European Communities: A Manual of Law and Practice* (Oxford: Clarendon Press, 1996): 215-220.

<sup>16</sup> Robert MacLean, ed., *European Union Law Textbook* (London: HLT Publications, 1995): 195-196. The Amsterdam Treaty states that the Council could decide unanimously that the Community conclude international agreements on services and intellectual property, two areas excluded from the Common Commercial Policy.

<sup>17</sup> Joerg Monar, 'The Foreign Affairs System of the Maastricht Treaty: A Combined Assessment of the CFSP and EC External Relations Elements,' in *The Maastricht Treaty on European Union: Legal Complexity and Political Dynamic*, eds. Joerg Monar, Werner Ungerer, and Wolfgang Wessels (Brussels: European Interuniversity Press, 1993): 148.

<sup>18</sup> This was a compromise on a proposal for a 'Mr. or Ms. CFSP,' who would play an important role in formulating foreign policy and representing the EU.

<sup>19</sup> The CFSP provisions stipulate that the member states shall coordinate their action in



international organisations and at international conferences.

<sup>20</sup> The classic case here is the CSCE Helsinki Final Act negotiations (1973-1975): the Commission participated in the talks on East-West economic cooperation, but the Presidency signed the Final Act on behalf of the Community.

<sup>21</sup> Some seventy démarches on human rights were delivered in 1995. General Secretariat of the Council, 'Annual Memorandum to the European Parliament on the activities of the European Union in the field of human rights, 1995,' 19 June 1996.

<sup>22</sup> Over 100 statements are made yearly. See the list of CFSP statements made between November 1993 and March 1995 in Annex X (a), European Union - Council, *Report of the Council on the Functioning of the Treaty on European Union* (Luxembourg: OOPEC, 1995).

<sup>23</sup> In 1995, 12 common positions were adopted, half of which related to sanctions on Serbia/Montenegro.

<sup>24</sup> The Council president, Dutch Foreign Minister Hans Van Mierlo, visited Albanian President Sali Berisha in March 1997 to insist that a peaceful solution be found to the crisis there.

<sup>25</sup> In March 1997, for example, the EU member states jointly sponsored a UN Security Council resolution (vetoed by the US) condemning Israel's decision to construct new settlements outside Jerusalem. The member states regularly jointly propose resolutions on human rights in the context of the UN (Commission on Human Rights, Third Committee of the UN General Assembly).

<sup>26</sup> Under EPC, diplomatic sanctions were imposed against Libya and Syria (in 1986) and China (in 1989); under CFSP, diplomatic sanctions have been imposed on Nigeria (in December 1995) and Burma (in October 1996).

<sup>27</sup> See Simon Nuttall, *European Political Cooperation* (Oxford: Clarendon Press, 1992): 283-287, for an account of the origins of political dialogue.

<sup>28</sup> A list of the dialogues is in *Report of the Council on the Functioning of the Treaty on European Union*, pp. 94-100. The 1981 London Report stated that the Presidency could respond to requests from third countries for contacts, and organise meetings with the troika or in the margins of EPC ministerial meetings. SEA article 30(8) declares that the member states 'shall organise a political dialogue with third countries and regional groupings whenever they deem it necessary.' The proliferation of dialogues, however, increasingly strains the CFSP machinery, making less intense dialogues a necessity.

<sup>29</sup> One example is the San José dialogue with the Central American states, set up in 1985 to try to counterbalance (or mitigate) the US presence in the region. On the regional dialogues, see Elfriede Regelsberger, 'The Dialogue of the EC/Twelve with Other Regional Groups: A New European Identity in the International System?' in *Europe's Global Links: The European Community and Inter-Regional Cooperation*, eds. Geoffrey Edwards and Elfriede Regelsberger



(London: Pinter, 1990), and Jörg Monar, 'Political Dialogue with Third Countries and Regional Political Groupings: The Fifteen as an Attractive Interlocutor,' in *Foreign Policy of the European Union: From EPC to CFSP and Beyond*, eds. Elfriede Regelsberger, Philippe de Schoutheete de Tervarent, and Wolfgang Wessels (Boulder: Lynne Rienner, 1997).

<sup>30</sup> Examples include the 1980 Venice Declaration on the Middle East, and the 1981 proposal for an international conference on Afghanistan. In 1996, the EU appointed special envoys (in joint actions) to the Middle East and to the Great Lakes region in central Africa, to contribute to the peace processes there.

