

DRAFT -- WORK IN PROGRESS

PLEASE DO NOT QUOTE WITHOUT PERMISSION

COMMENTS WELCOME

**THE AMSTERDAM CFSP COMPONENTS: A LOWEST COMMON DENOMINATOR
AGREEMENT?**

By

Stephanie B. Anderson
Assistant Professor of Government
Bentley College
175 Forest Street
Waltham, MA 02452-4705
sanderson@bentley.edu

Special thanks to Linda Woolley and Melissa Yahre for their assistance.

As an attempt to assert its identity on the world scene, the member states of the, then, European Community negotiated and established a common foreign and security policy (CFSP) in December 1991. However, although the member states were in agreement on the necessity of such an institution, they could not agree on many of the 'details' including whether or not it should include a common defense. After a year and a half of exhausting negotiations, rather than resolve all the issues then, the then Twelve decided to put off many of the final decisions until Finland, Sweden and Austria joined in 1995 and the next intergovernmental conference (IGC) in 1996.

The CFSP has many deficiencies that have led to embarrassments on the world stage, especially during the Yugoslav crisis, specifically: 1) loopholes in the CFSP components that allow member states to deviate from EU foreign policy directives; 2) lack of funds and materiel rendering the Western European Union, the proposed EU defense arm, almost powerless; and 3) an almost debilitating dispute over who is to exercise power of the purse over the CFSP -- the member states or the Commission. Although high on the 1996 IGC agenda, the deepening of integration in the security sphere, needed to rectify many of the deficiencies of the present CFSP, will be a daunting challenge because of the continuing Atlanticist - Integrationist split among member states and the inclusion of three new neutral countries in the new negotiations.

The CFSP was a great accomplishment for the EU member states, yet disagreements between the "Atlanticists" and the "Integrationists" resulted in weak foreign and security policy components. Their flaws became especially obvious during the Yugoslav crisis. Even after the installation of the CFSP in November of 1993, the EU made little impact on the Yugoslav crisis. The lack of political will among EU member states has been so striking that many European government leaders realized the weakness of the European Union as an international actor and turned to the United States for leadership.

Even on foreign policy issues less divisive than Yugoslavia, the CFSP has had little impact. The first five tasks undertaken by the CFSP, “support for the Middle East peace process, the Balladur stability pact, efforts to end war in former Yugoslavia, help in monitoring elections in Russia and South Africa -- were picked for convenience and topicality.” Even External Political Affairs Commissioner Hans van den Broek had to admit: “This policy is in its infancy and so far has registered only partial success.”¹

Starting in 1995, reflections groups and independent expert groups began assessing the CFSP. On January 27th, 1995, at the request of Hans van den Broek, the European Commissioner for External Relations, an independent group of experts drew up a report entitled “European security policy in the run-up to 2000”. They concluded “The Common Foreign and Security Policy (including defence) has so far been a hazy, imprecise objective. It must be transformed into a specific goal, broken down into successive detailed targets backed up by a firm timetable and objective conditions for participation.”² The Yugoslav crisis was a case in point. The EU had been unable to keep a united front when it came to recognition or to military action.³ The 1996 IGC had to repair the rifts and bolster the supports to make the CFSP a viable foreign and security policy machine.

The ‘new and improved’ CFSP has also been criticized as a weak foreign policy organ. This paper seeks to examine how the revamped CFSP components came into being by investigating the interstate negotiations behind them. Are they weak, and if so is it because they were the product of a

¹ Stephen Nisbet, “Commission Looks For Better Days On CFSP” *Reuters* June 17, 1994. ² “Scathing Report from Independent Experts of Foreign and Security Policy” *European Insight*, 3 February 1995.

³ For more information, see me.

lowest common denominator agreement among the Fifteen? Is Liberal Intergovernmentalism a useful tool in understanding these security components?

As Haas rightly pointed out, the elites make the decisions about European integration because non-elites do not have the information on which to base rational decisions.⁴ However, the elites are not unfettered in their decision-making. They are elected to their positions by the general electorate, and will be voted out of power unless they procure the public's support for their policies. Therefore, policy is partly determined by what is politically acceptable to the public, parties and the different interest groups which lobby the government. Although the international structure and institutional momentum may spur the movement towards a common security policy, actual CFSP formation is a product of the domestic manufacturing of palatable policy options and the reconciling of the fifteen different policy options with the others during a negotiation process.

Liberal Intergovernmentalism

One of the most recent additions to the theoretical frameworks developed to explain Community behavior is intergovernmental institutionalism, later refined into liberal intergovernmentalism.⁵ Its concept

⁴Ernst Haas, *The Uniting of Europe* (Stanford: Stanford University Press, 1958), 18.

⁵Andrew Moravcsik, 'Negotiating the Single European Act,' in *The New European Community*, eds. Robert Keohane and Stanley Hoffmann (Boulder, CO: Westview Press, 1991), and Andrew Moravcsik, 'Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach,' *Journal of Common Market Studies* 31 (December 1993).

of 'pooling of sovereignty'⁶ describes the process by which the member states transfer sovereignty to the European Community, for example, in the area of trade policy, but where the member states remain the primary participants in the decision-making process. Although the member states give up their exclusive decision-making power in an area, they still retain influence and real power in the formation of the joint policy in the central institutions through the use of vetoes, bargaining, and negotiation.

As Andrew Moravcsik describes it, intergovernmental institutionalism is an alternative approach to explaining European Community success stories. It stresses the

central importance of power and interest, with the latter not simply dictated by position in the international system.... Intergovernmental institutionalism is based on three principles: intergovernmentalism, lowest-common-denominator bargaining, and strict limits on future transfers of sovereignty.⁷

In intergovernmental institutionalism, intensified cooperation and integration in the European Community are not based on the gradual expansion of the power of the central authority through the 'spill-over' of certain tasks into adjacent issue areas as the neo-functionalist imperative would argue. Intergovernmental institutionalism is radically contractarian. The theory argues that any transfer of authority to the center is the result of painstaking negotiations based on a compromise struck between the major powers. Small countries, when they protest, are bought off or given special exemptions. Where the national interests of

⁶ See Roy H. Ginsberg, *Foreign Policy Actions of the European Community: The Politics of Scale* (Boulder, CO: Lynne Rienner Publishers, 1989), Robert Keohane and Stanley Hoffmann, *The New European Community* (Boulder, CO: Westview Press, 1991), especially 10, and Andrew Moravcsik, (1993): 517.

⁷Moravcsik, (1991), 46.

the major powers dovetail is the only area where authority will be transferred to the center. Only unanimous agreement can alter the contract at a future date.

The concept of pooling sovereignty aids the intergovernmental institutionalist in understanding the member states' transfer of power to the center. Neo-functionalism has little trouble with the concept as it sees sovereignty as a factor in the efficient performance of tasks. As sovereignty is not a crucial determinant of a state's external identity, it can be divided and parts of it transferred from one organizational level to another, for example from the national to the supranational level. Intergovernmentalists disagree seeing sovereignty as an intrinsic part of statehood and therefore non-negotiable. Intergovernmental institutionalism takes a middle of the road approach seeing the EC as a way of pooling sovereignty rather than actually transferring sovereignty into the hands of another separate organization.

Moravcsik further refined his theory of intergovernmentalism into a variant he called liberal intergovernmentalism because it incorporates a pluralist view of domestic policy formation. In liberal intergovernmental institutionalism, domestic political systems, political parties, and interest groups determine national preferences rather than a national interest entirely determined by the international system as in neo-realism. These preferences are not static; they can be further modified by the pressures of international negotiations. Ultimately, the government is a mediator between what the different interest groups demand in terms of policy and what the international system can supply. The following figure shows the forces at play in the Liberal Institutional framework.

Table 1: The Liberal Intergovernmentalist Framework of Analysis⁸

<u>Liberal Theories</u>		<u>Intergovernmentalist Theories</u>	
(International demand for outcomes)		(International supply of outcomes)	
Underlying societal factors: pressure from domestic societal actors as represented in political institutions		Underlying political factors: intensity of national preferences; alternative coalitions; available issue linkages	
NATIONAL PREFERENCE FORMATION	---> configuration of state preferences	INTERSTATE NEGOTIATION	---> OUTCOMES

How states integrate

Liberal intergovernmentalism consists of three essential elements, namely, 'the assumption of rational state behavior, a liberal theory of national preference formation, and an intergovernmental analysis of interstate negotiations.'⁹ There are two levels to this analysis: 1) formation of the domestic national interest; and 2) interstate interaction of the different members states, and the effect of political pressures from the interaction on the national interests. The foreign policy outcomes are dependent on these two

⁸From Moravcsik, (1993): 482.

⁹Moravcsik, (1993): 480.

stages.¹⁰ Ultimately, the governments are mediators between the demand for certain policies from domestic public pressure and the supply offered by the international actors and environment.

According to Moravcsik, the government is, for the most part, unfettered in its making of national preferences for security policy. Except where implications are calculable (e.g. conscription), pressure from public interests groups is usually minimal. Government policy in the security sphere is mostly constrained by public or elite opinion. 'The more general and less predictable the implications of decision on the relative power of institutions, the larger the space for leading politicians and partisan elites to act on the basis of ideological predilections.'¹¹ Although there may be pressure from different parts of the government, liberal intergovernmentalism predicts that 'on questions of European institutions and common foreign policy, [the positions of governments will] ... reflect the ideologies and personal commitments of leading executive and parliamentary politicians....'

Although there may be some broad consensus on certain issues, the different national preferences are reconciled in the negotiations process. The different national preferences define the negotiations and the negotiations, in turn, affect the national preferences. The negotiations are determined by the bargaining power of the individual states. As Moravcsik explains

theories of bargaining and negotiation suggest three likely determinants of interstate bargaining power under such circumstances: (1) unilateral policy alternatives ('threats of non-agreement'); (2) alternative coalitions ('threats of exclusion'); and (3) the potential for compromise and linkage.¹²

¹⁰Ibid., 481.

¹¹Ibid., 495.

¹²Ibid., 499.

The first refers to a state's threatening not to agree. In order for the threat to be credible, the state must have a viable alternative. The more attractive a state's alternative, even if that be the *status quo*, the more leverage the state will have in the negotiations. The second is the first in reverse, the threat of excluding the recalcitrant state from the new arrangement which may cost that member dearly. The compromise between the parties will be between the unilateral and coalitions alternatives. Where exactly this agreement will occur will depend on how easily side payments (compensation) or linkages to other issues can be made.

