



Doctoral dissertation in Political Science

**European foreign policy—A new framework for analysis.**

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Посвящается Анне, которую я люблю.

# Preface

A number of events interrupted work on this thesis, extending the undertaking far beyond my original plan. The sudden passing of my supervisor, Professor Wolfgang Schumann (University of Tübingen), was a significant loss. I lost a dear friend—a man whose generous support and patient encouragement had guided me through the decisive stages of the project.

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Life has been somewhat busy, too, with the births of my daughters, Galina and Agnija, who both categorically rejected any notion that thesis writers need a good night's sleep. My wife, Anna, has been of tremendous support throughout; a resourceful woman with significant skills in keeping cute but mischievous babies hushed while I worked all hours. I promise that it is now her turn to finish her thesis. Another positive note was visiting the University of British Columbia in Vancouver, Canada, during 2015 for six months as a visiting researcher. This enabled me to focus solely on completing the thesis, and I am most appreciative of Professor Caroline Haythornthwaite and the faculty of iSchool@UBC: School of Library, Archival and Information Sciences, for hosting me and supporting me, both intellectually and as an individual. Another source of great wisdom and advice was Professor Allen Sense, an IR expert at UBC with an interest in European foreign policy. During a raft of joint coffee sessions, I learnt much about the American perspective on European foreign policy.

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Lake Constance, June 2016.

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## Abbreviations & Definition of Terms

AHG	BWC's Ad Hoc Working Group
APM	Anti-personnel landmines
ARTEMIS	EU Military Operation in the Democratic Republic of Congo
Australia Group	An informal forum of countries with harmonised export controls
BC weapons	Biological and Chemical Weapons
BTWC	Biological and Toxin Weapons Convention
CAP	Common Agricultural Policy
CBRN	Replacement for cold war term NBC (nuclear, biological, and chemical)
CCW	Certain Conventional Weapons
CD	Conference on Disarmament
CFE Treaty	Treaty on Conventional Armed Forces in Europe
CFSP	Common Foreign and Security Policy
COARM	EU Working Party on Conventional Arms Export
CoC	Code of Conduct
CoCom	Coordinating Committee for Multilateral Export Controls
CODUN	Working Party on Global Disarmament and Arms Control
CONCORDIA	EU peacekeeping mission in Former Yugoslav Republic of Macedonia (FYRoM)
CONOP	Committee on Non-Proliferation
CONUC	Committee on Nuclear Affairs
COREPER	Committee of Permanent Representatives in the EU (from French <i>Comité des représentants permanents</i> )
CTBT	Comprehensive Nuclear Test-Ban Treaty
CTR	Cooperative Threat Reduction
DG	Directorates General
DPRK	Democratic People's Republic of Korea
DRC	Democratic Republic of Congo
Dual-Use	Goods that can be used for civilian and military purposes
DV	Dependent Variable
EAEC	European Atomic Energy Community
ECCS	European Community for Coal and Steel
ECJ	European Court of Justice
ECOWAS	Economic Community of the West African States
EDA	European Defence Agency

EEAS	European External Action Service
EEC	European Economic Community
EF	European foreign . . . (as in EFP)
EFP	European foreign policy
EIT	European Integration Theory
EP	European Parliament
EPC	European Political Cooperation
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EUISS	European Union Institute for Security Studies
EUMC	European Union Military Committee
EUMS	EU Military Staff; source of military expertise within EU
EUPM	European Union Police Mission
EUPOL PROXIMA	EU Police Mission in Former Yugoslav Republic of Macedonia (FYRoM)
FORNET	European Foreign Policy Research Network
FPA	Foreign policy analysis
FYROM	Former Yugoslav Republic of Macedonia
GAC	General Affairs Council
GAERC	General Affairs & External Relations Council
Hague Code of Conduct	Code of Conduct against Ballistic Missile Proliferation
HCOC	Hague Code of Conduct
HR	High Representative
IAEA	International Atomic Energy Agency
ICBL	International Campaign to Ban Landmines
ICOC	International Code of Conduct against Ballistic Missile Proliferation
IGC	Intergovernmental Conference
IGC(PU)	Intergovernmental Conference (Political Union)
IR	International Relations
ISTC	International Science and Technology Centre (sub-programme of TACIS)
IV	Independent Variable
JHA	Justice and Home Affairs
KEDO	Korean Peninsula Energy Development Organisation
MANPADS	Portable launchers of anti-aircraft missile systems
MTCR	Missile Technology Control Regime
NBC	Nuclear, Biological, Chemical
NPP	Non-proliferation policy

NPT	Nuclear Non-Proliferation Treaty
NSG	Nuclear Suppliers Group
Nuclear Non-Proliferation Policy	EU non-proliferation policy (nuclear)
OJ	Official Journal (of the EU)
OPCW	Organisation for the Prohibition of Chemical Weapons
Ottawa Process	1996-1997 action to ban all anti-personnel landmines
Passerelle clause	Allows expansion of issues to be decided under QMV in the area of CFSP
PCA	Partnership and Cooperation Agreement
PESC	French version of CFSP
PoCo	Political Committee
Political and Security Committee	Permanent body within EU dealing with Common Foreign and Security Policy
QMV	Qualified Majority Voting
Saferworld	NGO that works with governments and civil society internationally
SALW	Small Arms and Light Weapons
SEA	Single European Act
Security Committee	Former to the Political and Security Committee
SEM	Single European Market
SIPRI	Stockholm International Peace Research Institute
TEC	Treaty Establishing the European Community
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TL	Treaty of Lisbon
Type I	Treaty provisions spanning across policy area
Type II	Treaty provisions in a single policy field
Type III	"Everyday" policies in a certain policy area
UN	United Nations
UN CD	Conference on Disarmament
UNDIR	United Nations Institute for Disarmament Research
Wassenaar	Arrangement on export controls for conventional arms and Dual-Use goods and technologies
WEU	Western European Union
WMD	Weapons of Mass Destruction



# Introduction

Recent events in the Ukraine (2014/15) and the not-too-distant wars in former Yugoslavia (1991-2001) have shown that conflict can still occur right on the external frontiers of the European Union. The multifaceted problems that failing states pose, such as humanitarian catastrophes and resulting migration streams, proliferation threats and economic impairment, do not stop at the borders but affect the European Union in many ways. Additionally, European society and its foundational values are increasingly threatened by violent terrorist attacks. The decades of relative stability and peace during the Cold War are definitively over.

As an economic giant, the European Union has to find, define, and shape its role and capacities in order to deal with such conflicts and delineate its stance on the stage of world politics. The development of cooperation among EC, later EU, member states, in the area of European foreign and security policy has been a cumbersome but, to scholars nevertheless, fascinating process. After the Second World War, attempts to cooperate in the area of foreign and security policy actually preceded closer cooperation in the economic area among some Western European states. As we know, several initiatives for early European foreign policy cooperation were ill-fated; and it was not until 1970, with the European Political Cooperation (EPC), that the first successful step was accomplished. Small and cautious steps have since followed. Several events in world affairs—most notably, the collapse of the Soviet Union, as well as various wars such as in Afghanistan and what used to be Yugoslavia, and other factors such as the increasing mismatch between the economic power of a steadily enlarging European Union and its limited impact in world affairs—have driven this change forward. The project has been known as the Common Foreign and Security Policy (CFSP) since the Treaty of Maastricht came into effect in 1993. Then, in 1998, the European Security and Defence Policy (ESDP) cooperation started in the area of “hard” security and defence issues, which were previously beyond the imagination of many. Taking into account decades that saw a distinct lack of progress in that area, Javier Solana, the High Representative of the EU in 2000, labelled the pace of the extension of cooperation as “lightning speed,” which was no exaggeration (Stützle, 2001, pp. 71-73). This peculiar process, the development of foreign policy cooperation among EC, later EU, member states (in particular within EPC, later CFSP) is the TOPIC OF THIS THESIS.

## Aim of the thesis

THE AIM is to analyse, capture, and conceptualise the *process of developing cooperation* among EC, later EU, member states in the area of European foreign policy (EFP) under EPC/CFSP. This process has spanned decades, having evolved at a fluctuating pace, and has been influenced by an abundance of independent variables (IVs) stemming from different levels.

## State of the art and gaps

Michael E. Smith (2009), one of the leading scholars in the field, discerns the EMERGENCE OF EFP AS A RESEARCH FIELD<sup>1</sup> in three phases: The first one is "traditional IR/FPA with some speculation regarding potential for EFP (1950s-60s)" (p. 6). The second one is "the first recognition of European foreign policy cooperation and some very limited conceptual innovation (1970s—early 1980s)" (p. 6). The third phase is "the period surrounding the advent of the Single European Act (1986), which placed European foreign policy cooperation on a new institutional path" (p. 6). Michael E. Smith goes on to identify several empirical topics in the scholarly work: (1) "the status of EFP political influence relative to other global actors, particularly the U.S."; (2) "a seeming disconnect between EFP procedures and substance"; (3) "tensions between the economic/trade and political/security dimensions of EFP," and (4) "the relative inputs of European states vs. EU institutional actors, particularly the European Commission." The aforementioned "empirical debates often provided the core material for emerging theoretical debates about EFP as well, mainly in terms of realism vs. liberalism, then intergovernmentalism vs. institutionalism, then constructivism, normative theory, and beyond" (Michael E. Smith, 2009, pp. 6-7).

The post-Maastricht phase, with the CFSP institutionalised, saw an increase in scholarly attention in EFP. One stream of inquiry addressed the functioning of EFP, with Hill's (2003) work on the "capability-expectations gap" being the most prominent (Michael E. Smith, 2009, p. 18). Most works, similar to those of the 1980s, "involved either institutional issues or national inputs into EFP, or some combination" (Michael E. Smith, 2009, p. 18). Studies focusing on the institutional aspects of EFP pivoted around "mapping the changes to EFP made under the TEU and evaluating whether the CFSP had improved upon the EPC mechanisms" (Michael E. Smith, 2009, p. 19), EFP finances, legal aspects of EFP as introduced with the TEU and questions of coherency (between foreign policy action under the first and second pillars) (2009, p. 19). National approaches to EFP by member states were addressed by other scholars (Michael E. Smith, 2009, p. 20). Case studies of EFP activity formed another major part of the analysis in the post-Maastricht period (Michael E. Smith, 2009, pp. 22-23), and the topics of the European Union's " 'actorness' or 'roles' or 'identity' " (Michael E. Smith, 2009, p. 23) depict another strand. Finally, Michael E. Smith (2009) identifies current trends in scholarly work on European FPA: Increased maturity in this field of study can be ascertained by the increase of new journals focusing on EFP, the creation of academic networks like FORNET, and also the increasing number of textbooks on FPA and its security dimension (p. 24). Edited volumes on EFP appear on a regular basis, yet "in many cases they lack a clear theoretical dimension and tend merely to update the scope of EFP activities" (Michael E. Smith, 2009, p. 25). Numerous case studies appeared, and the security and defence aspects of EFP gained increasing attention (2009, p. 26). The concept "soft power," also seen as "normative, civilian, ethical, moral

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<sup>1</sup> Jørgensen (2015a) also provides an overview of "The Study of European Foreign Policy. Trends and Advances." His account seems a little more descriptive ("The purpose of this chapter is . . . to review the state of the art concerning . . . the conduct of foreign affairs, whether national or common European" (2015a, p. 14)), mapping events that occurred, in comparison to Michael E. Smith (2009), and a little less focussed on the development of EFP as a research field. Maybe therefore, but still surprisingly, Jørgensen does not address the two reference works of Michael E. Smith (2008, 2009) on the state of the art of theorising EFP, neither of which are mentioned in Jørgensen's other work (2015b).

and cosmopolitan power,” appeared, but at that time there seemed to be “a great deal of confusion in the literature over how these forms of power exert influence” (Michael E. Smith, 2009, p. 27).

There is widespread consensus among scholars that the following three major research fields have been applied towards the study of EFP: (1) Foreign policy analysis (FPA) or comparative foreign policy analysis, (2) International Relations (IR) theories, and (3) European integration theories (Bergmann & Niemann, 2013; Jørgensen, 2015b; Michael E. Smith, 2008, 2009; Tonra & Christiansen, 2004, pp. 1-9; White, 1999). Other approaches towards the study of EFP that received considerable attention are as follows: the approach of Ginsberg (2001), adapting the model of Easton (Carlsnaes, 2004, p. 500), and conceptualising EFP more like a foreign policy system in action, accounting for respective input and outputs; studying EFP as a multilevel network as proposed by Krahnemann (2003)<sup>2</sup> or as a policy network in general (Bergmann & Niemann, 2013, pp. 13-14; Michael E. Smith, 2009, pp. 29-30); and using a governance approach as point of departure has attracted other interest (Bergmann & Niemann, 2013, pp. 9-12; Michael E. Smith, 2009, p. 29).

Concerning the maturity of theorising EFP, there is widespread consensus (Ginsberg, 1999; Howorth, 2001; Knodt & Princen, 2003; Tonra & Christiansen, 2004; Carlsnaes, 2004; Michael E. Smith, 2009; Bergmann & Niemann, 2013; Jørgensen, 2015b) regarding a lack of theoretical work and theory-guided case studies on EFP (Michael E. Smith, 2009, pp. 15, 18, 24). As Tonra and Christiansen point out,

the field of study in EPC/CFSP has been dominated by empirical accounts of decision-making, policy-making and regional or issue-based case studies. Only infrequently are such accounts grounded in an explicit theoretical framework and even then such analyses are, more often than not, dominated by realist/rationalist accounts of state behaviour. (2004, p. 4)

And it seems, a decade later, these gaps have not been closed sufficiently:

However, the field of study at hand—(European) foreign policy—is not exactly known for indulging in theorizing or theory-informed analysis. . . . Research on case specifics, the employment of official conceptualizations and a focus on current (policy) affairs is much more common. The outcome is an abundance of empirical studies, by nature volatile. . . . The process of summarizing, synthesizing and accumulating knowledge tends not to be prioritized. . . . Some scholars make resistance to theorizing a virtue, arguing that the EU is *sui generis* and thus not theorizable. (Jørgensen, 2015b, p. 75)

Jørgensen (2015a) points out a corollary of the lack of theoretical accounts: “Given that theory-informed studies are relative rare, the deficit of methodology is hardly surprising. The prime function of methodology—arranging operational encounters between theory and empirics—cannot be rigorously done without theory” (p. 24).

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<sup>2</sup> See Carlsnaes (2004, pp. 500-501).

Seven reasons may explain this gap in theorising EFP:

- 1) EFP itself, as a research field, reached a certain maturity fairly late (Michael E. Smith, 2009, p. 24).
- 2) EFP is a unique and complex phenomenon mirrored, as will be shown, by substantial controversies as discussed in depth by Carlsnaes (2004), White (1999), and Ginsberg (1999) about what the dependent variable (DV) to be studied actually is. It should be noted that EU member states' foreign policies co-exist but do not necessarily always align with EU foreign policy and furthermore that foreign policy competences on the European level are still de facto distributed between what used to be the first pillar before the Treaty of Lisbon (hence EC foreign policy) and the second pillar (EU foreign policy) (Blockmans & Spornbauer, 2013, p. 10; Devuyt, 2012, p. 329).
- 3) Given the "sui generis" character of EFP, it is unclear if, and to what extent, theories tailored for other phenomena—of particular relevance for my research area being (comparative) foreign policy analysis, International Relations theories and European integration theories—can be applied to the study of EFP and its development (Bergmann & Niemann, 2013; Michael E. Smith, 2008, 2009; Tonra & Christiansen, 2004, pp. 1-9; White, 1999).
- 4) "Among foreign policy analysts, the CFSP is widely considered an appendix to national foreign policy and why waste time on theorising an appendix?" (Jørgensen, 2004, p. 14).
- 5) "CFSP is a topic beyond the attention of scholars with an interest in international theory. After all, we are dealing with a regional not a global phenomenon" (Jørgensen, 2004, p. 14).
- 6) "CFSP has been primarily analysed by European scholars and, for some reason, they generally theorise less than their North American colleagues" (Jørgensen, 2004, p. 14).
- 7) A personal hypothesis is that only with the advent of the "security and defence" aspect in EFP, more scholars became attracted to the topic since roughly the end of the 2000s.<sup>3</sup>

While, as shown, there has been limited theoretical work on EFP, there has been almost no political science research *on the process of developing cooperation among EC, later EU, member states in the area of European foreign policy*.<sup>4</sup> This study builds upon, in particular, the works of Michael E. Smith (2004, 2008, 2009), who is also looking to capture and explain the process of intensifying cooperation in the area of European

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<sup>3</sup> In that aspect, the statement of Robert Cooper (Director General for External and Politico-Military Affairs) made to Howorth (2007, p. 4) in a conversation is telling: Cooper said that his 200 staff "do" ESDP, but it appears a couple of thousand study it.

<sup>4</sup> A shortcoming identified by Jørgensen (2015a, p. 24) as an imbalance in studying EFP: "More research [has been done] on the (ever changing) present than on the long-term past or *longue durée* trajectories."

foreign policy and provides the most extensive discussion of the existing empirical and theoretical literature on EFP and the development of EFP as a research field (2009) and a research agenda (2008) for studying EFP. With a slightly different focus more on theorising EFP in general rather than its development, White (1999), Ginsberg (1999), Tonra (2000), and Carlsnaes (2004) also present a thoughtful and thorough theoretical analysis that has contributed to the groundwork for this study. As a consequence of the limited theoretical literature, there are still significant gaps in the current state of the art. Most importantly for this research, it is still unclear how we should conceptualise and study the development of cooperation of EFP. This applies in particular to the development *process* itself.

Reference points for my research focus are the following eight theoretical debates and aspects in studying EFP: (1) By setting up a future research agenda, Michael E. Smith (2008, p. 182) suggests, as one option, conceptualising EFP as a sequence of DV and IVs. For example, the provisions concerning CFSP in the Treaty of Maastricht are the first dependent variable (DV1) that a researcher might want to explain. Among others, the Treaty of Maastricht introduced the instrument Joint Action. If, later on, the researcher wanted to explain a Joint Action as a second dependent variable (DV2) (e.g., a measure in the area of non-proliferation), then the first dependent variable (DV1) would become an *independent* variable (among others) that explained DV2. Michael E. Smith continues to point out that for such an approach to the study of EFP, "the use of time-series data is critical, which further demonstrates the importance of analysing EFP change over time rather than merely comparing it to other reference points." I share the conclusion drawn by Michael E. Smith that a diachronic perspective is indicated to account for the development of EFP, and this is mirrored in my research design. Michael E. Smith's conclusion regarding the necessary time frame for analysing EFP is also in line with recent attempts to use process tracing to unravel causal mechanisms at work in European integration (Schimmelfennig, 2015). Unfortunately, Michael E. Smith does not further elaborate on his suggestion. If we could conceptualise the development of EFP as a system, with an iterating sequence of DV and IVs, we would also be able to shed light on two related issues that challenge scholars in the field: (2) how to account for the dynamics of the development process and (3) how to account for structure and agency in that process (Carlsnaes, 2004; Ginsberg, 1999; White, 1999). Improving on the "either/or" conceptions (structures *or* actions) in theorising EFP, Ginsberg (1999, p. 433) points towards the *two-way* relationship of structure *and* agency in EFP and provides, adapting Easton's famous model to use it for studying EFP, a first direction on how to proceed.

The following two points address requirements that arise if we want to study EFP empirically: As the development of cooperation under EFP evolved over decades, we need (4) a single approach that provides categories that remain constant for the whole period in order to allow for within-case comparison. The same holds (5) for the potentially huge number of independent variables stemming from different levels (member state, European, international) and for the different locations on the European level (i.e., foreign policy competences under the Commission (EC), or under CFSP (EU) decided in an intergovernmental mode by the Council), which cause changes to the DV, making it necessary for a model of the process *to be able to account for them*. The categories that an approach provides for studying EFP development should be *constant to allow for comparison*, as affirmed by Michael E. Smith (2008, p. 182), Ginsberg

(1999), and White (1999). Some scholars (Ginsberg, 1999; Krahmman, 2003; Michael E. Smith, 2004, 2008, 2009; White, 1999) pay careful tribute to the different levels and units of analysis that EFP comprises, as outlined above, and therefore (6) conceptualise it as a system. Ginsberg (1999) provides the most elaborate model so far. Another one was contributed later by Krahmman (2003). Both models point towards different processes at work in EFP. Of particular importance for this research is to (7) analytically separate the actual European foreign policy process (e.g., the foreign policy system constituted with EPC and in particular CFSP and its outcomes) and the development of closer cooperation in EFP. As it will be shown, failures in the actual policy process (e.g., dealing with the Yugoslavian War) led to changes in the development process (e.g., the resulting closer cooperation in the area of defence with ESDP), i.e., the two processes have to be separated analytically, but the mutual influence over time should also be accounted for. Finally, Michael E. Smith (2008, p. 179) suggests (8) how to account for changes in the DV "measurement of meaningful political change over time."

As shown, there are several reference points in the literature on EFP relevant for this research. The main tool for analysing, capturing, and conceptualising the *process of developing cooperation* among EC/U-member states within EFP will however be borrowed and adapted from the work of Wolfgang Schumann (1996) on European integration studies. Schumann (1996, pp. 15-16) referred to the famous image of Puchala (1972) who compares scholars of integration studies with blind men who touch an elephant to get an idea of what it looks like. Schumann refers to that metaphor in order to point out that there has been little productive exchange between the theoretical works on European integration and the vast empirical studies in the area.<sup>5</sup> His central claim is that the *policy dimension* has been excluded in attempts to get an analytical and theoretical grip on the EC (1996, p. 17). He convincingly argues that analysing the policy dimension—and that is to a large extent how authoritative decisions are actually made in the EC—enables us to infer how the EC actually works and the factors that influenced its development process, i.e., we can infer driving factors of the integration process. This is even more relevant if we consider the long-term perspective, i.e., take a diachronic perspective, in order to understand how the EC evolved (1996, pp. 17, 23). To solve the puzzle posed by the EC integration process, Schumann argues that all three dimensions (polity, politics, and the previously neglected policy, in particular) have to be considered. The core argument, however, is that if we study the policy dimension of the EC in a systematic way, with a long-term perspective, we will also derive important factors that influenced the development of EC integration (Schumann, 1996, p. 23). The arguments will be discussed in detail in Chapter Two, but the crucial point for this study is that Schumann provides a model suitable for studying European integration (in the economic sphere) that can be adapted to the study of EFP development. The model provides three analytical categories for dependent variables,<sup>6</sup> which will allow for a more fine-grained analysis (as well as top-down and bottom-up processes) and, in particular, new insights about the interplay of structure and agency in EFP. It also accounts for dynamics in EFP development. Furthermore, Schumann proposes five categories of independent variables, thereby going beyond the usually employed structures and agency categories, again allowing for a more fine-grained analysis, in my case, of the driving factors of EFP cooperation. Importantly, these categories can remain constant

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<sup>5</sup> Same argument made by Michael E. Smith (2009, pp. 15, 18, 24-25, 32) for the area of EFP.

<sup>6</sup> Similar to a suggestion by Peterson (2001, pp. 294-310) for European integration studies.

for the whole period of analysis, e.g., in my case study of European non-proliferation, primary data were collected over a period of ten years, enabling for the comparing of occurrence and the impact of variables over time. Most importantly, however, taking a diachronic perspective, Schumann's model allows for conceptualising the process of developing EFP cooperation as a sequence of dependent and independent variables, just as Michael E. Smith suggested for the study of EFP but had not elaborated upon.

### Intent of the study

Given the brief outline of the current state of the art in theorising EFP (and its development), which will be discussed in depth in Chapter Two, the INTENT of this study is to provide—and subsequently test—an analytical model for studying the development of cooperation in EFP among EC, later EU, member states within EPC and later CFSP.

### Research design and data

**Chapter One:** Given the existing early stage of theorising EFP in general and its development in particular, this study, as a first step, aims to achieve a better understanding of the subject at study by conducting a configurative-ideographic case study with a primarily heuristic purpose (Bennett, 2007, p. 22) of the development of cooperation in the area of European foreign policy. This starts with the aftermath of the Second World War but focuses on the EPC (founded 1970) and, since the Treaty of Maastricht, CFSP in particular. The purpose of Chapter One, using secondary sources for analysis, is to inductively reveal topics/issues,<sup>7</sup> central characteristics of the object of study, defining the dependent variable and revealing independent ones. Considering the early stage of theorising, not yet allowing for building causal theories, the logic of discovery is apposite:

There exists a very broad range of social and political topics for which it is possible to conceptualize the variables that may contribute to an explication, but not to assign any sort of provisional "if . . . then . . ." status to their relationship. For these topics, the apposite research logic is one of *discovery* and not of *proof*. (Schmitter, 2010 p. 271)

Jørgensen (2004, p. 14) also advocates and employs an inductive exploratory approach as a point of departure for theorising EFP. He gives several reasons, as stated above, why EFP has not yet been studied in such a way. Additionally, he asserts that when "Europeans employ theories, they primarily do so by means of the deductive method, meaning that they contribute to the art of testing theories developed elsewhere and sometimes reflecting other experiences and often serving other purposes." This is a compelling argument for studying EFP inductively, given the very early stage of theorising EFP and, as Jørgensen (2004) aptly points out, the fact that most theories used for deductive application were developed for other fields (as shown, mainly FPA, IR, EIT). It is not clear to what extent they would fit to the regional "sui generis" phenomenon of European foreign policy.

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<sup>7</sup> As laid out by Miles, Huberman, and Saldaña (2014, pp. 69-105).

The outcome of the research conducted in Chapter One will be synthesised into requirements that a model for analysing EFP development should fulfil. These requirements will form the focus of the subsequent state of the art review and later serve as a yardstick for assessing the model to be developed.