<sup>31</sup> See Barbara-Christine Ryba, 'La Politique Etrangère et de Sécurité Commune (PESC): Mode d'Emploi et Bilan d'une Année d'Application (fin 1993/1994),' *Revue du Marché Commun et de l'Union Européenne* 384 (January 1995): 28-39; *EU Bulletin* 7/8 (1994): 66. The administration was set up in a series of CFSP joint actions.

<sup>32</sup> The Commission, in a highly unusual (and perhaps exceptional) political role, has also mediated a dispute, in 1992-1993, between Slovakia and Hungary over the Gabčíkovo dam project on the Danube. See Gabriel Munuera, *Preventing Armed Conflict in Europe: Lessons from Recent Experience*, Chaillot Paper 15/16 (Paris: Western European Union Institute for Security Studies, 1994).

<sup>33</sup> Under article 112 (EEC), the member states are to harmonise their export credit systems, and the ECJ ruled in 1975 that export credits fall under EC competence, but the member states have resisted 'handing over' this instrument.

<sup>34</sup> In 1996, total Community expenditure was over ECU 83.5 billion; this figure represented 1.24% of Community GNP and 2.5 per cent of Member States' public expenditure. The European Development Fund, which provides assistance to 70 developing countries under the Lomé convention, is not included in the Community budget, but is counted in total expenditure. For 1996-2000, the Fund will amount to about ECU 13 billion. The 1996 budget was ECU 81.8 billion; ECU 4.7 billion was devoted to external action. See European Commission, *The Community Budget: The Facts in Figures* (Luxembourg: OOEPEC, 1996).

<sup>35</sup> Organisation for Economic Cooperation and Development, Development Assistance Committee, *European Community, Development Cooperation Review series* 12 (1996): 7.

<sup>36</sup> The difference between the three types of agreements is one of quality, from those that provide a legal framework only for trade to association agreements that set up a much closer relationship. Decisions on which type of agreement will be concluded with a particular country are, at base, political.

<sup>37</sup> The prospect of negotiating an agreement may form part of a policy decided in CFSP, however, as in the December 1993 joint action on South Africa (in *Official Journal* OJ: L 316 [17 December 1993]).

<sup>38</sup> Or 'third party': in February 1997, the EU signed a trade and cooperation agreement (with provisions for political dialogue) with the Palestinian Authority.

<sup>39</sup> Of course, the member states' willingness to let in imports also reflects the influence of domestic interests.

<sup>40</sup> Regulation no. 3281/94, in OJ:L 348 (31 December 1994). The GSP offers developing countries tariff reductions for their manufactured exports and some agricultural exports to the EU.

<sup>41</sup> Before 1991, the Community often claimed that its aid to developing countries was non-political. In November 1991, the Council introduced human rights as an element in its relations with developing countries. Declaration on Human Rights, Democracy and Development, *EC Bulletin* 11 (1991): 2.3.1.

<sup>42</sup> In 1996, the budget for such projects amounted to ECU 80.2 million, which was only a small part of the external action budget (ECU 4.7 billion).

<sup>43</sup> European Investment Bank loans have been envisaged by the Community's agreements with third states. Euratom and ECSC loans are currently available for Central and East European countries and the EU has given macro-financial support to countries experiencing balance of payments problems.

<sup>44</sup> Simon Nuttall, 'The Institutional Network and the Instruments of Action,' in *Toward Political Union: Planning a Common Foreign and Security Policy in the European Community*, ed. Reinhardt Rummel (Baden-Baden: Nomos Verlagsgesellschaft, 1992): 75-77.

<sup>45</sup> Martin Holland, 'Sanctions as an EPC Instrument,' in *The Future of European Political Cooperation: Essays on Theory and Practice*, ed. Martin Holland (London: Macmillan, 1991): 189-190. The UK thus felt it could ignore the decision and unilaterally lifted the ban in February 1990.

<sup>46</sup> See Iain MacLeod, Ian Hendry, and Stephen Hyett, *The External Relations of the European Communities: A Manual of Law and Practice* (Oxford: Clarendon Press, 1996): 352-366, and Marc Vaucher, 'L'Evolution Récente de la Pratique des Sanctions Communautaires à l'Encontre des Etats Tiers,' *Revue Trimestrielle de Droit Européen*. 29:1 (January-March 1993).

<sup>47</sup> A member state could still take unilateral measures under article 73g, unless the Council decides, by qualified majority vote, that the member state should abolish them. See Iain MacLeod, Ian Hendry, and Stephen Hyett, *The External Relations of the European Communities: A Manual of Law and Practice* (Oxford: Clarendon Press, 1996): 354-356.

