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**Europe as International Actor:
Maximizing Nation-State Sovereignty**

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Abstract

The continually increasing literature on foreign- and security-policy dimensions of the European Union (EU) has provided no remedy for the widespread helplessness in gaining a purchase on Europe as an international actor. The basic hindrance to understanding this policy comes from an all-too-literal interpretation of the acronym involved: the CFSP is understood as a total or partial replacement of the nation-states' foreign and security policy. This article aims to point the way to a new understanding of the CFSP in which this policy is not based on the integration of nation-state foreign and security policy. I suggest that the proper way to grasp the phenomenon of the CFSP is to describe it as an international regime whose goal is to administer links between economic integration and foreign- and security-policy cooperation in the sense of maximizing the sovereignty of member states. This requires, on the one hand, the prevention of "spillovers" from the economic area that could interfere with the foreign- and security-policy independence of member states. On the other hand, it demands applying the EU's economic potential to reinforce the foreign- and security-policy range of member states. Due to the logic of this policy, CFSP priorities and fields of action differ profoundly from those of a national foreign and security policy. Expectations on the evolution of the CFSP must be aware of these basic characteristics of this policy.

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Introduction

The continuously increasing literature on foreign- and security-policy dimensions of the European Union (EU) has provided no remedy for the widespread helplessness in gaining a purchase on Europe as an international actor: the numerous policy-oriented studies¹ contain a wealth of well-meant reform proposals, yet a theoretical basis serving to deepen understanding is lacking. The various schools of international-relations theory often remain captives of their approaches. Practice and development of the Common Foreign and Security Policy (CFSP)² allow each school of thought to claim a measure of truth.³ Apart from certain exceptions,⁴ however, questioning the nature or *raison d'être* of this policy is rarely pursued. This has repercussions on empirical research which flaw the conceptual orientation bases and criteria for observing CFSP practice.

In my judgment the basic hindrance to understanding this policy comes from an all too literal interpretation of the acronym involved: the CFSP is understood as a total or partial replacement of the nation-states' foreign and security policy. In theory this understanding is expressed in the perception of a link between nation-state sovereignty and the CFSP as a zero-sum-game, in which a CFSP build-up equates to a loss in national sovereignty and vice versa. This viewpoint suggests a power struggle between the EU and nation-states over foreign- and security-policy prerogatives. Considering the distribution of power and resources between state and regional levels in this area of policy, this cannot occur.⁵ Empirically this perception of the CFSP results in its performance in regard to functions and tasks being measured in terms of conventional state foreign and security policy. This raises false expectations, especially in the field of security policy.⁶

This article aims to point the way to a new understanding of the CFSP in which this policy is not based on the integration of nation-state foreign and security policy. Instead, under a CFSP properly understood, states agree solely to adjust these policies on the background of economic integration in the interest of member states.⁷ The result of this is, first, that the CFSP imposes no losses of national sovereignty. On the contrary, it serves to maximize the sovereignty of member states. Second, based on the logic of this policy, CFSP priorities and fields of action differ profoundly from those of a national foreign- and security-policy. I

¹Martin/Roper 1995; Bertelsmann Stiftung 1995; Werner Weidenfeld 1995.

²Since the Maastricht Agreement took effect in 1993, the CFSP has assumed the role of successor to the European Political Cooperation (EPC). Depending on the time frame, I use one acronym or the other in the following. If the total period of cooperation is intended, only the CFSP is indicated.

³Weiler/Wessels 1988; Wessels 1993, p. 29.

⁴Hill 1993; Waever 1994.

⁵It is generally doubted that the EU can form an alternative basis of sovereignty to that of the nation-state. Waever 1995, p. 415; See also Ruggie 1993.

⁶Bull 1982; Pijpers 1988; Jopp 1994b.

⁷My argument parallels in part the classical description of the EC as an "international concordance system" offered by Puchala 1972, p. 277. In regard to the Community pillar, the possibility of a positive link between national sovereignty and regional integration has already been debated. See herefore: Hrbek 1989; Moravcsik 1991, 1993.

suggest that the proper way to grasp the phenomenon of the CFSP is to describe it as an international regime.

The key point of confusion is the issue of sovereignty. I therefore begin with a comparison of nation-state sovereignty concepts with the three classical theories of international relations in the area of European integration: federalism, realism, and functionalism. These approaches are then compared to my thesis of the CFSP as an international regime whose goal is to administer links between economic integration and foreign- and security-policy cooperation in the sense of maximizing the sovereignty of member states. This requires, on one hand, the prevention of “spillovers” from the economic area that could interfere with the foreign- and security-policy independence of member states, which I designate as “sovereignty protection.” On the other hand, it demands applying the EU’s economic potential to reinforce the foreign- and security-policy range of member states, which I call “sovereignty expansion.” From an institutional perspective, changes of member-state behavior resulting from these acts do not mean an alteration of the concept of sovereignty, but simply an adaptation of the corresponding rule-bound behavior. This approach permits resolving the seeming paradox between the continuing significance of nation-state sovereignty and the development of the CFSP, while at the same time gaining knowledge about the dynamics of this policy.

The Inappropriateness of the Zero-Sum-Game Perspective

The sovereignty conception of the modern state, as it emerged from the Peace of Westphalia, can be understood in Morgenthau’s words as “the supreme legal authority of the nation to give and enforce the law within a certain territory and, in consequence, independence from the authority of any other nation and equality with it under international law.”⁸ Thus sovereignty turns out to be both an internal and external component. “Internal” sovereignty means the predominance of the state within its territory. “External” sovereignty entails no right to international predominance but it does entail independence from foreign powers. Also belonging to this concept are protection from intervention, equal treatment of all nations from the standpoint of international law, and the pursuit of an autonomous foreign policy.⁹ The latter therefore corresponds to the predominance of the nation in domestic matters and hence belongs to the core component of sovereignty.

Its link to the core of nation-state sovereignty makes the CFSP the object of starkly diverging estimates from the theoretical side of international relations. In the logic of federalism, which sees European integration as a process of state-building, introduction of an integrated foreign and security policy constitutes a vital component of this process. This approach views the right of disposal through foreign and domestic means of power as an indispensable pillar of any political community. Such a community should also exercise determining influence on the distribution of resources, while at the same time forming the core unit of

⁸Morgenthau 1967, p. 305.