Such an understanding of how integration is based on interstate bargains and how these bargains are, in turn, based on the domestic formation of national preferences explains why European integration has taken place in fits and starts. First, the context for integration must be conducive for such cooperation and the member states have a broad consensus that integration is beneficial for them. Within this broad consensus, a specific compromise must be found between the different national positions on the issues at hand which are usually defined by the lowest common denominator agreements. Therefore, despite any evolutionary pressure on the member states from external factors or through spill-over, EC integration is characterized by fits and starts. Integration is only as successful as the agreement negotiated by the member states. During the negotiations, states protect their sovereignty and put strict limits on any future transfer of sovereignty giving the impression of 'two steps forward, one step back' progress on the path to an 'ever closer union.'

Uncovering the domestic reasons for state interests and state behavior provides a more in-depth and complex understanding of CFSP formation. Each country could only agree to terms in the negotiations that would be palatable to the majority of domestic factions at home. Moravcsik argued that the largest and

most important countries ordinarily dominate Community negotiations, especially in intergovernmental conferences. Such was the case with the CFSP negotiations.

As during the Maastricht CFSP negotiations, the three main players during the Amsterdam negotiations were France, Germany and the United Kingdom as they are the three that are most active in world affairs, and are the military and/or economic powerhouses within the EU. Although President Jacques Chirac had undoubtedly the most autonomy and leeway in his foreign and security policy compared to his counterparts because of France's semi-presidential system, as had Mitterrand during the Maastricht negotiations, Chirac had to be careful to maintain equality in its relationship with Germany and not to allow France or the EU to overrun by NATO to maintain France's appearance of grandeur and to maintain support of the French people for European integration. During the run-up to the Amsterdam IGC in 1995 in the UK, the ruling Conservative party was still in power for which European integration was a potentially divisive question. Prime Minister John Major promised to be at the 'heart of Europe' and yet as Mrs. Thatcher's successor, he inherited her less cooperative legacy on Europe. Discussion of an issue as sensitive as security meant that Major had to negotiate with care. The CFSP components resulted in a lowest common denominator agreement of what was politically palatable for the big three.

The other countries can be divided into two different categories: 1) the integrationists including the Benelux and Italy whose ruling parties or coalitions, for the most part, supported security integration and federalism; 2) the neutral who, like the UK, but for different reasons, were suspicious of the EU's incursion into security and defense.

National Preference Formation and the Demand for Integration in the Security Sphere

As during the Maastricht negotiations, support for a common foreign and security policy among Europeans in general was high even if most Europeans had not heard of the IGC.¹³ After the failure of the EC to make an impact during the Gulf War, public support went up in every member state for a common European security policy and stayed there. Before the Gulf War in December 1989, only 36 percent of the EC public said that 'the European Community should make decisions about the security of Western Europe in the future.' However, in autumn of 1990, after Saddam Hussein's invasion of Kuwait, 61 percent of EC citizens wanted the EC to speed up political, financial and monetary integration to deal more effectively with such crises -- almost double the figure one year earlier. By the spring of 1991, this figure had increased to 64 percent. Similarly, in autumn 1990, 50 percent of EC citizens supported the establishment of a common military interventions force. After the Gulf War, this number had increased to 61 percent. By the spring, 75 percent supported a common foreign policy for the EC.¹⁴ In 1996, 71 percent of Europeans agreed that the Union should have a common foreign and security policy. Only in Finland, did a minority of those polled support the CFSP (49 percent). In all other countries, including normally recalcitrant member states such as the United Kingdom and Denmark (54 and 55 percent respectively) a majority of those polled supported the CFSP. With regards to a common defense policy, the numbers were even higher with 81 percent of Europeans in favor. The numbers are staggering with 60 percent in favor in Denmark, 74 percent in Britain, 81 percent in Germany, and a whopping 89 percent in France.¹⁵

¹³ On average, 15 percent of Europeans had heard of the IGC in February 1996. *Agence Europe*, 28 March 1996.

¹⁴ *Eurobarometer* 35 (June 1991): 27-29.

¹⁵ *Agence Europe*, 28 March 1996. Nevertheless, 71 percent of respondents considered treaty reform important.

Despite a broad consensus that 'something had to be done,' each country's government had its own view of just how security policy should be dealt with within the context of the EU. The following table shows the different positions of the member states; the following section elaborates on the sources of those positions. "Single Institutional Framework" questions the usefulness of having a second pillar where foreign and security policy fall outside the Community framework. To decrease the democratic deficit by increasing Commission and European Parliament involvement, many countries supported incorporating the CFSP into the first pillar, or at least increasing cooperation between the two pillars so the Community's external policy could be coordinated with the CFSP. "Qualified Majority Voting" deals with the issue of whether to extend the usage of QMV or to allow consensus to be the general rule as it was decided under Maastricht. Finally, "Common Defence" asks whether the EU should unequivocally state its intentions to develop a common defense often to safeguard the EU's territory (under Maastricht, the member states could only agree to "a common defense policy that might in time lead to a common defense") and as a first step merge the WEU with the EU.

TABLE 2
ORIGINAL POSITIONS OF THE MEMBER STATES AS OF 1995 ON KEY ASPECTS OF THE CFSP

MEMBER STATE	SINGLE INSTITUTIONAL FRAMEWORK?	QUALIFIED MAJORITY VOTING?	INCLUDE DEFENCE?
AUSTRIA	Yes	Yes	Yes
BELGIUM	Yes	Yes	Yes
DENMARK	No	No	No
FINLAND	No	No	No
FRANCE	No	No	Yes

GERMANY	Yes	Yes	Yes
GREECE	Yes	No	Yes
IRELAND	No	No	Yes, if defined properly and if Irish neutrality were not compromised
ITALY	No	Yes	Yes
LUXEMBOURG	Yes, in principle, but convinced would not pass and therefore supported the status quo.	Yes.	For the time being no.
NETHERLANDS	Yes, but long term option.	Yes	Yes, but security guarantees are left to NATO.
PORTUGAL	No	Yes	Gradually yes, but keeping NATO as principal element in European defense.
SPAIN	No	Yes on foreign policy. No on security and defense.	Yes
SWEDEN	No	Possibly on certain issues	No

UNITED KINGDOM	No	No	No
---------------------------	----	----	----

For Moravcsik, the government and its head (head of state in the case of France) had a great deal of autonomy in the formulation of foreign and security policy.¹⁶ Ultimately, a country's position was determined by the political ideology of the leader and by what was politically acceptable to the political parties and the people. It is important to note that none of the governments had consistent or coherent positions throughout the negotiations. In many cases, even when foreign, defence, and prime ministers were of the same political party, they had different positions. Each country went into the negotiations with different interests and priorities; each country would also have to submit the same negotiated agreement to the parliament and sometimes to the people for ratification. Therefore, each government was constrained during the negotiations by domestic opinion. However, as shown above, most Europeans strongly supported strengthening the CFSP.

Germany

The German constitution gives the Chancellor a great deal of strength and independence in his foreign and security policy choices. Chancellor Kohl had a significant amount of leeway to follow his own integrationist leanings during the run-up to Amsterdam. Kohl's main goals were to reduce the democratic deficit in the EU, to secure a political union comparable to the economic and monetary union, and to get

¹⁶Moravcsik (1993), 494.

France to agree to a less intergovernmental CFSP which was not very palatable to Mitterrand's successor, Jacques Chirac, a Gaullist.

German unification reinforced the need for Germany to integrate itself in the European Union to allay fears (especially in France) that the newly enlarged Germany would become a Fourth Reich. The German government, therefore, had to encourage the formation of a European security identity where Germany's military policy would be firmly anchored. Germany also had to reassure the United States that Germany would also continue to be an active supporter of the Atlantic Alliance. Therefore, the German government also had to be careful that any moves for a European security identity did not undermine NATO.

During the Amsterdam negotiations, in his 14th year in power, Chancellor Helmut Kohl saw himself increasingly as the "last European". With Mitterrand's passing and a younger generation of politicians taking power throughout Europe with little memory of World War II, Kohl warned the public that "should Europe spurn his vision of a federalised political union, ... the continent is doomed to return to its ugly historical alter ego – nationalism, protectionism, destructive balance of power politics, resulting in trade wars and perhaps real wars."¹⁷ He and his party advocated developing and including the CFSP in the Community framework, more qualified majority voting, and the merging of the EU and WEU for both a common defense policy and a common arms market. Above all, the Franco-German cooperation would

¹⁷ Ian Traynor and Martin Kettle, "EU: Going Overboard – Kohl's EU-Unity-or-War Speech" *The Guardian* 6 February 1996, p. 13.

be the basis for all agreements. The CDU/CSU led *Bundestag* was in agreement with the SPD led *Bundesrat* on the issue of CFSP.¹⁸

France

The French have largely followed the same foreign policy and security goals since the inception of the Fifth Republic: 1) an independent French foreign and security policy with an independent nuclear force; and 2) a 'Europe des parties' where France would participate in a Europe that stressed intergovernmental cooperation over integration with supranational characteristics.¹⁹ German unification complicated these goals. In light of the Franco-German relationship and European unification, traditional balance of power tactics to counter Germany's new strength seemed inappropriate and ineffective. During the Maastricht negotiations, although initially reluctant to support German unification, Mitterrand soon changed his tack and supported it if done in the context of European integration. Integrating Germany further into the fabric of the EU was seen as guarding against a resurgence of German power. However, further integration and a CFSP would also infringe upon France's long established goals for an independent

¹⁸ See the "Manifesto of the CDU/CSU Group in the *Bundestag* of 1 September 1994" and the "Discussion paper on strengthening the European Union's ability to act in the field of the CFSP on 13 June 1995" and "Basic Positions of the German *Laender*" in *White Paper on the 1996 Intergovernmental Conference, Volume II: Summary of Positions of the Member States of the European Union with a view to the 1996 Intergovernmental Conference*, European Parliament Intergovernmental Conference Task Force, <http://www.europa.eu.int/en/agenda/igc-home/ms-doc/state-de/pos.htm>.

¹⁹ Stanley Hoffmann, 'French Dilemmas and Strategies in the New Europe,' in *The Cold War and After*, eds. Robert Keohane, Joseph Nye, and Stanley Hoffmann (Cambridge: Harvard University Press, 1993), 128-9.

security policy and an intergovernmental Europe making such a policy unpopular with many in the National Assembly.²⁰

France's half presidential/ half parliamentary system²¹ gives the President much greater autonomy and authority over foreign and security policy than other government leaders. The French president is not directly responsible to the National Assembly, but rather to the French people. President Chirac's views are strongly Gaullist. According to Pierre Lallouche, advisor to Jacques Chirac, leader of the RPR,

France has no choice but to develop the necessary protection of its nuclear assets in Europe and the transatlantic area. This means maintaining a start-of-the-art, safe and effective nuclear deterrent, and continuing modernization and nuclear testing, though at a somewhat slower pace.²²

In the Gaullist tradition, France supported continued intergovernmentalism with regard to the CFSP, with unanimity being the general rule, although with some flexibility to allow certain members to proceed without being held back by others.²³

At the same time, the French were taking a less antagonistic view of NATO. In January 1993, the French agreed to put the Eurocorps under NATO command if article five of the Washington Treaty were invoked, and it reintegrated its military into NATO at the end of 1995. In November 1994, the UK and

²⁰*The Economist*, 15 December 1990.