<sup>48</sup> Decisions to delay agreements have been taken by the Council, Commission and European Parliament (EP). The EP has used its assent powers under the SEA to delay agreements with third countries because it disapproves of their human rights situations. It has blocked financial protocols or aid agreements with Syria, Israel, and Turkey, for example.

<sup>49</sup> Such provisions were included in the Lomé IV agreement, following the mid-term review in



1995. See the Commission communications: 'On the Inclusion of Respect for Democratic Principles and Human Rights in Agreements between the Community and Third Countries', COM (95) 216 final, 23 May 1995, and 'The European Union and the External Dimension of Human Rights Policy: From Rome to Maastricht and Beyond,' COM (95) 567 final (22 November 1995). Without the human rights clause, suspension or denunciation of agreements would have to be justified on other grounds, and in accordance with the provisions of the agreements themselves and international law on treaties. These considerations contributed to the 1991 decision not to denounce the Lomé convention with respect to Haiti (following a coup d'etat) or to impose trade sanctions (which would have violated the Lomé convention). See Pieter Jan Kuyper, 'Trade Sanctions, Security and Human Rights and Commercial Policy,' in *The European Community's Commercial Policy after 1992: The Legal Dimension*, ed. Marc Maresceau (Dordrecht: Martinus Nijhoff, 1993): 405-421.

<sup>50</sup> On 24 March 1997, the Council suspended GSP for Burma because of the widespread use of forced labour there.

<sup>51</sup> Marc Vaucher, 'L'Evolution Récente de la Pratique des Sanctions Communautaires à l'Encontre des Etats Tiers,' *Revue Trimestrielle de Droit Européen*. 29:1 (January-March 1993): 48-49.

<sup>52</sup> See Demetrios James Marantis, 'Human Rights, Democracy, and Development: The European Community Model,' *Harvard Human Rights Journal* 7 (Spring 1994): 23. Some of these decisions were first taken in EPC (Zaire), others were first taken by the Commission (Malawi, Sudan). Commission, 'Rapport sur la mise en oeuvre de la resolution du Conseil et de ses Etats Membres sur les droits de l'homme, la democratie et le developpement du 28 novembre 1991,' SEC(92) 1915 final, (21 October 1992).

<sup>53</sup> In EPC, member states imposed arms embargoes on South Africa and China. Two recent CFSP common positions impose arms embargoes on Sudan (15 March 1994, in OJ L 75 of 17 March 1994) and Afghanistan (17 December 1996, in OJ L 342 of 31 December 1996). While the common position on Sudan specifies that the member states are to take the necessary steps to apply the embargo, that on Afghanistan merely states that an arms embargo shall be imposed.

<sup>54</sup> The WEU coordinated its members' naval forces in the Gulf War. In September 1991, the EC foreign ministers asked the WEU to draw up plans to send a peacekeeping force to Yugoslavia, although no action was taken on this. The WEU participated in the monitoring of the embargo against Serbia/Montenegro on the Danube river and in the Adriatic sea.

<sup>55</sup> See Mathias Jopp, 'The Defense Dimension of the European Union: The Role and Performance of the WEU,' in *Foreign Policy of the European Union: From EPC to CFSP and Beyond*, eds. Elfriede Regelsberger, Philippe de Schoutheete de Tervarent, and Wolfgang Wessels (Boulder: Lynne Rienner, 1997).. In late November 1996, the EU Council requested the WEU to examine how it could contribute to a joint action to enable the delivery of humanitarian aid to eastern Zaire and facilitate the return of Rwandan refugees (in OJ L 312, 2 December 1996). But the potential intervening states then decided not to intervene, as the refugees were returning to Rwanda anyway.

<sup>56</sup> These are the 'Petersberg tasks', which were set out in the WEU Council of Ministers' Petersberg (Bonn) Declaration of 19 June 1992.

<sup>57</sup> Even the neutral member states supported this. See the memorandum from Finland and Sweden, 'The IGC and the Security and Defence Dimension: Towards an Enhanced EU Role in Crisis Management', 25 April 1996.

<sup>58</sup> K.J. Holsti, *International Politics: A Framework for Analysis*, (Englewood Cliffs: Prentice-Hall, 1995):125-126.