⁹Bull 1977, p. 8; Philpott 1995, p. 357; Seidelmann 1994, p. 493.

political identity for the majority of people.¹⁰ The European Political Cooperation (EPC) as well as its successor, the CFSP, are on the wrong track from this vantage point due to their largely intergovernmental approaches.¹¹ Yet for the realist and later neorealist school, the European integration process was never more than the product of reaction from power- and sovereignty-conscious nation-states to the international division of power of the Cold War.¹² The foreign-policy collaboration of EU nations is perceived as a simple *ad hoc* coalition without special linkage to economic integration, which emerged as a reaction of the affected nations to Europe's relative loss of power in relation to the rest of the world.¹³ Its further development beyond cooperation, which not only "pooled" sovereignty¹⁴ but also transferred or even merely limited it, would lead to an unnatural ahistoric system that would not serve the goals of the nation-states and thus could not remain stable.¹⁵

Like the federalists, the functionalists and later neofunctionalists had in mind as their ultimate goal replacing the nation-state by forming a new political community at the regional European level. Yet, unlike the goal-oriented federalists, the functionalists concentrated their attention on the process of integration which, from their viewpoint, occurs step by step. Progressive integration in economic and technical areas leads to so-called "spillovers" in other areas of cooperation including politics: "Given a minimal threshold of initial commitment and joint policymaking, regional actors, for a variety of voluntary and involuntary motives, will find themselves engaged in the elaboration of a common foreign policy where none existed previously."¹⁶

All three directions of thought have their merits: the federalism approach steers attention toward the problem of the distribution of competences between federal and nation-state levels.¹⁷ The realism approach underscores the impact of relative power distribution on cooperative behavior of rational, utilitarian, thinking national actors. Finally the functionalistic approach refers to the mutually reinforcing effects of economic and political cooperation. In their understanding regarding the sovereignty aspects of foreign policy however, all three approaches assume a zero-sum-game between the nation-states and regional levels. Each step in the direction of intensified integration is seen as a loss of sovereignty by the nation-state in favor of the EU and vice versa. This corresponds to the traditional understanding that political integration is inevitably linked with a reduction in nation-state sovereignty.¹⁸ While federalists and functionalists

¹⁰Erzioni 1965, p. 4.

¹¹I mean by "intergovernmental" a decisionmaking process in which each member state has at least the formal option of preventing important decisions affecting it of which it disapproves. In contrast to this I refer to a decisionmaking process as "supranational" if member states in such cases can be bypassed in international institutions.

¹²Waltz 1979, pp. 70-71.

¹³Pijpers, 1991, pp. 9, 18, 28.

¹⁴For the term "pooling sovereignty," see Keohane/Hoffmann 1990, pp. 277-282.

¹⁵Weiler 1991.

¹⁶Schmitter, 1969, p. 165. See also: Lindberg 1963, p. 6; Haas 1958, chapt. 8; *ibid* 1964, p. 48; Nye 1971, Chap. 3.

¹⁷Bulmer 1991, p. 76; Holland 1991, p. 76.

¹⁸Pentland 1973, p. 29.

consider the transfer of state sovereignty to the federal level to be a good worth striving for, the basic premises of the realists rule out such a process, especially in the area of “high politics.”

Taken as a group, these approaches may thus be able to follow political debate on the future of the CFSP, which often takes on the form of a choice between “all or nothing.” But to explain how the foreign- and security-policy dimension of European integration really develops, they contribute little: EPC and CFSP have in no way developed according to an “all or nothing” scheme. Although the CFSP, despite its promising acronym, has hardly anything in common with a “common policy” of the community pillar of the EU, due to its institutional combination with this pillar and especially the involvement of the Commission,¹⁹ it represents more than an *ad hoc* coalition of nations which, in the eyes of certain exponents of the realist approach, could have resulted just as well independently from economic integration.²⁰

If one holds to the assumption of a zero-sum sovereignty-game between nation-state and regional levels, there are only two plausible reasons for the mid-range status of the foreign- and security-policy dimension of European integration: it either occurs according to the federalistic or functionalistic approach en route to their complete integration—which must be linked with a successive shift of foreign- and security-policy authorities from the nation-state level to that of the EU. Or the significance of sovereignty in general is in the process of decline—which would indicate a refutation of the realists’ basic premises.

In rebuttal to the federalists and functionalists, it can be said that previous development of the foreign- and security-policy dimension of the integration process has been pursued by a largely continuous pragmatic route, which suggests that the goal of an integrated global foreign and security policy has never been a real option.²¹ Signs of this development were the time-phase delay in comparison to the economic integration process, the almost exclusively intergovernmental character of cooperation, and the extremely cautious approach to the institutional framework of economic integration. Only after more than twenty years of EPC experience was the step taken in the Maastricht Treaty to dare to involve the CFSP within a unified institutional framework with the economic integration process. Yet the scope of authority for CFSP executives and thus the decision-making process too is not the same as for the community area. European Council and Council of Ministers are the dominating decision-making authorities and underscore the CFSP’s inter-state character. Inclusion of the Commission and Parliament was extended but serves mainly to provide internal information and to coordinate CFSP implementation with activities of the community pillar. The formal influence of these supranational authorities in the decision-making process remains

¹⁹Bulmer 1991, p. 71.

²⁰Ifestos 1987, p. 25; Pijpers 1991, p. 31.

²¹Goetschel 1994, pp. 1-4.

marginal. Now as before, the European Court of Justice (ECJ), the most important federalistic element of the Treaty of Rome,²² remains completely outside the CFSP.²³

The second approach implies that the meaning of national sovereignty under the aegis of globalization and the increase in transnational actors is in decline.²⁴ The emergence of new forms of cooperation above and below the nation-state levels takes on a large portion of the sovereignty relevance of foreign policy. The empirical counter argument to this is that the conventional nation-state and the sovereignty concept attached to it remain the only universally recognized form of organized political life in the current international system.²⁵ Also specifically in regard to European integration, despite or due to the cooperation established among the member states, one cannot in my view speak of loss of importance in nation-state sovereignty. Theoretically this statement is based on an institutional view of sovereignty which will be presented below.²⁶

The Institution of Sovereignty and the CFSP

Institutions have been described in Keohane's words as "a set of persistent and connected rules (formal and informal) prescribing behavioral roles, constraining activity, and shaping expectations."²⁷ Their historical development, their role in the constitution of identity and their network of relationships assume that institutions are sluggish path-dependent structures.²⁸ Yet the persistence of the institution of sovereignty is not equivalent to an unchanged exercise form with attached nation-state commitments that resulted from the two core conception of the Westphalia sovereignty accord based on the rules of territoriality and autonomy.²⁹ Since the preferences of the state form the bases of institutions but preferences are still shaped by acts, further development of institutions depends on the possibility of varying the rule-bound behavior of the states.³⁰ Distinguishing among institutions, their rules, and the behavior that results from them helps us to understand how important changes in international behavior of nations can occur without variation in the underlying values which gear up national action as embodied by the institution of sovereignty. The identity- and legitimacy-shaping significance of sovereignty is not affected by adaptation of the states rule-bound behavior to changes within the international setting. A modification of the conception of sovereignty does not occur, even though the form of exercising it changes.

²²Art. L EU Treaty. See Weiler 1982; Wallace 1994, p. 38.

²³Certain authors represent the view that the ECJ could be called upon to decide on the belonging of an issue in the CFSP's realm of authority or that of the community pillar. Fink-Hooijer 1994, pp. 177-178.

²⁴Rosenau 1990; Zürn 1995, pp. 137-163.

²⁵Krasner 1989, p. 93; Ruggie 1993, p. 167.

²⁶Krasner 1989; Keohane 1995, p. 167.

²⁷Keohane 1989, p. 3.

²⁸Krasner 1989, pp. 83-88.

²⁹Autonomy consists in my judgment of independence in decisionmaking and the scope of the corresponding decision.

³⁰Wendt 1991.

A change in the institution that would be linked to a conceptual change is imaginable if the durability and extent of rule-bound behavioral change in the state has lasting effects on the rules themselves and thus leaves its impact on the institution. This would express itself through conduct from which it could be concluded that the principle of territoriality or that of autonomy have clearly lost significance for the states or have even become irrelevant. The identity- and legitimacy-shaping significance of sovereignty would also inevitably be affected by this.