**Chapter Two:** It opens with a review of the state of the art of theorising (a) EFP and (b) the development of EFP. The aim is to identify potential works to draw upon, to reveal gaps that can serve as additional requirements that an analytical model for capturing EFP development should fulfil, to review the debates in the field, and establish where this study fits before revealing the contribution of this study and its relevance. Particular attention is paid to the "sui generis" character of EFP in order to identify potential pitfalls arising from transferring concepts developed for other areas of study to EFP (as pointed out, the most promising candidates stem from (comparative) foreign policy analysis, International Relations theories and European integration theories). This is particularly relevant as the model intended to be adapted for use in this study of EFP development (Schumann, 1996) was originally designed for filling the gaps in the study of European integration. The model will be introduced and discussed in greater detail and with explanations, considering that it is only available in the German language. Based on the outcomes of Chapter One (in particular, the characteristics of the EFP development process and the requirements that a model for the study of EFP development should fulfil) and the review of the theoretical debates, this study will assess to which extent the model of Schumann (1996) can be applied to the study of EFP development, and where any modifications may be necessary. The assessment incorporates two perspectives—one empirical (as derived in Chapter One) and one more conceptual or theoretical (as derived in Chapter Two).

**Chapter Three:** The next step demonstrates that the model developed not only fits on a conceptual level and fulfils the requirements derived based on the analysis conducted in Chapter One and the review of the existing literature but can also be beneficially applied to the study of EFP development in practice. To this end, a case study will be conducted, applying the approach developed in Chapter Two. Primary and secondary sources will be used, as well as, to a smaller extent, interviews as data sources, to analyse the development of European non-proliferation policy as an emerging subfield within EPC and CFSP. To assess the capability of the model to capture the development process, a reasonably lengthy time span for the analysis will ensure likelihood of substantial change on the dependent variable. Data from primary sources were collected for the period from 1994 (i.e., decisions taken under CFSP, in the area of European non-proliferation, following its establishment under the Treaty of Maastricht) until 2004 (inclusive). Furthermore, both the antecedent developments under EPC (from 1970 onwards) and the period until 2014 are analysed using secondary sources, thereby ensuring a reasonably long period of analysis—i.e., encapsulating the development process.

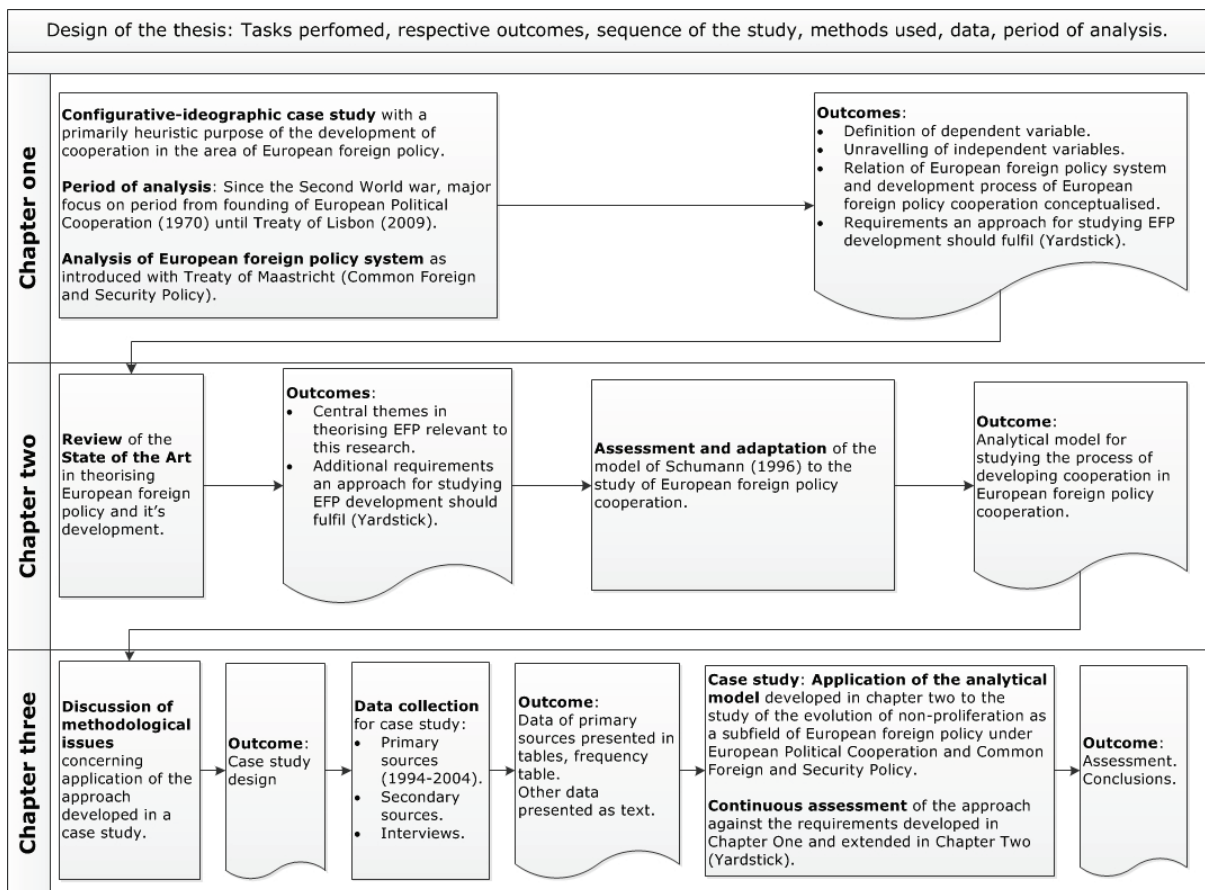
Treaty revisions (SEA, Maastricht, Amsterdam, Nice, Constitution, and Lisbon) serve as focal points, but particular attention is given to the development of cooperation below treaty level. Methodological issues are discussed in depth, i.e., why a case study (and why this particular case) is used in order to test the approach developed in Chapter Two. Therefore, the following aspects are discussed rigorously: (1) general use of case studies in social sciences (Della Porta, 2010, pp. 198-222; Vennesson, 2010, pp. 223-



239; Yin, 2014), particularly in political science (George & Bennett, 2005); (2) strengths of case study approaches relevant for my intended purpose (Bennett, 2007, pp. 19-20); (3) the “small-N” and “large-N” case selection debate and case selection on the dependent variable (George & Bennett, 2005, p. 17), concluding that development of cooperation of EFP under EPC/CFSP is a “sui generis case,” suitable for within-case analysis and that choice on the dependent variable is appropriate (Schimmelfennig, 2015; George & Bennett, 2005); and (4) discussion of how the case study design follows the advice of George and Bennett (2005, pp. 73-88), who discuss which parameters to consider for a valid case study design. After the methodological considerations, the data collected (79 legal acts adopted in the area of European non-proliferation under CFSP between 1994 and 2004) are presented before the case study is conducted utilising the approach developed in Chapter Two. Assessment in regard to the requirements is conducted throughout and summarised at the end of Chapter Three.

**Chapter Four:** The findings of the research conducted, benefits and limitations, and implications for future research are discussed.

The design of the thesis with tasks performed, respective outcomes, sequence of the study, methods used, and the data and period of analysis are illustrated in Figure 1.



**Figure 1—Design of the Thesis**

## Contribution and limits of the study

This thesis aims to provide a model that allows for coherent analysis of the development of cooperation in EFP, whilst also addressing some of the shortcomings of the current state of the art. It is important to stress that the model does not seek to explain, in a strict sense, the actual development process. As it will be shown, when discussing the current state of the art in analysing EFP development, we are still, by and large, in the phase of dense descriptions and mainly pre-theoretical work rather than theory building or testing. Therefore, this thesis seeks to CONTRIBUTE an analytical tool that supports empirical and conceptual work on EFP development, which may serve as an intermediate step towards theory development.

## Relevance of the study

IN REGARD TO THE RELEVANCE OF A STUDY, King, Keohane, and Verba (1994, p. 15) claim:

*Ideally, all research projects in the social sciences should satisfy two criteria. First, a research project should pose a question that is "important" in the real world. . . . Second, a research project should make a specific contribution to an identifiable scholarly literature by increasing our collective ability to construct verified scientific explanation of some aspect of the world.*

For that, they received a fair amount of criticism (Brady & Collier, 2010; George & Bennett, 2005, pp. 10-16), but they, undoubtedly, stimulated an important debate and made scholars aware that reflecting upon and pointing out the relevance, contribution, and design of their research are of the utmost importance. Regarding the first criterion, I hope that a better understanding of the EFP development process can aid decision makers and ultimately contribute to a better-working EFP, and that this work can make a small contribution towards that end. As for the second criterion, "making a contribution", two areas are contributed to: First, I "argue that an important topic has been overlooked in the literature and then proceed to contribute a systematic study to the area [Researcher's note: the study of the EFP development process]." Second, I "show that theories or evidence designed for some purpose in one literature [Researcher's note: here a model for studying European integration] could be applied in another literature to solve an existing but apparently unrelated problem [Researcher's note: here the study of European foreign policy cooperation]" (King et al., 1994, p. 17).

# **CHAPTER 1.**

## **Characteristic features of European foreign policy development**

The AIM of this chapter is to point out the most important CHARACTERISTIC FEATURES of the object of study. I will highlight what is remarkable about the development of European foreign policy (EFP) cooperation, and therefore the puzzles<sup>8</sup> this process poses to researchers. As it will be shown in the review of existing literature in Chapter Two, theoretical works addressing EFP are so far limited, and even more limited regarding its development. Therefore, I will analyse the genesis of EFP, as a configurative-ideographic case study with a primarily heuristic purpose (Bennett, 2007, p. 22), and the foreign policy system established with the Treaty of Maastricht in order to reveal its characteristics, which will culminate in specifying the dependent variable of this study. Afterwards, I will discuss various independent variables that were revealed by the analysis of EFP development, with a particular focus on which are the requirements for an approach that seeks to conceptualise EFP development. The aforementioned steps will determine the CRITERIA AN ANALYTICAL APPROACH HAS TO FULFIL in order to solve the puzzle of European foreign policy development as laid out in this chapter. This approach will be developed in the second chapter, after discussing the existing theoretical literature on EFP in light of the findings presented in Chapter One.

The chapter has the following structure: First (1.1 1.2 1.3), I will outline CHARACTERISTICS OF THE DEVELOPMENT of cooperation in European foreign policy from the Second World War until the Treaty of Lisbon (2009). After that (1.4), I will present the POLICY SYSTEM that was introduced with the Treaty of Maastricht (1992/3) and consider this policy system within its wider context, again pointing out its various characteristics. In the next step (2), I will specify my DEPENDENT VARIABLE, i.e., the focus of my research—the process of development of European foreign policy cooperation. After that (3), I will discuss various INDEPENDENT VARIABLES, i.e., various reasons/events that caused changes in European foreign policy development. Last (4), I will derive the CRITERIA AN ANALYTICAL APPROACH HAS TO FULFIL in order to solve the puzzle of European foreign policy development.

### **1.1. Three phases in European foreign policy development**

The development of European foreign policy cooperation can be divided into three phases. Each phase strongly differs from the others in several respects, which will be specified in the course of this part. Each phase will be discussed in order to point out characteristics of its development. Historical facts will only be mentioned briefly *as the focus rests on the puzzles that the development process poses to researchers*. In Section 1.4 (European foreign policy system introduced with the Treaty of Maastricht 1992), I will prove that these characteristics are also mirrored in the architecture of the European foreign policy system as introduced with the Treaty of Maastricht.

These are the three phases in the development process of EFP, mentioned above:

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<sup>8</sup> Puzzles in the sense of Schmitter (2010, pp. 266-267).

The FIRST PHASE spans from the end of the Second World War until the launch of the European Political Cooperation (EPC) in 1970. The phase is characterised by numerous far-reaching plans, all of which failed for various reasons.

The SECOND PHASE starts with the third, and finally successful, attempt to establish cooperation in European<sup>9</sup> foreign policy: European Political Cooperation (1970). In contrast to previous plans, it was a strictly intergovernmental approach, totally separated from the European Community and far less ambitious than its predecessors. Furthermore, it was not treaty-based for more than fifteen years.

THIRD PHASE: The Treaty of Maastricht (1992) launched the European Common Foreign and Security Policy (CFSP), establishing the second pillar of the EU and marking another break in development as again constituting far-reaching differences from its predecessor, European Political Cooperation. As the Treaty of Maastricht has since been changed three times (Amsterdam, Nice, and Lisbon), the respective changes in EFP will also be analysed.

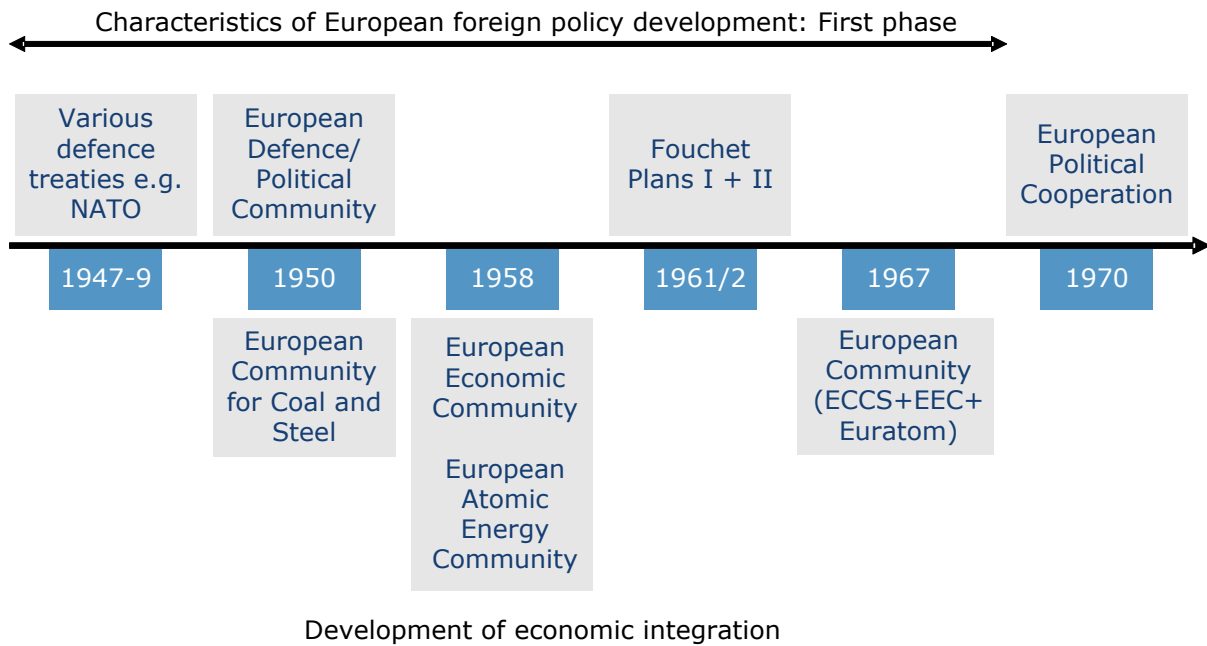
### **1.1.1. Characteristics of European foreign policy development I: From World War II until the launch of European Political Cooperation (1970)**

The first successful step of European integration is usually associated with the European Community for Coal and Steel in 1951,<sup>10</sup> but it is interesting to note that there was already a broad range of initiatives for closer European integration in the field of security, as well as economy. It is important to note that, by and large, the motives behind the initiatives towards European integration, and the reasons why these initiatives failed, remained constant over the decades. Several characteristics of importance in the whole development process of European foreign policy cooperation can be traced back to this phase.

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<sup>9</sup> "European" means Western European and among EC member states. As we will see, first among EC member states but outside the legal framework of the EC, with the Single European Act EPC became a legal basis and the Treaty of Maastricht led to the Common Foreign and Security Policy (CFSP) of the European Union.

<sup>10</sup> See Dinan (2004, pp. 46-57), Loth (1996, pp. 69-90), Brunn (2002, pp. 70-84), and Nugent (2010, pp. 19-21).



**Figure 2**—First phase in European foreign policy development

#### 1.1.1.1. Early plans after the First World War

Early initiatives towards integration were caused mainly by the devastating effects of two world wars.<sup>11</sup> In 1923, Richard Coudenhove-Kaergi founded the Paneuropean Union, claiming political and economic integration from Poland to Portugal.<sup>12</sup> Beside the main aim to ensure peace in Europe, he hoped to address two other problems: The European economy was being put under increasing pressure due to the growing strength of American industry, and, furthermore, the revolution in Russia threatened the very security of Europe. In 1929, Aristide Briand made the proposal for a federal Europe at the League of Nations in Geneva. Apart from the reasons mentioned above, it was in particular the increasing strength of the German economy that made Briand fear that Germany could once again become hegemon on the continent. Interesting to note, the UK government rejected the idea due to its Commonwealth ties and, being one of the world powers at that time, it did not want to have a European bloc at its side.

This early plan points to SEVERAL CHARACTERISTICS, some of which played an important role in the whole period of EFP development:

FIRST, several wars had major influence on EFP development, as it will be shown subsequently. SECOND (and related to the first point), EFP is primarily concerned with

<sup>11</sup> For that period, see Loth (1996, pp. 9-22) and Brunn (2002, pp. 20-29).

<sup>12</sup> For an excellent account of the early stage of European integration with a particular focus on the area of security, see Loth (1996) and Herbst (1996) (both German language). Dinan (2004) gives a precise account of the history of European integration from the interwar period until the Eastern enlargement round (addition of 10 new members). Brunn (2002) starts discussing early (we could say ancient) ideas towards Europe (starting with the late Middle Ages (p.21)) and goes on to discuss the history of European integration from the interwar period until the Treaty of Maastricht.

providing security and peace within Europe. This aim became less obvious during the Cold War, which provided a status quo for roughly half a century. But, immediately after the end of the Cold War and with the emergence of war in the former Yugoslavia, the security issue became again most virulent, pressing for rapid development in EFP. THIRD, the example shows that security and economic issues are entangled in various ways. Germany's economic strength was the basis for its military strength posing a security threat to Europe. As we will see, the plans for the European Community for Coal and Steel, coming after the Second World War, acknowledged the same nexus. Similarly, the entanglement of both the economic and military spheres became topical in the emerging Cold War described later. Both issues, however, show that an analysis of European foreign policy development cannot neglect the developments in European Economic Cooperation. Member states had competing visions concerning the mode of cooperation in both areas (security and economy). Taken together with the internal nexus of these two areas, the competing visions create tension in European foreign policy cooperation that extends through its entire history. One final point, also specific to the whole EFP development, can be seen in the cause prompting the UK to reject the plan: National interest, and related to that, deeply rooted values, for example, stemming from the status of a former superpower, with the corresponding ties (colonies, Commonwealth), can have a heavily constraining effect on further development in EFP. That holds true, in particular, because throughout the whole EFP development unanimity is required to establish or change treaties.

#### **1.1.1.2. Developments after the Second World War**

The early initiatives of European integration failed. What everybody had wanted to prevent happened again: the Second World War was even worse than the First. It proved that European states could not provide security for their peoples; in addition, some countries experienced the collapse of their state. In particular, overwhelming nationalism was seen as one of the root causes of the disaster. Therefore, already during the Second World War, the claim arose that power should be transferred to a supranational organisation, making nation states less powerful in order to prevent future aggression (Loth, 1996, p. 15). As we will see, TRANSFERRING SOVEREIGNTY is one of the principles underlying the ECCS and other developments in European integration. Here another characteristic of EFP becomes visible: Similar to the plans after the First World War, there was a consensus that something had to be done; however, no agreement could be found as to what exactly. More precisely, the underlying question was, and still is, to which extent should sovereignty be transferred to a supranational body thus leading to supranational cooperation, or on the contrary, remain within member states, leading to intergovernmental cooperation? These two competing visions run as a thread throughout the whole development of European foreign policy development.

Another characteristic of EFP also dates back to that time: the SPECIAL RELATION BETWEEN THE US AND UNITED KINGDOM (UK). During the Second World War, the UK offered France a far-reaching plan for building a union. However, France decided to sign the armistice and, as a consequence, the UK orientated itself towards the US (Loth, 1996, pp. 14-15). The bond between the two states became even closer during the Cold War, when it became obvious that Western Europe alone was unable to provide its own security against the Soviet Union. The effect can still be seen fifty years later after the end of the Cold War: The UK stressed that European security and defence policy should be

developed within a framework tightly bound to NATO and the US rather than independently of both, which was strictly favoured by France.<sup>13</sup> Again, two competing visions (orientation towards the US vs. independent European approaches) came into existence, which seriously hampered the development process of EFP.

After the Second World War, the same problems that Europe had faced after the First World War arose again. An effective way of providing security and peace had to be found with the GERMAN QUESTION at its heart. Furthermore, EUROPEAN ECONOMIES were badly affected by the war, which made the American, in particular, and the Soviet economies overwhelming competitors. In this situation, European integration seemed most promising as it could solve both the security and the economic problems. This indicates that security and economic issues are *characteristically entangled*. However, it will soon be proved that it was particularly hard to reach an agreement on the former, which led to an isolated development focusing on the latter, i.e., economic integration.

Although there were many reasons pressing for European integration, for various REASONS NO PROGRESS COULD BE MADE directly after the Second World War. To mention but just two: The winners of the war could not reach an agreement on the future of Europe, and the USSR started to increase aggression towards Eastern Europe. The European countries found themselves in a most undesirable situation: They experienced severe economic problems. The German question remained unsolved, and Germany was now located between two blocs in the unfolding Cold War. Moreover, the fear of Russian aggression (Loth, 1996, pp. 28-41) was constant. In particular, the latter issue made clear that European security would be crucially dependent on Germany due to its strategic location between East and West. Soon it became obvious that Germany had to be rearmed and integrated into a Western Europe that was militarily very weak and with more than one million Russian soldiers still located on the border with Germany. Again, a characteristic trait of EFP becomes obvious: For a long time, its development had been largely determined by the COLD WAR, i.e., developments in the international system, which left little room for internal development (EFP reacts to *external threats* rather than developing its own concepts). Furthermore, the Cold War required the rearming of Germany and concealed the still unsettled problem of the RELATION BETWEEN FRANCE AND GERMANY characterised by deep distrust from the French side. This distrust and the underlying desire never to become a victim of German aggression again will have a large impact on subsequent EFP development; therefore, it is one characteristic point that has to be considered in the analysis. How severe the issue is could be seen at the time of German Reunification, when old fears in France rose again.

As the threat (Soviet Union, and to a much smaller degree, Germany for France) remained and no European solution could be found, another characteristic in EFP development appeared: Rather than seeking for a European solution, states REFERRED TO THE TRADITIONAL MEANS OF NATIONAL FOREIGN POLICY. As a consequence, various defence treaties (Dünkirchen 1947, Brussels 1948, NATO 1949) were signed. However, new initiatives towards European integration were also made.<sup>14</sup> The most important one was the declaration of Robert Schuman, who asked for a community for coal and steel in

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<sup>13</sup> The competing visions for the setup of in particular defence related issues are addressed by Meiers (2000) and Hunter (2002).

<sup>14</sup> See Loth (1996, pp. 34-47), Herbst (1996, pp. 50-57), and Brunn (2002, pp. 49-51).

1950; and in that same year came Pleven's proposal to establish a European army that should also include Germany.

It is not by chance that both proposals came from France if we consider that Germany brought war three times (1870/1, First World War, Second World War) to France; and that it should now be rearmed again in the unfolding Cold War was a horrible idea in the eyes of most French. What both plans wanted to prevent was the integration of Germany into NATO and Germany becoming a sovereign state again. The latter was the condition Adenauer made upon a German contribution to oppose the Russian threat (Herbst, 1996, pp. 94-98). Again, it shows characteristically how FRENCH SECURITY REQUIREMENTS SHAPE THE FUTURE OF EFP DEVELOPMENT. As a consequence, the dividing line in European security concepts inclining either towards a European solution (favoured by France) or towards a US-oriented solution (favoured by the UK and Germany) became even deeper.<sup>15</sup> As it has already been proved, a stalemate was reached as a result, seriously hampering further development in EFP.

ROBERT SCHUMAN's plan (EUROPEAN COMMUNITY FOR COAL AND STEEL) required a supranational organisation that would control the production of coal and steel.<sup>16</sup> It was indeed a very clever proposal: On the one hand, coal and steel were the means of war at that time, i.e., it would be possible to control German production thus making the production of weapons controllable. On the other hand, it was a possibility to overcome the economic problems of France, particularly severe in that sector. Finally, the issue of the Rhine area between France and Germany could be settled. We see here another *internal link between economy and security* and the motive to *transfer sovereignty* to a supranational organisation, which can lead to an effective control of national governments in such an important area. Again, the huge influence of the *French security requirement* comes to bear when Germany is concerned. However, the Schuman plan also shows, quite characteristically, that a *good initiative started at the right moment* and backed up by prominent leaders can have major influence on further development in EFP. The same can be seen with initiatives taken by de Gaulle; these, however, had the opposite, i.e., negative effect on future development.

### **1.1.1.3. The European Defence Community and the European Political Community (Pleven Plan)<sup>17</sup>**

The second plan is even more astonishing. Only a few years after the Second World War, PLEVEN proposed to establish a European army, and even Germany, which brought so much suffering to the continent, was supposed to participate. This can only be understood if we recall the implication of the Cold War and the Soviet threat being

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<sup>15</sup> It is somehow ironic to see that the same question came up about fifty years later with the development of European Security and Defence Policy (ESDP): There are still two broad camps, one favouring an independent Europe not or as little as possible relying on NATO resources (in essence, US resources) and the other wanting to see ESDP as the European pillar of NATO. The point is, however, that this constellation does not come by accident but is one of the characteristics of EFP! See Meiers (2000) and Howorth (2000, pp. 1-30).

<sup>16</sup> The Schuman plan as a central initiative for European integration is covered by many sources. For example, see Dinan (2004, pp. 37-59) or, as already mentioned, Loth (1996), Brunn (2002), or Herbst (1996).