<sup>59</sup> The EU may nonetheless resemble more closely Christopher Hill's 'power bloc model' of European foreign policy (according to which the EU uses its economic strength for political purposes) than it does the 'civilian model' (relying primarily on persuasion and negotiation). Christopher Hill, 'European Foreign Policy: Power Bloc, Civilian Model - or Flop?' in *The Evolution of an International Actor: Western Europe's New Assertiveness* ed. Reinhardt Rummel (Boulder: Westview, 1990).

<sup>60</sup> With respect to human rights and democracy, positive, rather than negative, conditionality is clearly emphasised. The November 1991 Declaration on Human Rights, Democracy and Development states that the Community 'will give high priority to a positive approach that stimulates respect for human rights and encourages democracy', but will consider appropriate responses in the event of grave and persistent human rights violations. *EC Bulletin* 11 (1991): 2.3.1.

<sup>61</sup> Common Position on Cuba, in OJ L 322 (12 December 1996).

<sup>62</sup> This even though member states could escape individual responsibility for breaking off relations. In addition, 'multilateral' conditionality (which can entail applying sanctions) as applied by the EU may be considered more acceptable and legitimate than conditionality applied by a single state. But the new human rights clauses, for example, state that the priority is to keep agreements operational wherever possible.

<sup>63</sup> See Annex IX in *Report of the Council on the functioning of the Treaty on European Union*, on implementation of UN Security Council resolutions on sanctions and acts based on article 228a. The first time a Community agreement was denounced was on 25 November 1991, when the Council denounced the cooperation agreement with Yugoslavia (part of a sanctions package). Marc Vaucher, 'L'Evolution Récente de la Pratique des Sanctions Communautaires à l'Encontre des Etats Tiers,' *Revue Trimestrielle de Droit Européen*. 29:1 (January-March 1993): 45-47.

<sup>64</sup> Common Position on East Timor, in OJ L 168 (6 July 1996). Likewise, the 1977 Community Code of Conduct on South Africa was a set of voluntary guidelines for EC firms with subsidiaries operating in South Africa, providing for higher levels of pay and fringe benefits for black workers. But less than 200,000 workers benefited from the Code and it could be considered a cover for inaction on sanctions. Martin Holland, *The European Union's Common Foreign and Security Policy* (Europa Institute, University of Basel, Working Paper no 3, 1994): 11.



<sup>65</sup> *Ibid.*

<sup>66</sup> See Steven Weber, 'European Union Conditionality,' in *Politics and Institutions in an Integrated Europe*, eds. Barry Eichengreen, Jeffrey Frieden, and Jürgen von Hagen (Berlin: Springer, 1995): 208-209. Indeed, in April 1997, several EU member states refused to support a resolution condemning China in the UN Commission on Human Rights, which had been jointly supported by the member states every year since 1989. They were more interested in smoothing relations and concluding important commercial deals with the country.

<sup>67</sup> Simon Nuttall, *European Political Cooperation* (Oxford: Clarendon Press, 1992): 307.

<sup>68</sup> Jean-Claude Pomonti, 'La Birmanie reste un sujet de désaccord euro-asiatique,' *Le Monde*, (18 February 1997).

<sup>69</sup> See 'Two-faced', *The Economist* (26 October 1996).

<sup>70</sup> See Beverly Crawford, 'The Roots of European Self-Assertion in East-West Trade,' in *The New Europe Asserts Itself: A Changing Role in International Relations*, eds. Beverly Crawford and Peter W. Schulze (Berkeley: University of California, 1990).

<sup>71</sup> Jan Zielonka, 'Introduction: Eastern Europe in Transition,' in *After the Revolutions: East-West Trade and Technology Transfer in the 1990s*, eds. Gary K. Bertsch, Heinrich Vogel, and Jan Zielonka (Boulder: Westview, 1991): 2-4. They have also been labelled 'asphyxiation' (blocking economic flows inhibits or halts bad behaviour) and 'oxygen' (economic activity leads to positive political consequences). See Franklin L. Lavin, 'Asphyxiation or Oxygen? The Sanctions Dilemma,' *Foreign Policy* 104 (Fall 1996).

<sup>72</sup> See Andrew Marshall, 'EU Ponders the Russian Riddle,' *The Independent* (18 March 1996).

<sup>73</sup> In April 1997, the EU suspended the critical dialogue with Iran, after a German court found that the Iranian regime had ordered the 1992 assassination of four opposition members in Berlin.

<sup>74</sup> Fawaz A. Gerges, 'Washington's Misguided Iran Policy,' *Survival* 38:4 (Winter 1996-1997): 10-11.