²¹According to Vincent Wright, the French constitution 'fudges' the question as to who rules, the President of the Republic or the Prime Minister. For more detail, see Vincent Wright, *The Government and Politics of France*, third edition, (London: Unwin Hyman, 1989).

²²Pierre Lallouche, 'France in Search of Security,' *Foreign Affairs* 72 (1993): 127. Although two-thirds of the RPR were against the CFSP components of the Maastricht treaty led by Phillippe Philippe and Charles Pasqua, Jacques Chirac, president of the RPR, supported it. See *Financial Times*, 3 September 1992.

France unveiled a new joint airborne command with a permanent headquarters and multinational staff that may be more significant than the Eurocorps. The joint air command will create units for use by the Western European Union.²⁴ The closer ties to NATO made France see a European common defense centered around the Atlantic Alliance as more acceptable.

United Kingdom

The UK has always been a most vocal 'odd man out'. The UK has been in the EC for the economic advantages, and has not been sympathetic to any supranational ideas. However, popular opinion in Great Britain is changing. In general, the British public supports European integration. In 1990, 74 percent of the British public either supported European integration very much or to some extent. In 1991, during the negotiations themselves, on average, 70 percent supported integration.²⁵

Despite the general public's pro-European consensus, no pro-Europe consensus existed in the Conservative party that was ruling at the time. Conservatives both initiated and concluded membership in the EC (Prime Ministers Harold Macmillan and Edward Heath respectively), but not without reservations. Ian Aitken argues that 'It was Heath's failure to obtain "the full-hearted consent of the people" that ensured the issues of Europe remained alive for 30 years.'²⁶ Especially under Margaret Thatcher, Britain's

²³ Interview with French Minister of European Affairs, Michel Barnier in *Le Figaro* 10 July 1995.

²⁴ *The Independent*, 1 November 1994

²⁵ *Eurobarometer 'Trends 1974-1993'* (May 1994): 67.

²⁶ Ian Aitken, 'A tail full of sound and fury,' *New Statesman and Society*, 10 February 1995, 14.

European policy supported free trade and deregulation, but little else. Nevertheless, Thatcher did sign the Single European Act (1987) and chose to bear the costs of the other, less palatable aspects of SEA in exchange for the benefits. In 1990, in the run-up to the Maastricht negotiations, she steadfastly held against any non-intergovernmental European foreign and security policy and against a common currency although she did sign up for stage I of EMU. Foreign Secretary Douglas Hurd ultimately deemed her European views to be 'not sensible.'²⁷

The Labour party was initially against joining the European Community in the sixties and seventies because of a fear of a loss of jobs and protectionism. When Labour Prime Minister Harold Wilson came in to power, he staged a referendum in 1975 on whether the UK should pull out of the EC.²⁸ Every newspaper but the *Morning Star* 'thundered 'No', and implied that anyone who held a different view was certifiable.²⁹ Over the years, Labour changed its view towards European integration, partly because of its opposition to the Conservative party and its approval of fellow socialist Jacques Delors.³⁰ The

²⁷*The Independent*, 1 July 1991.

²⁸Under the Labour government, on 5 June 1975, in Great Britain's first ever national referendum, 67.2 percent voted to keep the UK in the European Community. Turnout was 64 percent. William Nicoll and Trevor C. Salmon, *Understanding the New European Community*, (Hemmel Hempstead, UK: Harvester Wheatsheaf, 1994): 254.

²⁹Aitken.

³⁰Ivo Dawney, 'Labour consummates marriage to Europe,' *Financial Times*, 23 October 1990.

Tories' opposition to the idea of a European social policy encouraged Labour to be especially pro-Europe during both the Maastricht and Amsterdam negotiations.³¹

During the Amsterdam negotiations, the British position on CFSP was very much what it had been during the Maastricht negotiations stressing intergovernmentalism and no duplication of what NATO does. In other words, decisions must be made on military realities. In the UK White Paper of 12 March 1996 on the IGC: "An Association of Nations", the Government argues

that defence stands at the very core of national sovereignty, and that the most suitable system is the existing one based on NATO under which final decisions are always adopted by consensus and national governments are responsible to their home parliaments. The UK considers that there are no suitable subjects for decision at EU level, and that the Member States must be free to act in the defence of their own national interest in this area.³²

In the words of Douglas Hurd, "The key to successful and coherent foreign policy cooperation is persuading your partners of the force of your arguments, not resorting to the procedural means of a vote to overrule their point of view."³³ Not only were British suggestions unpopular, but the UK was following a policy of obstruction a la

³¹For a more in-depth analysis of the Conservatives' and Labour's positions on Europe, see Patrick Dunleavy, Andrew Gamble and Gillian Peale, *Developments in British Politics* (London: Macmillan, 1992).

³²"UK White Paper of 12 March 1996 on the IGC: 'An Association of Nations'" in *White Paper on the 1996 Intergovernmental conference, Volume II, Summary of Positions of the Member States of the European Union with a view to the 1996 Intergovernmental Conference*, European Parliament Intergovernmental Task Force, <http://ww.europa.eu.int/en/agenda/igc-home/ms-doc/state-uk/pos.htm>.

³³Douglas Hurd, "Developing the Common Foreign and Security Policy". *International Affairs* 70 (1994): 422.

Luxembourg Compromise in the EC until the Community changed its view of the exportation of British beef during the 'mad-cow crisis.'

The Integrationists

Italy, Belgium, Luxembourg, and the Netherlands all had governments and parliaments that almost unreservedly supported European integration in a federalist context and supported the strengthening the CFSP. Of all the member states, Italy held some of the most extreme pro-integrationist positions. In Belgium, Europe provides a meeting point for most of the innumerable Belgian parties and for the two sides of the Flemish/Walloon divide. Almost all the political parties except the nationalist right-wing *Vlaams Blok* make Europe a high priority. Belgian Prime Minister Dehaene early on voiced his opposition to intergovernmentalism in the CFSP and his support for a genuine military capacity for the EU.³⁴

Italy's government strongly supported a foreign policy and security identity for the EU with the ultimate goal of following a common strategy in all international organization such as the United Nations with even an EU seat on the Security Council. To achieve these goals, the EU must strengthen the EU's capacity to take decisions and to act through more qualified majority voting. The Italians accepted the pillar structure, but wanted a permanent body established to represent the EU and to analyze, formulate,

³⁴ Speech by Dehaene to the French Institute of International Relations in Paris on 15 January 1995 found in Note on the Positions of the Member States of the European Union with respect to the 1996 Intergovernmental Conference" JF/bo/153/95 Luxembourg, 31 July 1995 (Second updated version), <http://europa.eu.int/en/agenda/igc-home/eu-doc/parlment/.../posn-en.wp>, p. 7.

propose and implement foreign policy decisions. The Italians were the first during the Maastricht negotiations to suggest the merging of the WEU into the EU and continued to advocate such a change.³⁵

In Luxembourg, the Christian Socialists, the Democratic Party (the Liberals), and the Socialists all strongly support European integration. With no armed forces (conscription was banned in 1967, and the 5,000 man National Reserve promised to NATO was never realized), Luxembourg strongly promoted the formation of a European security policy. With regard to defense, the Luxembourg government believed that NATO remained the cornerstone of European security and that sooner or later, all EU member states would become members. Until this time, the EU and WEU should continue to remain separate although cooperation between them would increase. WEU would still undertake on behalf of the EU Petersberg tasks.³⁶

The Dutch have always been both strong supporters of integration and of the Atlantic Alliance. Fearful of having a European security identity that would compete with and challenge NATO, but advocates of deepening ties between the member states, the Dutch argued linking enlargement with security integration:

³⁵ "Italian Government statement of 23 May 1995 on the Intergovernmental Conference to review the Maastricht Treaty" in White paper on the 1996 Intergovernmental Conference, Volume II, Summary of Positions of the member States of the European Union with a view to the 1996 Intergovernmental Conference, European Parliament Intergovernmental Task Force, www.europa.eu.int/en/agenda/igc-home/ms-doc/state-it/pos.htm.

³⁶ "Luxembourg Government memorandum of 30 June 1995 on the 1996 Intergovernmental Conference" in White Paper on the 1996 Intergovernmental Conference, Volume II, Summary of Positions of the member States of the European Union with a view to the 1996 Intergovernmental Conference, European Parliament Intergovernmental Task Force, www.europa.eu.int/en/agenda/igc-home/ms-doc/

the Dutch government feels that integration in the European Union automatically implied extending security guarantees to the new Member States, since the criteria for joining the European Union are in a way the same as those required to join the WEU or NATO, and a parallel approach should therefore be maintained for the enlargement of the European Union, the WEU and NATO. This means that the accession of the countries of Central and Eastern Europe to the European Union, the WEU and NATO must be considered together....³⁷

By adopting this dual track approach, the Dutch could “have their cake and eat it too” by advocating further integration, but at the same time supporting the Atlantic Alliance.

The Neutrals

Ireland and new-comers Austria, Finland and Sweden all adopted neutrality as a policy during the Cold War. The EU's CFSP and possible development of a common defense policy caused some worry in their parliaments. The Austrian government had relatively few problems with the EU dealing with foreign and security policy; Ireland bent backwards trying to accommodate both the CFSP and its constitution; Finland and Sweden tried to set the agenda with a proposal to set the CFSP in the context of a peace organization to perform humanitarian tasks.

Austrian Chancellor Vranitzky declared there is a “perfect convergence of views” between the European Commission and the Austrian Government over the main aspects of European integration. With regard to security policy, the Chancellor said, “austrian neutrality has not prevented Austria from participating in international engagements (like IFOR troops, Nato's partnership for Peace, etc.) and austria

³⁷ “Note of 14 November 1994 on the enlargement of the European Union: the opportunities and obstacles”, in White paper on the 1996 Intergovernmental Conference, Volume II, Summary of Positions of the member States of the European Union with a view to the 1996 Intergovernmental Conference, European Parliament Intergovernmental Task Force, www.europa.eu.int/en/agenda/igc-home/ms-doc/.

wants to continue cooperating with its partners as far as it can. [sic]" As to the implications of Austria's neutrality and its role within the CFSP, this would be debated in Parliament after the IGC.³⁸ In their initial position paper for the Reflection Group, the government wrote, "The EU is the only organisation that can put the Austrian security principle into practice." They supported all integrationist aspects of CFSP.³⁹

Although enthusiastic supporters of European integration partly because they are recipients of such a large amount of structural funds and CAP subsidies, Ireland did not support the adoption of a CFSP during the previous Maastricht negotiations. After the ratification of the Single European Act, Ireland added a footnote stating that Ireland did not agree to its inclusion of security and defence.⁴⁰ Needing to remain true to their constitution and yet wanting to be prominent supporters of European integration, the Irish government pledged itself to being a constructive force during the IGC that would support a defence identity that would preserve peace within the context of other international organizations such as the United Nations and the OSCE. For example, the Democratic Left Party in Ireland supports the development of a common defense policy, but not one where a nuclear and militarist alliance such as NATO would dominate.⁴¹ If the IGC concluded with a proposal that would compromise Ireland's neutrality, they the government would hold a referendum to have the people decide.