How do these abstract formulations affect how one should think about the relationship between nation-state sovereignty and the process of European integration? Looking at the community and the "internal" sovereignty of member states, a significant weakening of the territoriality principle has been established by various authors. For Keohane this is the result of member-state reaction to recognition that the increasing importance of economic and political cooperation at the international and transnational level could result in a sovereignty interpreted exclusively at the national level which would ultimately be undermined or even become dysfunctional.³¹ He identifies the EU as a case in which the conception of nation-state sovereignty has been changed most sharply by multiple interactions and interdependence relationships among member states. The nation-state is by no means dead, but the exercise of its traditional sovereignty takes on other forms: "Sovereignty is less a territorially defined barrier than a bargaining resource for a politics characterized by complex transnational networks."³² Keohane sees effective international institutions as incompatible with a rigid attachment to the traditional sovereignty concept: "([T]he institutions) will rest on the willingness of states to give up their legal freedom of action in return for more certainty about their environments as a result of having some control over other states' actions (...) In the zone of peace, characterized by complex interdependence, sovereignty will become more a resource to be traded off in exchange for partial authority over others' policies than a set of barriers to intervention."³³

Pierson also diagnoses a significant weakening of the principle of territoriality. He does not see adaptation of rule-bound behavior as rational member-state reaction to the changed setting. It is rather the result of a loss of control by the states resulting in important divergences between the intentions of member states and the decision-making processes really taking place at the EU level. These "gaps" are due among other factors to the partial autonomy of European Community (EC) institutions, the restricted time horizons of national political actors, institutional barriers to reform, unintentional consequences which could result from "issue density" and institutional interweaving, as well as the high costs that would be linked to leaving the integration structure.³⁴

In neither of these two institutionalized viewpoints has the rule of territoriality lost its significance as the core of "internal" sovereignty. Now as then, states are trying to maintain their predominance in the inte-

³¹Keohane/Nye 1989 [1977]; Keohane 1995, pp. 174-177.

³²Keohane 1995, p. 177.

³³Keohane 1995, p. 184.

³⁴Pierson 1996.

rior. But this control can no longer be attained only within one's own borders alone. Rather it requires political outreach. Linked to this is a modification of the corresponding rule-bound behavior that consists in the trade of a portion of interior supremacy for a partial say over the policies of third-party states. This adaptation is perceived by Keohane as a product of the states' national reaction to an environment marked by "complex interdependence." Pierson perceives this reaction as a partially unintended consequence.

Yet the results of relativizing the territoriality rule remain a matter of scholarly dispute: while Pierson diagnoses a partial loss of control for the long term,³⁵ intergovernmentalists such as Moravcsik argue that the EC is more apt to strengthen the role of nation-states than to weaken it—and that member states will accept its unique institutional structure only as long as the EC ultimately improves the conditions for its control in the domestic area.³⁶ In summary, one can hold with Rieger that the EC's "institutionalized two-faced Janus effect" will produce specific forms of self-dynamics depending on the situation and political area.³⁷

What is the current outlook for the CFSP? What are its effects on the "external" sovereignty of member states? The cooperation conditions of the member states in the area of foreign and security policy show a few basic differences when opposed to those in the areas of community cooperation. First "high politics" in most cases requires no national implementation. Except in cases of politically-motivated export regulations, non-state actors are not directly affected by implementation of this policy. As a result, foreign and security policy is seldom based on national laws and regulations; thus also the corresponding international cooperation does not require a real legislative process. Hence the legal regulations needed for collaborating within the CFSP framework are often of a pragmatic and informal nature.³⁸ Several consequences are linked with it for the foreign- and security-policy dimension of the European integration process. The absence of non-state actors also means the near-absence of interest groups or lobbies that could become engaged as the driving force for stronger integration due to interdependence.³⁹ Moreover, due to the negligible importance of legislative aspects, the exchange of sovereignty in the legislation process from the national to the regional level is not an option: "external" sovereignty—in contrast to "internal"—cannot be exchanged for legislative participation,⁴⁰ but at best for a more diffuse type of codetermination.

The second basic difference is based on the sharp visibility of foreign and security policy as an identity-shaping element of nation-state sovereignty. In comparison to the multifold technocratic character of politics in the community cooperation area, foreign and security policy forms a core component of nation-state identity. The preservation of such tradition assumes autonomy in carrying out this policy and thus "external" sovereignty. Significant change in foreign- and security-policy orientation of a nation consequently

³⁵Pierson 1996, p. 131.

³⁶Moravcsik 1993, p. 507; Hrbek 1989, pp. 81-108.

³⁷Rieger 1995, p. 362.

³⁸Lopandic 1995.

³⁹Moravcsik, 1993, p. 494.

⁴⁰Keohane, 1995, p. 184.

occurs in a relationship of tension to the foreign-policy values or “images”⁴¹ anchored in the population. This counts all the more if these changes in course are perceived as forced from the outside. Examples of such domestic tensions as the result of the European integration process were provided by the domestic debates on the referendum over the Maastricht Treaty in Denmark,⁴² the EU entry referendum in Austria,⁴³ and even the referendum over the entry of Switzerland to the European Economic Area (EEA).⁴⁴ In all three cases, the issue of foreign- and security-policy changes played an important role in the public dispute within the context of the public opinion formation.

These differences—e.g., the secondary importance of legislative aspects, the almost exclusively “state” character of this policy, and its high “visibility” and identity link—are in large part responsible for the institutional idiosyncrasies of the CFSP compared to the community pillar: the most important tasks of the supranational EC institutions—Commission, Parliament, and the ECJ—are based in the legislative process. The marginal role of those institutions in total within the CFSP framework allow emergence of the “gaps” diagnosed by Pierson to appear much less probable.⁴⁵ At the same time, considering the high political sensitivity of the CFSP, it is unlikely that governments would be prepared to hand over important authority in decision making to supranational institutions without compelling reasons such as might result above all from interconnection between CFSP and EC.

These conditions of foreign- and security-policy cooperation among member states make it unlikely that the conception of “external” sovereignty will change. If in the community area modifications in rule-bound behavior of member states at most suggest the beginning of a change of conception regarding “internal” sovereignty, such a development certainly does not lie in store for the CFSP. Therefore, development of the CFSP cannot be explained based on a weakening of importance of “external” sovereignty.

Thus the CFSP cannot be understood from a zero-sum-game perspective: its explanation requires an approach based on a positive link between regional foreign- and security-policy cooperation and nation-state sovereignty. Or, put in other words: the CFSP can only be understood as in the interest of foreign- and security-policy autonomy of member states. Hence we should select the thesis that the CFSP expresses adaptation of the institution of sovereignty's required rule-bound national behavior within the setting of the economic integration process. The structured survey of this behavior and the review of its positive sovereignty link assumes a theoretical approach which deals with rule-governed cooperation among sovereign states to solve issue specific problems. For this reason, regime theory would seem to provide a fruitful approach.⁴⁶

⁴¹Boulding 1956; Holsti 1962.

⁴²Kaiser 1994, p. 78 f.

⁴³Büthe 1995, p. 31 f.