<sup>17</sup> See Loth (1996, pp. 92-96), Dinan (2004, pp. 57-60), and Brunn (2002, pp. 88-93).



perceived<sup>18</sup> as much bigger than the German potential threat, the latter having no threatening army at that time. The outbreak of the Korean War in the summer of 1950 underlined the threat of a potential Russian attack on Western Europe. As already mentioned above, it is a characteristic of the development of European foreign policy that very soon after the Second World War the European foreign policy agenda became *dominated by the unfolding Cold War*. Therefore, events *rooted in the international system* have crucial influence on development at the European level. This was a central source of influence that would last for nearly half a century.

A closer look at the Pleven plan, however, reveals a deliberate calculation:

- FIRST, that the army would have been strictly dominated by France and would have established a close control over Germany.
- SECOND, it would have prevented Germany from choosing the alternative NATO option (favoured by the US and the UK) instead of the European option with a European army, which was favoured by France. In the case of Germany becoming a member of NATO, she would have become sovereign again, and France would have lost control over the rearming of Germany. Both instances were obviously highly undesirable for France.
- FINALLY, a continental European army dominated by France would have made France the dominant player of continental Western Europe. Characteristically, France took the bull by its horns: The European Defence Community initiative could solve the underlying German question, i.e., the security problem, and heal the wound that came with France's loss as a previous colonial superpower—at least it could become the dominant player in Western Europe.

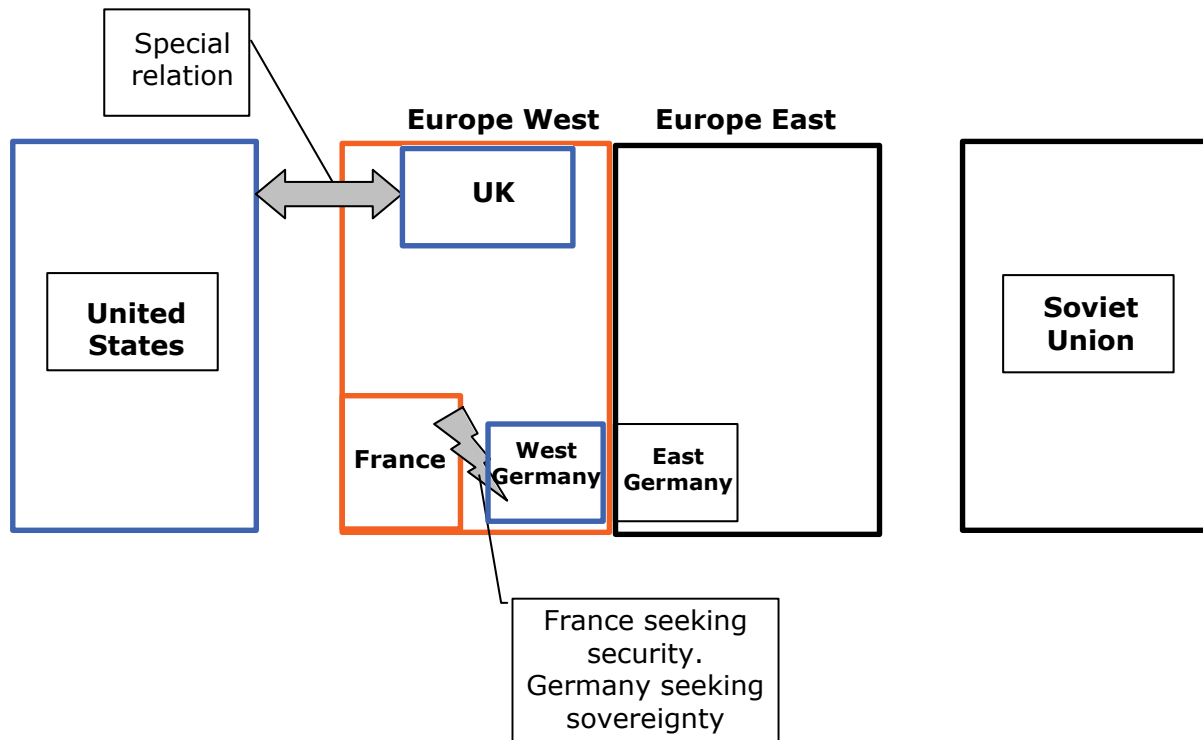
It shows that not only *deeply rooted fears but also values at the national level* play a major role in the development of EFP. Furthermore, it shows that development in European foreign policy is influenced by a *broad mixture of issues coming from different levels and often mutually influencing each other*: The unfolding Cold War and the Soviet threat prompted a rapid development in European security policy; but at the same time, the underlying conflict between France and Germany (national level) was a severe obstacle to reaching an agreement on the issue.

It should be mentioned that the plan of the European Defence Community was linked to the establishment of a EUROPEAN POLITICAL COMMUNITY, mainly due to the question arising over who should control the European army. Actually, France was able to exert enough pressure for the European option, and the treaties for the European Defence Community were signed. However, ratification in the French parliament failed in 1954 for various reasons. This failure reveals another characteristic in the development of EFP: Besides the developments in the international system and stable internal factors of member states (e.g., the French relation to Germany and the UK towards the US), *contingent factors* also had a major influence on EFP development. On the one hand, there was a shift in French government with a strong communist faction, among others, opposing

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<sup>18</sup> "Perceived" indicates that I do not want to judge how real the threat of a Russian attack was. However, it does not matter insofar as the consequences of the threat, whether perceived or real, were the same at that time.

the plans. The shift in the French government obviously could not have been foreseen when the treaties were being signed. However, it reminds us that the analysis must incorporate such unforeseeable events. On the other hand, Stalin died in 1953, which seemed to lower the Russian threat. Thus, the status quo was estimated to be increasingly stable, consequently making European defence a much less pressing issue.



In particular UK and Germany searching for a solution for European security with the aid of the United States

France seeking a western European solution to European security isolated from the US

**Figure 3**—Competing visions for Western European security in the unfolding Cold War

Before outlining the consequences of the failure of EDC, it is worth REFLECTING ON THE SPECIFIC SITUATION THAT UNFOLDED AFTER THE SECOND WORLD WAR to show how complex the situation was and what factors influenced the development (the situation is illustrated in Figure 3).

We saw that SECURITY, the most pressing issue after the Second World War, concentrated mainly on the German question. In particular, France pressed for a solution as it was most painfully affected by all three German attacks. In order to prevent future aggression, many voices asked for the transfer of power from nation

states to a supranational organisation. As pointed out, opinions differed sharply in regard to the question of SOVEREIGNTY, leading to no agreement being reached. Characteristically, the member states reverted to traditional national foreign policy action, which resulted in various bi- or multinational defence treaties rather than European solutions. The European Community for Coal and Steel (ECCS), the European Defence Community and with it the European Political Community, were new attempts to find a European solution. Both were initiated by France for characteristic reasons. We saw that the issues of economy and defence were closely linked in the ECCS. Also, it became obvious that in order to defend Europe against Russia in the long run, the broken down economies of Western Europe had to be restored as soon as possible. Additionally the unfolding Cold War, the Korean War, and the death of Stalin were central factors coming from outside the Union but having crucial influence on further development of European integration.

As illustrated in Figure 3, we see a DEEP FRACTION LINE IN EUROPE with two different responses to the threat under the Cold War: The UK, America, and Germany under Adenauer favoured the NATO option, which would lead to the rearming of Germany and the regaining of sovereignty. France, on the contrary, pressed for a European solution, which would bring an effective control over Germany and the dominant position on the continent. The tension between the two competing visions will be one major factor influencing the development of EFP.

But we saw that FACTORS not only from outside but also from WITHIN THE STATES crucially influenced the development: The shift in the French opinion towards EDC led to a failure to ratify in 1954—the role of Adenauer, who brilliantly used the situation to achieve his goals. Further, the Commonwealth ties of the UK and its special relation to the US resulted in a specific attitude towards European projects.

So we can CONCLUDE that one central characteristic of EFP development is that it was influenced by this *broad mixture of different factors* located *internally* and *externally* to the European member states, some of them *contingent* and some *lasting* until the present.

FINALLY, we can see a very RAPID DEVELOPMENT in the area of European cooperation after the Second World War. Various security alliances were built, the ECCS was founded, EDC and EPC treaties were signed although not ratified, and negotiations on customs unions took place and some unions were established. As it will be proved later, changes in the pace of development of EFP are also characteristic, with phases of rapid development followed by phases of long-time inertia.

The failure of the EDC/EPC project was a serious backlash that hampered integration in the areas of defence and politics. As a consequence, attention was focused on ECONOMIC INTEGRATION leading to the Treaties of Rome in 1957, which established the European Community.

However, it should be mentioned that with the two plans of FOUCHET (1961),<sup>19</sup> initiated by de Gaulle, another attempt was made to establish closer cooperation in the area of

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<sup>19</sup> On the Fouchet plans, see Brunn (2002, pp. 138-143), Dinan (2004, pp. 99-101), and Herbst (1996, pp. 200-201).

foreign and defence policy. Characteristically, it was a French initiative again for reasons already pointed out above. Contrary to the previous plans, there was no supranational element anymore; the main decisions would have been made by the heads of governments under unanimity vote. The first plan was rejected by the other states because it was seen as contradicting the path towards supranational integration, as taken with the ECCS. The revised plan was even more intergovernmentally orientated and therefore was also rejected. The Fouchet plans show that the ECCS provisions, in particular the supranational element in them, *worked as a blueprint*: Most member states wanted to see a similar approach in the area of foreign policy. This is remarkable because it illustrates that *a path, although taken in another sphere (economy), has implications for further integration in other areas*. The supranational approach in economic integration was accepted, and most member states supported a similar supranational approach in foreign policy, consequently rejecting the strictly intergovernmental Fouchet plans.

The case shows clearly that there are two COMPETING VISIONS ON HOW INTEGRATION SHOULD WORK. On one side, as a transfer of power to a supranational organisation and, on the other, as a cooperation between states with no transfer of sovereignty to a supranational authority. The issue also shows that *deeply rooted values*, as here in the case of de Gaulle, can significantly shape the course of integration—de Gaulle’s plans radically differed from the plans of his predecessors concerning the relation of supranational and intergovernmental elements.

In addition to the competing visions for integration, based on supranational or intergovernmental approach, we saw two COMPETING VISIONS ON HOW SECURITY FOR EUROPE SHOULD BE PROVIDED, as can be seen in Figure 3. France opting for a European version relying as little as possible on the US, with the aim to control Germany, and the UK, due to its special relation to the US, promoting the NATO option that crucially depended on the US. These two tensions built up during the European integration process influenced the development of European foreign and security policy.

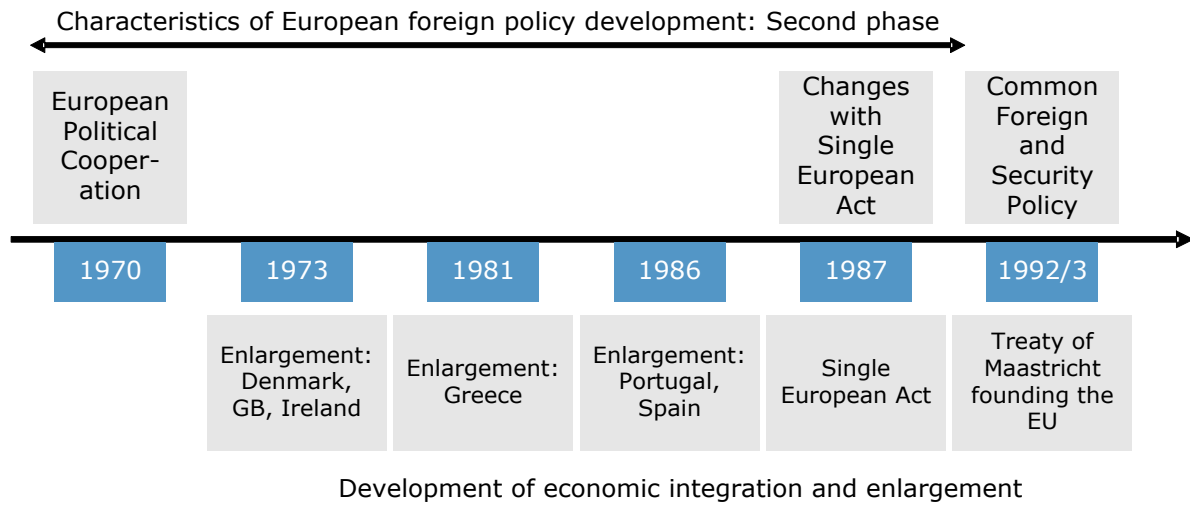
### **1.1.2. Characteristics of European foreign policy development II: The period of European Political Cooperation (1970-1992/3)**

We saw that the far-reaching plans of EDC failed, and the initiatives that followed had a similar fate. It wasn’t until 1969 that a new attempt was made. The second phase therefore starts with the initiation of EUROPEAN POLITICAL COOPERATION<sup>20</sup> in 1969 (Hague summit) and ends with the foundation of CFSP in 1993. As already shown, after the Second World War, security issues dominated the European political agenda; however, no European answer could be found. Meanwhile, economic integration took major strides forwards: With the founding of the European Community (EC), the three previously established communities were merged (Coal and Steel, the Atomic Community and the European Economic Community) in 1967. The increasing importance of the EC as a major economic player as well as the forthcoming first enlargement (the UK, Ireland, and Denmark) in 1973 called for not only the widening but also the deepening of integration. This meant that the Community should not only

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<sup>20</sup> For a comprehensive overview of European Political Cooperation, see Allen, Rummel, and Wessels (1982); Nuttall (1992); Regelsberger, Schoutheete, and Wessels (1997); Rummel (1978); and Regelsberger (1992a).

increase in size, but cooperation should also become closer and/or more policy areas should be included in it.



**Figure 4**—Second phase of European foreign policy development

The enlargement and the economic power of Europe raised the issue that the EC also should gain MORE WEIGHT AS A POLITICAL PLAYER IN THE WORLD. In short, the economic giant should not remain a political dwarf and should speak with one voice in international affairs. Again, it proves that the development of the EC in economic terms had implications for further developments in the area of foreign policy. The characteristic nexus between security and economic issues in European foreign policy development had already been established in the previous phase.

The ISSUE OF SECURITY lost some of its urgency because it seemed that a balance of power in world politics had been found, leading to a status quo that no side dared to challenge: Western Europe, including Germany, was firmly rooted in NATO (with the exception of France, which had left the military part of NATO but stayed in the political one). In consequence, no need arose for a European solution regarding defence. This becomes even more obvious as it turned out that Western Europe’s security totally depended on the American military capacity, in particular regarding atomic weapons. So, contrary to the previous phase, the influence of factors located in the international system decreased with a settled status quo under the Cold War.<sup>21</sup>

The CONNECTION OF ECONOMIC INTEGRATION AND SECURITY ISSUES became topical again during a conference between EC and OSCE in the early seventies when not only economic questions, but also issues related to security and human rights were addressed. However, security issues had not yet been addressed within the EC, and no cooperation in foreign policy had been established. Thus, the OSCE negotiations created pressure for coordination in this area. The case can be seen as an early instance of a “spillover” process where development in the EC creates pressure in another policy area. We will see later that this is another important characteristic feature of EFP in the period after Maastricht: Frequently, developments in the EC pillar (economic issues) will “spill over,”

<sup>21</sup> On that issue, see the compilation of sources plus comments by Gasteyger (2001, in particular pp. 221-236, pp. 271-278).

i.e., press for further development in the second pillar (Common Foreign and Security Policy) and vice versa.

So, again we see DIFFERENT REASONS FOR FURTHER COOPERATION in the area of foreign policy: The issue of defence became less severe in comparison with the aftermath of the Second World War as the Cold War brought a status quo, and Western Europe could not provide security on its own but depended on the US. The Community's increasing cooperation in the area of economy made it one of the major players in the world economy. Together with the forthcoming first enlargement, the wish arose that the Community should also exert more power in world affairs, which called for efficient foreign policy cooperation. So, as already shown in the last phase, development of economic cooperation and foreign policy are entangled, and this has to be taken into consideration during analysis as these two areas would be problematic at best to analyse separately.

Furthermore, the OSCE negotiations concerned issues primarily related to economy, but also had implications for security and foreign policy that could not be addressed by the Community, because cooperation had not yet extended to that area. So, issues related to security coming from the international system and economic development, as well as long term developments (e.g., enlargement) and contingent factors (e.g., OSCE negotiations) influenced the development of European foreign policy cooperation (Schumann, 1998, p. 238). In short, we see again, as with the ECCS previously, that the development of economic cooperation had strong implications for the cooperation in the area of foreign and security policy, thus becoming one of the long-term factors influencing EFP development.

If we consider the far-reaching plans of the EDC and the rapid development of economic integration, we could also expect a far-reaching cooperation in the area of foreign policy coming with the EPC. However, in fact, the opposite happened, and we can describe the outcome as the lowest common denominator. In the so-called LUXEMBOURG REPORT of the foreign ministers in 1970, the following aims were proclaimed (Schumann, 1998, p. 237): Through the sharing of information and consultations on a regular basis, a better mutual understanding of international issues should be achieved. Furthermore, the positions taken by the member states should be adjusted. The report also mentioned joint actions. Obviously, we see neither far-reaching plans nor even a hint of supranational cooperation, as planned by European Defence Community and as already partially practiced in the ECCS and later in the EC. The aims described above were supposed to be reached through meetings of the heads of states and governments and also foreign ministers twice a year, meetings of political directors of the foreign ministries four times, and by further meetings at the working group level.

A closer look at the ARCHITECTURE<sup>22</sup> of the European Political Cooperation reveals that it was a *strictly intergovernmental* process totally separated from the EC. Furthermore, for all decisions *unanimity vote* was required, which guaranteed that no decision could be made against the will of one state. In this aspect, it radically differed from some of the plans in the first period mentioned above. It is also interesting that in 2004, roughly 35 years later, during the negotiations on the Constitution for Europe due to mainly UK

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<sup>22</sup> For institutions and decision making, see Regelsberger (1997, pp. 67-84).

pressure, a veto clause was incorporated, i.e., in essence the unanimity vote still remains.<sup>23</sup>

To reveal further central characteristics of EFP development, it is most important to emphasise the UNDERLYING CAUSES that led to this lowest common denominator approach. How did it come to such an obviously unsatisfactory result, in particular if we compare it with the far-reaching plans of, for example, the European Defence Community? Again, we see that a mixture of different factors made further development impossible:

First, some states were reluctant to give up SOVEREIGNTY, the underlying dispute being about which MODE COOPERATION should take. The effect of the different approaches between supranational and intergovernmental visions has already been proved in the case of the Pleven plans in the previous phase.

Second, member states also had different NATIONAL INTERESTS that could not be mediated.

Third, of crucial importance and making the previous two points so severe is the UNANIMITY VOTE. Each state has a veto in treaty negotiations and EFP practice, i.e., consensus has to be found, which frequently leads to the lowest common denominator solutions!

Taking these three points together, it is no wonder that far-reaching plans could not be agreed upon. The constellation of the three points mentioned above is characteristic of the whole EFP development and sharply contrasts with developments in the economic area. Taking these factors into account and considering that the security issue became less severe under the status quo (contrary to the post-war period), we should not wonder that the factors mentioned above, pulling for closer cooperation in EFP, were not strong enough to press for a more far-reaching solution.

There are TWO MORE EXAMPLES that underline the influence of competing visions in respect to the mode of cooperation: The European Commission that represents the supranational element in the EC was not involved in EPC and should only be consulted when action under EPC affects EC policies. The insistence of some member states that the meetings of the foreign ministers in the EC context be strictly separated from the (same) foreign ministers' meetings in the EPC context (Schumann, 1998, p. 238) seems really absurd. In 1974, some members even insisted that the same foreign ministers meet in the EPC context in Luxembourg in the morning and in the afternoon meet in the EC context but in Brussels.

Obviously, this underlines how strong the resistance of some member states was to giving up any control on the issue, and, as a consequence, it shows how sensitive the area was in comparison to other EC policy areas. Furthermore, it points to a tension also characteristic of EFP development: Some member states insisted on separate meetings of the foreign ministers as described above. These states wanted a *strictly*

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<sup>23</sup> The Constitution was not ratified, but similar provision RE unanimity are found in the Treaty of Lisbon and will be discussed in the respective section later on.

*intergovernmental approach* towards European foreign policy cooperation, i.e., all sovereignty was supposed to remain in the hands of the member states. Therefore, even *only closer spatial proximity* to the EC with its supranational elements of cooperation was rejected. They actually feared that the supranational mode of cooperation could spill over into European foreign policy and “contaminate” it. The resulting tension now is that some states try to separate the economic and the foreign policy spheres as they fear loss of sovereignty; however, at the same time, we have seen all the different reasons why both areas are entangled. So, some member states *try to separate two issues that cannot be separated*, again seriously hampering the development of EFP.

Despite the political question as to how far sovereignty should be transferred, LEGAL ASPECTS AT THE DOMESTIC LEVEL also had crucial effects on the development of EFP:

Sometimes it is not only the unwillingness of some member states that allows no further steps in cooperation, but also the fact that NATIONAL CONSTITUTIONS can rule out certain options. For example, some states hold neutrality, or, as in the case of Germany, it was doubtful how far the army could be used abroad even in humanitarian missions. Obviously, constitutions reflect core decisions that evolve over a long period, not taking into account the possibility of future European foreign defence cooperation. Therefore, they can have a severely *constraining effect* on EFP development and can place an immovable barrier due to the highly restrictive decision mode.

In the case of EPC, we saw that it had no treaty basis until the Single European Act was introduced nearly twenty years later. This underlines the unwillingness of some member states to achieve closer cooperation in this area for the various reasons mentioned above, one of the main reasons being the disagreement in how far SOVEREIGNTY should be transferred.

For a similar reason the EUROPEAN COURT OF JUSTICE (ECJ) had no competencies in EFP contrary to the EC (Schumann, 1998, p. 241). Some member states wanted to ensure that the ECJ would not alter the competencies in EFP, and therefore they ruled out integration through the backdoor (i.e., transfer of competencies from the member states to a supranational body), as it had happened in the EC pillar.

So again two characteristics of EFP can be found in the LEGAL SPHERE: FIRST, domestic constitutions had major effects on the development of EFP. SECOND, the deliberate exclusion of the ECJ was supposed to ensure that the distribution of competencies could only be altered by the member states, and not as in some cases in the EC, by the ECJ.

In SUMMARY, we see that the third attempt to coordinate European foreign policies represents a lowest common denominator approach and reveals several characteristics playing an important role in EFP development:

FIRST, we saw the influence of developments in the EC (enlargement; that an economic giant should not remain a political dwarf).

SECOND, factors stemming from the international system influenced the development: The status quo with security provided by NATO and the US decreased the pressure for a European security solution. The OSCE conferences, however, as contingent factors,



created a “spillover” effect from the economic sphere into foreign policy, pushing for further development in EFP.

THIRD, there was no debate whether cooperation in EFP should be established, only fundamental disagreement on the mode. The underlying question was, how far should sovereignty be transferred to a supranational body? The reluctance of some member states led to the absurd situation with the separate meetings of the foreign ministers.

FOURTH, this proves that tension built up in EFP, as some member states tried to separate economic and foreign policy issues due to their fear of supranational contamination of the latter, which contradicts the internal nexus of both areas as proved previously.

FIFTH, I pointed out the constraining effect that national constitutions can have on further cooperation and the reasons for the exclusion of the ECJ. Taking these factors into account, adding differences in national interests and,

SIXTH, considering the unanimity vote, i.e., the necessity to compromise, it becomes understandable why no far-reaching solution could be found.

It quickly proved that European Political Cooperation was a success in some areas,<sup>24</sup> but quite the opposite in the most prominent cases like, for example, the Soviet invasion of Afghanistan. Although it became clear that major changes had to be made, no agreements could be reached for the reasons mentioned above. Therefore, I will now discuss the small changes in EPC, which were introduced with the Single European Act, revealing further characteristics of the European foreign policy development process.

#### **1.1.2.1. Changes in European Political Cooperation introduced with the Single European Act (SEA) 1987**

The small CHANGES WITH THE SEA concerning EPC show the tension in the project we have already come across: Effective EPC was desirable and, considering the external pressures, quite necessary. However, in order to be effective, the strict separation of EPC and EC was not tenable for the very reason that various resources providing leverage are located within the EC. So the trade-off was (and still is) to have an effective EFP that relies largely on the resources of the EC, at the price of loosening a certain degree of control. Since the Commission and the Parliament have a strong influence within the EC, it is likely that they would gain more influence if the EC and EPC moved closer together. The underlying problem, i.e., the competing visions about which mode cooperation should take (supranational or intergovernmental), meaning how far sovereignty should be transferred, was outlined above as one of the main characteristics of the development of EFP.

So, what were the CHANGES THAT CAME WITH THE SEA? They are stated in Title III of the SEA that addresses the EPC (Schumann, Müller, & Rapp, 2002, Chapter 11, p. 7):<sup>25</sup>

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<sup>24</sup> For a review, see Nuttall (1997, pp. 19-40).

<sup>25</sup> See also Regelsberger (1992b, pp. 90-93) and Nuttall (2000, pp. 14-31).

- Previously strict separation of meetings of the foreign ministers in the context of EPC and meetings of the General Affairs Council (i.e., also the foreign ministers) of the EC was terminated.
- The Commission became fully involved in the EPC.
- The European Parliament became involved insofar as it became fully informed on a regular basis.
- A permanent office for the EPC was established in Brussels. This was a small but prominent step towards institutionalising EPC. The location in Brussels indicates also a closer spatial proximity. This is particularly remarkable because it indicates a small deviation from the strictly intergovernmental approach, which led to the absurd situation described above that the meetings of the foreign ministers had to be held at different places in order to avoid the slightest chance of "supranational contamination."
- The premise that external relations of the EC and policies made under EPC should lead to a consistent foreign policy (the matter of coherence) was established.