³⁸ *Agence Europe* 26 September 1996.

³⁹ "Austrian initial position for the Reflection Group, June 1995" in White paper on the 1996 Intergovernmental Conference, Volume II, Summary of Positions of the member States of the European Union with a view to the 1996 Intergovernmental Conference, European Parliament Intergovernmental Task Force, www.europa.eu.int/en/agenda/igc-home/ms-doc/state-at/initial.html.

⁴⁰ Report by the *ad hoc* Committee on Institutional Affairs', *Bulletin of the EC*, 3-1985, 107.

⁴¹ *The Irish Times*, 5 April 1996, 12.

In March 1995, the Social Democrats took power in Finland led by the strongly pro-integrationist Paavo Lipponen. However, the people of Finland and of Sweden are both very protective of their legacy of neutrality. Prime Minister Lipponen stated that although Finland had no intention of joining NATO, there was no reason for WEU to reproduce what NATO does.⁴² In 1995, 70 percent of the Swedish people wanted to continue their policy of neutrality.⁴³ Early on in the negotiations, Finland and Sweden provided a joint statement on their perceptions of the role of the EU in security affairs calling on the CFSP to be a “peace project”. Although they did not advocate a merging of the EU and WEU, they called for a CFSP that would be able “to apply the whole gamut of instruments, from conflict prevention...to armed peace-keeping actions”, but only with a mandate from the UN or OSCE.⁴⁴

Other Members

As a founding member of NATO, Portugal has always been a strong Atlanticist. Therefore, the Portuguese government supported a gradual development of a common defense policy while keeping NATO as the principal element in European defense.

Spain only became a member of NATO in 1986, and like the French, are politically integrated, but not militarily. During Amsterdam, the Spanish separated the CFSP into foreign policy and security and defense policy. Under foreign policy, QMV would be the rule while under security and defense policy,

⁴² Government programme of Prime Minister Paavo Lipponen” in Note on the Positions of the Member States of the European Union with respect to the 1996 Intergovernmental Conference” JF/bo/153/95 Luxembourg, 31 July 1995 (Second updated version), <http://europa.eu.int/en/agenda/igc-home/eu-doc/parlment/.../posn-en.wp>, p. 66.

⁴³ Ibid..

⁴⁴ *Agence Europe* 23 April 1996.

unanimity would reign. Spain supported a common defense and predicted that the WEU would one day come under the EU single institutional framework. In the meantime, the IGC should concentrate on EU-WEU institutional convergence.⁴⁵

Greek Prime Minister Simitis met with Jacques Santer to discuss the CFSP in the context of Greece's on-going territorial disputes with Turkey. For this reason, Greece's main concern was for the integrity of the EU's external borders and on their protection by all the member states. In this meeting, the main issues the Greeks would bring up would be:

1. the respect of Europe's existing borders;
2. the introduction of clear rules on EU external borders and their protection
3. the implementation of the rule of international law in case of disputes over these borders and recourse, if necessary, to the International Court of The Hague.⁴⁶

With these issues in mind, Greece supported the formation of a common defense, but "would not give up its 'right of veto' as long as it had not received commitments that its vital interests would be guaranteed."⁴⁷

Denmark

⁴⁵ "Elements for a Spanish position at the 1996 Intergovernmental Conference, 28 March 1996" in White paper on the 1996 Intergovernmental Conference, Volume II, Summary of Positions of the member States of the European Union with a view to the 1996 Intergovernmental Conference, European Parliament Intergovernmental Task Force, www.europa.eu.int/en/agenda/igc-home/ms-doc/states/pos.htm.

⁴⁶ *Agence Europe*, 23 February 1996.

⁴⁷ *Agence Europe*, 20 March 1996.

The Danes were a special case. Denmark is a rich small country that is an unenthusiastic member of both NATO and the EC with a political system where many decisions are taken by referendum. Just as the Americans pressured Iceland to join NATO for strategic reasons, they did the same to Denmark because Greenland was so vital to the security of the North Atlantic. However, the US wisely did not ask for bases on the mainland of Denmark which might well have been rejected. This exclusion soon became a corner stone of Danish NATO policy.⁴⁸ Denmark also entered the EC in 1973 almost reluctantly. According to Christian Thune, 'in the heated public debate prior to the Danish Referendum on the EC in October 1972 it was repeatedly stressed by the advocates of Danish membership that joining would have no political implications whatsoever and that Denmark would only join to reap the economic benefits.'⁴⁹

The Danes have consistently argued that the Community should remain an economic body. Stating the Danish position on security policy as early as 1985, Danish representative Otto Møller said:

he considered that, instead of structural changes, it is necessary have a new pragmatic development of European political cooperation on the existing basis, which has already shown itself to be effective to further this development. Particularly in relations to security, it should be confined to political and economic aspects.⁵⁰

⁴⁸Carsten Holbraad, *Danish Neutrality* (Oxford: Clarendon Press, 1991) 127.

⁴⁹ Christian Thune, 'Denmark and the Western European Union,' in *The Reactivation of the Western European Union: the Effects on the EC and its Institutions*, ed. Panos Tsakaloyannis, (Maastricht: European Institute of Public Administration, 1985), 88.

⁵⁰Report of the *ad hoc* Committee on the Institutional Questions to the European Council' *Bulletin of the EC*, 3-1985, 107.

Denmark's position has changed very little since then. During the initial Maastricht negotiations, the Danish government represented this position.⁵¹ Despite the support of the *Folketing* and the government for what was negotiated at Maastricht, 'Certainly, many Danes complained before the vote, when the treaty was signed they had no idea what commitment their Government was making.'⁵² The government was out of touch with its people. On 2 June 1992 in a referendum, Denmark voted against ratifying the Maastricht treaty. As the treaty had to be adopted by all twelve member states, the 'no' vote technically rendered the treaty void. To get the Danes to agree to the Maastricht, they would have to be bought off with side payments in the form of opt-outs.

Such a rejection should not have been a surprise. The Danes have consistently rejected EC attempts to bring security, foreign policy or anything that was not explicitly mentioned in the Rome Treaty into the realm of the Community. For example, in reaction to the London Report of 1981 that allowed political aspects of security to be discussed in European Political Cooperation (EPC), while the other countries were celebrating this extension, the Danes were underlining its limitations. The Danes asserted that the London Report merely codified existing practices and that, despite the London Report, defence and military issues could not be discussed in this forum because Ireland was neutral, and because the other nine members belonged to NATO, (they did not want to undermine the Atlantic Alliance).⁵³ Danish security policy would remain separate from its economic policy. After continued frustration at Danish (as well as

⁵¹See Memorandum of the Danish Government, 4 October 1990.

⁵²*The New York Times* 4 June 1992.

Greek and Irish) reticence, the other seven EC member states interested in defense issues resuscitated the Western European Union.

One of the main reasons why the Danes rejected the treaty was due to concern over the defence components.⁵⁴ The Maastricht treaty would bring the defense issues that the Danes had wanted to keep separate under the aegis of the Union. Many aspects of the CFSP components upset the Danes. The Danes saw the CFSP as a French-German collaboration and a vehicle to strengthen their and other large countries' power and allow them to set the agenda at the expense of small countries. The more decisions made at the community level in Brussels would disadvantage small countries like Denmark which wield less influence. The Danish Foreign Minister, Uffe Ellemann-Jensen who led the failed campaign for the yes vote for ratification, stated 'that Denmark ... did not want European foreign policy decisions made over its head, and that consensus was better.'⁵⁵

Secondly, the Danes were not members of the Western European Union which would become the defense arm of the Community. The Danes feared being forced to join a European army. The Danes did not want to give their sovereignty in this area: "This relative reluctance [to incorporate itself in European

⁵³Christian Thune, 'Denmark and the Western European Union,' in *The Reactivation of the Western European Union: the Effects on the EC and its Institutions*, ed. Panos Tsakaloyannis, (Maastricht: European Institute of Public Administration, 1985), 89.

⁵⁴Interview with John Fitzmaurice, lecturer at the Institute of European Studies at the Free University of Brussels, official of the European Community, and specialist on Danish affairs on 3 February 1993 in Brussels. His views are corroborated by those of Carsten Soendergaard of the Danish Ministry of Foreign Affairs in Copenhagen in an interview on 12 May 1993.

⁵⁵*New York Times*, June 4, 1992.

security structures] has been due partly to a small-power fear of disappearing in the embrace of very large neighbors, [and] partly to a dislike of entering without the other Nordic countries.”⁵⁶

Rather than renegotiate the treaty, it was easier to buy Denmark off with opt-out clauses. Before a second referendum date could be set, opt outs had to be negotiated to exempt Denmark from the following: 1) economic and monetary union; 2) any obligation in connection with citizenship of the Union; 3) any transfer of sovereignty in the area of justice and police affairs; and finally 4) participation 'in the so-called defence policy dimension, which involves membership of the Western European Union and a common defence policy or a common defence'.⁵⁷ They would however become observer members of WEU. These exemptions were accepted by all the member states at the Edinburgh summit in December 1992. Thanks to the monetary and defense exemptions they negotiated at the Edinburgh summit in December 1992, 57 percent of the Danish population voted yes in the second referendum on 18 May 1993.⁵⁸

At the beginning of the Amsterdam negotiations, the Conservative and Liberal parties both supported full membership in WEU; the Social Democrats were opposed.⁵⁹ In May 1995, a Danish government committee submitted to the *Folketing* a mostly descriptive report detailing the current situation

⁵⁶Klaus Carsten Pedersen 'Denmark,' in *Integration and Security in Western Europe: Inside the European Pillar*, eds. Mathias Jopp, Reinhardt Rummel, and Peter Schmidt, (Oxford: Westview Press, 1991), 119.

⁵⁷ Document 'Denmark in Europe' attached to a letter from the Danish Prime Minister Poul Schlüter to the British Prime Minister John Major dated 30 October 1992, photocopy. Courtesy of the European Commission.