⁴⁴Goetschel 1994b.

⁴⁵Pierson 1996.

⁴⁶In the 1980s the regime theory emerged from the interdependence approach which attempted to explain cooperation between nations in an international environment marked by “complex interdependence.” It was characterized among other

The CFSP as International Regime

An international regime can be defined as “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations. Principles are beliefs of fact, causation and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choices.”⁴⁷ German research on regimes added to this classical definition by Krasner the constituent element of the criterion of effectiveness. The existence of a regime thus also requires a minimum implementation of the proposed principles, norms, and rules.⁴⁸ It follows from this that the states must respect the corresponding rules to a certain degree and that the rules and procedures of the regime must be directed to maintaining its principles and norms.⁴⁹

It is the goal of regime theory “... to explain the possibility, conditions, and consequences of international governance beyond anarchy and short of supranational government in a given issue area.”⁵⁰ Regime theory thus starts from sovereign nation-states which in certain sectors voluntarily enter specific, normative-based forms of cooperation. This cooperation assumes that the need to regulate beyond the borders of nation-states has increased. However it does not see the option of a “world state,” as advocated by the world federalists as a desirable option.⁵¹ This perception allows regime analysis to bridge contrasts between the self-help views of the realists based on international anarchy and views of federalists and functionalists postulating progressive surmounting of the nation-state by integration.⁵² Hence the way is cleared for viewing the CFSP without assuming a zero-sum-game perspective of sovereignty distribution between regional and nation-state levels.

What kind of regime is the CFSP? A literal interpretation of the Maastricht Treaty agreements reveals that the goal of this cooperation is for the member states to proceed jointly in all areas of foreign and security policy.⁵³ The article of purpose especially mentions preservation of common values, basic interests, and the Union’s independence, strengthening of its security and that of its member states, preservation of peace and intensification of international security corresponding to the fundamentals of the United Nations (UN) Charter as well as the principles of the Organization for Security and Cooperation in Europe

things by blurring the hierarchy between “high” and “low” politics, leveling of these political fields, and vanishing of the state as a unified actor. Keohane/Nye 1977; Kohler-Koch 1990.

⁴⁷Krasner 1983b, p. 2.

⁴⁸Rittberger 1993b, pp. 8-11.

⁴⁹For the importance of consistency between principles, norms, rules, and procedures of regimes, see Kohler-Koch 1989, pp. 37-41.

⁵⁰Mayer/Rittberger/Zürn 1993, p. 392 f.

⁵¹Mayer/Rittberger/Zürn 1993, p. 393 f.

⁵²Wolf 1994, p. 428.

⁵³Art. J. 1 §1 EU Treaty.

(OSCE), promotion of international cooperation, development and strengthening of democracy and rule of law, as well as honoring human rights and basic freedoms.⁵⁴ The objective discrepancy between these tasks and the CFSP's performance record can be absorbed within regime theory, which distinguishes between "regime impact" and "regime efficiency." Consequently the regulatory conduct of member states represents no guarantee for achieving the cooperation goal.⁵⁵

Yet describing the CFSP as such a regime serves at best the theoretical underpinning of conventional pragmatic-positive judgments on this policy, according to which the CFSP still remains far removed from a "genuine" common foreign and security policy, even if a great deal has already been accomplished.⁵⁶ The knowledge acquired in such an analysis of the CFSP is doubtful: the action areas enumerated in the article of purpose have above all the character of a labor program. In CFSP practice they may appear in one form or another, but their significance differs widely. Therefore the regime described contributes little toward understanding the foreign- and security-policy cooperation of member states. It provides above all no explanation for the sharply varying importance of different action areas and—according to conventional nation-state foreign- and security-policy viewpoints—the largely unstructured appearance of the EU's international interventions.

The central interest of the member states in the CFSP does not lie in the states proceeding jointly in all areas of foreign and security policy but rather in maximizing "external" sovereignty. The goal of the CFSP regime is thus not the literal interpretation of the Maastricht acronym but the maximizing of foreign- and security-policy autonomy in the economic integration setting.⁵⁷ To illustrate this point I chose as indicators the CFSP decision-making process and its dealings with "spillovers" of the community pillar in the area of "high politics." In regime terminology these indicators form the "principles" of the regime. I identify as "norms" in the CFSP agreements the design of regular cooperation between member states in carrying out their policies and the step-by-step implementation of joint action in areas where important common interests exist between these states.⁵⁸ The "rules" and "procedures" of the CFSP should be designed in both areas so as to ensure a certain effectiveness in maintaining the autonomy of member states. Aside from the "principles" and "norms", I forego proving empirically the subdivision of CFSP agreements in individual categories conforming to regime policy. I restrict the discussion to establishing that the corresponding

⁵⁴Art. J. 1 §2 EU Treaty.

⁵⁵Müller 1993, pp. 43-46.

⁵⁶Hill 1990; Holland 1995b.

⁵⁷Situations in which states have common interests and common problems provide an understandable reason for forming regimes. In both cases joint decisions are preferred to independent ones. Stein 1990, p. 39. The maximization of individual benefits constitutes the motivation for cooperation. Therefore collective action cannot succeed by bypassing the member states' through technocratic institutional self-dynamics. It must take the states into the equation. To be sure, the states' priorities and action resources are marked by the conditions of European integration and the interdependence resulting from it.

⁵⁸Art. J. 1 §3 EU Treaty.

regulations were explicitly recognized by the member states upon ratification of the Maastricht Treaty. On the other hand, I dedicate special attention to the rule-bound behavior of the actors.⁵⁹

Are the decision-making process and the reaction to foreign- and security-policy implications of economic integration central elements of the CFSP? And are they directed to maximizing the sovereignty of the member states? The following reflections consider the legal and political reality of the CFSP but also the preceding development of the foreign- and security policy dimension of European integration, assuming that the transition to the CFSP represented no change in regime but only a modification of rules within the existing regime.⁶⁰

Without wishing to go into detail about the numerous and complex decision-making procedures of the EU, the nature of the EU decision-making process can be reduced to two elements: the decision-making process among the member states and the inclusion of supranational institutions. In both cases, previous development of the foreign- and security-policy dimension of European integration is clearly intended to preserve intergovernmentalism. The meaning and sensitivity of this subject were first debated to a large extent in public by discussion on the Maastricht Treaty (Maastricht I) and the following conference to revise it (Maastricht II).⁶¹ The fact that the decision-making process issue was less prominent in the EPC's initial phase owes less to it being ranked lower in importance than that its design was largely uncontested. Also, after its codification in the Single European Act (SEA), the EPC observed only unanimous decisions and possessed its own framework divided institutionally from the EC. To underpin this division physically, the foreign ministers of the member states met in the framework of the EPC partially even in other geographic settings from the ones when they acted as a general council of the EC. The enlisting of the Commission to coordinate the EPC with joint cooperation was only approved in the Londoner Report of Foreign Ministers 1981.⁶² The Parliament was informed without obligation. Both these supranational institutions were thus far removed from having formal possibilities of influence in the decision-making process. The ECJ remained completely shut out.