The changes are insofar remarkable as they indicate a small deviation from the strictly intergovernmental approach of cooperation, as, for example, European Commission and Parliament were to a small degree involved in EPC. Thus, member states that previously opposed any changes in that respect had to accept that an efficient EPC fundamentally relies on an effective interplay between EC and EPC.

However, soon it turned out that the minor changes of EPC as a result of the Single European Act could not cope with the next major external event: The COLLAPSE OF THE SOVIET UNION and the resulting changes in the international system structure that were accompanied by GERMAN REUNIFICATION in 1989. Furthermore, the GULF WAR showed the lack of power and consistency of the EPC. In particular, in the context of various wars, the question arose as to how the area of DEFENCE, which previously had been absolutely taboo to EPC and therefore had been categorically excluded, was to be incorporated in order to establish a truly efficient European foreign policy. Again, we see the huge impact of factors stemming from the international system as one characteristic of EFP development. The end of the status quo brought the issue of security back onto the European agenda after about forty years of stability. Contrary to some hopes, the world did not become more peaceful after the end of the Cold War, but various small-scale conflicts, which were previously concealed under the cloak of the Cold War, broke out.<sup>26</sup>

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<sup>26</sup> For empirical data, see the Conflict Barometer published since 1992 (Heidelberger Konfliktbarometer) at <http://www.hiik.de/en/konfliktbarometer/index.html> (last retrieved on 25.05.2015).

### **1.1.2.2. Summary of characteristic factors influencing EPC development**

Before describing the next step, when CFSP was established (as a result of the Treaty of Maastricht that brought the EU into existence), it is worth recalling the most STRIKING CHARACTERISTICS OF EUROPEAN POLITICAL COOPERATION:

We saw that while economic cooperation flourished, only MINOR PROGRESS IN FOREIGN POLICY COOPERATION was achieved. The plans were much less ambitious in comparison to the plans after the Second World War. Furthermore, the MODE OF COOPERATION radically differed from the one proposed in the same area after the war and from the one existing in the EC: EPC was a STRICTLY INTERGOVERNMENTAL project totally separated from the EC, as the example of separating the locations of the foreign ministers' meetings neatly underlines. This stresses how SENSITIVE the issue in fact is, as it is seen as the HEART OF A STATE'S SOVEREIGNTY.

We further saw that other DOMESTIC FACTORS influenced the development of cooperation in this area: specific national interests and, in some cases, legal constraints arising due to the constitutions of member states. However, we also saw that the progress in ECONOMIC INTEGRATION AND DEVELOPMENTS IN THE EC (ENLARGEMENT) PRESSED FOR A CLOSER COOPERATION IN THE AREA OF FOREIGN POLICY. Be it for the reason that the economic giant EC should have more weight in international affairs, or in consequence of negotiations, as in the case of the OSCE negotiations where issues cut across the economic sphere, creating a SPILLOVER EFFECT.

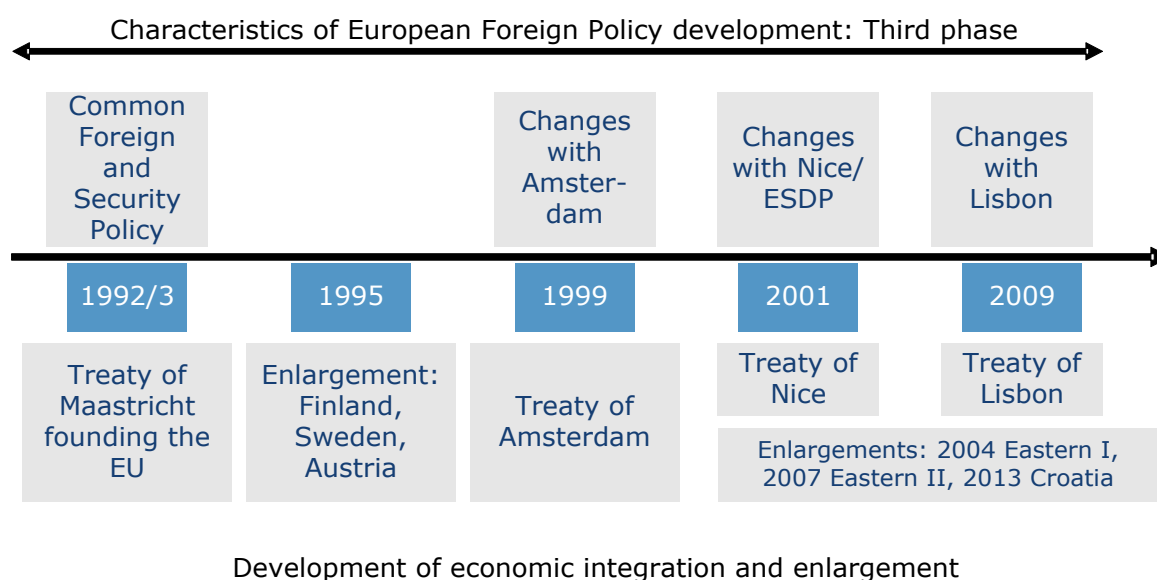
Again, developments in the INTERNATIONAL SYSTEM were a final trigger for changes in EFP as shown in the case of the SEA provisions concerning EPC. These provisions demonstrated that a STRICT SEPARATION OF THE ECONOMIC AND THE FOREIGN POLICY SPHERES WAS NOT TENABLE and led to a VERY SMALL EROSION OF THE STRICTLY INTERGOVERNMENTAL APPROACH. Examples include the full inclusion of the Commission, which previously was consulted only in certain cases and the termination of the separation of the foreign ministers' meetings in the EC and EPC context.

Finally, if we consider the DYNAMICS OF DEVELOPMENT, we can say that another fundamental change had occurred: After the war, primarily the cooperation in the area of defence was fostered, and economic issues were only addressed after the EDC and EPC had failed, with the ECCS being a mixture of security and economic issues. While no progress was made in the area of foreign or security cooperation, the three communities (coal and steel, atomic, and economic) were established and finally merged to the EC. Cooperation in the area of foreign policy was not initiated until 1970 and then only in a piecemeal fashion due to the various characteristic reasons mentioned above and taken together with the UNANIMITY RULE, which frequently led to lowest common denominator solutions.

### 1.1.3. Characteristics of European foreign policy development III: Common Foreign and Security Policy (Maastricht 1992/3)

#### 1.1.3.1. The Treaty of Maastricht<sup>27</sup>

In the following, I will discuss the last phase of European foreign policy development (see Figure 5). I will proceed in chronological order to derive the main characteristics and most obvious puzzles of that period, which in the course of the chapter will lead (together with the characteristics of the two previous phases) to my dependent variable, i.e., what I want to analyse in this thesis.



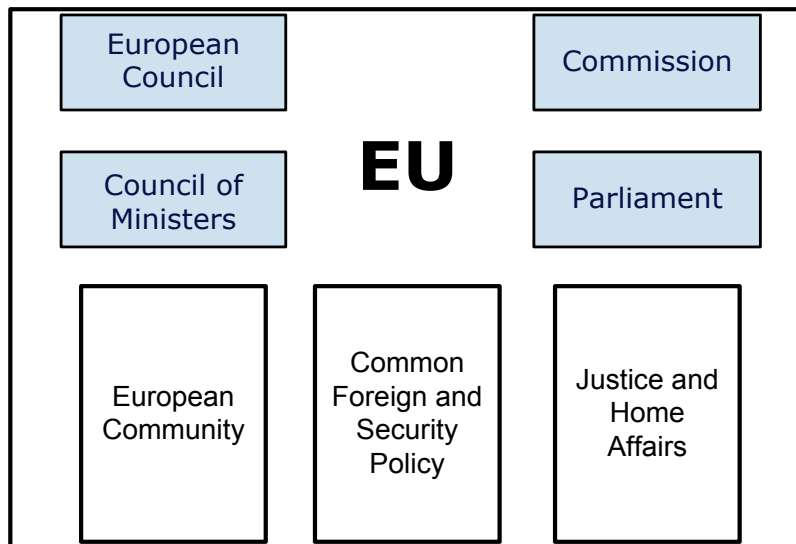
**Figure 5**—Third phase in European foreign policy development

The third phase begins with the Treaty of Maastricht (1993), which established the European Union in its three-pillar structure.<sup>28</sup> The EU constitutes the roof under which EC, Common Foreign and Security Policy, and Justice and Home Affairs are located, as shown in Figure 6.

Additionally, the four most important institutions are shown: the European Council and the Council of Ministers, representing the interests of member states (the intergovernmental element of the EU), and the Commission and the Parliament, representing the Union's and voters' interests (the supranational element of the EU). So, at the first glance, there was indeed a major change. Unlike with the EPC, CFSP was truly visible as one element of the EU. At the same time, CFSP constitutes a separate pillar, i.e., there was still separation from the EC.

<sup>27</sup> For the changes in respect to the Common Foreign and Security Policy, see Regelsberger (1997, pp. 67-84); Holland (1997b); Ginsberg (1997); Janning (1995, pp. 55-70). Nuttall (2000) gives a review of the pre-Maastricht negotiations (pp. 104-148) and the intergovernmental conference (pp. 149-175) before addressing the foreign policy issues in the Treaty of Maastricht (pp. 176-193).

<sup>28</sup> For the legal aspects of the EU, see Ho (2005) and Hobe (2004).



**Figure 6**—The three-pillar structure of the European Union, introduced with the Treaty of Maastricht

What had happened in that period that could induce such a major change as the founding of the EU and, coming with it, CFSP? What crucial characteristic can we infer from these changes?

FIRST, the Union had expanded with Greece (1981) and Portugal and Spain (1986) joining; and the next enlargement round was due in 1995, with Finland, Austria, and Sweden. So, as mentioned above, with the EPC it was desirable that the European Community had more weight in international affairs, and that integration not only widened but also deepened. SECOND, as cooperation in the EC became closer, cooperation in foreign policy was lagging even more behind. Again, we see the already familiar issue that developments in the economic sphere or the EC in general pressed for further developments in EFP, i.e., the ever-increasing economic giant did not want to remain a (foreign) political dwarf any longer.

With the COLLAPSE OF THE SOVIET UNION, the world system structure changed. The Cold War, which had guaranteed stability during such a long period, had ended. It was highly doubtful that the transition period in Eastern Europe would run smoothly, which posed a severe security threat. Furthermore, the importance of issues related to security increased as the collapse of the Soviet Union brought about a power vacuum. In that respect, the situation was similar to the one faced briefly after the Second World War, when Europe had no stable security system in place. With the end of the Cold War, the relatively comfortable situation ended and security questions became topical again.

GERMAN REUNIFICATION brought another change in the architecture on the European continent, altering the existing power relations and giving rise to fears, in particular in France.<sup>29</sup> I proved that the influence of the German question in the early stages of EFP was a crucial characteristic and pointed towards its influence in the European Defence Community project. Fifty years later, and the factor still played a role, although a less important one, in further EFP development.

<sup>29</sup> The issue is addressed in depth by von Plato (2003).

So, we see that various factors were pressing for a fundamental change in European foreign policy; some are already familiar as they mark characteristic problems in the whole European foreign policy project. Also, as shown above, EPC had been a first step towards cooperation in foreign policy but not a big enough one, i.e., it was not a powerful instrument capable of meeting the challenges outlined above.

But what were the actual CHANGES coming WITH CFSP and were the factors mentioned above strong enough to overcome the various characteristic problems inherent in the EFP project? A brief look draws an ambiguous picture. Decision making is still made under unanimity, with enlargement even more interests have to be mediated, so it is getting more and more difficult to reach an agreement on European foreign policy decisions. The negotiations about the decision-making process under CFSP revealed the fundamental differences between member states. Some did propose that, for example, Joint Actions should be decided by majority vote. However, because of strong resistance, in particular by the UK, unanimity vote de facto remains. In other words, the already familiar problem of competing visions of how cooperation should take place had not been overcome, i.e., in that respect we discover a problematic continuity existing since the launch of the whole EFP project.

CFSP does not have many more MEANS at its disposal in comparison with EPC: Coordination and information sharing still play a large role. What is stressed, however, is the possibility to take Joint Actions. There are two important points to be mentioned concerning the innovations introduced with CFSP:

FIRST, CFSP deals with all issues related to the security of the Union. In addition, for the first time, reference has been made to "the eventual framing of a common defence policy, which might in time lead to a common defence" (Article J.4, 1, in Title V of the Treaty of Maastricht). Although being a very vague statement, it is important when we consider the fierce resistance over decades, particularly on part of the UK, to any cooperation in the area of defence under EFP.

SECOND, another interesting point is to see who represents CFSP in international affairs. In the EC pillar, this is done by the Commission. But who should represent in the case of a strictly intergovernmental cooperation with member states of equal power as in EPC? Should there be a *primus inter pares* that represents member states externally concerning CFSP? It is instructive to compare the provision under EPC as stated in the SEA with the Treaty of Maastricht. In the first case, it is indeed said that member states are represented, which underlines the intergovernmental character of that cooperation. The Treaty of Maastricht, however, states that the Presidency of the European Council (heads of states and governments) *represents the whole* Union and not just the states in matters of CFSP (Schumann, 1998, p. 245). This clearly indicates a deviation from the strictly intergovernmental approach. Also, the strict separation between the meetings of the foreign ministers in the EPC context and EC context, customary before the introduction of SEA, has been terminated: The foreign ministers now meet as the Council of the European Union and are also responsible for CFSP as stated in Article J.8 (2). This point should not be overlooked because it indicates another characteristic in EFP development: *a very slow and gradual erosion* of the strictly intergovernmental cooperation.

As the foreign policy process introduced with CFSP will be discussed in more detail at the end of this chapter, it is necessary at this point to ASSESS THE STEP FROM EPC TO CFSP. The picture is ambiguous: We see a major step with CFSP becoming one pillar of the EU, which is, however, still separated from the EC pillar. There was only a gradual change in the instruments and means in comparison with EPC. We saw some important steps forward. For example, the hotly debated defence issues were for the first time incorporated in CFSP. But we also saw that only a very vague statement could be agreed upon.

In this respect, we see an already familiar picture: Various powerful external and internal factors pushed for further development of a European foreign policy. It demonstrated that development of the EC had implications for further development of the European foreign policy. However, the huge differences in opinions among the member states made far-reaching changes not possible, because under the unanimity rule each state exercises a veto right. Underlying is still one major tension that runs throughout the whole history of European integration and divides member states: The question whether or how much sovereignty should be transferred to a supranational institution together with various factors specific for each member state, as already discussed. Therefore, it is even more important to acknowledge the various small steps that have been achieved in the direction of closer cooperation. The incorporation of defence in the treaties after more than twenty years of foreign policy cooperation is a prominent sign. Another one is the various small steps that bring EC and CFSP closer together and hence slowly erode the previous strictly intergovernmental mode of cooperation.

The Treaty of Maastricht (signed in 1992, in force 1993) has been revised three times with the Treaty of Amsterdam (signed in 1997, in force 1999), Treaty of Nice (signed in 2001, in force 2003), and Treaty of Lisbon (signed 2007, in force 2009). In the following section, I will discuss the changes concerning CFSP in the respective treaty revisions to reveal further characteristics of EFP development.

### **1.1.3.2. Changes in CFSP introduced with the Treaty of Amsterdam (1997)**

Considering the pace of the previous developments in European foreign policy, we should not expect crucial changes coming with Amsterdam.<sup>30</sup> However, we will see again that a series of small but important steps were made.

The most visible change was the invention of a HIGH REPRESENTATIVE (HR) for CFSP and an early warning and strategic planning unit (later renamed POLICY UNIT). The expectation was to make CFSP more visible and improve coherence between the pillars. This is a remarkable step in institutionalising EFP cooperation, especially when compared to the EPC period. It also points to the willingness to make the EU more visible in international affairs. Therefore, Javier Solana (former Secretary General of NATO) was an excellent

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<sup>30</sup> The changes in respect to CFSP coming with the Treaty of Amsterdam are addressed by Weidenfeld and Giering (1998, pp. 45-48), Algieri (1998, pp. 89-120), Schumann (1998, pp. 235-268), Regelsberger and Jopp (1997, pp. 255-263), Mahncke (2001, pp. 227-248), and Regelsberger and Schmalz (2001, pp. 249-266). For an insider perspective, see Dehousse (1998); and for decision making in CFSP/ESDP in general and changes with Amsterdam, see Müller-Brandeck-Bocquet (2002b).

choice to be the first High Representative of the EU. Furthermore, taking into account institutional developments now, the European Council had the competence to set out the general principles not only for CFSP but also for the WESTERN EUROPEAN UNION (a European military organisation). In short, we see institutional developments and stronger influence in the area of defence via the WEU. Both should not be underestimated when we consider the previous slow process and strong resistance of some member states to taking further steps in the area of defence. However, not only institutional changes happened in the area of defence. With the PETERSBERG TASKS<sup>31</sup> (mainly humanitarian intervention, rescue missions, and peacekeeping), the area in which the CFSP operates was extended, reflecting a reaction to the changes in the international system, where wars within states became much more frequent than wars between states.

Without doubt, it is remarkable that these steps in the area of defence were made, if we consider that for decades the topic had been totally excluded, and only in the Treaty of Maastricht we find a very vague provision on defence. It points to another characteristic feature of development of European foreign policy: Quite often, once a path is taken, it is walked down, although the pace may be quite slow. This phenomenon, usually called PATH DEPENDENCY, can be observed in all three pillars in different intensities. Therefore, it is important to be aware that seemingly small steps in development may have a major impact in the course of time and therefore must not be overlooked in analysis.

Amsterdam also brought a NEW INSTRUMENT to CFSP—the so-called COMMON STRATEGY. Common Strategies usually have a broader geographical scope and provide a long-term concept for certain areas. An example is the Common Strategy on Russia. The strategy is implemented largely by the instruments already available since Maastricht, i.e., Common Position and Joint Action. If we also consider the establishing of the unit for strategic planning, we see ambitions within the EU to exert more influence in the international sphere rather than only react to certain events, as was previously done.

Minor changes in the decision mode show an already FAMILIAR AMBIGUITY: On the one hand, changes seemed necessary to improve efficiency; on the other hand, some states did not want to lose control over the policy process. In essence, qualified majority vote was possible in some areas but only in follow-up decisions that were decided unanimously. At the same time, a veto clause was built in; therefore, the unanimity rule *de facto* remained. The second change is that a decision can also be made if states abstain from the vote. Without doubt, these changes are only marginal but could also prove to be the first steps towards further long-term development.

Finally, it is necessary to look at how far the COMMISSION could gain more influence in CFSP, hence strengthening the supranational element. Again we only see two minor steps being taken, which was due to the characteristics already pointed out several times. The Commission will work together with the new CFSP policy unit to achieve better coordination in the EC policy areas of foreign trade and development and is therefore closely involved in the CFSP process. Furthermore, the external representation of CFSP, still carried out by the Presidency of the European Council, is now supported by the High Representative and a member of the Commission. So, concerning involvement

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<sup>31</sup> For background and the ministerial declaration, see ([http://eeas.europa.eu/csdp/about-csdp/petersberg/index\\_en.htm](http://eeas.europa.eu/csdp/about-csdp/petersberg/index_en.htm)).



of the Commission and external representation, the same is true as it was for the decision mode: Higher efficiency was desirable, but not all member states were willing to agree on major steps, which thus led to unsatisfactory compromises.

### **1.1.3.3. Changes in CFSP introduced with the Treaty of Nice (2001)<sup>32</sup>**

From the middle of 1998 onwards, a most surprising development took place: the development of the EUROPEAN SECURITY AND DEFENCE POLICY (ESDP) as a part of CFSP. Within only a few years, a complete set of military institutions and institutions for civilian aspects of crisis management were established. Furthermore, it was decided to build up military capabilities (roughly 60,000 soldiers deployable within two months, meaning at least twice as many soldiers were needed in reserve). In addition, personnel for humanitarian intervention (police forces, administration) were needed, and contracts in cooperation with NATO were made.

The ESDP project<sup>33</sup> is puzzling for various reasons: First, it developed with LIGHTNING SPEED, as Solana put it, from the end of 1998 (when a change in the UK foreign policy towards European defence was announced in Pörtlach) until the summit of Laeken in December 2001, where the decision about the first military mission of the EU (Macedonia) was taken. That was unexpected if we recall the longwinded development over previous decades. Furthermore, it is most surprising that defence, one of the last bastions in the way towards closer cooperation in foreign policy, actually fell. In that context, we see that the path beginning with the vague provision on defence in the Treaty of Maastricht and the slight changes in Amsterdam was now being taken. This is a very characteristic feature in the development of European foreign policy cooperation in that it shows that small steps taken should not be underestimated in their long-term consequences. Another surprise is that many of the changes described did not occur in the Treaty of Nice, but decisions were made at the meetings of the European Council (heads of states and governments). So, similar to the first phase of EPC, the development took place *outside of the treaty basis*.

What were the REASONS FOR THIS MOST REMARKABLE DEVELOPMENT and in particular the change in the UK's attitude that used to be against any substantial development in the area of defence cooperation? Again, a mixture of factors, internal and external in relation to Union, were at work. Internally, some progressive states pressed for a more substantial European foreign policy. Externally, the most important factor was the war in Yugoslavia. The EU was severely affected by this war in many respects and was not able to react adequately but had to rely on NATO assistance.

Apart from the development of ESDP, a few other small steps were remarkable. Once again, the RELATION BETWEEN EC AND CFSP was an issue. Moving towards closer cooperation in defence meant also that a substantial amount of money was needed. The war in Yugoslavia showed that European armies had severe deficits in important areas

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<sup>32</sup> See Giering (2001) and Algieri (2001), Müller-Brandeck-Bocquet (2002b), Bono (2002, pp. 20-27), Jaeger (2002, pp. 303-310), Giering and Janning (2001), and Regelsberger (2001). For changes in respect to ESDP, see Kremer and Schmalz (2001); and for an analysis of the changes from a dynamic perspective, see Wessels (2001).

<sup>33</sup> Stütze (2001) reviews genesis and provisions of ESDP in depth.

(e.g., capacity for transport, leading to the A400M<sup>34</sup> air transport project). At the same time, most of the European defence budgets were decreasing. Coordination in that area seems promising because it is a waste of resources—primarily financial ones—to develop, for example, three different types of tanks in the EU at the same time. Clearly, coordination in the area of defence industries falls within the scope of the EC pillar. So again we face a link between EC and CFSP. Increasingly, it also shows that issues such as conflict prevention obviously cut across the pillars, with CFSP having institutions and capacities for humanitarian intervention; however, for example, since foreign aid is located in the first pillar, it calls for closer cooperation between the pillars.

The last striking point is that with the Treaty of Nice, under certain conditions and only in limited situations, CLOSER COOPERATION of some of the member states (at least eight) in the area of CFSP is possible (Article 43a). This means that under certain conditions an avant-garde can decide on Common Positions and Joint Actions, opening a small door for a coalition of the willing towards closer integration in the area of CFSP.

So IN SUMMARY, Nice was a small but “nice surprise”:

CFSP expanded in breadth with closer cooperation on defence issues. Contrary to previous developments, we saw a rapid change that Solana labelled “lightning speed.” Cooperation in the area of defence reveals that path dependency is in some cases at work in CFSP. For example, the small steps towards defence made in Maastricht initiated the way down over Amsterdam to Nice.

Furthermore, we saw that some of the important decisions concerning ESDP were taken before the Treaty of Nice and that not all aspects of the ESDP project are covered by the Treaty (for example, some of the new institutions are not mentioned in the Treaty). Both points are highly remarkable if we consider the sensitivity of the issue. Factors inside and outside the EU pressed for that development. Still, it can be seen that the topic of European foreign policy is very sensitive, which in some cases prevents further cooperation or postpones it. In that respect, the meanwhile well-known issue of transferring sovereignty to a supranational body is still the most controversial. However, I pointed towards small steps that gradually erode the strictly intergovernmental character of CFSP, mainly due to the fact that EC and CFSP pillars cannot be separated, but are interrelated in many ways.

As we saw with Nice, a small option is built in allowing a coalition of the willing to take a faster path towards integration.

Finally, it is worth pointing out the dynamics in development, i.e., the sheer speed, as well as the number of new institutions that appeared in such a short period, when we compare it with the stability lasting for decades under EPC.

#### **1.1.3.4. Changes in CFSP/CSDP introduced with Treaty of Lisbon (2009)**

Revolution or evolution? As will be analysed in this part, the list of changes in respect to CFSP/ESDP (renaming to CSDP being one) coming as part of the Treaty of Lisbon (TL) is considerably long and has received significant scholarly attention. At first sight, some

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<sup>34</sup> A long-distance military airplane for heavy freight developed by Airbus.

of the changes do indeed look revolutionary, e.g., the end of the pillar structure. However, we will see that in many aspects, the Treaty of Lisbon resembles the previous treaty revisions—a compromise between driving and braking forces, resulting in gradual evolution rather than revolution.

As with previous treaty revisions, the genesis and context has to be taken into account when analysing the developments. This holds in particular for the TL. As Piris (2010, p. 238) shows, already in 2001 in the Laeken Declaration, the European Council called for making the EU more “ ‘present in the world.’ ” According to Piris (2010), the rather far-fetched changes in the 2002-3 convention and 2003-4 IGC

did not survive the failure of its ratification. During the negotiations of the June 2007 IGC mandate, some Member States, especially the United Kingdom, insisted on the preservation of the second pillar as separate from the rest of the EU activities and policies. (p. 242)

As a consequence, “all the provisions concerning CFSP-CSDP remain located in Title V of the TEU, as was the case before the Lisbon Treaty” (Piris, 2010, p. 242). Again, we see that the analysis of EFP development has to take into account deeply rooted conceptions, as in the case of the UK, and wider developments in the EU<sup>35</sup> (the ill-fated developments around the convention and its non-ratification).