⁵⁸ BBC News, 19 May 1993.

with regard to CFSP. It made few proposals save that Denmark become full members of WEU as “there is no risk of the WEU being transformed into the European army”.⁶⁰

Considering the different priorities held by the different governments before the Amsterdam negotiations, consensus was difficult to achieve. Despite a general agreement on the need for a CFSP, the member states had very different positions on what form the CFSP should take. The member states concluded an agreement based on the minimum that could be agreed upon by the largest member states. As the original positions of the French, Germans, and British were quite far apart, the final version of the Amsterdam treaty settled upon the bare minimum and the treaty, therefore, fell short of expectations.

Intergovernmentalism, Interstate Bargaining, and the Supply for Integration in the Security Sphere

Moravcsik’s analysis lends itself to explaining the formation of the security components of the Amsterdam treaty for several reasons: 1) most of the negotiations took place in an intergovernmental context; 2) most of the decisions were made by the governmental elite, i.e. the foreign and defence ministers and sometimes the heads of governments (or in the case of France, head of state) themselves; 3) the large countries dominated the proceedings; small countries were ignored or bought off with side payments; 4) the negotiations themselves affected the preference formation of the countries involved; 5)

⁵⁹ In Denmark’s political system, all the parties have a great deal of power. At one time during the 1980’s, the *Folketing* had a minority government where the opposition in parliament proposed most of the legislation.

⁶⁰ Note on the Positions of the Member States of the European Union with Respect to the 1996 Intergovernmental Conference, JF/bo/152/95 Luxembourg, 31 July 1995, <http://europa.eu.int/en/agenda/igc-home/eu-doc/parlment/.../posn-en.wp>, p. 9.

differences were reconciled through compromise and lowest common denominator agreements; and 6) the CFSP treaty provisions put a strict limit on future transfers of sovereignty.

At the international level, Moravcsik focuses on *context* of the negotiations. The European security components were not discussed in a vacuum; many other related issues were being discussed at the same time. A compromise on the security policy could be 'paid off' by a compromise in a completely unrelated area also under discussion. The CFSP provisions were implicitly and explicitly linked to other issues including the institutional structure, and the democratic deficit. More was at stake than the security components alone; to understand the negotiations, one has to look at other topics under discussion.

The supranational institutions only played a small role in the negotiations themselves. The member states dominated the Amsterdam talks because most of the decisions and discussions took place in the fora of the Inter-governmental Conference (IGC), NATO summits and WEU conferences rather than under normal EC decision-making procedures which weakened the Commission's role. However, the member states and the European Commission each had the right to make proposals to the IGC. Nevertheless, a look at the major proposals reveals a pattern in the negotiations: in general, Britain's, France's and Germany's proposals dominated the proceedings. The presidency, smaller countries and the Commission reacted to the large countries positions with counter proposals.⁶¹

⁶¹For a summary of these different proposals and of the development of the member states positions, see the Appendix.

The positions of the member states were not written in stone. With each proposal that was put forth, the governments had to reconcile their preferences with what was on offer during the negotiations.⁶² Ultimately, the countries came up with a minimalist compromise based on lowest common denominator agreements and strict limitations on future transfers of sovereignty. Although a significant step toward the 'ever closer union' the member states pledged themselves to, the minimalist quality of the CFSP components made them characteristic of other 'two steps forward, one step back' agreements.

The Negotiations

The German ruling party, the CDU/CSU published a position paper in September 1994 setting the agenda for the CFSP negotiations under the 1996 IGC. One journalist called it "the only genuine basis for discussion until such time as the European Commission decides to take out of the drawer the contribution it made in 1991 to the drafting of the Maastricht Treaty and update it."⁶³ To improve response time, the CDU/CSU are first to call for a "highly-expert planing unit which is exclusively in charge of action planning has direct access to national decision-making bodies."⁶⁴

Hans Van Den Broek, European Commissioner for External Relations commissioned an independent group of experts to assess the CFSP. They found it too imprecise and ineffective. To repair the CFSP, the group recommended measures that could be taken without modifying the Treaty, and those that would require such modification. In the first category, they recommended creating

⁶²In other words reconcile the demand with the supply – see table 1.

⁶³ *European Insight*, 30 September 1994.

⁶⁴ *Ibid.*.

a central analysis and evaluation capability that is locked into the decision-making process. Such a capability should be in a position to cover all areas of the CFSP, including its military aspects and would have to be a joint body with the Council of Ministers and WEU participation. It would be responsible for preparing strategies to be decided upon by the Council. In addition to the urgent creation of this "missing link", immediate steps should be taken to consolidate the operational base of the CFSP (in particular by setting up a Community financing system) and the WEU and to organise practical synergies between the three Maastricht Treaty pillars in all areas in which economic and security interests overlap (the arms industry, dual-use R & D and energy security).⁶⁵

As to those measures that should be addressed at the '96 IGC on institutional reform, the group again recommended radical reform calling for the

insertion in the Treaty on European Union of a common objective of a European intervention force, building on Eurocorps; a 15-way agreement on progress towards a collective defence capability, a course that would involve a strong link between membership of the WEU and membership of NATO; creation, in close consultation with the central analysis and evaluation capability described above, of a central unit with the (non-exclusive right of initiative to generate policy proposals; the revision of the decision-making process, with unanimity ceasing to be required, except for the practical organisation of military interventions⁶⁶

Van Den Broek took these proposals on board when he made his own proposals on how to reform the CFSP. He identified the main weaknesses to be addressed as the following: lack of political will; lack of any definition of essential common interests; decision-making procedure which is based on unanimity; present financing arrangements were inadequate; and confusion with regard to the different pillars and the respective roles of the Presidency and the Commission. To solve these dilemmas, he proposed a planning cell, extension of qualified majority voting in decision-making, financing from the Union budget, the Union to be represented by a Commission-Presidency duo, the formation of a European intervention

⁶⁵ *European Insight*, 3 February 1995.

⁶⁶ *Ibid.*

force.⁶⁷ This speech can be used as the benchmark to show what the Commission, midwife of integration, would consider in the best interest of the Union.

The European Parliament was in agreement. Abel Matutes (Spanish EPP) Chair of the EP's Foreign Affairs Committee went so far to say that the CFSP is "suffering from the excessive weight of the particular interest of Member States and the 'obsessional search for unanimity'". Matutes also believes that a mutual assistance clause should be inserted into the Treaty on European Union so that the EU would be responsible for the defense of the Union's external borders. While some disagreed with this view, the Parliament overall supported the Commission's plans.⁶⁸

Within the Reflection Group, the different representatives were having difficulty coming to a consensus. While they agreed on the need to create a center for analysis and evaluation (planning cell), they could not decide on who should represent the EU internationally – addressing Henry Kissinger's famous quip of who should he call when he wants to speak to the EC. The French proposed a CFSP officer known colloquially as a M. or Mme. PESC who would be a well-known politician in his/her own right. Others thought the suggestion was possible if the Commission President took the post, in other words, someone already agreed upon by the 15 member states. France rejected this modification as did the UK and Denmark. Still others supported the Commission's idea of a presidency/Commission duo. With regard to decision-making, the countries were more divided with many believing that due to the nature of

⁶⁷ "The Common Foreign and Security Policy in the context of the 1996 Intergovernmental Conference", Luncheon speech by Mr. Hans van den Broek, Member of the European Commission, at the Royal Institute for International Relations, Brussels, 4 July 1995, <http://europa.eu.int/en/agenda/igc-home/euspeech/broek.html>

foreign policy that consensus should remain the general rule. One possible solution is “constructive abstention”, but such a term had yet to be defined.⁶⁹ As to defense, “the first Reflection Group meeting seems to suggest that the very idea of merging the WEU into the EU is not foreseeable, even among the most “integrationist”, for some time to come.”⁷⁰ The Commission responded by preparing a seminar a week later based on its own proposals “to provide Marcelino Oreja with additional guidelines for the forthcoming meetings of the Reflections Group.”⁷¹ Nevertheless, the Progress Report completed in September reflected the same attitudes as before the seminar.⁷²

Frustrated at British intransigence during the negotiations, the German government used a full court press publicly berating the UK for not cooperating. German Foreign Minister Klaus Kinkel, in a speech at Oxford University, called on the UK to be a more constructive player in the negotiations and not to allow the EU to become merely a community of convenience. Specifically, he attacked the UK position on majority voting in the QMV:

Time and again we see that the requirement for consensus means that the EU can only make decisions based on the lowest common denominator. We should therefore break the taboo of

⁶⁸ *Agence Europe*, 27 April 1995.

⁶⁹ *Agence Europe*, 12 July 1995.

⁷⁰ *Euro-East*, 18 July 1995.

⁷¹ *Agence Europe*, 21 July 1995.

⁷² See *Agence Europe* Europe documents; no. 1951/1952 - Progress Report on the 1996 Intergovernmental Conference, 27 September 1995.

majority decisions in the CFSP. Our aim is not to outvote others but rather to make it more difficult to block decisions and to increase the pressure to reach consensus.

He continued arguing "Europe is more than a menu from which we can merely choose those parts which we like and can use." In a subtle threat of exclusion, Klaus concluded by suggesting that if the UK did not change its position, the EU would move on without Britain: "I do think it is better to catch the boat than to swim after it."⁷³

The British and Germans agreed to a German-British seminar over the weekend at the end of January to bring their views closer together, but which had little success. Germany wanted a maximalist CFSP because "We have more neighbours than any other country in Europe. What happens in those countries affects us directly, and vice versa." However, the British believed majority voting was unrealistic and that foreign policy is quintessentially intergovernmental. While countries could cooperate, they also have national interests, especially regarding security and defense, that would have to be asserted in defiance of its EU neighbors if need be. Junior Defence Minister Nicholas Soames clearly said during the seminar that the IGC must stay away from defense: "European policy had to be based on 'identity through capability', code for a policy of 'no weapons, no vote.'"⁷⁴ Chancellor Kohl responded by starting what the *Guardian* called a "war of words" by stating publicly that if a federalised political union did not succeed, it could lead to out-right war in Europe. After this speech, the *Guardian* reported that:

⁷³ Reuters, 17 January 1996.

⁷⁴ *The Guardian*, 6 February 1996, p. 13.