The Union Treaty has not essentially changed the facts of the matter. The possibility for unanimous consent in the context of joint actions issue areas in which decisions would be taken with a qualified majority, does not affect the basic independence of decision making of member states.⁶³ Moreover such majority decisions have never been applied until now and they would be envisioned more at the operative action level than at the strategic decision-making echelon. The scopes of authority of Parliament and the Commission are growing but cannot yet be viewed as participation in the decision-making process. This applies

⁵⁹For the basic importance of these factors in studying regimes, see Kratochwil 1989, pp. 61-63.

⁶⁰Modification of principles or norms of a regime means a change in the regime as a whole. By contrast, rules and procedures can be changed within the same regime. Krasner 1983, p. 3 f.

⁶¹Cloos et al. 1993; Content of Reflection Group's Debate on the Union's Foreign and Security Policy 1995.

⁶²Auswärtiges Amt 1992, p. 72.

⁶³Art. J. 3 §2 EU Treaty.

to certain areas of parliamentary budgetary authority as well as to the Commission's nonexclusive right to initiate topics on the CFSP agenda.⁶⁴ Thus, preserving the decision-making independence of member states was and remains a core value of the CFSP. This also applies in case certain subordinate decisions on raising the CFSP's effectiveness in implementing policy should be made with a qualified majority in the future.⁶⁵

To what extent does the CFSP permit itself be interpreted as a reaction of member states to the increasing interdependence caused by the economic integration process and the "issue density" linked to it? Since its inception, the foreign- and security-policy dimension of European integration has displayed at least a time-related link to the economic integration process. It is hardly accidental that the EPC started right in 1970 one year after the customs union among the member states took effect. The common trade policy introduced with it, tied in with exclusive Commission authority, formed the basis for starting a progressively institutionalized political monitoring of these foreign economic relationships. Moreover the two other most important development steps of the foreign- and security-policy dimension until now also possess a timely correlation with economic integration: codifying of the EPC in 1985 was part of the SEA, which established the domestic market program. The CFSP, introduced with the Union Treaty, can be seen on the one hand in connection with realizing the domestic market in 1992. On the other hand, it can be viewed as a political supplement to the Economic and Monetary Union (EMU) program. The timely coinciding of economic and political integration steps provides a plausible reason to establish a link between both dimensions of the integration process. Yet the status and content of this relationship must be judged primarily on the basis of member-state conduct.

Preserving Sovereignty and Expanding It

Introduction of the common trade policy demanded coordination of the foreign policy aspects connected with it. This was shown among other things by the fact that even before codification of the EPC the EC for the first time imposed politically motivated economic sanctions against third-party countries, as occurred in 1982 against the Soviet Union and Argentina. A corresponding practice established itself with implementation of similar measures against South Africa, Iraq, Libya, and the former Yugoslavia.⁶⁶ When seizing the corresponding sanctions, the EC relied on its authority in the area of common trade policy.⁶⁷ However, this required a previous political decision of the member states which occurred within the framework of the EPC and which was legally based on the general coordination duty for securing the functioning of the Common Market.⁶⁸ Therefore, the EC could only seize politically motivated economic sanctions if it could

⁶⁴This area of authority of the Parliament results from the Maastricht Treaty's unclear separation of CFSP's administrative expenditures from its operational ones. Ryba 1995, pp. 19-21.

⁶⁵European Foreign Policy. Unity by machinery? *The Economist*, 2 March 1996, p. 46 f.

⁶⁶Vaucher 1993, pp. 39-48.

⁶⁷Art. 113 EC Treaty.

⁶⁸Art. 224 EC Treaty.

refer to a preceding unanimous decision of the member states.⁶⁹ The Maastricht Treaty brought a refinement of this foreign-policy action instrument in that it, first, expressly foresaw implementation of politically-motivated economic sanctions and, second, also made the procedure of seizing such actions more precise.⁷⁰ The combination of a unanimous decision of the member states within the framework of the CFSP with a following qualified majority decision of the Council to carry out sanctions supported by a Commission proposition admittedly corresponded largely to the earlier procedure. Now as then each state possesses the right of veto in the initial phase, so that independence in foreign-policy decision making remains intact as it already did under the ad hoc sanctions regime of the EPC.

Both CFSP instruments introduced with the Maastricht Treaty—common positions and joint actions—largely served politically-motivated regulation of EU trade relations with third-party states.⁷¹ This applies especially for the common positions that were used almost exclusively at the outset for implementing international sanctions, whether they dealt with imposing a weapons embargo against Sudan, the extension of sanctions against Libya, the sharpening of sanctions against Haiti, or sanctions against the former Republic of Yugoslavia.⁷² Especially sensitive politically was a joint action in the security-policy area on regulating exports of “dual use” goods.⁷³ The long “incubation time” of this agreement, which viewed from a technical standpoint was a pure trade policy action, and its double anchoring in the community pillar and the CFSP, bear witness to the political sensitivity linked with it for the member states.⁷⁴

The previously mentioned foreign-policy actions of EU countries within the CFSP framework served to prevent “spillovers” from the economic area which threatened to restrict foreign- and security-policy independence of the member states and could be summarized under the category of preserving sovereignty. With their help the EU states endeavored to preserve political control over actions that, viewed technically, were of a trade-policy nature and thus belonged to the area of community cooperation.

A second category of EU foreign-policy actions also had a relationship to the community pillar but did not impose itself upon viewpoints of preserving sovereignty. Foregoing these actions would not have restricted the foreign- and security-policy independence of the member states. Their implementation was founded on applying the Union’s economic potential for strengthening foreign- and security-policy outreach of member states, and with it their corresponding autonomy. From the viewpoint of member states these actions there-

⁶⁹Vaucher 1993, pp. 52-55.

⁷⁰Art. 228 A EC Treaty.

⁷¹The succeeding discussion is limited to common positions published in the EU Official Journal. Certain common positions which arose in regard to international actions or conferences were not made public. I speak of these foreign-policy actions implicitly when discussing the general coordination efforts of member states within CFSP.

⁷²The bibliographical references of CFSP actions are limited in the following to the ones discussed in greater detail. Most actions are found in the report of the Commission compiled by the Reflection Group on Preparing the Intergovernmental Conference of 1996. See: Commission européenne 1995.

⁷³These goods can have a military as well as a civilian function.

⁷⁴While the principle of export control for “dual use” goods is supported by Art. 113 EC Treaty, the list of affected export goods and destination countries was established within the framework of a CFSP decision. Official Journal No. L367 of 31 December 1994; Agence Europe, No. 6448, 26 April 1995.

fore served to extend sovereignty. From the perspective of regime theory these actions belong in the category of "regime radiation."⁷⁵

Until now the most explicit and comprehensive example of such action is the stability pact for Europe concluded as a joint action in spring of 1995.⁷⁶ This consists of an array of bilateral and multilateral agreements and declarations. Its goal is the promotion of stability in Central and Eastern Europe through the build-up of good relations among the states involved.⁷⁷ The central themes are the problems of minorities, the buildup of democratic institutions, and regional cooperation. Originally, minor border corrections were considered, but these were dropped due their high potential for unrest. The Council of the Union had called for the Commission to support the course of joint action by economic measures.⁷⁸ The Central and Eastern European states were also conscious that a lack of cooperation would not serve their efforts to gain closer access to the Union.