#### **1.1.3.4.1. Changes in CFSP**

The major changes<sup>36</sup> can be clustered as follows:

1. Legal issues:<sup>37</sup> position of the foreign policy provisions in the treaties; the end of the pillar structure; and founding of a legal personality of the EU.
2. Institutional issues: founding of a permanent President of the European Council; upgrading the role of the High Representative to being triple-hatted with a right of initiative and the end of the rotating presidency; as a result of the previous changes, posing the question as to how the new permanent President of the European Council, the new HR, and the Commission President will interact in external affairs; and the invention of the European External Action Service (EEAS).
3. Decision making and instruments: only one instrument left for pursuing the EU’s foreign policy goals; minor changes regarding decision making.
4. Relative weight of the institutions: possibility of increasing the power of the supranational players in EFP through nuanced changes in powers of EP and ECJ.

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<sup>35</sup> This also holds for other developments that overshadowed the Treaty of Lisbon (here during its implementation) as the Euro Crisis (see Dinan, 2011).

<sup>36</sup> The changes are presented and rigorously discussed by Piris (2010, pp. 238-287). See also Klein and Wessels (2013) and Missiroli (2010).

<sup>37</sup> For an analysis from a legal perspective, in addition to Piris (2010), see Blockmans and Spornbauer (2013) and Van Elsuwege (2010).

## (1) Legal issues

At first sight, the most surprising one might be the end of the pillar structure, introduced with the Treaty of Maastricht and clearly demarking between CFSP and other (former first pillar) policy areas. However, the earlier quote from Piris<sup>38</sup> regarding the position of the UK already gave a hint that no revolution was to be expected.

Under the Treaty of Lisbon the pillar structure has been formally abandoned. Nearly all Treaty provisions concerning the Union's external action, which were previously spread out over the TEU and the EC Treaty, are brought together in Part V of the TFEU, labelled "External Action by the Union." Remarkably, CFSP is not part of this title. It constitutes the only policy area that is dealt with separately in the TEU (Chapter 2 of Title V), where it is "subject to specific rules and procedures" (Article 24(1) TEU). (Blockmans & Spornbauer, 2013, p. 10)

As Devuyst (2012, p. 329) summarises it, "Although the Lisbon Treaty formally abolished the Union's pillar structure, the separate intergovernmental character of the CFSP (including CSDP) was maintained." So, de facto CFSP is still a separate realm, albeit no longer called a pillar.

Furthermore, the TL (Article 47 TEU) finally "has introduced a legal personality for the EU as a whole, which includes the CFSP" (Klein & Wessels, 2013, p. 463). Therefore, "there can no longer be any possible controversy on the capacity of the EU to conclude international agreements in the area of CFSP" Piris (2010, p. 259). This denotes another step towards increased maturity in the CFSP evolution.

## (2) Institutional issues

The TL introduced the position of the permanent President of the European Council, stating that whoever occupies it

shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy. (Klein & Wessels, 2013, p. 461)

Klein and Wessels (2013) point out a potential source of conflict arising in the Union's external representation by the President of the European Council, the improved HR position, and the President of the Commission. It seems the quest for more coherency in external representation resulted in an increase in institutional complexity in this area.

One of the most prominent changes introduced by TL in respect to CFSP/ESDP relates to the role of the former HIGH REPRESENTATIVE. This is mainly due to two factors: (a) his/her now being "triple-hatted," and (b) the number of tasks s/he should fulfil.

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<sup>38</sup> For in-depth discussion of pillar structure removal and its consequence, see Piris (2010, pp. 65-70).

As Piris (2010, pp. 243-245) points out, the new office created by Article 18(1) TEU covers tasks previously entrusted to three individuals: (1) the former "High Representative for CFSP,"<sup>39</sup> (2) the Commissioner for External Affairs,<sup>40</sup> and (3) the President of the External Relations Council. This bundling of competences shall lead to more visibility, stability, "and more consistency between the different sectors of the EU's external action" (Piris, 2010, p. 245).

The High Representative conducts the Union's CFSP. As Vice-President of the Commission, he/she ensures the consistency of the EU's external action, and is responsible within the Commission for the latter's responsibilities in external relations for coordinating other aspects of the EU's external action. As President of the Foreign Affairs Council, he/she oversees the dossiers of external relations in all sectors. In addition, he/she may rely on the European External Actions Service, including the 130 or so Union delegations abroad, which are placed under his/her authority. (Piris, 2010, p. 245)

This substantial upgrade in the position of the HR is accompanied by an increase in the TASKS he/she should fulfil: "presiding over the Foreign Affairs Council," "taking part in the work of the European Council," "ensuring the consistency of the Union's external action," conducting CFSP, ensuring "unity, consistency and effectiveness of action by the Union," "exercising the right of initiative and making proposals in the field of CFSP," "negotiating international agreements," "representing the Union on matters relating to CFSP," "putting into effect the CFSP and ensuring the implementation of CFSP decisions," "regularly consulting the European Parliament," "exercising authority over the EU special representatives," and "exercising authority over the European External Action Service" (Piris, 2010, pp. 246-247).

As Missiroli (2010, p. 431) points out, "Such a multi-hatted position represents a unique opportunity to bring coherence to the Union's 'foreign policy'—but also a daunting challenge for the post holder, especially the first one." There is widespread consensus (Howorth, 2011b, in particular; Missiroli, 2010; & Michael E. Smith, 2013) that Catherine Ashton did not fare that well right from the start (Howorth, 2011b, pp. 305-308) with the appointment reflecting bargains inside the UK. Howorth (2011b) indicates what we have seen in previous revisions—what is stated in the Treaties is one thing, but what exactly develops out of it can vary substantially:

Everybody knew that Lisbon would be the start, rather than the culmination, of a process of political horse-trading and institutional jostling in which the job profiles, the procedures, the mechanisms, and the personnel of these new positions would be the prey of a host of individuals and agencies. (Howorth, 2011b, p. 305)

To put it in analytical terms, EFP development is shaped by structures as well as agency; therefore, an account of EFP development has to conceptualise both:

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<sup>39</sup> A position introduced with the Treaty of Amsterdam as discussed above.

<sup>40</sup> And with the Treaty of Lisbon indeed as High Representative of the EU also being Vice-President of the Commission (Piris, 2010, p. 245)

The relationships between the High Representative, the President of the European Council and the President of the Commission in ensuring the external representation of the EU in the outside world *are difficult to foresee on the basis of the Treaty's provisions*. They will be *largely determined by practice* and by the *personalities* who exercise these functions [emphasis added]. (Piris, 2010, p. 248)

Ashton did not manage to make the legacy of Solana flourish further.

Another prominent change, the most prominent according to some (Michael E. Smith, 2013, p. 1302), introduced with the Treaty of Lisbon is the establishing of the EUROPEAN EXTERNAL ACTION SERVICE (EEAS). Before the Treaty of Lisbon, the division of competencies for European foreign policy between Commission and Council was also mirrored in the institutional basis—in the Commission six Directorates General (DGs) were dealing with external relations matters, and the Council was assisted by the Council Secretariat (Piris, 2010, pp. 249-250). The 2002-3 Convention aimed at pooling all these resources into a single service in charge of external issues (Piris, 2010, p. 250). The provisions of the Treaty of Lisbon pose quite a contrast:

The organisation and functioning of the EEAS have to be laid down by a decision of the Council, acting by unanimity on a proposal from the High Representative, after consulting the European Parliament and obtaining the consent of the Commission. Thus the Treaty leaves most of the details on the structure, organisation and functioning to be decided. (Piris, 2010, p. 250)

As in the previous example (role of the HR), we see that important aspects of EFP development will occur below the treaty level and, consequently, in the period between treaty changes. Michael E. Smith (2013, pp. 1304-1308) describes in detail how the lack of specification of the setup of the EEAS, together with some other factors, led to intergovernmental politics, as well as bureaucratic politics and the respective consequences for the development of the EEAS.

As a final point in the discussion of institutional changes introduced with the Treaty of Lisbon, "some changes in the organisation of the work of certain preparatory bodies" (Piris, 2010, p. 258) should be mentioned. These changes are indeed small: The Political and Security Committee is to be chaired by a representative of the HR. Most of the roughly forty Council preparatory bodies are still to be chaired by the rotating presidency, but those in charge of "geographic, horizontal CFSP and ESDP" (Piris, 2010, p. 258) issues, are to be chaired by someone chosen by the HR. These changes can be seen as another attempt, accompanying those already described, to increase consistency in EU external actions.

In summary, we again see a wider range of factors that led to the outcomes discussed above: While there were many reasons driving to establish more coherence and thereby impact deeply rooted preferences within the EU foreign policy systems (here in particular, in the UK), there were also wider developments (the fate of the constitution and other issues such as the Euro crisis) that overshadowed and, in part, prohibited a revolution. With only *de jure* removed but *de facto* still existing, the pillar structure illustrates that CFSP is still a different realm with specific procedures as EPC used to be

since it was founded. As we saw in the provisions revisions, the Treaties would often not specify provisions in great detail and therefore the actual embodiment of the provision will take place afterwards and, in part, on lower levels; therefore, structure (Treaty provisions) and agency (embodiment) have to be accounted for in analysing EFP development. Moreover, people are important in CFSP development: As the HR, Ashton did not fare as well as her predecessor, Solana. Regarding the role and position of the HR and CFSP institutions, we see an impressive expansion of the previous treaty provisions—a skilful HR finds him-/herself with more competencies (internally and externally, with the legal personality of the EU now extending to CFSP) and resources (EEAS) than ever.

### (3) Changes in decision making

The strictly intergovernmental character of cooperation in the area of European foreign policy is a recurring issue. However, we also saw provisions marking very small deviations from the strictly intergovernmental mode of cooperation in previous treaty revisions. Consequently, it will be interesting to see if changes in that respect can be found in the Treaty of Lisbon.

As Piris (2010, p. 260) points out in respect to decision making, “For the rest, the rules and procedures are largely the same as previously, with a few improvements.”

Therefore . . . , the Lisbon Treaty confirms that CFSP remains clearly subject to different rules and procedures from the other activities of the EU. It therefore remains a second pillar as it was before, largely in the hands of the Council, and of its members, the representatives of the governments of the Member States. (p. 260)

As with the previous treaty revisions, we would expect evolution rather than revolution in particular in the highly sensitive area of decision making. So what are the “few improvements”?

The possibility for ABSTENTION remains (Article 31 (1) TEU). We see a slight enlargement of the possibility of making decisions under Qualified Majority Voting (QMV) in CFSP under the following provisions: (a) when a previous request has been made by the European Council (under unanimity) and in issues related to the (b) new start-up fund, (c) statute of the European Defence agency, and (d) some decisions relating to the Permanent Structured Cooperation in ESDP (Piris, 2010, pp. 261-262). Without doubt, these are no revolutionary steps, but rather a continuous evolution in very small incremental steps, similar to previous treaty revisions. Along the same line, the new PASSERELLE CLAUSE (Article 31 (3)) should also be recognised, allowing the European Council, by unanimous vote, to expand issues to be decided under QMV in the area of CFSP. An important exception has to be noted: Issues with defence, military implications are excluded (Article 31 (4)). Furthermore, in some countries, the passerelle has to be approved by national parliaments (e.g., the UK, Germany) (Piris, 2010, p. 262). And as Michael E. Smith (2013) points out in regard to Title IV and Title V, Article 31 “Mechanisms . . . , which theoretically allow for ‘coalitions of the willing’ to take certain foreign policy decisions, remain in the treaties, yet the EU has always been

reluctant to take such decisions on the basis of anything other than consensus/unanimity” (p. 1302).

In summary, with regard to decision making, we see an already familiar picture: In essence, still nothing can be decided against the will of a single member state.<sup>41</sup> However, we see continuity in line with previous Treaty revisions—further small steps have been made to allow for QMV; and the passerelle clause allows extending QMV to further areas between Treaty revisions. Once again, we see that EFP is not strictly intergovernmental anymore, but still very far from being supranationalised. Klein and Wessels (2013) highlight the points that speak of a further small “Brusselization” in EFP:

the shift away from the rotating EU presidency in CFSP matters. It is not only the High Representative who now chairs the Foreign Affairs Council . . . , but is also the Political and Security Committee, the “linchpin of CFSP,” which is now chaired on a permanent basis by an EEAS official. (p. 463)

Analysing changes in regard to the influence of the supranational institutions (Commission, Parliament, ECJ) on CFSP/ESDP provides more clues as to where to place CFSP between the two extremes of the continuum (intergovernmental—supranational).

#### (4) Role of Commission, European Parliament, ECJ in CFSP/ESDP

Inbuilt tensions in the CFSP/ESDP project are mirrored in the relative power/influence of the supranational institutions, Commission, European Parliament and ECJ. On the one hand, the European Parliament and Commission in particular are seeking an increased influence (although for different reasons); on the other hand, at least some member states still want to prevent any “supranational contamination” (or put from a different perspective, to maintain strict control) of CFSP/ESDP.

As Piris (2010) points out, the competencies of the European Parliament in CFSP/ESDP remain nearly the same:

Furthermore . . . the European Parliament shall certainly exercise political control through its powers over the EU budget. . . . The European Parliament *has already announced its intention to control closely the organisation and action of the EEAS through its budgetary powers.* [emphasis added] (p. 262)

In fact, that happened in 2010: “Thus, ‘b[y] threatening to block under co-decision rules the decision on budget and staffing of the EEAS, the European Parliament succeeded to obtain a de facto co-decision power on the Council decision on the EEAS’ ” (Helwig, Ivan, & Kostanyan, 2013,<sup>42</sup> as cited in Klein & Wessels, 2013, p. 463).

As it will also be shown in the case study, the Parliament actively uses the few levers (yet powerful ones, as in the case of the budget) it has in CFSP/ESDP. Also note that just the invention of the EEAS, i.e., development in EFP, provides a new lever to the EP.

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<sup>41</sup> See also Michael E. Smith (2013, p. 1302).

<sup>42</sup> Note that the reference to Helwig, Ivan, and Kostanyan (2013) is cited in the quotation from Klein and Wessels (2013, p. 463) and is therefore not a citation of this thesis; hence, no reference has been listed.



So with the EP one supranational player managed to gain gradually more influence in CFSP.

In respect to the Commission,<sup>43</sup> at first sight, we can state a loss of influence. With the Treaty of Lisbon coming into force, the Commission lost its "autonomous right of initiative, as it had before the Lisbon Treaty under Article 22(1) of the former TEU" (Piris, 2010, p. 262). Furthermore, the previous "full association" of the Commission with CFSP (Article 27 former TEU) was removed. As Piris (2010, p. 263) points out, the feeling was that the new position of the HR (being also Vice President of the Commission) would ensure proper involvement of the Commission. As with the triple-hatted HR, the effects of these treaty provisions remain to be seen and are, in part, not foreseeable.

If we look back from early EPC, SEA over Maastricht, Amsterdam, Nice, and the Treaty of Lisbon to assess the shifts in supranational and intergovernmental influences in CFSP, we see that, as well as the Parliament, the Commission slowly gained influence (although, in absolute terms, still very little). We saw that some states tried to avoid any competences of the two players to ensure a firm grip on that sensitive policy area. Nevertheless, the influence of both rose, in fact, due to very similar reasons: Changes/events happening outside of the EU (e.g., the Yugoslavia disaster and other wars, shifts in influence among world players) made a more effective European foreign policy desirable. And at the same time, a European Community starting with just six members had meanwhile become the European Union, with roughly five times more members; so indeed it was expected to have more influence on the international stage. The levers that the Commission and Parliament have at their disposal do differ, however. The Commission has the substantial resources needed for an effective European foreign policy; but to an extent, at least concerning staff, this changed with the establishment of the EEAS. The Parliament has none of these, but it does have legitimacy and in particular, budgetary control. The latter becomes increasingly important with the budget of (an effective) European foreign policy that presumably is continuously rising. In respect to the analysis of European foreign development, we again see a broad mix of factors stemming from different locations (both from within and outside of the EU). For those inside the EU within CFSP/ESDP, as well as outside (Parliament, Commission), we see that dynamics/developments in various areas (some related to the EU and some not) have influence on the process of EFP development.

Finally, we want to see if the role of the ECJ, as the third supranational institution besides the Commission and Parliament involved in CFSP, changed with the Treaty of Lisbon provisions. As Piris notes "**the (limited) powers** . . . have been slightly enlarged, notably in the interest of ensuring better protection of the rights of individuals" (Piris, 2010, p. 263). The changes are, actually, quite tricky: As a general rule, the ECJ "shall have no jurisdiction with respect to provisions relating to [CFSP] nor with respect to acts adopted on the basis of those provisions." The changes are less straightforward:

However, in its new formulation, Article 40 TEU, which protects the areas where the EU institutions exercise their full powers (i.e., the areas covered

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<sup>43</sup> The role of the Commission in external relations is assessed in detail by Nugent and Rhinard (2011).

by the ex-EC or first pillar) from possible encroachments through CFSP decisions, also protects CFSP from possible encroachments of acts adopted under the former first pillar. This means that jurisdiction of the EU Court of Justice to “monitor compliance” with Article 40 TEU is extended to the control of the latter aspect (Article 275, 2nd paragraph, TEU). In addition, this same 2nd paragraph of Article 275 TFEU confers jurisdiction on the EU Court of Justice to review “the legality of decisions providing for restrictive measures against natural or legal persons adopted by the Council on the basis of [the CFSP Chapter].” (Piris, 2010, p. 263)

The impact of the two changes (encroachment and review of restrictive measures) in the competences of the ECJ in the quote from Piris is hard to foresee. It seems plausible that the ECJ, as previously, will try to expand its competencies:

The limited jurisdiction of the Court of Justice is not to be overestimated. It is true that CFSP decisions cannot be challenged directly but given the fuzzy boundaries between this policy and the other areas of EU external action, Article 40 (ex 47, as amended) TEU gives ample opportunities to clarify the legal status of the CFSP in the future. Moreover, the extension of the Court’s jurisdiction to restrictive CFSP measures against natural or legal persons closes a significant gap in the protection of individual rights. The listing of a person’s name on terrorist lists, subject to multiple cases where the Court was confronted with the limits of its powers in the past, now indisputably falls within the Court’s jurisdiction. (Van Elsuwege, 2010, p. 995)

Concerning Article 40 TEU (encroachment), Blockmans and Spornbauer (2013) also see the potential for more leeway for the ECJ:

Article 40 TEU raises new challenges with regard to the appropriate legal basis of Union acts that are at the crossroads of CFSP and non-CFSP policies. These challenges will become apparent by recalling the Court’s jurisprudence under the previous treaties regime. Already then it was not easy to determine which method (“Community” or “intergovernmental”), and thus which legal basis and which instruments had to be used in cases where there was strong nexus between the CFSP and other external relation policies falling under the EC Treaty. (p. 15)

That the Court actually uses this lever will be seen in the case study.<sup>44</sup> Considering the two points discussed (encroachment and review of restrictive measures) and actual empirical evidence, it seems justifiable to conclude that with the TL the ECJ also gained more competencies and seems to be willing to use them. And again, it is not easy to foresee to what extent the ECJ will be able to use them in years to come.

In total, we see that all three supranational players, bar the Commission, managed to extend their influence in CFSP. With the budget, the EP has a powerful lever and showed willingness to use it, as seen from the negotiation around the EEAS budget. The ECJ gained more influence in two areas and showed willingness to actively make use of it.

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<sup>44</sup> See also Blockmans and Spornbauer (2013, pp. 15-17).

Therefore, as already shown for previous treaty revisions, an analysis of EFP development has to pay attention to these players and to how they exert their power between Treaty revisions.

### Changes in CFSP instruments

Changes that came with the Treaty of Nice have been described as a “nice surprise.” In that respect, concerning instruments, Treaty of Lisbon was also quite a surprise—the number of instruments was decreased from five down to one: “The European Council and the Council now adopt only one type of legal act for all CFSP actions—that is, decisions (see Articles 26(1) and (2) and 31(1) TEU)” (Piris, 2010, p. 264). As Michael E. Smith notes (2013), the instrument Common Strategy, introduced with the Treaty of Amsterdam, “had never developed as expected” (p. 1302). Obviously, we do not have to expect fewer actions under CFSP. It rather seems the naming of the five previous instruments was quite arbitrary and was therefore consolidated in the TL.

The provisions furthermore explicitly state that no legislative acts can be adopted under CFSP and that the ECJ and/or Commission have no powers if one of the member states fails to act in accordance with a CFSP decision (Piris, 2010, p. 264). The latter case does not, however, seem so relevant, because decisions have to be made by unanimity, i.e., there should be very limited number of situations where a member state first agrees to a CFSP decision, but then does not comply with it.

### Some aspects of the genesis of the provisions

The purpose of this chapter of the thesis is to point out the specifics of the development of cooperation in the area of European foreign policy in order to derive requirements for an approach that seeks to conceptualise EFP development. Many peculiarities and variables have already been unravelled in this section concerning the changes coming with the TL. While conclusions have been drawn so far in the different fields where changes occurred at the end of this section on the TL, it is worth taking a quick look at the overall genesis of changes in CFSP during the convention, the June 2007 IGC and the Lisbon IGC, to derive further variables.

During the analysis, we have frequently come across the tension between the desire of some member states to retain strict control over decisions and processes in EFP and the quest for more consistency and efficiency in the whole European foreign policy action (across pillars, i.e., the economic/security nexus). The failed Constitutional Treaty had actually made a big step towards that goal—there had been a single Title “Union’s External Action,” which would have entailed CFSP/ESDP, trade policy, development cooperation, humanitarian action. However, in the Treaty of Lisbon “all the provisions concerning CFSP-CSDP remain located in Title V of the TEU, as was the case before the Lisbon Treaty” (Piris, 2010, p. 242). So there is (still) no unified external action, and provisions for CFSP/ESDP are stated in the TEU instead of the TFEU (where most of the other policy areas are addressed).

It is illustrative to address the underlying reasons for these changes from Constitutional Treaty to the Treaty of Lisbon: “Some Member States, especially the United Kingdom, insisted on the preservation of the second pillar as separate from the rest of the EU

activities and policies" (Piris, 2010, p. 242). The sensitivity of the issue becomes even more obvious when we take in account that

during the discussion leading to the adoption of the June 2007 IGC mandate, the UK delegation, in particular, was keen to obtain *language* demonstrating that nothing in the Treaty would change the CFSP decision-making process or (weak) powers conferred on the European Parliament, the Commission and the Court of Justice in that area [emphasis added]. (Piris, 2010, p. 260)

The UK went even further and

obtained two IGC declarations, Declarations no. 13 and no. 14, with the same title . . . , which are quite repetitive, especially in stressing that the CFSP does not affect the responsibility of the Member States in the formulation and conduct of their national foreign policy. (Piris, 2010, p. 260)

Once again, we see continuity, insofar that development in CFSP/ESDP is heavily influenced by deeply rooted national attitudes, leading to different integration results compared to other EC policy areas. Despite that fact, the TL contains gradual steps, mainly in order to increase efficiency to address changed demands in a world (system) that has dramatically changed since the end of the Cold War, which marks further deviation from a strictly intergovernmental approach. CFSP does not fit neatly into our categories of supranational and intergovernmental cooperation—it is something in between.<sup>45</sup>

It is hard to believe, but the issue of where the CFSP/ESDP provisions are located in the Treaties and how the whole external actions/competencies of the EU relate to each other was made even more complex. The position of the UK and the results described above were not the final word:

However, underlining the aim of "enhancing . . . the coherence of [the EU] external policies," it was decided in the 2007 IGC mandate to insert a new first Chapter which contains the general provisions on the Union's external action in Title V of the TEU. This Chapter includes the two "chapeau" (overarching) provisions as agreed in the 2003-4 IGC. . . . This Chapter has a corresponding Chapter in the relevant Part on the EU's external action in the TFEU. . . . *Therefore, although located in the TEU and not in the TFEU . . . , the whole of the EU's external action is subject to a single framework of general provisions, principles and objectives.* . . . These principles and objectives are applicable to all sectors of external policy, in addition to their own specific objectives. [emphasis added] (Piris, 2010, pp. 242-243)

So, at the same time, we now find the CFSP provisions in the TEU, not the TFEU, and separated from the other external action policy areas; in addition, two IGC declarations underline the distinct character of CFSP *and* legal provisions, reducing the former to symbolic acts. This incident seems very similar to one described above and dating back to 1974—under EPC, some member states insisted on separate meeting of the foreign

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<sup>45</sup> As, among others, indicated by the title of a recent paper by Howorth (2012) "Decision-making in security and defense policy: Towards supranational inter-governmentalism?"

ministers under EPC and EC. Roughly forty years later, EFP continues to be a very delicate policy area.

#### **1.1.3.4.2. Changes in ESDP**

The Treaty of Lisbon led to changes in the area of ESDP. The major changes are (Piris, 2010, pp. 273-279):

- Renaming of ESDP to CSDP
- Clarification of the scope of CSDP
- Introduction of a mutual (a) assistance and (b) solidarity clause
- The possibility that a group of Member States can carry out a CSDP mission
- The possibility of a permanent structured cooperation
- More possibilities for QMV in CSDP
- The European Defence Agency

Listing a RENAMING from European Security and Defence Policy to Common Security and Defence Policy under major changes may seem odd at first sight. However, the renaming has to be seen against the background of what has been said earlier. Against that background, it is quite a step from " 'the progressive framing of a common defence policy, which *might* lead to a common defence' (emphasis added)" in the Nice version to " 'The common security and defence policy shall include the progressive framing of a common Union defence policy. This *will lead* to a common defence.' " [emphasis added by Piris] in the Treaty of Lisbon (Article 24(1) TEU) (Piris, 2010, pp. 274-275).

The SCOPE of CSDP was clarified and extended by adding "disarmament operations,<sup>46</sup> military advice and assistance, conflict prevention and post-conflict stabilisation (Articles 42(1) and 43(1) TEU)" (Piris, 2010, p. 275) to the Petersberg task list (which was introduced with the Treaty of Amsterdam).