Last weekend the hackles rose sharper than ever. The angry British response to Kohl's apocalyptic warnings about the alternatives to European unification has sparked the worst verbal sparring between London and Bonn since Nicholas Ridley's anti-German broadside in 1990.⁷⁵

In preparation for taking over the presidency of the Council in July 1996, Ireland set forth its views on the CFSP in a White Paper. The Irish had to show that they were good Europeans who would not obstruct EU ambitions to play more of a role in security policy while remaining true to the Irish Constitution that defined Ireland as a neutral country. This presidency would also give Ireland the chance to influence the direction of the Union's CFSP for decades to come. In the White Paper, after promising to make a "constructive and imaginative contribution to the IGC", argues that a more effective CFSP would be in Ireland's interests. Joan Burton, Minister of State at the Department of Foreign Affairs argued that neutrality should be seen in a positive light: "neutrality is not indifference, it is not complacency, it is not the easy option. It is a positive policy – a policy which promotes and complements the basic aims of Irish foreign policy.... Irish foreign policy has been and continues to be aimed at preventing conflicts, promoting development, economic growth and co operation, controlling the supply of arms and promoting disarmament."⁷⁶ However, in the White Paper wanted much of the CFSP to remain the same. Ireland approved of the present decision-making measures based on broad consensus, but did see the need for a planning cell within the Council. With regard to defense, Ireland saw it as too early for WEU to be merged into the Union, but did support a defense that was broadly based in the context of the UN and the OSCE

⁷⁵ *The Guardian*, 6 February 1996, p. 13.

⁷⁶ *Irish Times*, 9 February 1996.

and would not run counter to Ireland's pursuit of disarmament and arms control. In other words, if properly defined, Ireland would support a common defense policy.⁷⁷

Britain was also gaining the support of countries such as Ireland which the *Irish Times* called Ireland's "best ally in halting merger of EU and WEU". Opposing the merger, UK Prime Minister John Major reiterated the need to keep present arrangements so as to "respect the position of EU members that have chosen to remain outside collective defence arrangements." The neutral country and the nuclear power both agree using Major's words that the EU has "an essential contribution to make to regional and global security in the non military field." Such an understanding would allow Ireland to keep its moral position and the UK to keep the EU from duplicating and encroaching upon NATO. The feeling in the WEU Assembly with regard to neutrals was mutual. In February 1996, the Assembly declared that it must be able to implement decisions "unaffected by any opposition from countries regardless of whether they are neutral, or are observers' or associate members [sic]." Brian Crowley, Fianna Fail MEP, said this showed "contempt for the position and views of EU neutral states."⁷⁸

⁷⁷ "White Paper on Foreign Policy: 'External challenges and opportunities', 25 March 1996" in *White Paper on the 1996 Intergovernmental Conference, Volume II: Summary of positions of the member States of the European Union with a view to the 1996 Intergovernmental Conference*, European Parliament Intergovernmental conference Task Force, <http://www.europa.eu.int/en/agenda/igc-home/ms-doc/state-ir/pos.htm>.

⁷⁸ *The Irish Times*, 8 March 1996.

As to the French suggestion of a M. or Mme. PESC, both the European Parliament and the Commission fully embraced it. EP President Haensch said he would prefer to see the individual “connected to the Commission”, but what mattered most was that the EU increased its visibility and that there should be continuity. In any case, he warned that the Commission “should not waste the opportunity” offered to it by the IGC.⁷⁹

The next day, the Commission proposed the formation of a common analysis unit with representatives from both the Council, the Commission, and possibly the WEU. While it remained open to where the unit should be based, “It could be at the council, or the commission, or even separate to both”, the Commission did not propose a head to the unit at the French wanted. However, it did propose an extension of QMV.

One week later, the “confidential” text from the Elysee on “France’s guidelines for the Intergovernmental Conference” were published in *Le Figaro*. Most interestingly, the document said that although France considers it realistic to maintain the three-pillar structure, it does not rule out the possibility of “differentiated institutional developments”. With regards to CFSP, the document outlines France’s priorities: a high representative; to clarify the division of labor between the EU’s CFSP and its external relations; and to specify what is meant by a common defense by spelling out the terms of

⁷⁹ *Agence Europe*, 14 February 1996.

subordination of the WEU to the EU and how to develop its operational capacities; and how to modify decision-making so as not to paralyse the Council.⁸⁰

Greece's views of the CFSP were directly affected by its territorial dispute with Turkey. In a special meeting with Commission President Santer, Prime Minister Simitis asked that the new CFSP have mutual assistance clauses and guarantees of protection for EU territory. Member States, including Britain, were loathe to let Greece join the WEU during the Maastricht negotiations for fear that the collective defense article would entangle them in a war with a NATO ally – Turkey.⁸¹

The next day, the Commission published its draft opinion on IGC with a mention of territorial defense. The over arching goal of the IGC should be “that of giving the Union the real ability to act rather than react, and thus allow better defence of its citizens’ interests.” To achieve this, the EU needs coherence, hence its proposal for a “presidency-Commission tandem”. In addition, the same ideas were proposed, but with small variations: a joint analysis cell composed of members of the different member states, the Commission, and possibly from the WEU. In addition, it would be necessary to insert a permanent policy Committee in the Council’s preparations structures. As to decision-making, QMV would be the general rule except under two circumstances: if the decisions concerned military action or if clearly defined national interests were involved. The Council and the Commission would execute the policy. Although it would be necessary to figure out how to strengthen the presidency supported by the Council secretariat, it would “not prevent certain ad hoc tasks from being entrusted to persons who have been

⁸⁰ *Agence Europe*, 21 February 1996.

appointed by name.” With regard to defense, it should be a goal because the Union’s foreign policy suffers from its inability to project credible military force” even if “NATO remains the central pillar for defence of the territory.” Since the WEU has a territorial defense commitment, if incorporated, the EU member states would as well. The Commission recognized the difficulty this posed as “Member States do not however have the same defence commitments in relation to NATO and the WEU.”⁸²

On the same day that the Commission Opinion was released, French Foreign Minister Herve de Charette and Germany’s Klaus Kinkel announced that they would be submitting a joint initiative on the CFSP thus taking the lead: “This initiative demonstrates that Franco-German cooperation will continue to be the driving force of European integration” said Kinkel. During the Franco-German seminar in Freiburg that weekend, the Germans managed to convince the French to agree to a general principle of QMV even in CFSP. In addition, they proposed the setting up of an analysis cell, and the eventual merging of WEU and EU. Recognizing that the UK would not give in to an extension of qualified majority voting,⁸³ France and Germany devised the constructive abstention allowing for the possibility of Europe acting “even when all the partners cannot participate militarily in an operational action.” Although they recognized that “No

⁸¹ *Agence Europe*, 23 February 1996.

⁸² Commission Opinion “Reinforcing political Union and Preparing for Enlargement” 28 February 1996.

⁸³ *The Daily Telegraph* (London), 26 March 1996.

Member State can be held to engage their own forces”, operations decided upon by the EU had to be “actively and unreservedly” supported by all, both politically and financially.⁸⁴

In response in an interview published by *Le Monde*, British Foreign Secretary Malcolm Rifkind, who was meeting with French Prime Minister Juppe in Paris, tried to break apart the Franco-German alliance and suggested that France and Britain were the ones who had much more in common on foreign and security policy issues considering their imperial history and their continued worldwide interests. He argued that national interest was a good thing – “the collective expression of the democratic process”. As the *Times* put it, “With France, Britain could discuss the world as it really is, not as ‘those who sleep with the Treaty of Rome under their pillow’ might wish it to be”.⁸⁵ The idea of constructive abstention was no “magic solution”⁸⁶ because “no ‘clever institutional fixes’ would compel countries that actually disagreed with a policy to support it. Would France have ‘constructively abstained’ from an EU policy against nuclear testing?”⁸⁷ Rifkind did applaud the French proposal for a M. PESC to give the EU a “clearer voice”. *The Times* approved of Rifkind’s tack: “Mr Rifkind is right to try to convert tacit sympathy into working alliance.”⁸⁸

⁸⁴ *Agence Europe*, 29 February 1996.

⁸⁵ *Agence Europe*, 6 March 1996.

⁸⁶ *Ibid.*.

⁸⁷ “France: Editorial – Europe’s Realists”, *The Times* (London), 6 March 1996.

⁸⁸ *Ibid.*.

In actions, if not words, France seemed to be supporting Britain's opinion of qualified majority voting. France has always considered itself an important power in the Middle East and taken a great interest in the peace process. Rather than form a common policy with its European allies, as they were promising in good faith to do during the negotiations, Chirac sent his Foreign Minister Herve de Charette to Lebanon in a high-profile shuttle diplomacy. Chirac was able to declare before the Lebanese parliament in April 1996 that "France is convinced that peace is near." One week later, Israeli helicopter gun ships opened Operation "Grapes of Wrath" in Beirut; in the end, Washington brokered the cease-fire. Approximately one month later, in a speech to the *Institut des hautes etudes de defense nationale*, President Chirac said it was necessary to "put an end to what is seen in the world as Europe's current incapacity to take on politico-military action of any scale under its own responsibility" and that it is one of France's main concerns to "reach a better breakdown of responsibilities between the United States and Europe."⁸⁹

Strong integrationists such as the Dutch were livid as they saw this as undermining the CFSP.

According to the *Sunday Telegraph* (London),

This was the reason Britain derived such satisfaction from France going it alone. "So much for CFSP," smirked one senior official last week. Whitehall, keen to scupper the whole idea of Europe's dealings with the rest of the world being run by a Brussels-based supremo, relished the Dutch discomfort. "This was just the sort of situation when the man in charge, Mr CFSP, should have set off with the full authority of all EU members behind him to broker a deal," the source said. "Well, it hasn't happened. This shows that it is much faster and more effective for nation states to take the lead in crisis management."⁹⁰

⁸⁹ *Agence Europe*, 10 June 1996.

⁹⁰ *Sunday Telegraph* (London), 21 April 1996, 18.

Britain and France continued to work for their own national interests throughout the conference. In July, both announced their intent to seek individual seats in the ASEAN Regional Forum – a security organization to which the EU was also seeking a collective seat. President Jacques Santer responded by saying “that such initiatives, at a time when the IGC is working actively to strengthen the CFSP, are very questionable because they do not correspond to stated intentions of giving the EU a genuine common foreign and security policy.”⁹¹

Greece also supported the British positions. As Prime Minister Simitis explained later on, Greece would not give up its “right of veto” as long as it had not received guarantees from the other member states that Greece’s interests would be protected. The Greek parliament was behind him. Miltiadis Evert, leader of Neo Demokratia said that the final goal of the IGC should be the “creation of a European federation where each Member State would preserve its personality intact.” Antonis Samaras, leader of the Political Spring also supported keeping the veto.⁹² In a 31 page Greek government pamphlet, a mutual assistance clause would have social as well as security consequences: “the shaping of such as security environment will facilitate the transfer of substantial resources from the defence area, to the benefit of social and economic goals.” Further upsetting the French, the Greeks rejected the idea of a M. PESC and argued to strengthen the role of the Presidency of the Council by extending the role of the Commission and by creating a crisis-management mechanism that would exist in the current institutional system. According to Athens, “this would increase stability and continuity in the implementation of CFSP, and would remove the need to appoint a specific person.” Otherwise, such a person “would be likely to create problems and

⁹¹ *Agence Europe*, 29 July 1996.