A second example is the joint EU action against South Africa. This contained two dimensions: support and observation of the first elections in 1994,⁷⁹ and the build-up of a political and economic cooperation framework with the Union for promoting the transformation process.⁸⁰ Under the EPC the EC states had already dealt regularly with problems in South Africa and linked economic measures to political demands.⁸¹ Finally, the EU compiled a common position for setting goals and priorities of its relations with the Ukraine. Falling under this were establishment of intensive political relations, support of democratic development and economic stabilization, nuclear disarmament, and nuclear security. The Council instructed the Commission to orient its economic policy negotiations toward setting joint-viewpoint goals.⁸²

The EU states also applied the economic power of the EU for humanitarian purposes from case to case. Important economic reconstruction aid could in later phases follow the humanitarian arm and finally establish preferential trade ties. The Mideast and Bosnian conflicts provide examples for these procedures. In both cases the humanitarian and political aid services of the EU took on the form of joint actions. In the case of the Mideast conflict the corresponding services are to be seen as part of the EU Mediterranean strategy which attempted to link the buildup of a "stability zone" with medium-term establishment of a free-trade zone.⁸³ Before the outbreak of hostilities in Yugoslavia, the EC possessed extended institutionalized trade relations there. These were rebuilt by negotiating association agreements in the cases of Slovenia

⁷⁵Müller 1993, p. 46. For the question of exploiting the EU's economic potential for exporting the Union's legal and political principles to foreign countries, see Goetschel 1995; Waever 1994.

⁷⁶Official Journal, No. L339 of 31 December 1993.

⁷⁷Le Document final sur le Pacte de stabilité en Europe, Europe/Documents, No. 1927, 29 March 1995; Benoit-Rohmer 1994.

⁷⁸Official Journal, No. L165 of 1 July 1994.

⁷⁹Official Journal, No. L316 of 17 December 1993.

⁸⁰Official Journal, No. L341 of 30 December 1994.

⁸¹Holland 1995a; *ibid* 1995b.

⁸²Official Journal, No. L313 of 6 December 1994; Ryba, 1995, p. 25.

⁸³Official Journal, No. L119 of 7 May 1994. Barcelona Declaration adopted at the Euro-Mediterranean Conference (27-28 November 1995), Europe/Documents, No. 1964, 6 December 1995.

and Croatia.⁸⁴ Institutionalized trade relations will also be attempted with Bosnia and Macedonia as well as, probably, in due course, with Serbia. Meanwhile, since the start of its joint action to promote humanitarian aid in Bosnia-Herzegovina,⁸⁵ the EU is still trying to help the peace process get off the ground on a humanitarian basis through the Dayton agreement.⁸⁶

I have shown that the decision-making process as well as the link to economic integration form core elements of the CFSP. In both areas the CFSP is equipped to preserve autonomy of member states through its historic development as well as by its current status. I have also demonstrated that these core elements show a certain effect in the practice of nation-states. This includes sufficient proof of rule-conscious behavior that is neither of a purely conjectural nature nor a product of other structural factors.⁸⁷ The inclusion of the European Commission and to a lesser extent the Parliament in implementation of the CFSP offers a guarantee for this. Although the decision-making authority for the common positions and joint actions mentioned lay exclusively in the hands of all the member states, implementation occurred with involvement of the supranational institutions mentioned. On one hand, this had infrastructural motives such as the availability of permanent delegations of the Commission on the spot; yet, on the other hand, it also depended on the division of authority among the Union's institutions. Here the trade-, development-, and budgetary-policy authorities of the Commission stood in the foreground.⁸⁸ The participation of the Commission and Parliament thus resulted from linkages between foreign and security policy and economic aspects. Already under the EPC this bridging function was a reason for the involvement of the Commission.⁸⁹ Even if the observation time frame for the CFSP was relatively brief, preceding development of the EPC is sufficient to describe the foreign- and security-policy dimension of European integration as a long-term phenomenon.

Thus the CFSP represents an international regime whose goal is maximizing "external" sovereignty of the member states within the milieu of economic integration. This is not to be confused with achievement of the CFSP's self-defined goal in the Union Treaty to be a joint foreign and security policy that covers all areas of such a policy. According to the approach outlined here the CFSP is a foreign and security policy with its major task area showing a link to the interior economic core of the EU. As a result, the actions mentioned can also be described as "internal" tasks of the CFSP. An evaluation of the CFSP must be based mainly on fulfillment of these tasks.

⁸⁴Agence Europe, No. 6502, 16 June 1995, No. 6460, 12 April 1995.

⁸⁵Official Journal, No. L286 of 20 January 1993.

⁸⁶European Union defines its Role and its Contribution to the Peace Process in Former Yugoslavia. Europe/Documents, No. 1965, 8 December 1995.

⁸⁷Regimes should be more than temporary agreements due to short-term power calculations of the participating states. The nature of regimes shouldn't change with each variation in power and interest of these states. Krasner 1983, p. 2 f.

⁸⁸Arts. 113, 228, 228A, 130u-y, 201-205 EC Treaty.

⁸⁹Nuttall 1992, pp. 62-65.

In order to do justice to the claim of explaining the reality of the CFSP, the other CFSP actions should likewise be explained by my approach. These actions also serve to maximize sovereignty in that the joint way of proceeding of member states raises the influence or scope of the corresponding positions or action yet shows no notable relationship to economic integration. These actions, which I call “external tasks” of the CFSP, can under certain conditions be described within the regime theory as subareas of the CFSP regime.

Subareas of the CFSP Regime

Within the framework of the functionalistic or contractualistic approach stressed by Keohane for explaining the demand for international regimes, the existing regime’s expansion of tasks and formation of new regimes is justified by increasing international interdependence and success or use of existing regimes:⁹⁰ “... we should expect that a combination of increasing interdependence (leading to high levels of issue density) and success of existing institutions will tend to lead both to an expansion of institutional tasks and to an increase in the number of functioning international regimes.”⁹¹ Moreover, the growing interdependence in a certain policy area has the tendency of lowering the costs of a regime relative to those which would be necessary for forming new cooperative rules in the corresponding subareas.⁹²

Assuming the CFSP regime proves itself successful, the non-economy-related CFSP actions can be explained as byproducts of the preexisting regime. These actions are not of existential importance to the regime. But, in view of the preexisting rules of conduct and decision-making mechanisms, the additional coordination costs are rather low. According to Keohane, the criteria for ascertaining the usefulness of the CFSP regime are the rise in quantity and quality of information available to the participating states,⁹³ the drop in transaction costs,⁹⁴ and the rise in influence of the member states.⁹⁵

Mutual information among the participating states is expressly foreseen in several regulations of the CFSP. A mutual briefing and coordinating among the member states must occur in the Council on each foreign- and security-policy issue of general importance.⁹⁶ The countries not represented at an international conference or in an international organization should also be briefed regularly on issues of joint interest by the EU states present there.⁹⁷ Meetings of the numerous CFSP Council task forces regularly discuss pend-

⁹⁰Keohane 1984. In order to avoid misunderstanding over the identical-sounding sociological term, Keohane describes his functionalistic approach later as “contractualism”. Keohane 1993, p. 36.

⁹¹Keohane 1993, p. 36.

⁹²Keohane 1993, p. 36.