Another innovation introduced with the Treaty of Lisbon is a SOLIDARITY CLAUSE for the case of armed aggression against the territory of a member state (Article 42(7) TEU). In the context of this chapter, the ramifications are interesting. The provision had to take into account specific factors on the member-state level: "It is made clear that this 'shall not prejudice the specific character of the security and defence policy of certain Member States' " (Piris, 2010, p. 275). The background is that some of the EU states are neutral. Furthermore, membership in NATO has to be taken in account (an issue we already came across during Berlin Plus agreement negotiations and the struggle between Turkey, Greece, and the EU): "Commitments and co-operation in this area shall be consistent with commitments under the [NATO treaty] which, for those States which are

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<sup>46</sup> In the case study, it will be analysed in depth how cooperation in the area of non-proliferation policy, within EPC/CFSP, developed over decades and finally found its way into the primary law as "disarmament operations" with the TL.

members of it, remains the foundation of their collective defence and the forum for its implementation" (Piris, 2010, p. 275). Again, it becomes obvious that the analysis of EFP cooperative development has to take into account several different factors, some of which are located at the member-state level; and the more members the Union has and the more provisions exist, the stronger the tendency for more complex solutions and/or more difficulties to find an agreement in particular under unanimity will be.

The SECOND SOLIDARITY CLAUSE concerns terrorist attacks and natural or man-made disasters (Article 222 TEU). An interesting aspect about this solidarity clause is that it also addresses prevention: "The Union shall mobilise all the instruments at its disposal, including military resources made available by the Member States' for prevention, protection and assistance in case of terrorist threats or terrorist attacks"<sup>47</sup> (Piris, 2010, p. 275). This seems remarkable as a lot of measures can be justified as prevention. It is hard to see how member states can obtain firm control over EU action under CFSP under the heading of prevention.

So far, we have seen the often-cumbersome development of cooperation in the area of European foreign policy, and in particular, defence. We saw fierce fights even over the wording and location of treaty passages. Often the necessity to be more effective on the international scene worked as a counterbalance. The Treaty of Lisbon introduced two innovations in particular for the "able and the willing."

First, the Council has the possibility "to entrust a group of Member States, which are willing and have the necessary capability, with a CSDP mission having the aim of protection EU values and serving its interests (Articles 42(5) and 44 TEU)" (Piris, 2010, p. 276). It is interesting to see why such a clause was resisted during the 2003-4 IGC:

Because, in practice, the larger Member States have a wider spectrum of capabilities than the smaller States, this possibility was seen by some small Member States as establishing a risky trend towards CSDP being taken over by the larger Member States. (p. 276)

The quote illustrates another fraction line, with impact on EFP development; an aspect already seen in the analysis above.

Second, under the nickname "Schengen of Defence" and "Eurozone of Defence," the possibility for a permanent structured cooperation by QMV, with no minimum member state requirement in the area of defence among the capable and willing, was introduced (Article 42(6), 46 TEU) (Piris, 2010, p. 276). The detailed provisions are not so interesting in this context (see Piris, 2010, pp. 276-277), but rather the "swift and simple procedure is quite remarkable when compared with the conditions for launching and 'enhanced co-operation' in the field of CFSP-ESDP, which require unanimity . . . and the participation of at least nine Member States" (Piris, 2010, p. 277). Reflecting the cumbersome development of cooperation in the area of defence, it seems that the

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<sup>47</sup> It is frightening that, with the terrorist attacks in Paris on 13 November 2015, this provision becomes topical much quicker than presumably expected. Beyond the tragedy of this event, the impact on further cooperation under EFP will be very interesting from a scientific point of view.

project gained significant momentum since the initial start of the ESDP project, and its pace was aptly qualified by Solana as “lightning speed.”

Not only speed and increased breadth but also further possibilities for QMV are surprising. Not only initiating a permanent structure cooperation but also “definition of the statue, seat and operational rules of the (already existing) Defence Agency . . . and the establishment of a start-up fund for CSDP operations” (Piris, 2010, p. 274) are subject to QMV.

As a final prominent change, the Treaty of Lisbon provides for the establishment of a European Defence Agency (EDA) in “the field of defence capabilities development, research, acquisition and armaments (Articles 42(3) and 45 TEU)” (Piris, 2010, p. 278). Quite interestingly, the EDA was already established *before* Lisbon by a Council of the European Union (2004) Joint Action 2004/551/CFSP and afterwards was added to the Treaty of Lisbon including the QMV provisions stated above. This is another instance proving the importance of identifying variables of EFP development occurring in the period between Treaty negotiations.

#### **1.1.3.4.3. Conclusion**

Revolution or evolution? The TL brought about arguably the most substantial revisions in the area of CFSP since the Treaty of Maastricht. But what can we learn from the changes in regard to the object of analysis, and what implications arise for an approach seeking to conceptualise the development of cooperation in EFP? A core characteristic of EFP development has prevailed since the introduction of the EPC—it is still a distinct policy area with its own rules separated from other policy areas (although no longer called a pillar), and it is still highly sensitive as shown in the various negotiations, and each member state can still veto any action or change. However, this should not obstruct our view of the significant changes that have occurred: The vastly extended role of the HR and the new EEAS at his or her disposal can serve as the basis for progressive development and demarks substantial institutional development. As shown, EU’s quest for more coherence, efficiency, and world impact is gradual but its speed seems to be increasing—if we consider the quality/quantity of the changes in CFSP/ESDP (now CSDP) provisions since Maastricht. This quest works as a driving force towards more substantial change. CFSP finally gained legal personality; the scope and possibilities for further cooperation in the area of defence were extended. In the previous treaty revisions, we also saw that seemingly semantic changes are important; therefore, it is astonishing to read “This *will lead* to a common defence [emphasis added]” in the TL rather than the previous “might” (Nice provision) in particular if we recall that dealing with the area of defence is one of the most sensitive in EFP. We saw a tendency to address the coherence, efficiency problems, between external action under the EC and CFSP (the economic-security nexus), via institutional “tweaking” in particular in the role and tasks of the HR, being triple-hatted now, but also the establishment of the EEAS. Whether this works out, as shown, will depend on the skill and good fortune of the respective person. The increasingly institutional complexity, however, can also lead to various frictions, e.g., who actually represents the EU externally with the President of the European Council, the new HR, and the President of the Commission. With more and more cross-cutting issues in the area of security, the separation between CFSP, CSDP, and other external policy areas will be even more difficult to maintain,

underlining the need for considering the whole EU when analysing EFP development. As shown, many of these actions came to bear in practice, i.e., between the treaty revisions, and it cannot be foreseen which conduct will actually be established. Therefore, in the analysis of EFP development, it is important to pay tribute to structures as well as to agency. Although it was only a small instance in that context, it is worth recalling Michael E. Smith's (2013, p. 1302) comment regarding the end of the Common Strategy instrument that did not develop as expected and was therefore terminated. As shown with the EP and the ECJ, two supranational players in the game again managed to improve their positions, to a certain extent counterbalancing the strictly intergovernmental character of CFSP/CSDP. Both having few yet powerful levers at their disposal, it is particularly hard to foresee how the ECJ will use its. Finally, the influences of wider developments in the EU (ratification process, financial crises) were graver in this revision than in previous iterations. Considering the points mentioned, it seems fair to say that there is still a hard core of factors that influence EFP development, being constant over decades (as revealed in the discussion of the development of EFP since the Second World War); however, as with the previous revisions, the seemingly increasing number of other factors, stemming from different levels and units, have to be accounted for in an analysis of EFP development.

#### **1.1.4. The policy system of the Common Foreign and Security Policy introduced with Maastricht (1992/3)**

In the previous section, I analysed major steps in the development of European foreign policy since the Second World War in order to reveal specific features of this development process.<sup>48</sup> In the following, I will briefly introduce the POLICY SYSTEM OF CFSP

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<sup>48</sup> The following remarks have to be made when referring to the legal basis of EFP. As it was mentioned, the SEA brought the legal basis of EPC:

(A) With the Treaty of Maastricht, CFSP was founded with the provisions stated under title V. In the Maastricht version, the articles are numbered as Article J.1-11 and further subdivided with numbers in brackets. For example, Title V, Article J.5 (1) states that the Presidency represents the EU in matters of CFSP. The numbering was, however, changed with the first revision of the Treaty of Maastricht—the Amsterdam Treaty. CFSP is still found under Title V, but the letters have been changed to numbers (11-28). For example, now Article 18 (1) states what the previous Article J.5 (1) stated in the given example. This numbering has been kept the same for the next revision of the EU Treaty, i.e., the Treaty of Nice.

(B) I primarily work with the German versions of the EU Treaties edited by Thomas Läufer (Läufer, 1993, 2000, 2002) and published by the Federal Agency for Political Education (Bundeszentrale für politische Bildung, [www.bpb.de](http://www.bpb.de)). The English versions are available on the EU server. A big problem is not only the change in numbering from the Maastricht to the later versions but also the fact that the changes in the content from revision to revision are in most cases not indicated. That is in particular tricky because on the EU's web pages mostly the newer versions of the EU Treaties or consolidated versions are provided, so it is not possible to say without comparing each sentence how far these versions represent, for example, the originally ratified text of the Treaty of Maastricht. To make a long story short, I work with the three German versions mentioned above and four English versions issued at the respective time, i.e., the provisions for CFSP under the Treaty of Maastricht (Treaty on European Union, 1992, OJ C224), and its subsequent revisions, amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts (Treaty of Amsterdam, 1997, OJ C340; Treaty of Nice, 2001, OJ C80; Treaty of Lisbon, 2007, OJ C306).



THAT CAME INTO EXISTENCE with the Treaty of Maastricht<sup>49</sup> and locate it in its context to further reveal puzzles that have to be considered when analysing the EFP development process.

Actors and treaty provisions of CFSP are laid out in Title V on the Treaty of the EU (Maastricht).

The ACTORS<sup>50</sup> and their FUNCTIONS in CFSP:

The *European Council* (heads of member states) "shall define the principles of and general guidelines for the common foreign and security policy" (Article J.8).

The *Presidency* (rotating six monthly) "shall represent the Union in matters coming within the common foreign and security policy" (Article J.5). It is furthermore "responsible for the implementation of common measures".

In the *Council of Ministers* (foreign ministers of member states) "member states shall inform and consult one another within the Council on any matter of foreign and security policy" (Article J.2). Furthermore, the Council can define Common Positions if deemed necessary. The Council decides on taking Joint Actions based on the general principles outlined by the European Council and is responsible for conducting them (Article J.3). The Council "shall act *unanimously* [emphasis added], except for procedural questions and in the case referred to in Article J.3 (2)" (Article J.8 (2)).

The *Parliament* shall be informed by the Presidency. Furthermore, the Presidency shall consult the Parliament on main aspects regarding CFSP and take the views of the Parliament duly into consideration. Also, the Parliament may ask questions or make suggestions (Article J.7).

The *Commission* "shall be fully associated with the work carried out in the common foreign and security policy field" (Article J.9).

The *Political Committee* mainly supports the Council with its work by monitoring the international scene, making policy suggestions and monitoring the implementation of policies. (Article J.8 (5)).

*COREPER* as an EC institution also supports the Council and shares this task with the Political Committee. However, it plays a minor role in comparison with the Political Committee as it may only comment on the drafts of the Committee before they go to the Council (Schumann et al., 2002, Chapter 11, p. 10).

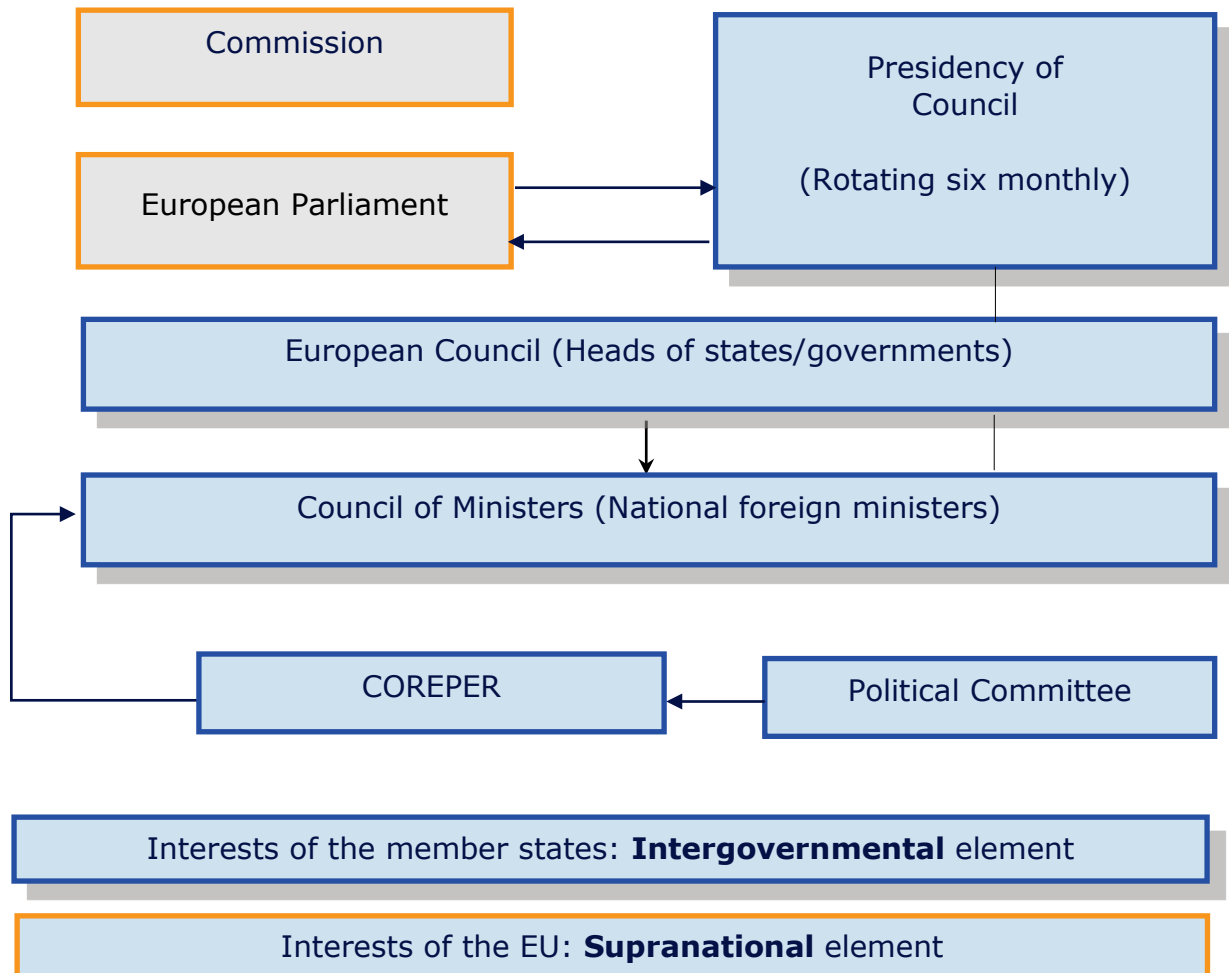
This very brief overview mirrors the specific RELATIONS AMONG THE ACTORS as analysed in the previous sections. It can easily be seen that the European Council and the Council of Ministers clearly dominate EFP matters. In other words, the member states and their

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<sup>49</sup> For policy making and the policy system, see Müller-Brandeck-Bocquet (2002b); Wallace (2005, pp. 444-450); Edwards (2011, pp. 44-74); Vanhoonacker (2011, pp. 75-100); Howorth (2011a, pp. 197-225); Hazel Smith (2002) (in particular Chapter Four); Nuttall (2000, pp. 176-193); Keukeleire and MacNaughtan (2008, pp. 98-123) for CFSP; for ESDP, see Stützle (2001).

<sup>50</sup> The main actors involved in CFSP and their relations are presented in Figure 7.

interests clearly dominate EFP, which is even more obvious when we consider the unanimity rule for CFSP decision making.<sup>51</sup> In Figure 7, this intergovernmental element of CFSP is depicted by the blue boxes. The policy system reflects the peculiarities revealed above—some member states insisted and, if we recall the changes with Lisbon, still insist on maintaining firm control of EFP development and decision making.



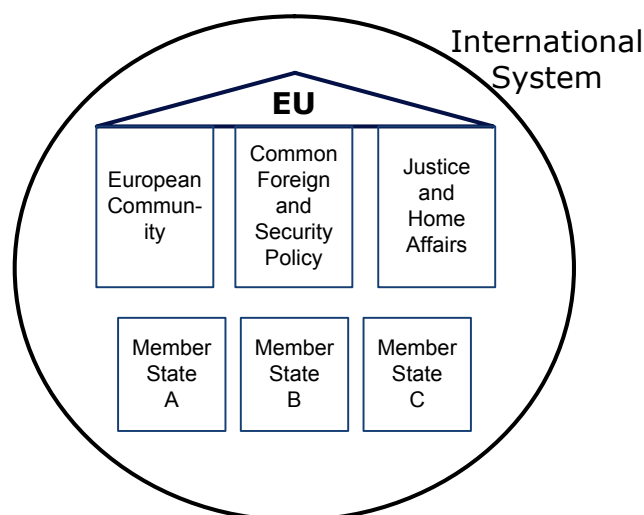
**Figure 7**—Actors and their relation in Common Foreign and Security Policy as introduced with the Treaty of Maastricht

A COUNTERWEIGHT TO THE MEMBER STATES' INTERESTS could be expected from THE EUROPEAN PARLIAMENT and the COMMISSION representing the supranational element of cooperation indicated by the orange boxes. Regarding the Parliament, the Treaty provisions quoted above make it clear that its influence is marginal. However, in the discussion of the genesis of EFP development, we saw how the influence of the Commission and Parliament rose at least to some extent over the decades. Also, the European Court of Justice very slowly gained more influence in CFSP matters. In the previous discussion, we frequently came across an inbuilt tension/contradiction in the EPC/CFSP project—to be effective, EFP often relies on resources located in the first pillar, and in many cases there is a strong nexus between security and economy, anyway. Tapping into these (EC) resources would however mean an increase in the influence of the Commission and EP,

<sup>51</sup> To be precise, there are certain limited options for qualified majority vote. However, de facto the unanimity vote remains (Schumann et al., 2002, Chapter 11, p. 10).

and so far this is still not conceivable for some member states, as shown, for example, in the discussion of the Lisbon changes. We saw the approach to solve this tension partly as “institutional tweaking”: For example, in the Maastricht CFSP policy system, as depicted above, COREPER (permanent representatives of member states in Brussels of ambassador rank attributed to the Council of Ministers) representing a small institution located in the EC pillar shares work with the Political Committee while working for the Council of Ministers. It can only comment on the work of the Political Committee; however, the intention was to increase the coherence between the two pillars, i.e., make sure that EC interests would at least be heard. We saw that in subsequent treaty revisions, further steps were made to increase the coherence and efficiency of European external action (in particular with the position of the HR introduced with the Amsterdam revisions and the EEAS introduced with Lisbon revisions). But as shown, the underlying problem remains—firm control of EFP by the member states to a large extent precludes the efficient use of resources of the (former) EC pillar.

A full understanding of the EFP system requires considering not only its embedment in the EU, as shown above, but also two further levels—the national and the international, both of which are addressed in Figure 8.<sup>52</sup>



**Figure 8**—European Common Foreign and Security Policy in its context

Concerning the national level, one striking feature of European foreign policy is that it is not a substitute but a *supplement* to member states’ foreign policies. In other words, we have the worldwide unique situation of two PARALLEL TRACKS IN FOREIGN POLICY: the member states’ and the European. Immediately the question arises how these two tracks INTERRELATE. As the issue will be addressed in detail in the theoretical section, only a few hints are given: Wouldn’t it be attractive for smaller member states to use the larger leverage of European foreign policy to pursue their national goals? Couldn’t, for example, Germany try to criticise Israel’s politics towards Palestine in a much more direct way via the EU than it could be done by German foreign policy? These few remarks should be sufficient to point out that much complexity arises when we consider the working of European foreign policy not only at the European level but also at the

<sup>52</sup> For illustrative purposes, Figure 8 shows only three member states.

domestic level of the member states and the interplay of national and EU foreign policies.

Another layer of complexity is added if we consider the international system in the analysis of EFP. On the one hand, the international system influences, to a varying degree (e.g., impact of end of cold war, various wars, OSCE negotiations all shown above) the European level as well as the member-state level; on the other hand, most of the actions taken under EFP are directed towards instances located in the international sphere. Obviously, in the international system there are additional actors (e.g., collective security systems, international organisations, and the like) and rules that are different on European and member-state levels.

In summary, the European foreign policy system is located in a unique context: We have seen how complicated the inner working of the EU is—the interplay between EC and CFSP is in particular relevant for this study. Furthermore, we know that member states still have national foreign policies, which raises the question of how the two tracks relate. Various factors in the international system will influence the EU as well as member states. At each level (national, EU, and international), different rules and contracts apply and, to a certain extent, different actors participate. Additionally, within the EU, different rules of the game between EC and CFSP pillars apply. In the theoretical section, it will be discussed in depth how a theorist would respond to these challenges posed by EFP.

### **1.1.5. Conclusion**

In the FIRST PART, I demonstrated the peculiarities in European foreign policy development since the Second World War in three phases: (1) the period from the Second World War until the establishment of the European Political Cooperation; (2) the period of the European Political Cooperation and the changes introduced with the Single European Act; and (3) the phase that started with the Treaty of Maastricht, which brought into existence the European Union with its three-pillar structure, the second pillar being the Common Foreign and Security Policy. Then I showed the changes that the Treaties of Amsterdam, Nice, and Lisbon introduced with regard to CFSP. In the SECOND PART, I presented the European foreign policy system that appeared with the Treaty of Maastricht and the actors and their relations. Finally, I briefly commented on the wider context within which CFSP is located: EU, member states, and the international system.

The purpose of this chapter is to highlight the specifics of the object of study and consequently the puzzles it poses for researchers that want to capture the development of cooperation in EFP. Therefore, I will now briefly SUMMARISE THE MAIN PUZZLES that arose in the development process outlined above as well as in the European foreign policy system.

DOMESTIC CONTEXT: the role that deeply rooted values play concerning national sovereignty (recall, for example, when some member states insisted on a strict separation of foreign ministers' meetings in EPC and EC context) and many factors rooted in the history of the member states (for example, experiences of war in Europe, colonial backgrounds or special relationships). Constraining effects of national

constitutions as well as often-contingent factors that crucially influenced the development of cooperation must not be overlooked in analysis.

**SPILOVER EFFECTS** between the pillars: I proved that frequently the development of economic integration (and the EC/U in general, e.g., enlargement) and foreign policy interrelate. Examples were the OSCE conferences that had implications for security policy, and also the desire of member states that an ever-stronger and bigger EC should have more influence in the world, i.e., the economic giant should no longer be a political dwarf. As seen in many instances, an economic-security nexus needs to be considered in any analysis of EFP development—more and more security issues are cutting across different policy areas and an effective EFP often relies on the means located in the EC pillar.

**INTERNATIONAL CONTEXT:** Clearly (mostly unforeseeable) developments in the international system have had a major influence on the development of EFP. Most importantly, changes in the international system structure, most prominently the end of the Cold War, altered the broader context within which EFP developed. Equally important for the development of EFP was not only the impact of wars (e.g., Yugoslavia, the Gulf War) but also German Reunification. Also, institutional developments at the international level influenced the development of EFP as shown in the case of the role NATO should play in European security with competing visions, in particular between France and the UK.

**FOREIGN POLICY SYSTEM:** a foreign policy system that is located at **DIFFERENT LEVELS** (national, EU, international) that have additionally important horizontal dividing lines, in particular, in the EU. Conceptualising the *interplay* of levels and horizontal fractions poses a difficult task. In particular, the example of **SPILOVER** between EC and EPC, in the case of the CSCE negotiations, showed that EFP cannot be analysed in isolation, but that mutual influence has to be conceptualised in analysis. Finally, I pointed out the existence of **PARALLEL TRACKS** in foreign policy, i.e., European foreign policy is a supplement to national foreign policy, which raises the question as to how both interrelate.

**MODE OF COOPERATION:** different opinions about the mode of cooperation for EFP, either in intergovernmental or supranational direction, lead to tensions between EC pillar and EPC/CFSP. One epiphenomenon was the peculiar architecture of the CFSP policy system and its location in the legal framework, as discussed. I proved that European Political Cooperation was a strictly intergovernmental cooperation with the separate meetings of the foreign ministers in EC and EPC context as a most telling curiosity; and we have seen that not much has changed in that respect decades later in the Treaty of Lisbon. At the same time, I pointed out various instances that are evidence of a gradual erosion of the intergovernmental principle in the course of time. The strong intergovernmental element in EFP is also mirrored in the influence of the actors at the European level: As proved, a coherent, efficient European foreign policy heavily relies on EC resources. As shown, Commission, European Parliament, and ECJ only very slowly managed to gain some influence against fierce resistance of some member states. However, in particular since the Treaty of Lisbon, EP and ECJ can play a significant role in EFP and therefore have to be taken into account during analysis.

**DECISION MAKING PROVISIONS:** Contrary to most areas in the first pillar (EC), in European foreign policy (be it EPC or CFSP), *de facto* unanimity prevails. This fact has to be kept

in mind when considering the points mentioned above: As long as only one member state vetoes—and there are many reasons why it should do so—no decision can be made, which can have severe consequences for the development of cooperation. And obviously, with more and more member states in an enlarging European Union, the chances for a veto increases. Although there can be no doubt about the de facto unanimity rule still prevailing in EFP, gradual steps towards exceptions and more flexibility cannot be denied (Amsterdam, Nice, and in particular the Treaty of Lisbon provisions). This poses the question to researchers as to of which kind of cooperation EFP is actually an instance.