⁹² *Agence Europe*, 20 March 1996.

confusion for the institutional framework of the CFSP, leading to an absence of transparency and institutional fragmentation.”⁹³

Italy, which held the presidency at the time, argued that these foreign policy failures in the Middle East and in the Aegean were proof of the incapability of one European country to influence world politics. Italian foreign Minister Susanna Agnelli stated, “They know that single European countries are no longer able to have any real influence on global balances. ... I am convinced that unless there is a qualitative lead in the field of CFSP, the political and diplomatic weight of the Union will remain marginal.”⁹⁴ Italy proposed two possibility amendments to the Treaty with regard to CSFP. First, it proposed a new paragraph 3a in Article J5 allowing the Council to assign executive authority to the Presidency, the Troika, or the Commission and another amendment to article J11:2 stating that spending would come from the EU budget.

Discussions have been underway for since 1994 on where the money for the CFSP should come from, the individual states or the EU common fund. The dilemma is not easily solved for two reasons: 1) the EU does not know how much money it will need for CFSP; and 2) the EU is not yet sure where the money should come from.

⁹³ *Agence Europe*, 20 June 1996.

⁹⁴ *Reuters*, 8 May 1996.

According to one EU diplomat, the problem is serious: "The point is that the costs will grow as the list of our actions grows and we lack a framework for funding. ... We need to find a solution to this quickly."⁹⁵

As put by one EU diplomat: "The member states want to keep a firm grip on foreign policy but, if possible, they would rather not pay for it."⁹⁶ At present, the common budget is already overtaxed, and the Commission would play a larger role in the execution of the CFSP if the funding came out of the common budget. Moreover, since the European Parliament (EP) has the final word over the Union's budget, allowing the common budget to fund the money would give the Parliament undue influence over the CFSP although the Maastricht treaty makes no mention of the EP in this field.

Ultimately, there are three different proposals:

a) Paying for CFSP actions with the Union budget and having the Council secretariat administer it. Britain and France argue that operation should be administered by the Council because it is the member states acting together who make the decision.

b) Paying for CFSP actions with the Union and having the Commission administer it. This is what is favoured by the majority, on the grounds that the Commission already has the expertise and staff.

c) Paying for CFSP through national contributions, laying down a set percentage for each country. Britain is said to be most in favour of this system. The issue of who would administer is the same as in the first two options.⁹⁷

⁹⁵Nicholas Doughty, "EU Faces Dilemma Over How To Pay For CFSP" *Reuters*, January 12, 1994.

⁹⁶ *Ibid.*.

⁹⁷"Council May Not Discuss CFSP Funding" *Reuters*, May 11, 1994.

Agreement on this issue proved so difficult that after five months of discussion, the Council chose to drop the issue. According to one diplomat, "We may talk about it but it's just not ripe for a decision, so we will probably need to continue work at a lower level."⁹⁸ As late as October 1994, even the European Parliament could not decide what stand to take on the issue.⁹⁹

Strengthening the CFSP took another hit when the member states could not speak with one voice over American air strikes in Iraq. France opposed Clinton's attacks, Spain and Italy voiced reservations, and Germany gave lukewarm support, but the UK supported the attacks. No common EU statement was forthcoming to which the UK concluded that foreign policy by majority was a fruitless exercise. As Rifkind tells his counterparts, "The CFSP will only carry weight internationally if it represents a genuine common policy."¹⁰⁰ Irish Foreign Minister Dick Spring admitted that there were differences of opinion, but tried to put a positive spin on it before the EP Foreign Affairs committee saying that this "should not obscure the fact that there was a wide understanding [sic] for the US position." Under these circumstances, not being able to come up with a common position is even more embarrassing. In another foreign policy debacle,

⁹⁸ Ibid..

⁹⁹ "The Common Foreign and Security Policy" (A4-28/94 - Willockx), European Parliament Session News Press Release -- Document Date: October 25, 1994.

¹⁰⁰ *The Times*, (London), 7 September 1996.

Only frantic negotiation, involving elastic interpretations of European law, prevented Denmark from vetoing a carefully crafted arrangement which allows Europeans to seek redress in European courts if sued in America under the Helms-Burton provisions problem was not that the Danish government opposed what the rest of the Union wanted. It didn't. But it feared that the statute might give ammunition to a group of Euro-sceptical Danes who have gone to court, charging their government with illegally surrendering sovereignty to the EU.

Therefore, Santer believed that this showed there needs to be more decisions taken by QMV.¹⁰¹

CFSP reform took another step backwards when the CDU, Kohl's party, rejected France's idea of a high representative arguing that a M. PESC would have a high risk of complications with regard to institutional matters and the breakdown of tasks. Germany proposed instead a new form of Troika composed of the Council president, the secretary general of the Council responsible for CFSP and the European Commissioner responsible for foreign policy. In a speech, Jacques Santer concurred saying that "Creating a new post, a Mr CFSP or whatever, will not be the answer to our needs; indeed, it will only add to the confusion."¹⁰²

By October, the Dorr group under the Irish presidency had managed to find consensus on including the Petersberg tasks into the Treaty, although they were still working on ways to free CFSP from its unanimity restraints.¹⁰³ October also saw rapprochement between the French and the Germans as they submitted a joint contribution to the IGC supporting the concept of "enhanced cooperation" to be applied to issues requiring unanimity. In this way, those countries that wanted to participate could by adhering to this clause and those who did

¹⁰¹ *The Economist*, 2 November 1996, 49.

¹⁰² "Address by the President of the European Commission on 'The State of the Union' to the European Parliament, (Strasbourg, 18 September 1996) in *Europe Documents*, no. 2004, 25 September 1996.

¹⁰³ *Agence Europe*, 10 October 1996.

not want to would not have to. In this way, those member states who wished to act could do it in the EU context and could use QMV. This concept reiterates the goal of the member states to deepen the Union. Under this clause, no one would have the right of veto and no country would be excluded that wants to participate. With regard to CFSP, this “cooperation” could be used to establish a common defense policy and defence. To apply it, a minimum number of member states would be required – but the decision to *begin* such cooperation would be taken by qualified majority vote.¹⁰⁴

Making the first overall contribution by a member state on the CFSP, Italy proposed many amendments to Article J. First, it specifies that the European Council will define the general guidelines by which the CFSP will follow. It then defines the differences between common position, common action and joint action. The amendment would allow the Union to ask the WEU to merge with it in time. A Mr. CFSP would exist in the body of the Secretary General of the Council and sets out his/her functions. Article J:5b would establish a center for analysis which would have recourse to WEU personnel and to which member states and the Commission would lend their assistance. Most controversially, Italy proposed three things: that qualified majority voting be the rule except for defense and with regard to the guidelines that the European council establishes; that “the European Parliament, after every meeting of the European Council, shall examine the guidelines issues by the Council in regard to CFSP and defence policy”; and that CFSP operation spending would come out of the Community budget.¹⁰⁵

At the end of the Irish presidency, the EU member states agreed to give themselves six more months to modify the TEU. The Dutch took over the presidency in January 1997. Van Den Broek, former Dutch foreign

¹⁰⁴ *Agence Europe*, 19 October 1996.

¹⁰⁵ *Agence Europe*, 5 November 1996.

minister and not Commissioner for external affairs proposed a radical idea to get beyond the issue of decision making. Expressing his personal view:

Would it not be worth considering whether the unmistakable greater influence of the largest Member States on the international scene could for example be acknowledged with weighted voting in exchange for less boardroom policy and more Union action (including majority voting). With this in mind, consideration could also be given to creating a right of veto which can only be exercised by at least two larger member States acting together. The smaller member States will realize that they are more dependent on Union policy to be able to exercise influence than are countries such as France, Germany and the United Kingdom. The latter naturally wish for support from the Union but will not necessarily wish to make their foreign policy subject to a majority of often many smaller partners.”¹⁰⁶

The French had their own ideas and, working with the Germans, made several changes to the Irish draft treaty. The main changes are 1) giving the European Council (whose structure particularly favors the French head of state) a central role in the definition of the CFSP; 2) the introduction of the concept of “common strategies” which the European Council could adopt with the option of abstention. Implementation of these common strategies would be taken by QMV; and 3) setting the goal of gradual incorporation of WEU into the EU. The Irish text only said that the EU encourages the establishment of closer institutional ties. Where WEU membership differed from EU membership is where “enhanced cooperation” would be likely to come into play.¹⁰⁷

These views were supported in another paper presented 10 days later by France, Germany, Italy, Spain, Belgium, and Luxembourg announcing the gradual integration of WEU into the EU giving it a genuine military and

¹⁰⁶ *Agence Europe*, 7 February 1997.

¹⁰⁷ *European Report*, 15 March 1997.

defense.¹⁰⁸ As usual, the UK thought the proposals unrealistic. Rifkind said to the press, "It would make the whole process of enlargement to the Baltic states more controversial and create a major source of difficulties for Russia. The neutral countries – even Austria -- backed the UK. Portugal, however, long time Atlanticist was moving closer to the integrationists after the 25 March meeting of foreign ministers in Rome. With regard to decision-making, the proposal by the six to allow the European Council to define joint strategies (i.e. by unanimity) and then implement them by QMV was accepted by the 14 except the UK. .

With less than 90 days to go, the foreign ministers worked very hard to come up with some compromise on decision making at the Noordwijk conclave on 9 April 1997. *Agence Europe* called it "a turning point" in the negotiations. According to Council president Hans van Mierlo, they reached agreement on a number of points: the necessity of preventing stalemates; the possibility of constructive abstention in the event of unanimity; and the increased use of QMV (the United Kingdom is still opposed) provided there is "always a guarantee that decisions taken in this way will not harm the vital interests of any Member State."¹⁰⁹

The UK seemed to be winning in its lone stand when on 1 May, the Dutch presidency made proposals on the four sticky questions involving CFSP. On decision-making, the Dutch document states that "unanimity should remain the rule, and qualified majority voting would be a derogation. The European Council may define common strategies on recommendation from the Council which may be adopted even if member states abstain, although if members representing over a third of votes abstain, they may combine their abstention with a formal declaration. Through a derogation to these provisions under the circumstances of joint actions or common positions, decisions will be made through QMV encompassing at least 62 votes and 10 members. With regard to EU-WEU relations,

¹⁰⁸ *Agence Europe*, 25 March 1997.

the wording would read that “the goals being the gradual integration of WEU in the Union, [consequently the Union] encourages the establishment of closer relations with WEU.” All members, even neutrals, would have the right to participate on an equal footing in the decision making process even if there were not full members of WEU. Thirdly, the enhanced cooperation would be possible at the request of those interested with decision taken by unanimity. However, the Commission should be invited to observe. Finally, with regard to financing, this should be placed under compulsory expenditure, but with a special decision making mechanism for this expenditure that takes into account the rights of the EP and the necessary speed that foreign policy matters require.¹¹⁰

Few countries were pleased with the Dutch proposals. The Germans did not think that it went far enough. Other than incorporating the Petersberg tasks, there is “little prospect for integration”. France was not satisfied with the measures concerning M. PESC, and Britain opposed the idea of “enhanced cooperation”.