⁹³This does not mainly concern information on official positions of other governments and their resources but more knowledge on their internal evaluation of problem status and viewpoints on them. In the foreground stand transgovernmental relationships at the expert level, which often occur informally. Keohane 1983, p. 162 f.

⁹⁴In the areas covered by them, regimes should simplify agreements between states. Krasner 1983, p. 3.

⁹⁵Keohane 1993, pp. 11-13.

⁹⁶Art. J. 2 §1 EU Treaty.

⁹⁷Art. J. 5 §4 EU Treaty.

ing international issues. Transgovernmental contacts are thus institutionalized.⁹⁸ “European correspondents” in each member state assure continuous contact between the foreign ministry and the work of the Council administration in Brussels. All capital cities in the member states, the Council, and the Commission are linked by the COREU telex system over which already in EPC times about 10,000 messages relevant to the CFSP were conveyed yearly.⁹⁹ A “coordination reflex” has developed from this among the member states.¹⁰⁰

By transaction costs in regard to the CFSP I understand the efforts necessary for coordinating member-states’ foreign policy and especially for implementing common positions and joint actions. The CFSP offers procedures for this which—with the consent of the member states—enable even certain variations of the decision-making process.¹⁰¹ The involvement of the EU institutions due to the interdependence between sectors of community cooperation and the CFSP is also regulated. Considering the institutional complexity of the Union, this could hardly be managed in an ad hoc process within a reasonable deadline.

What can be said about the increase of influence of the member states cultivated through the CFSP? Regimes can form a source of influence for states whose policies are consistent with regime rules, or which are advantaged by the regime’s decision-making procedures.¹⁰² The first item is of importance to larger countries. The interest of these states in the CFSP is justified by the relative loss of power they have experienced vis-à-vis the rest of the world since World War II. Many initiatives these days—even for Great Britain, France, or Germany—are better carried out and legitimized within the CFSP framework than on an individual basis. Examples are the efforts of Great Britain to gain support from its EC partners in the Falklands crisis,¹⁰³ the problems of Germany with its push forward in recognizing Croatia and Slovenia,¹⁰⁴ as well as France’s sudden attempt to represent its heavily criticized nuclear testing as in a “European” interest.¹⁰⁵ At the regional level these states can also make use of their relative weight better than in global organizations and achieve cooperative conduct of other member states on foreign- and security-policy issues of importance for them.

The decision-making mechanism is a prominent source of influence for small states. Weaker states see institutionalized ties with stronger partners in general as a possibility of lessening their actual or potential dependence on these states. The prerequisite is to pursue joint interests, which presumes an equal distribu-

⁹⁸Keohane 1983, p. 162 f.

⁹⁹Bonvicini 1988.

¹⁰⁰Weiler/Wessels 1988, p. 231; Taylor 1982, p. 32.

¹⁰¹Art J. 3 §2, EU Treaty.

¹⁰²Keohane 1993, p. 29.

¹⁰³Edwards 1982.

¹⁰⁴Axt 1993.

¹⁰⁵Neue Zürcher Zeitung, 28 August 1995, p. 2; Neue Zürcher Zeitung, 1 September 1995, p. 1.

tion of rights in the decision-making process.¹⁰⁶ Moreover, the decision-making mechanism of “arguing” associated with regimes especially favors the relative influence of weaker negotiation participants because it attaches great importance to conviction through justified arguments.¹⁰⁷ The CFSP has something to offer small states in both areas: basic adherence to the unanimity principle formally ensures each state of a right to veto. In addition there is the concordance precept that affects the entire Union and guides the efforts to solve problems and make decisions. This too benefits the small states particularly.¹⁰⁸ These states have developed strategies with which they build up their own position within the Union as bridge builders or mediators among the “big powers.” All five small states that have belonged to the EU for some years (e.g., the Benelux countries, Denmark, and Ireland) are convinced that they will achieve more influence within the Union than could be justified based on their size alone. They have obtained a “system-affecting capability” within the European framework which would not exist outside the EU.¹⁰⁹

From a contractualistic view, the CFSP in this way fulfills the conditions that make it a successful regime for the member states—and this in the sense of increasing the existing information available, lowering transaction costs, and raising the influence of the actors involved. As a result actions in the subareas of the CFSP regime can be explained as raising the benefit of existing rules and procedures without attaching notable “additional costs” to them. The previous “external” tasks of the CFSP, which possess no recognizable link to economic integration, can be divided into three groups: coordinating positions of the member states within international organizations, security-policy actions, and political or humanitarian services.

Coordinating the position of the member states in the UN, the OSCE, or the Council of Europe belongs to the first group. Coordinating the positions of the then twelve member states at the outset of the OSCE process in the 1970s ranks as the greatest triumph in this regard.¹¹⁰ In the UN the portion of joint voting behavior at the beginning of the EPC rose clearly over 60% (1975), fell in the first half of the 1980s to almost 30% (1983) and again reached 50% only in 1991.¹¹¹ The reason for the mixed result traces above all to the Palestine and apartheid policy of the 1970s over which opinions of the member states were divided.¹¹² At the outset of the 1980s it was primarily the diverging vote of Greece that complicated the unified appearance of the twelve in the UN.¹¹³ Since the fall of the Iron Curtain, expansion rounds of the

¹⁰⁶ Within the framework of a modified neorealist approach Grieco has introduced the “voice opportunities” thesis in this regard. As a criterion for testing his thesis empirically, he uses the example of the symmetry of “voice opportunities” of all member states’ in the EMU. Grieco 1995, especially pp. 34-36.

¹⁰⁷ Gehring 1995, p. 210; Young 1991.

¹⁰⁸ Hrbek 1993.

¹⁰⁹ Von Dosenrode 1993, p. 407-420. Finally it is to be noted under the sovereignty aspect that “nonaligned” small states in the international system in most cases never attained the degree of real sovereignty which larger and more powerful states realize: they were more often seen historically since the emergence of the term sovereignty as victims of external pressure tactics and forced to enter international agreements which limited their freedom of act more sharply than that of their partner states. Krasner 1995, p. 147 f.

¹¹⁰ Allen/Smith 1990, p. 25; von Goll 1982.

¹¹¹ Regelsberger 1988; Stadler 1993.

¹¹² Regelsberger 1989, p. 38.

¹¹³ Regelsberger 1989, p. 48.

Council of Europe were also the object of previous coordination by the EU states. They considered the Strasbourg organization as an actual “waiting room” in the sense of a democracy school for Eastern and Central European entry candidates. On the other hand, the EU uses acceptance into the Council of Europe as a concession to certain CIS republics such as Russia, the Ukraine, or Moldavia, whose membership in the Union appears out of the question for the foreseeable future.¹¹⁴ These coordination actions make the EU a decisive foreign-policy factor in Europe and its bordering regions—a fact especially consequential for third-party states.¹¹⁵ The CFSP represents a sort of international “subsystem”¹¹⁶ in that positions are first negotiated internally and then represented jointly to the outside.