**INSTITUTIONAL DEVELOPMENT AND PATH DEPENDENCY:** We saw a gradual development of the institutional basis of EFP, from the establishment of a permanent small office for EPC coming with the SEA to the establishment of a full-fledged European External Action Service (EEAS) with the Treaty of Lisbon. Also, the scope of EFP gradually broadened over time. We also saw, in particular with the EEAS as well as with the role of the new HR introduced with Lisbon, that treaty provision are often vague concerning actual embodiment of EFP institutions. Consequently, in analysis, attention has to be paid not only to Treaty provisions but also to how they are used and embodied. Development of cooperation in the area of defence illustrates that even small steps (the vague statement on defence in the Treaty of Maastricht) can set a path that is taken in the course of time and leads to a far-reaching development (the ESDP project).

**DYNAMICS:** the development is characterised by the changing phases of stagnation and dynamics, with an increased breadth introduced with the ESDP project. This led to the establishment of a couple of new institutions in part located outside the Treaties. I reviewed phases of quick development after the Second World War, stagnation until the launch of European Political Cooperation, a long phase of stability under EPC, and, finally, a phase of increasing speed in the development after Maastricht, culminating in the lightning-speed development of the ESDP. Obviously, an account of EFP development has to conceptualise these dynamics/stagnation over the course of time.

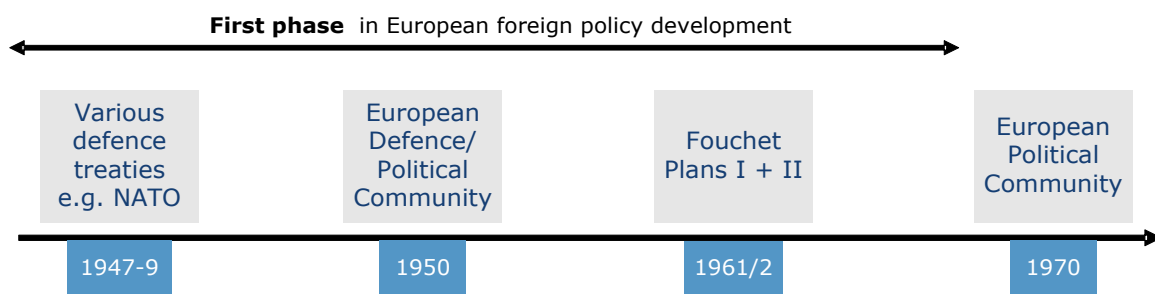
**COMPLEXITY:** I pointed out the complex interplay between the pillars in the EU. As shown, the European foreign policy system, i.e., the inner working of CFSP, is also highly complex, comprising both intergovernmental and, to a much smaller extent, supranational elements. Furthermore, I gave various examples indicating that the domestic context is of crucial importance for understanding European foreign policy. We face the unique situation of parallel tracks in European foreign policy because EFP is a supplement, not a substitute, for member states' foreign policies. I frequently highlighted the important role of the factors that stemmed from the international system and how they influence the development of EFP. In summary, the object of study is highly complex and poses challenges for the analysis.

So far, I pointed out the most striking features of EFP that pose puzzles to scholars in the field. In the next part, I will introduce the dependent variable, i.e., what exactly is studied in this thesis.

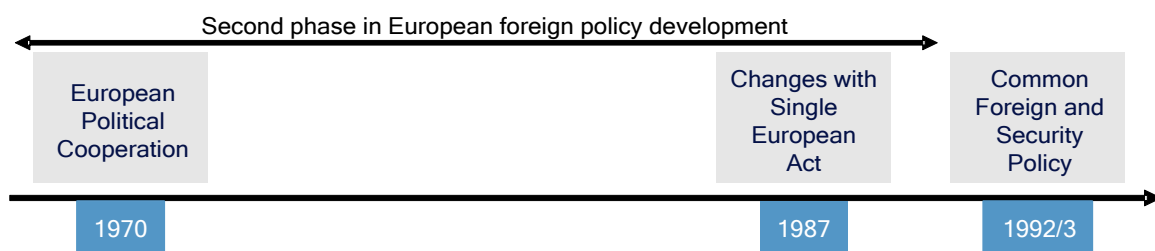
## 1.2. The dependent variable

In the previous part, I analysed the specific way in which European foreign policy cooperation evolved. Many characteristics of the development process were revealed. This development of foreign policy cooperation among the EC members (EPC), later EU members (CFSP), is what I seek to analyse and conceptualise in this thesis. Therefore, it is the dependent variable (DV). In the following, I will specify the dependent variable<sup>53</sup> in more detail and then show how it relates to the European foreign policy process (1.2.1).

Previously, I suggested that we can differentiate between three phases in the development of European foreign policy cooperation: The **FIRST** phase began after the Second World War and ended with the launch of European Political Cooperation. In this phase, we envisaged far-reaching plans; however, for various reasons all of them failed. The **SECOND** phase spans the period from the launch of European Political Cooperation to the founding of the Common Foreign and Security Policy. The **THIRD** phase starts with the founding of CFSP as one part of the Treaty of Maastricht and the subsequent changes in Amsterdam, Nice and Lisbon.

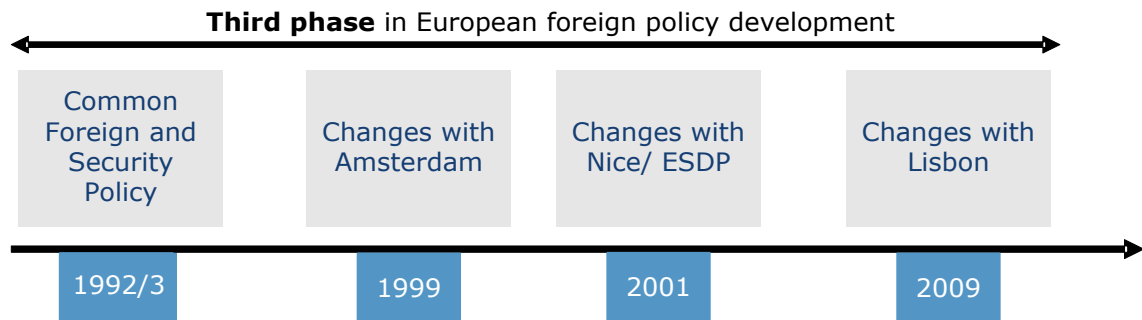


**Figure 9**—First phase in EFP development



**Figure 10**—Second phase in EFP development

<sup>53</sup> It is not surprising that there is significant variation and debate among scholars about what actually constitutes European foreign policy as a dependent variable, considering that there are still the national foreign policies of the EU member states plus the foreign policy made on the European level and furthermore given that the competencies for foreign policy on the European level are shared between EPC/CFSP (second pillar) and external action under the first pillar. This will be discussed in depth in Chapter Two.



**Figure 11**—Third phase in EFP development

With the European Foreign Cooperation in 1970, the launch of foreign policy cooperation among the members of the EC was finally successful and became treaty-based with the Single European Act in 1987. The Treaty of Maastricht established Common Foreign and Security Policy that advanced beyond the previous EPC. As pointed out, the Treaty of Maastricht has so far been altered three times (Amsterdam, Nice, and Lisbon), which also brought about changes for CFSP (and later ESDP). These steps are the most prominent signs of changes in European foreign policy cooperation. The Treaties<sup>54</sup> discussed provide the framework for European foreign policy, with each step altering the framework and the rules governing European foreign *policy cooperation*. My research focuses on the **development of** and the **changes in** European foreign policy **cooperation**, as specified above and most visible in the respective treaty provisions.

In the following, I will briefly illustrate my research focus by discussing the provision of the Treaty of Maastricht, establishing and governing CFSP as an example. A short look at the provisions concerning CFSP in the Treaty of Maastricht will point out the main issues addressed when setting up the legal framework for the European Common Foreign and Security Policy. The various provisions set rules for the different issue areas in European foreign policy. Empirical research has to focus on these different issue areas in the Treaty provisions in order to analyse changes in the development of cooperation. In the following, I will highlight the main issue areas concerning CFSP introduced with the Treaty of Maastricht:

Title V Article J of the Treaty on European Union (Maastricht) states: “A common foreign and security policy is hereby established which shall be governed by the following provisions.”

THE OBJECTIVES and the MEANS to achieve them are stated (Article J.1 2, 3). For example, the objective “to safeguard the common values, fundamental interests and independence of the Union” shall be achieved, among others, “by establishing systematic cooperation between Member States in the conduct of policy.”

<sup>54</sup> To be precise, European foreign policy, when established with the European Political Cooperation in 1970, was not treaty-based as already mentioned, but first acquired its legal basis with the Single European Act. Concerning both (EPC before and after SEA), the question is, to what extent do *legal obligations* arise out of EPC? The literature offers competing conclusions divided on a differentiation between soft and hard law. For a comprehensive discussion of the legal status of EPC before and after the SEA, see Dehousse and Weiler (1991, pp. 121-142).



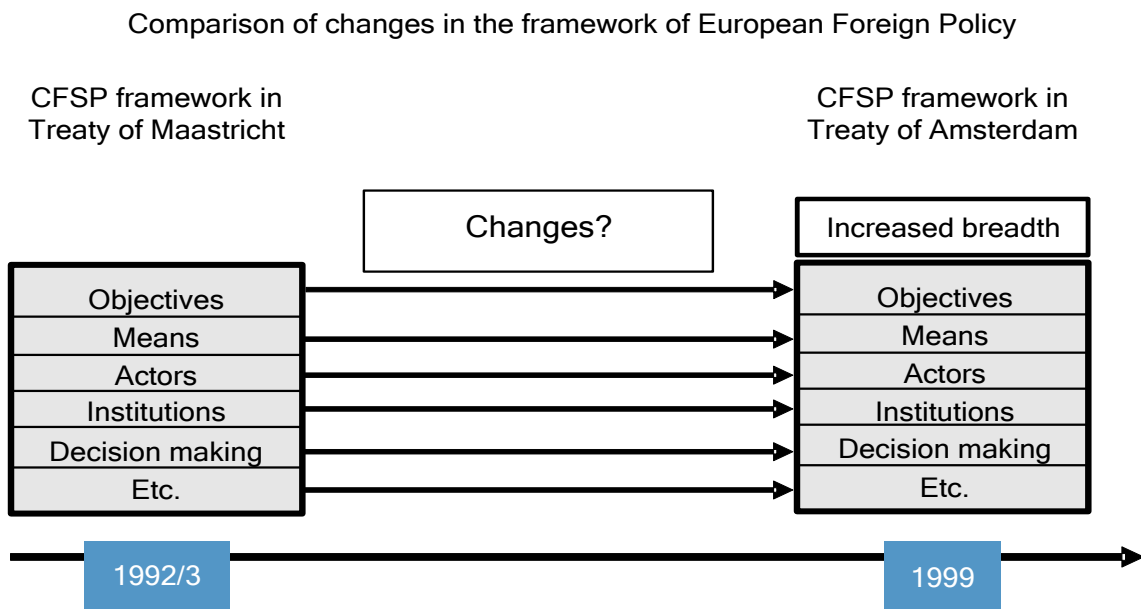
THE SCOPE of cooperation in foreign and security policy is defined. As mentioned in the previous part, for the first time, provisions regarding defence are incorporated (Article J.4).

OBLIGATIONS arising for member states out of the provisions are stated. For example, “member states shall ensure that their national policies conform to the common positions” (Article J.2 (2)).

ACTORS and their COMPETENCIES and their relations are stated, leading to the policy system introduced in the previous part.

The REQUIREMENTS for decision making are stated. As we have seen, de facto unanimity remains.

In short, cooperation in the area of EFP and its rules are specified in the treaties. As illustrated in Figure 12, a twofold comparison is necessary if we want to compare, for example, the changes in EFP introduced with the Treaty of Amsterdam (1997/9) with its predecessor (Treaty of Maastricht 1992/3): On the one hand, it has to be checked how much the existing provisions changed in different categories (e.g., actors involved, decision making, etc.). On the other hand, changes in breadth<sup>55</sup> also have to be analysed. One example is the so-called Petersberg tasks<sup>56</sup> (peacekeeping, peace enforcement, and rescue missions), which were included in the Treaty of Amsterdam and therefore expanded the scope of CFSP.



**Figure 12**—Changes in the dependent variable from Treaty of Maastricht to Treaty of Amsterdam

<sup>55</sup> Usually that means “more,” but as seen with the Treaty of Lisbon, the instrument “Common Strategy” was repealed, so breadth can also decrease.

<sup>56</sup> Petersberg tasks are laid out in Article 17 (2) under Title V (CFSP) in the Treaty on European Union in its Amsterdam revision.

However, it should be stressed that although the various treaties regulate most important issues in European foreign policy, they do not depict the “whole story” of the development of EFP cooperation. FIRST, EPC as the first successful cooperation in foreign policy among EU member states, became, as shown, treaty-based only with the SEA, i.e., cooperation developed outside the legal framework. In the case of ESDP, not all provisions were stated in the treaties, i.e., change can also occur on a lower level, such as provisions made at the summit meetings of the heads of states and government and by regulations in daily European foreign policy business. As it will be shown in the case study on the development of European non-proliferation policy in the third chapter, as a subfield within CFSP, a whole new policy area developed largely below the Treaty level. Therefore, a focus solely on Treaty provisions would miss a huge proportion of development of cooperation in EFP and with that the impact of bottom-up processes in that development. SECOND, cooperation has an informal aspect as well, i.e., many issues in daily business are regulated by custom and habit but are not stated in treaties; these usually develop in the course of interaction, often due to learning processes. Obviously, these changes are also important but much more difficult to capture. THIRD, an analysis of EFP development also has to consider outputs. If we had only regulations, actors, and institutions in the area of EFP but no action or output, it would be difficult to maintain that cooperation actually takes place, or that it evolves.

As seen, a focus on change in EFP cooperation requires a comparative perspective. We have seen that the provisions concerning European foreign policy with main categories as briefly outlined above changed in the various treaties. However, we discovered not only changes in the content and scope of the Treaties but also DYNAMICS IN THE CHANGE or appearance of the treaties themselves. Regarding the latter, it took seventeen years for European Political Cooperation to become treaty-based with the Single European Act, but only five years later a fundamental change occurred with the Treaty of Maastricht. When we compare the time span between Maastricht, Amsterdam, Nice, and the European Constitution/Treaty of Lisbon, we see that changes in the Treaty of Maastricht and therefore changes in CFSP occurred within very short periods of time. Recall also the long period after the Second World War with ambitious plans, which, however, failed. Therefore, it is important to concentrate not only on which changes occurred in EFP cooperation but also on how the *pace* of the changes in EFP alters—in other words, to account for *dynamics and stagnation* in the development process.

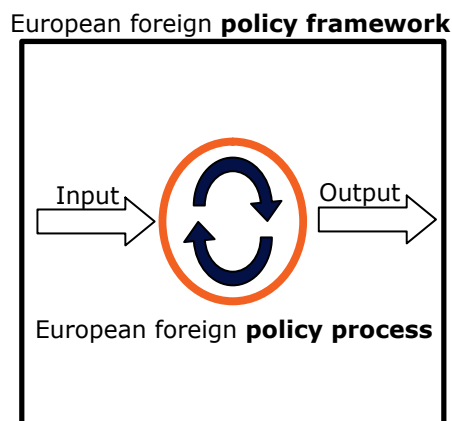
IN SUMMARY, the dependent variable, i.e., what I want to analyse, is how *foreign policy cooperation among the EC, later EU, member states developed and became manifest* over the course of time. The focus rests on what developed with and under EPC and its successor CFSP (second pillar of the EU since the Treaty of Maastricht). The most prominent indicators are the provisions in the treaties (and their evolution), as shown in Figure 12. By defining objectives, means, actors, decision-making procedures etc., the EFP cooperation can be specified. However, as indicated, analysis also has to focus on regulations below, and sometimes outside of, the treaty level and informal rules, which indicate changes in European foreign policy cooperation. Finally, as shown, tangible actions/outputs of EFP cooperation have to be accounted for. Consequently, three major aspects have to be focused on in the analysis: (1) changes in the formal and informal rules specifying or regulating European foreign policy cooperation, (2) changes in the pace of development, i.e., dynamics, and (3) the outcomes of EFP.

In the following step, I will explain how the European foreign policy FRAMEWORK, as set in the treaties, relates to the European foreign policy PROCESS.

### 1.2.1. Relation between European foreign policy framework and European foreign policy process

As it will be shown and discussed in Chapter Two, the focus of my research differs from most works in this area. As the two perspectives must not be confused, I will now briefly discuss where the emphasis usually lies.

Much research<sup>57</sup> and attention focuses on the European foreign POLICY PROCESS AND RELATED ISSUES. Typical questions are as follows: “Who are the actors? Who sets the agenda? How is an agreement reached? How do national and EU level interplay? How efficient is CFSP? How is European foreign policy implemented? What is the role of the EU in various foreign policy issues?” and so on and so forth. In short, the perspective taken focuses on the European foreign policy process, i.e., “everyday business.” Usually an event or problem occurs (input), e.g., when the war in Kosovo broke out, the EU foreign policy system dealt with the problem (symbolised by the two arrows in the orange circle) and measures such as Common Positions and Joint Actions were taken; hence, an output was created.



**Figure 13**—Relation between European foreign policy process and European foreign policy framework

In contrast, as described in detail above, I am primarily interested in how cooperation in the area of EFP among EC, later EU, member states started, developed, and manifested itself over the course of time, rather than how EFP is made at a certain point in time. In the following, I will clarify HOW FAR EUROPEAN FOREIGN POLICY FRAMEWORK AND EUROPEAN FOREIGN POLICY PROCESSES INTERRELATE.

As the quotes of the provisions regarding CFSP in the Treaty of Maastricht above indicate, the framework regulates objectives, means, actors and their competencies, and also procedures of foreign policy decision making. So, the basic parameters within which European foreign policy operates are set in the framework, as laid out in the

<sup>57</sup> Michael E. Smith (2008, 2009) gives an in-depth account of EFP as a research field. State of the art in theorising EFP will be discussed in depth in Chapter Two.

various treaties and their revisions (EPC, SEA, CFSP in Maastricht, Amsterdam, Nice, and Lisbon). Therefore, changes in the treaties can also influence the policy process, for example, when new means are introduced, such as the Common Strategy or Petersberg tasks, both of which were introduced with the Treaty of Amsterdam. The perspective taken so far proceeds top-down, i.e., in treaties, the heads of states and governments alter the *framework* of European foreign policy cooperation and hence change the rules of the game for the foreign policy *process*. However, could it also work the other way around, i.e., when and how much can the European foreign policy process influence the framework?

An EXAMPLE taken from Formula One illustrates this point. The regulations (framework) in Formula One specify, among others, that the engine may not have more than ten cylinders and three litres of cylinder capacity. This has two consequences: On the one hand, equal conditions for the race (policy process) are set; on the other hand, the maximum power and, therefore, the speed of the cars is thereby limited. However, it has been proved that even given these limits, the power of the cars steadily increased due to technical advancement; and, as a consequence, the cars have become faster and faster. A crash of Ralf Schumacher gave rise to the discussion whether the current speed was too high and therefore overtly dangerous. Shortly after the crash, the first plans came out to change the regulations (framework), suggesting that the number of cylinders should be reduced to eight and the maximum cylinder capacity reduced to 2.4 litres, which, in turn, would lead to a drastic reduction of power and therefore speed and risks.

The example illustrates the important point of how regulations of a framework (concerning the engine) influence the process (race), but at the same time how problems arising in the process (increasing speed due to technical enhancement leading to higher risk) may prompt changes in the framework. TRANSFERRING THE EXAMPLE TO EUROPEAN FOREIGN POLICY results in a similar conclusion—the framework is set in the treaties and regulates the policy process. Problems in the policy process, for example, the inability of the EU to react adequately in the Kosovo war can lead to alteration of the framework, e.g., the decision to launch the ESDP project.

IN SUMMARY, I have described how the framework of European foreign policy relates to the European foreign policy process. Changes can work from the *top down*, i.e., a change in the framework affects the policy process, but it is also possible that problems in the policy process press for changes in the framework, i.e., working from the *bottom up*. What does this imply for analysis? As stated, I am primarily interested in the development of European foreign policy cooperation. Study of the policy process and particular problems occurring in the process can, as I have proved with the example of Yugoslavia, point towards problems in the framework. In other words, *we can derive important information about the framework and changes in it indirectly* by studying the policy process, i.e., the foreign policy process can act as an independent variable leading to change on the dependent variable.

## **1.3. Independent variables in European foreign policy development**

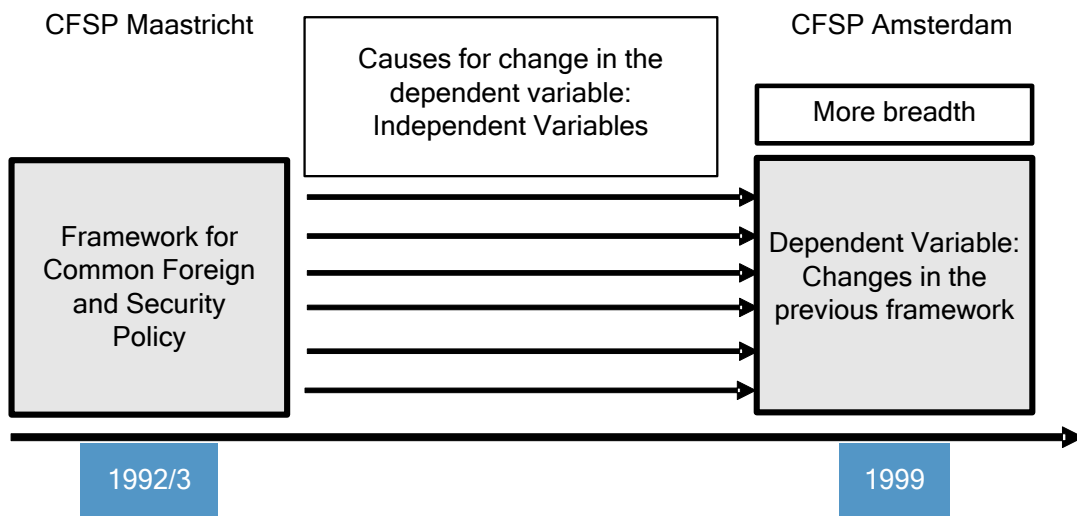
In the first part of this chapter, I pointed out the specifics of European foreign policy and its development since the Second World War and what puzzles it poses to the researcher. In the following part, I introduced the dependent variable, i.e., where my research is focused. Obviously, the question arises as to which factors caused this particular development described in the previous parts. Therefore, this part will focus on the various factors that influenced the development of European foreign policy cooperation, hence the so-called INDEPENDENT VARIABLES (IVS).

First (1.3.1), I will briefly point out the relation between the dependent variable and the various independent variables. In the following section (1.3.2), I will address how the independent variables are dealt with in dominant theories, in order to point out problems arising when applying such an approach, before suggesting a way to overcome them. Finally (1.3.3), I will point out the consequences and derive the requirements that an analytical approach towards independent variables has to fulfil.

### **1.3.1. Relation between dependent and independent variables**

Accounting for the changes to the Treaty of Maastricht introduced with the Treaty of Amsterdam will serve as an example for the relation between dependent variable and independent variables. With the Treaty of Maastricht, Common Foreign and Security Policy was established, i.e., a framework for European foreign policy indicated by the box on the left side in Figure 14. We saw various changes introduced with the Treaty of Amsterdam (e.g., incorporation of the Petersberg tasks, position of the High Representative, the new instrument "Common Strategy," relation to WEU, etc.). In short, the framework (dependent variable) changed from Maastricht to Amsterdam which is depicted in Figure 14 by the box on the right. Searching for independent variables means looking for the causes, indicated by the arrows, which induced the change.

## Interplay of dependent variable and independent variables



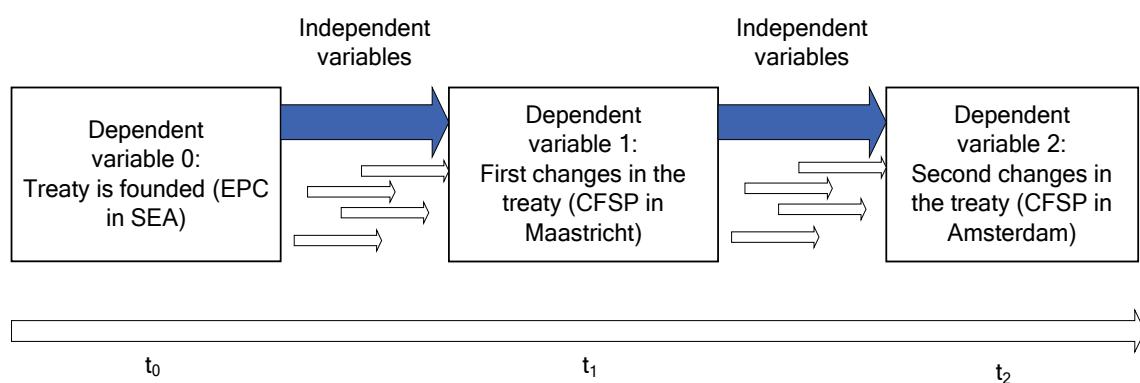
**Figure 14**—Interplay of dependent variable and independent variables

To give just one example, one crucial independent variable (among many others) that explains changes from Maastricht to Amsterdam in CFSP provisions, in particular in the area of security policy and defence, can be seen in the failure of the EU to react adequately in the Gulf War and, even more importantly, in the case of Yugoslavia.