<sup>75</sup> 'A Frozen Approach to Cuba,' *The New York Times* (10 January 1997).

<sup>76</sup> Mouna Naïm, 'La dialogue avec l'Europe n'a pas amélioré la situation des droits de l'homme en Iran,' *Le Monde* (10-11 November 1996). The EU did manage to get Iran to promise not to encourage anyone to murder writer Salman Rushdie, but the promise is not in writing and there is still a bounty on Rushdie's head. 'Taking on the Mullahs,' *The Economist* (18 January 1997).

<sup>77</sup> A former CIA director criticises the 'Franco-German' approach to 'wink at Tehran's support for terrorism and rationalise, in effect, appeasement of it.' R. James Woolsey, 'Appeasement Will Only Encourage Iran,' *Survival* 38:4 (Winter 1996-1997): 19.

<sup>78</sup> Michael Clarke, 'Future Security Threats and Challenges,' in *The European Union's Common Foreign and Security Policy: The Challenges of the Future*, eds. Spyros A. Pappas and Sophie Vanhoonacker (Maastricht: European Institute of Public Administration, 1996): 66. Another observer argues: 'Si l'Union souhaite prendre au sérieux son aspiration, inscrite dans le traité sur l'UE, de jouer un rôle significatif sur la scène internationale permettant de prévenir et d'agir, notre conviction est qu'elle n'aura pas d'autre choix que de se doter d'une défense européenne.' See Barbara-Christine Ryba, 'La Politique Etrangère et de Sécurité Commune (PESC): Mode d'Emploi et Bilan d'une Année d'Application (fin 1993/1994),' *Revue du Marché Commun et de l'Union Européenne* 384 (January 1995): 28-39; *EU Bulletin* 7/8 (1994): 35.

<sup>79</sup> Spyros A. Pappas and Sophie Vanhoonacker, 'CFSP and 1996: A New Intergovernmental Conference, an Old Debate?' in *The European Union's Common Foreign and Security Policy: The Challenges of the Future*, eds. Spyros A. Pappas and Sophie Vanhoonacker (Maastricht: European Institute of Public Administration, 1996): 5.

<sup>80</sup> It should be noted that it is not clear where either the EU or NATO will intervene in the future. In conflicts in the former Soviet Union? Given Russia's propensity to act alone there, this does not seem likely. In Africa? This would counter the recent attempts to build African peacekeeping forces and could raise concerns about neo-colonialism. Elsewhere in the world, Latin America and Asia, seems even less likely. Central and Eastern Europe, for the moment at least, fortunately does not appear a likely target for intervention. That leaves the Balkans, but neither the EU nor NATO intervened in Albania (leaving the job of 'humanitarian intervention' to an Italian-led ad hoc force), for example.

<sup>81</sup> Simon J. Nuttall, 'The Foreign and Security Policy Provisions of the Maastricht Treaty: Their Potential for the Future,' in *The Maastricht Treaty on European Union: Legal Complexity and Political Dynamic*, eds. Joerg Monar, Werner Ungerer, and Wolfgang Wessels (Brussels: European Interuniversity Press, 1993): 136.

<sup>82</sup> European Commission, 'Reinforcing Political Union and Preparing for Enlargement', COM(96) 90 final (28 February 1996): 13.

<sup>83</sup> Ken Booth, 'Military Intervention: Duty and Prudence,' in *Military Intervention in European Conflicts*, ed. Lawrence Freedman (Oxford: Blackwell, 1994): 67.

<sup>84</sup> The mission to Albania is an example: the UN mandate excluded the disarming of the population, even though this is a major security concern.

<sup>85</sup> Mathias Jopp, *The Strategic Implications of European Integration*, Adelphi Paper no. 290 (London: Brassey's, 1994): 67.

<sup>86</sup> Christopher Hill, 'EPC's Performance in Crises,' in *Toward Political Union: Planning a Common Foreign and Security Policy in the European Community*, ed. Reinhardt Rummel (Baden-Baden: Nomos Verlagsgesellschaft, 1992): 149.

<sup>87</sup> François Duchêne argued in favour of a civilian power Community well over 20 years ago. 'The European Community and the Uncertainties of Interdependence,' in *A Nation Writ Large? Foreign-Policy Problems before the European Community* eds. Max Kohnstamm and Wolfgang Hager (London: Macmillan, 1973).







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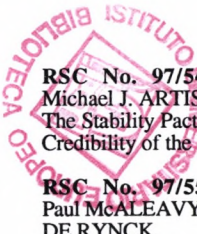
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