Both French and British elections affected the negotiations. In both cases, the left won – the Socialists in France and Labour in the UK. Many hoped that Tony Blair’s government would be more amenable to integration, but Foreign Secretary Robin Cook also made clear that the UK was a strong supporter of NATO and that the UK would not support the merger of the WEU into the EU¹¹¹ and that it would not support the extension of QMV¹¹².

However, at the one-day summit in Noordwijk, at Tony Blair’s first major international meeting as Prime Minister, he did promise to accept the principle of “constructive abstention” allowing the UK to retain its veto,

¹⁰⁹ *Agence Europe*, 9 April 1997.

¹¹⁰ *Agence Europe*, 6 May 1997.

¹¹¹ *The Irish Times*, 21 May 1997.

¹¹² *The European*, 1 May 1997.

although in a softened form.¹¹³ The member states were also considering a Dutch compromise that would authorize a member country to invoke “higher considerations” in not joining a common action or position on foreign policy. These higher considerations would be another form of veto. The French and Germans countered with a proposal that allowed a country to invoke its “vital interests” only if it obtained 27 supporting votes, or at least two other members state, to sustain the veto. In this way, legitimate concerns could be addressed while destructive attitudes could be attacked.¹¹⁴ In this way, EU foreign policy would not be endangered in the name of a national “hobby”.¹¹⁵

The European Parliament was furious. German Christian Democrat Elmar Brok and Elisabeth Guigou of France, who represent the EP at the IGC, said that no real progress had been made on decision-making in the CSFP. According to Brok, “Constructive abstention” is being presented as a novelty, but in fact it already exists and, what is more, it does not work.” With regard to allowing the European Council to decide joint strategies by unanimity and then have the Council implement them by QMV, Brok pointed out that a country could still invoke a veto under the flag of “vital interests”. Brok argued that the Franco-German proposal requiring a minimum number of votes much more palatable.¹¹⁶

At the beginning of June, The Netherlands published their presidency’s conclusions which were considered “globally positive”.¹¹⁷ Hans van Mierlo said “I have the impression we are very close to an agreement” on CFSP

¹¹³ *Agence France Presse*, 22 May 1997.

¹¹⁴ *Agence Europe*, 28 May 1997.

¹¹⁵ *European Report*, number 2229, 4 June 1997.

¹¹⁶ *Agence Europe*, 28 May 1997.

¹¹⁷ *Agence Europe*, 3 June 1997.

although the Fifteen were “very divided” at the outset.¹¹⁸ The text provides for the Council to decide on common strategies in relations with third countries, that is general guidelines with regard to different issue areas specifying “the objectives, the duration and resources that must be provided by the Union and the Member States”, by unanimity on the basis of a recommendation by the Council of Ministers. Common Positions and Joint Actions coming from these Common Strategies, would be adopted by QMV in the Council. However, if a member state had “reasons of national policy” that were justified in vetoing a measure implementing the Common Strategy, then the European Council would consider the merits of such an interest. Germany opposed the usage of the term “vital interests” because of its usage in the Luxembourg Compromise.¹¹⁹ This “emergency break” was the only way that the UK would agree to the principle of qualified-majority voting on the implementation of Common Strategies. What has yet to be decided is what the appeals procedure in the European Council should be.¹²⁰ France and Germany want the qualified minority previously discussed at Noordwijk to defend the Member State at the European Council. The UK maintains that only the State in question need to turn to the Council.¹²¹

The Dutch text also allows a country to bow-out of a foreign policy decision while allowing the others interested to continue – the constructive abstention. However, under these circumstances, as opposed to under the circumstances of “enhanced cooperation”, the German government wants to make sure that the state bowing-out of this common action does not bow out of its funding. Under “enhanced cooperation”, a small number of countries

¹¹⁸ *Agence Europe*, 4 June 1997.

¹¹⁹ *Agence Europe*, 4 June 1997.

¹²⁰ *European Report*, number 2229, 4 June 1997.

¹²¹ *European Report*, 14 June 1997.

could decide, if the Council agreed unanimously, to conduct a diplomatic action with respect for the guidelines decided by the European Council, without compromising the efficacy of European diplomacy. Others could later join the “enhanced cooperation” if they so chose.

Another issue resolved was over M or Mme. PESC. Rather than giving it to a politician as the French wanted, article J 7 states that “the Presidency shall be assisted by the Secretary General of the Council who has the position of High Representative for CFSP.

On defense matters, the draft text includes the “gradual” definition of a common defense policy “in the perspective of a ‘common defence’”, and covers the Petersberg tasks without naming them as such. In the meantime, the Union “has recourse” to WEU for its expertise and for implementing missions. Several integrationist countries, France, Germany, Belgium, Luxembourg, Italy and Spain are identified as calling for a timetable with regard to WEU’s merger, but since the UK and other neutral countries are opposed, none is given.¹²² As per Italy’s request, the text also refers to the development of arms cooperation “as need be”.¹²³

One of the last decisions to be made on CFSP was on funding. All operational expenditure, with the exception of operations with military implications, would come from the EU budget.¹²⁴ Based on EP proposals, all member states, except France and the UK, approve of the inter-institutional agreement between the Commission, the Parliament and the Council, to confirm that such CFSP expenditure are non-compulsory, and so the EP can approve the non-compulsory expenditures as quickly as foreign policy matters need to be decided. In addition, an *ad hoc*

¹²² *European Report*, 14 June 1997.

¹²³ *Agence Europe*, 6 June 1997.

¹²⁴ *Agence Europe*, 6 June 1997.

procedure between the EP and the Council would need to be implemented each year parallel to the adoption of the general budget to determine the budget of the CFSP.¹²⁵

The CFSP components: A minimalist agreement

In the end, the final Amsterdam CFSP components did not differ terribly from the Dutch draft treaty. Although the text of article J under the Amsterdam treaty differs substantially from article J of the Maastricht treaty, with regard to institutional structure, decision making, and defense, three of the most divisive issues, little changed. In the end, the CFSP remained in a special pillar, decisions have the potential to be made by qualified majority and have the potential to be vetoed, and a greater commitment to the idea of a common defense as given.

Ultimately, the Commission requested a planning cell, more qualified majority voting, a representative duo consisting of the Commission and presidency, financing to come from the Union budget and an intervention force. Of these five requests, the Commission got its planning cell and its budget, although not perhaps in the form that it envisioned. Article J also established a high representative for the Union and establishes the notion of “common strategies.”

The CFSP provisions are weak because they are the product of a lowest common denominator agreement. Of the three major issues involved in CFSP, single institutional framework, QMV, and the inclusion of defence, the minimum won out. Of the big three, both the UK and France opposed the a single

¹²⁵ *European Report*, number 2229, 4 June 1997.

institutional framework, and, overall, six out of the fifteen supported the single institutional framework.¹²⁶ Although discussed in the run-up to Amsterdam, the issue was a non starter during the debates.

The member states were almost evenly split over whether take CFSP decisions by qualified majority vote or not. Of the big three, Germany supported QMV, the UK opposed it and France opposed it to a lesser degree. As a result, the provisions say the minimum: decisions have the potential to be made by qualified majority vote, but also the potential to be vetoed. Decisions are taken by unanimity in the Council, but a member may abstain. If one-third of the votes abstain, then the decision shall not be adopted. If acting by derogation and by qualified majority voting, then “if a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The Council, acting by a qualified majority, may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.”¹²⁷

On the inclusion of defence, France and Germany supported it; the UK opposed. Overall, ten countries were for the inclusion; five were against. Rapprochement between WEU and the EU is increased, but this “progressive framing of a common defence policy ... which might lead to a common defense” would occur only if the European Council should decide by unanimity in the future.¹²⁸ This is a perfect example of the strict limit of the transfer of sovereignty in the future.

¹²⁶See table 2.

¹²⁷ Amsterdam Treaty, article J.13 emphasis my own.

¹²⁸ Amsterdam Treaty, article J. 7.

In this way, both sides were satisfied by doing the bare minimum.

Usefulness and Limitations of the Liberal Intergovernmentalist View

Liberal intergovernmentalism is very good at explaining the different national concerns and policies that either mesh to produce international cooperation or do not. In the case of the CFSP negotiations, true to the liberal intergovernmentalist predictions, the large countries dominated, threatened each other with either non-agreement or exclusion, small countries were often ignored, the negotiations themselves affected the preference formation of the countries involved, and the CFSP treaty provisions put a strict limit on future transfers of sovereignty in a most minimalist agreement.

Liberal intergovernmentalism has a very narrow focus on the major bargains struck between states and the legal basis for cooperation. Although liberal intergovernmentalism stresses the relations between states, it still recognizes the importance of external context and of supranational institutions. Moravcsik recognizes these institutions as a sort of mid-wife, as the neo-functionalists do increasing

the efficiency of interstate bargaining. ... By augmenting the legitimacy and credibility of common policies, and by strengthening domestic agenda-setting power, the EC structures a 'two-level game' that enhances the autonomy and initiative of national political leaders -- often, as noted above, a prerequisite for successful market liberalization. With a few important exceptions, EC institutions appear to be explicable as the result of conscious calculations by Member States to strike a balance between greater efficient and domestic influence, on the one hand, and acceptable levels of political risk, on the other.¹²⁹

According to Moravcsik, the EU is a two-level game with an institutional level and a nation state level. Each affects the other and each affects the negotiations and their outcome. Recognizing that there are

¹²⁹Moravcsik, (1993): 507.

different levels to the game, one can add into an analysis of the European Union the international situation instrumental in explaining the timing of the agreement, the institutional momentum and the domestic situations of the member states. Each affects EC politics.

Liberal intergovernmentalism, with its emphasis on interstate bargains, cannot alone explain why particular countries and not others meet at the negotiating table, nor why they choose to pool their sovereignty in certain areas, but it does explain and predict the negotiated outcomes of agreements between the participants.

Despite the apparent agreement on the need for closer security cooperation, agreements and treaties which form the supranational structures and the bases for political and security cooperation are determined by intergovernmental negotiation. States' positions and behavior in intergovernmental negotiations is determined by domestic political structures and by domestic interest groups. The more the individual countries' national interests dovetail, the more comprehensive the agreement. Ultimately, wherever the countries do not agree, then the parties will make do with the lowest common denominator.