While coordination of member states in the international organizations has been evident with fluctuating intensity and varying success since the beginning of foreign-policy cooperation, security-policy cooperation shows the characteristic phase delay for the subarea of a regime. Security-policy issues had no place in the EPC. Also, the Genscher-Colombo initiative of 1981, which aimed to include security-policy aspects in the codified EPC of the SEA, was not crowned with success.¹¹⁷ Only the CFSP included security policy, yet even it ruled out the very modest possibilities of qualified majority decisions that applied for other areas of this policy.¹¹⁸ In contrast to foreign-policy cooperation, this already pointed out in a purely formal sense an underdeveloped stage of security-policy cooperation. Viewed practically and aside from the export regulation on “dual use” goods interwoven with the community pillar, earlier actions limited themselves to two joint actions for preparing international conferences. The first involved the position of member states on extending the Nuclear Nonproliferation Treaty (NPT);¹¹⁹ the second involved the position of member states on the revision of the mine protocol of the UN weapon prohibition convention.¹²⁰ In the sense of practical use, the possibility foreseen for the EU in the Maastricht Treaty—to fall back on the Western European Union (WEU)—was applied once, when the latter coordinated the engagement of “European” police officers in Mostar.¹²¹ Moreover, the WEU produced a concept for a European security policy on the proposal of the EU, yet one that brought about no new impetus in content.¹²²

The third group of “external” tasks covered political or humanitarian services which—like the dispatch of election observers to Russia¹²³ or support for the rebuilding of Ruanda¹²⁴ and Burundi¹²⁵—are little disputed in their intent among the member states and are tied to no trade-policy implications. These negotiations

¹¹⁴ *Neue Zürcher Zeitung*, 26 January 1996, p. 1; *Neue Zürcher Zeitung*, 27-28 January 1996, p. 1.

¹¹⁵ Regelsberger 1991, p. 175.

¹¹⁶ Hill 1993, p. 322; de Schoutheete 1990.

¹¹⁷ This led among other things to revival of the Western European Union (WEU) as a forum for security-policy consultations in 1984. Jopp 1994, p. 6.

¹¹⁸ Art. J. 4 §3 EU Treaty.

¹¹⁹ Official Journal, No. L205 of 8 August 1994.

¹²⁰ Agence Europe, No. 6460, 12 April 1995.

¹²¹ Agence Europe, No. 6268, 7 July 1994.

¹²² Agence Europe, No. 6605, 15 November 1995.

¹²³ Official Journal, No. L286 of 20 November 1993.

¹²⁴ Official Journal, No. L283 of 29 October 1994.

¹²⁵ Official Journal, No. L072 of 1 April 1995.

mark the international EU presence and preparedness to give aid, without important political or economic costs being connected. They fall generally within the category of "good offices."¹²⁶

Depending on sector and time frame, these ongoing actions of the CFSP regime's subareas show a sharply varying balance sheet. Yet their differing success in implementation (as in the case of coordinating member-state positions in international organizations), their initial foundering (as with security-policy cooperation), or the apparent coincidental nature of selection criteria (as in the case of "good offices") are not of existential importance for the CSFP. As "external" tasks they help the CFSP regime without notable added burden to assume a better balance and thus contribute to maximizing member-state sovereignty. Yet this does not occur in connection with central economic integration.

Conclusions

The CFSP can be understood as an international regime which serves to maximize nation-state sovereignty in the setting of regional economic integration. This applies in regard to preservation of an independent decision-making process as well as to the scope of decisions. This approach enables us to grasp previous development of an EU foreign- and security-policy dimension as a logical process that follows neither a federalist path nor remains static in an *ad hoc* coalition independent of economic integration.

Theoretically, the apparent paradox that results from the coexistence of CSFP and "external" nation-state sovereignty is solved by the abandonment of the conventional zero-sum-game perception of the relationship between national and regional levels. The conceptual key to this provides an institutional view of sovereignty and the difference between a change of its conception and its rule-bound conduct. The sharp differences shown between conditions of economic cooperation and those of foreign- and security-policy cooperation also explain the clearly lower probability of a future change in conception of sovereignty in the last area of cooperation mentioned.

Empirically, the division into "internal" and "external" CFSP tasks provides important help in orientation for typologizing the actions of this policy. The link to the internal economic core of integration constitutes the decisive assigning criterion, be it in the sense of preserving sovereignty or expanding it. In keeping with my approach, the existence of the CFSP is justified by its "internal" tasks. This viewpoint improves understanding of development dynamics and the action pattern of this policy. Consequently the classical discussion over Europe as a "civilian" actor also appears in a new light.¹²⁷ The civilian element of European foreign policy, which is rightly perceived as dominant, is not the result of normative reflections by the participating states but rather a consequence of the economic roots of the CFSP. Their core actions result from the interweaving between foreign-, security-, and economic-policy interests of the member states.

¹²⁶Under this are understood the offer of nonpartisan peace-promoting services by third parties in the setting of conflict situations. For an illustration, see: Probst 1989.

¹²⁷Duchêne 1972; Bull 1982; Hill, 1990.

Seen traditionally, this interlinking or “issue density” appears least in the realm of military-security policy. The member states have even expressly prevented possible linkage points between economic integration and armament policy in the EC Treaty in that they expressly excluded the production of weapons, munitions, and war materials or the trade in them from the corresponding regulations.¹²⁸ Reinforced security-policy cooperation of member states could thus be explained only under two conditions: if it could be handled as a subarea of the existing regime without notable “added costs,” or if it showed a demonstrably increased economic tie-in. Seen globally, as I have pointed out, the growing “issue density” has led to first results in the area of “dual-use” goods in the export-control area. Intensified cooperation between member states of a security- or even military-policy nature that fulfills none of these conditions is not to be expected according to my approach.

Apart from the contribution to the theoretical understanding of the CFSP, the approach outlined here also has implications for future empirical research. The performance of the CFSP cannot be judged by national foreign- and security-policy standards. Despite the misleading wording of the Maastricht Treaty, the EU states do not pursue the goal of cooperation covering all areas of this policy. Their “internal” tasks form the core of the CFSP, whose goal is to maximize sovereignty of member states in the context of economic integration. If evaluations of the CFSP are to be more than castles in the air, they must consider this characteristic of foreign- and security-policy cooperation. CFSP performance should be measured by this gauge. Evaluations that focus on the security-policy area¹²⁹ misjudge the nature of Europe’s foreign- and security-policy actors and thus miss their goal.

This does not rule out intensified military cooperation among European states in the future. However, this may rather develop within the WEU framework or as a European pillar of the North Atlantic Treaty Organization (NATO). The institutional exclusion of this cooperation area from the CFSP would underscore its nature as a product of the interweaving among economic-, foreign- and security-policy interests and prevent false expectations. Superficial consideration may lead to a pessimistic assessment of Europe’s role as an international actor. Yet upon closer observation the analysis of the CFSP contains important insights into the logic of foreign- and security-policy cooperation in the setting of regional economic integration processes.

¹²⁸ Art. 223 EC Treaty.

¹²⁹ Gnesotto 1995; Jopp 1994b; Salmon 1992; Pijpers 1988.

Acronyms

CES	Center for European Studies
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
COREU	Correspondance Europeenne
EC	European Community
ECJ	European Court of Justice
EEA	European Economic Area
EMU	Economic and Monetary Union
EPC	European Political Cooperation
EU	European Union
NATO	North Atlantic Treaty Organization
NPT	Nuclear Nonproliferation Treaty
OSCE	Organization for Security and Cooperation in Europe
SEA	Single European Act
UN	United Nations
WEU	Western European Union

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