The example illustrates the relation of dependent and independent variables in the case of changes from Maastricht to Amsterdam. However, the focus of this thesis so far is the whole period since the Second World War (but with a focus on EPC and CFSP in particular). Therefore, it will be important to look for the independent variables that marked major changes in European foreign policy cooperation for *each of the steps* mentioned above. The perspective taken poses the following CHALLENGES: If we recall the evidence given in the first part of this chapter, there are a *huge number* of independent variables. These include examples such as national interests, deeply rooted values, competing visions concerning the mode of cooperation (varying between supranational and intergovernmental poles with the underlying question as to how far sovereignty shall be transferred), developments in the international system such as wars or changes in system structure (Cold War and afterwards), influence of developments in economic cooperation (spillover effects or contingent events such as the OSCE negotiations), and the constraining effects of national legal orders, to mention but a few. Apart from the sheer number of variables, it also should be clear that they will, of course, vary in impact, e.g., the Cold War had a larger impact on EFP development than OSCE negotiations. Also, some independent variables, e.g., the Cold War, had a longer-term effect, while others exerted their influence over a much shorter period of time, e.g., the change of opinion in the French parliament leading to non-ratification of the European Defence Community. Therefore, considering the long period being studied, the huge number of variables, and their diversity in different respects, one crucial task for an approach aiming at analysing EFP development will be to provide *analytical categories*

concerning the independent variables that are constant over the whole period of analysis in order to allow for any sort of valid comparison.

In the remainder of this section, I want to draw attention to a special aspect of the relation between dependent and independent variables. As shown, EFP gradually evolved through various steps taken, such as the SEA, Maastricht, and Amsterdam. This, however, implies that we can distinguish two different instances in the analysis: the initial phase when the EFP framework was established and written on a blank sheet of paper because there was, of course, no predecessor. And then there are the subsequent phases, when changes were made upon a *previously* established framework, i.e., were not written on a blank sheet of paper. The point can easily be seen in Figure 15.



**Figure 15**—Change of dependent to independent variable over the course of time

Previously, I proved that each of the steps brought a certain degree of change to the framework. However, none of the steps shown above denotes a quantum leap that *totally* differed from the previous framework; but it denotes, as discussed previously, that most were gradual changes to the previous provisions. Therefore, we see that *each of the frameworks* at the various stages in time *is one independent variable*, among others, influencing the following dependent variable.

Here is an **EXAMPLE** that will illustrate the point: The changes that were introduced with the Treaty of Amsterdam (Dependent variable 2 in Figure 15) brought about changes for the CFSP, but a totally new framework for EFP was not set up. What actually happened in this case was that the provisions for CFSP in the Treaty of Maastricht were brought to the negotiation table and changes were decided upon during the Amsterdam negotiations. Therefore, the EFP Maastricht framework is one *independent variable* when we want to explain the changes that came with the Amsterdam Treaty (dependent variable 2). On the contrary, during the initial EPC negotiations, nothing (despite drafts of course), i.e., no previously established legal framework, was brought to the negotiation table. Consequently, if we want to analyse the changes in EPC coming with the Treaty of Maastricht (Dependent variable 1 in Figure 15), the provisions concerning EPC in the SEA are one more (among others) independent variable.

The difference is obvious: While in the case of establishing EPC, at least in principle, everything was possible, the already existing EFP framework had a constraining and/or channelling effect on any changes that followed. Therefore, it must be taken into account as an independent variable. The same, of course, is true for all the following steps.

The considerations made above for conceptualising the development process as a sequence of a dependent variable becoming an independent variable (among other IVs) in the following step and so on will enable us to capture the dynamic development of EFP. How this will be done precisely and where this is located in the current theoretical debate will be shown in the theoretical chapter.

While this section addressed the relation between dependent and independent variables in general and over the course of time, in the following section I will address in more detail the potential sources of independent variables and a pitfall that may await the researcher if theories are applied to studying EFP development, omitting certain independent variables.

### **1.3.2. Shortcomings in standard approaches to capture independent variables in European foreign policy**

As it will be discussed in depth in the second chapter theorising EFP, and the development of cooperation in EFP in particular, this area has so far received limited scholarly attention. Furthermore, as it will be shown, many scholars argue that EFP is a "sui generis" phenomenon; therefore, existing theories<sup>58</sup> cannot easily be applied to any theoretical study of it. In regard to independent variables, a theory, or more modestly put, an approach, for studying EFP development must be able to cope with the huge number of independent variables stemming from various sources as shown in the first part of this chapter. One potential pitfall when applying existing theories to the study of EFP development is that they may exclude certain sources of independent variables a priori based on their theoretical assumptions. Given the very early state of theoretical accounts in the area, this would be particularly undesirable. To illustrate the point, I will draw a simplified image of a REALIST THEORY OF EUROPEAN FOREIGN POLICY. We will then see *which independent variables would be overlooked* by such a perspective in comparison to the findings of the analysis of EFP development at the beginning of this chapter. To be explicit up front, I use a simplified version of a realist account of EFP just as a means to illustrate and highlight a potential problem that may arise regarding accounting independent variables and not to create a straw man that can later be deemed inadequate (realism for the study of EFP) for this phenomenon. Therefore, I totally agree with Sjursen (2003) who stated:

It is suggested that if we rely exclusively on a realist approach, where political processes within the EU are defined as processes of bargaining between self-interested actors, we risk underestimating the longer-term changes involved in political processes within the second pillar. We need an

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<sup>58</sup> Mainly from International Relations theory, (comparative) foreign policy analysis and European integration theory (Bergmann & Niemann, 2013; Michael E. Smith, 2008, 2009; Tonra & Christiansen, 2004, pp. 1-9; White, 1999).



alternative analytical perspective, in addition to—not instead of—the realist one. (p. 1)

In addition, Hyde-Price (2006) states that realism can explain some parts of the puzzles, and is therefore valuable, but not all of them: “Nonetheless, whilst structural realism cannot explain the fine-grain of European foreign and security co-operation, it has considerable explanatory power in elucidating the nature of the EU as an international actor and the underlying dynamics of the CFSP/ESDP” (p. 218).

One dominant theory frequently applied to European foreign policy is REALISM, stemming from International Relations theories. I will only very briefly state the main assumptions because the issue will be dealt with in detail in the theoretical section, and the purpose of this section is solely to derive requirements that an analytical approach to dealing with independent variables in EFP development has to fulfil. In a nutshell, for (neo)realist theories, the story of European foreign policy would look like this:<sup>59</sup>

The world is anarchical, i.e., there is no central authority (Hyde-Price, 2006, p. 220). In consequence, states ultimately exist in a self-help system where their primary concern is to provide security in an insecure world, with no central authority that could provide peace or enforce treaties (Hyde-Price, 2006, p. 221).

Security is mainly provided through military capabilities and power maximization (Hyde-Price, 2006, p. 221). The absolute amount or extent of capability is not important; just to have more capability than any potential aggressor is desirable. The prospects for cooperation among nations are therefore limited because they cannot trust each other, and potential gains arising out of cooperation should be of equal benefit to the participants in order to maintain the power balance (the relative gains problems, Hyde-Price, 2006, p. 222).

*On which independent variables* would such an approach towards European foreign policy *concentrate*, i.e., what is deemed important? There will be a strong focus on the national level, i.e., the member states (Hyde-Price, 2006, pp. 220-221; Sjursen, 2003, p. 9). However, it will concentrate on military capabilities (Hyde-Price, 2006, pp. 221-222) and the main decision makers (heads of states, foreign ministers, and defence ministers) as they primarily deal with the issue of security. In particular, the international system is important because it constitutes the anarchical system with all the consequences sketched out above (Hyde-Price, 2006, p. 220). Another consequence of this image of the international system results in an image of the main national players as puppets on a string. Even if they would like to, they ultimately cannot act in a different way because ensuring survival in an anarchical system will leave little room for manoeuvre. In the strongest version,<sup>60</sup> such a theory would claim that it actually would not even matter who the president of a certain country is because he has to behave in accordance with the imperatives set by the structure of the international system. In short, the most important source of independent variables has to be found on the

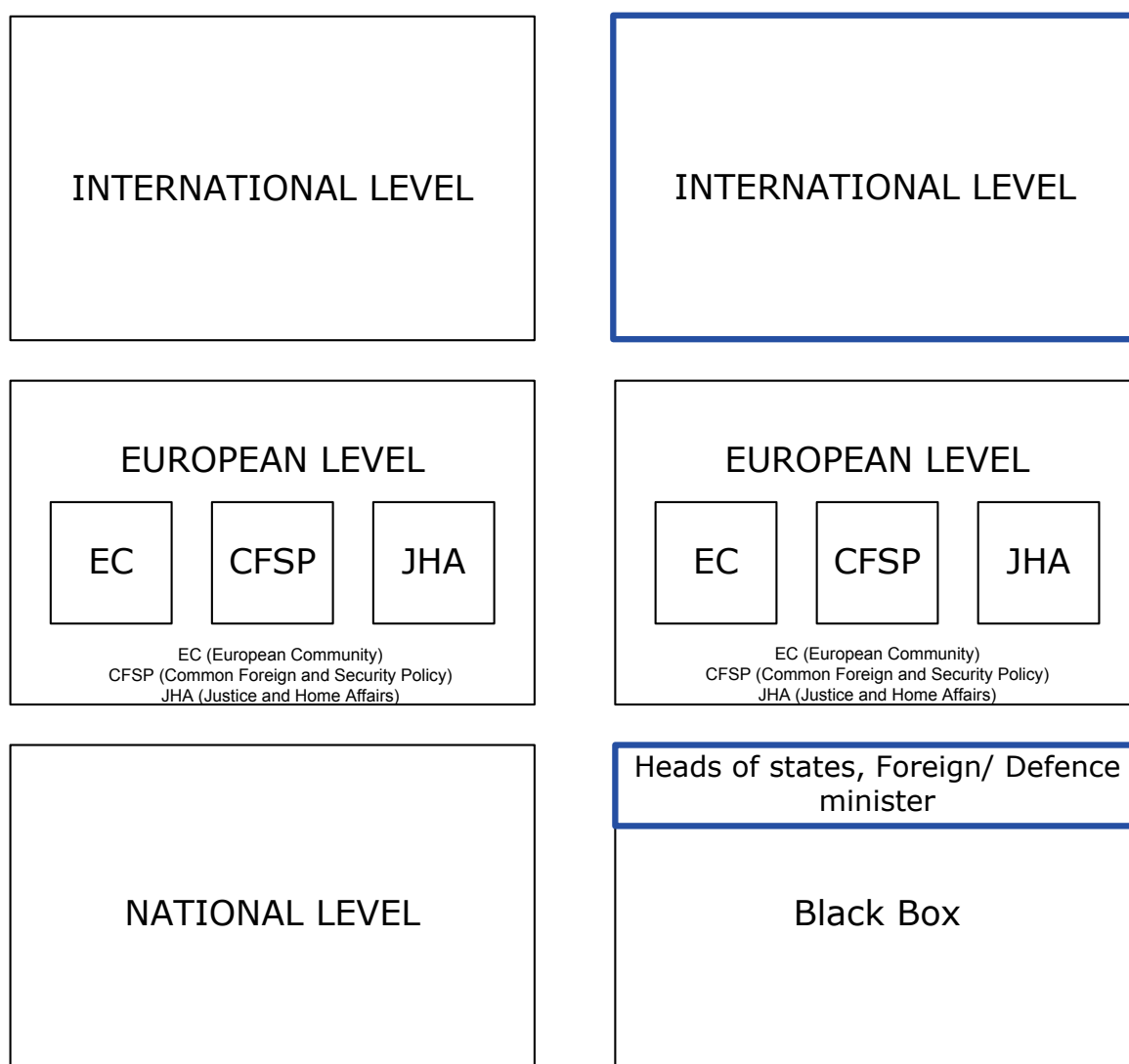
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<sup>59</sup> For a realist account of European (EC/U) foreign policy, see Hyde-Price (2006) and Posen (2006). Sjursen (2003) discusses benefits of and shortcomings in realist accounts of EFP.

<sup>60</sup> For a discussion, see, e.g., Linklater (1997, pp. 241-262) and Mearsheimer (2010, pp. 77-94); and for an in-depth discussion of the underlying assumptions, see Hollis and Steve Smith (1991).

international level due to its anarchical structure. The EU level would not be of interest, and the national level depicts puppets on the string.

Figure 16 illustrates what was said above. On the left, we see three principal levels where independent variables influencing EFP may stem from<sup>61</sup>: the national, European and international levels. A simplified realist perspective, as sketched out above, would concentrate on the blue parts, as shown on the right. The international level determines the system structure. In consequence, we saw that at the national level only the “upper level”—heads of states and foreign and defence ministers—is of interest. Furthermore, the imperatives set by the system structure at the international level will determine how they act.



**Figure 16**—Sources of independent variables a realist theory for EFP would most likely focus on

Now I will turn back to the question as to WHICH IMPORTANT INDEPENDENT VARIABLES WILL BE OVERLOOKED by such a perspective by comparing it with the findings in the first part of this chapter. Before proceeding with that, one point should be made: The point

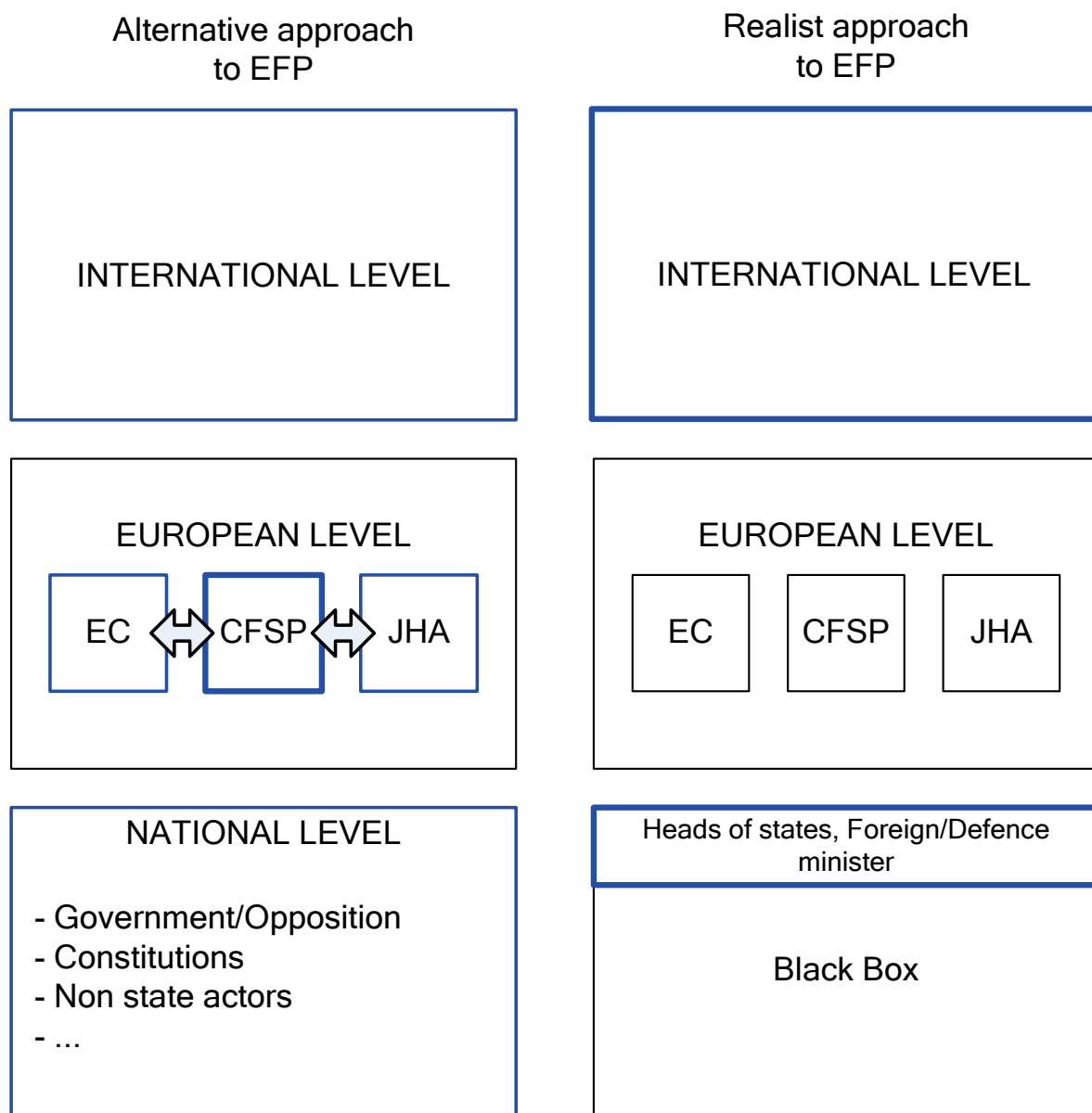
<sup>61</sup> Levels of analysis are discussed by Buzan (1997, pp. 198-216).

concerning independent variables made here is not whether Realism, or any other theory, draws a wrong or oversimplified picture of EFP; rather, the point is that at the current, very early, stage of theoretical development,<sup>62</sup> we should be aware that most theories are tailored not for EFP but for International Relations, national foreign policies, or the European Community; neither are they tailored for European foreign policy development, i.e., here EPC and CFSP. Therefore, at this early stage of theoretical development, we should aim at an approach that will be more general and will not overlook important variables. Only *afterwards* can we seek for more abstraction, i.e., generalisations.

In the following, I will CONTRAST THE IMAGE GIVEN ABOVE CONCERNING SOURCES OF INDEPENDENT VARIABLES OF EFP DEVELOPMENT WITH THE FINDINGS OF THE FIRST PART OF THIS CHAPTER. As already mentioned, we have three principle levels independent variables may stem from (national, European, and international). I will discuss each in turn.

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<sup>62</sup> This aspect will be discussed in length in the theoretical section (Chapter Two). A widespread (Ginsberg (1999), Howorth (2001), Knodt & Princen (2003), Tonra & Christiansen (2004), Carlsnaes (2004), Michael E. Smith (2009), Bergmann & Niemann (2013), Jørgensen (2015b)) claim in the academic literature, however, is that there is still very limited theoretical knowledge on EFP. This holds true in particular for my research focus on the development of European foreign policy cooperation.



**Figure 17**—Differences in the focus in respect to the sources of independent variables among two approaches towards EFP

If we start with the INTERNATIONAL LEVEL, we can recall that highly influential independent variables stem from it. I mentioned the Cold War and the consequences of the end of it for EFP. Several wars also had a crucial impact on the development of EFP. The desire that the economic giant should not remain a political dwarf in international affairs can also be located at this level. Therefore, without doubt, any analysis of EFP development has to consider developments in the international system.

Disagreement with the image painted by Realism occurs if we focus our attention on the NATIONAL LEVEL. I will only mention a few points of disagreement in order not to repeat what was already said in the first part of the chapter and what will be said in the

empirical section. The purpose is only to give enough evidence to argue that we need an approach that will not overlook important independent variables.

As pointed out, Realism focuses on highly ranked governmental politicians and would claim that what they do concerning EFP will be determined by the anarchical structure of the international system. Disagreement arises from several points:

First, we saw the importance of STRUCTURAL FACTORS at the domestic level: National constitutions as independent variables can have a highly influential effect, as proved in the first part of this chapter.

Further, we saw that the POLITICAL SYSTEM can work as another important independent variable. This is particularly true if we recall the effect of coalition governments, e.g., Germany, with the smaller coalition partner usually holding the foreign ministry.

Next, apart from the structural factors, we saw that the POLITICAL PROCESS, especially during election times, can act as a highly influential independent variable in EFP development, for example, the Gulf War.

Finally, the Gulf War case also proved that the PUBLIC may in some cases exert strong influence over EFP.<sup>63</sup>

As a result, we can rightly say that member states in EFP cannot be treated as black boxes, whose behaviour can be derived by the imperatives of the international system. Focusing on the heads of states and governments and foreign and defence ministers will undoubtedly miss important independent variables. Therefore, I argue that the domestic level is a source of many independent variables relevant for EFP development. Furthermore, we should consider not only the sources but also the *motivations* of national actors in EFP. In the first part of this chapter, I proved the impact of deeply rooted values such as the issue of how far sovereignty (if at all) should be transferred to a supranational body in EFP and the role of special relationships among actors as in the case of the UK and the US. Again, we see that these important independent variables would have been overlooked by a realist perspective, as sketched out above. In consequence, we can say we need an analytical approach that will, in principle, be able to capture *all* the important independent variables at the domestic level if we want to paint an accurate picture of the EFP development process.

A similar conclusion can be drawn if we focus on the EUROPEAN LEVEL. A strong realist approach would say that it can be more or less neglected since EFP reflects only national interests of the member states, and these are mainly determined by the system structure at the international level. Recalling the arguments given in the first part of this chapter, I will raise two objections: FIRST, we saw the important relation between EC and CFSP and its consequences for EFP development. Therefore, we can argue that one important source of independent variables would be completely omitted. SECOND, we saw that similar to the national level, the picture of CFSP that has to be drawn is much more complicated.

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<sup>63</sup> In the case study, we will see further examples of how independent variables stemming from the national level influence EFP development.

I will start with the latter argument. We saw the built-in tension in the EFP project: An efficient EFP is dependent on resources of the first pillar. However, many states are reluctant to give up sovereignty in that area. We also saw the slow and gradual deviation from the strictly intergovernmental approach towards EFP. We just have to recall the separated meetings of foreign ministers in EPC and EC contexts at the beginning of EPC. I pointed out various small but important steps away from the strictly intergovernmental approach. As I proved, this was due to the tension built into the project; in other words, it became obvious through failures in European *policy processes* (e.g., Afghanistan) that a strict separation of intergovernmental and supranational elements would lead to inefficiency. In this regard, recall the Formula One example given in the previous part: EFP development is not only a top-down process but also works the other way round, i.e., from bottom up, where daily policy processes influence EFP framework. As a result, we see that the European policy process is an important source of knowledge of driving factors, i.e., independent variables in the development of European foreign policy. Furthermore, with the deviation from the strictly intergovernmental approach, we also see that supranational institutions at the European level exert influence on EFP development, although this has so far been limited, which is another source of independent variables that must not be overlooked. The last point that will be discussed in more detail in the theoretical part, is that institutions, in a wider sense, have influence on EFP. The argument is that actors in EFP know each other and are not solely driven by self-interest but adopt a position that recognises the positions of the other actors. This is particularly relevant if we recall the unanimity requirement for decision making in EPC/CFSP (as well as Treaty changes).

IN SHORT, we can say that, the intergovernmental element—primarily the heads of states and governments and the foreign ministers—plays a crucial role in EPC and CFSP. However, the few arguments given above and the ones given in the first part of this chapter easily prove that a reduction of EFP to these two elements *would miss a whole range of independent variables* that de facto influenced the European and national foreign policy processes.

So far, I have argued that a close look at the various internal factors in EPC or CFSP has to be taken in order not to overlook important independent variables at the European level. The same is true for the relation between EFP and the EC pillar and its development. Again, I will prove that we need an approach that, contrary to Realism, will be able to capture that source of independent variables.

I will only concentrate on the most important examples of why an analysis of EFP development has to focus on the European level, as well as on the relationship between the EC and EPC/CFSP: FIRST, we saw that developments in the EC, i.e., closer cooperation in the economic area and gradual expansion with several enlargements only created the desire that the economic giant should exert more influence in world affairs. SECOND, I gave several examples of “spillover” from the EC to CFSP and vice versa, i.e., when the sphere of economy influenced foreign and security policy as, for example, in the case of the OSCE conferences. THIRD, we saw how closely economic and security issues were entangled in the case of ECCS. FOURTH, we saw the triple-hatted foreign minister who is engaged in both pillars as well as national affairs.

IN SHORT, there is enough evidence that developments in the EC have had and still have strong influence on European foreign policy development, i.e., they are important independent variables. So, an analysis of EFP development cannot concentrate on EPC/CFSP alone but has to consider developments in the EC as well.

The purpose of this section was to highlight from where the vast range of independent variables influencing EFP development stem. We saw, based on the analysis of EFP development at the beginning of this chapter, that independent variables may stem from all three levels (national, European, and international) and that neither the member states nor the EC/U level can be treated as black boxes. Therefore, at the still very early stage of theorising EFP development, we have to be aware that using approaches tailored for other phenomena (here a simplified version of Realism) could obstruct our view and lead to omitting important independent variables. Only later, when we have enough empirical evidence of the driving factors of EFP development should theory development progress further by singling out which independent variables have more explanatory power than others.

### **1.3.3. Conclusion**

I started this part pointing out the relation between dependent and independent variables in respect to my research question. From the previous parts of this chapter, we remember the huge number of independent variables influencing the European foreign policy development process. I pointed towards the problem that theories may blank out certain sources of independent variables a priori. I used a simplified version of Realism to illustrate which important independent variables could be overlooked by taking such a perspective in my area of research. The example illustrated that some sources of independent variables are systematically neglected: For example, the interplay of pillars in the EU is not taken into account, or the domestic level is treated as a black box. I pointed out why such a perspective is highly problematic in the context of my analysis, particularly at that early stage of theorising EFP development. Therefore, the main task of an alternative approach to studying EFP development, in regard to independent variables, will be **to capture all relevant independent variables** and at the same time provide analytical categories remaining constant for the whole period of analysis as a means to manage the huge number of independent variables and allow for comparison.

## **1.4. Findings and their implications for a theoretical approach**

I started this chapter, carving out the SPECIFICS OF THE SUBJECT of study and discussed the main puzzles that the development process of European foreign policy cooperation poses to researchers. In the next part, I specified the DEPENDENT VARIABLE, i.e., what my research focuses on—the development of European foreign policy cooperation among EC, later EU, member states in particular within EPC, later CFSP. I discussed the relation between EFP framework that developed over time and the actual EF policy process taking place within it. Finally, I concentrated on the factors that caused that specific development—the various INDEPENDENT VARIABLES (IVS). I showed what levels IVs may stem from and pointed towards pitfalls when applying existing theories as they may

blank out important variables. Furthermore, I illustrated, using the changes made by the Treaty of Amsterdam to its predecessor, the Treaty of Maastricht, how the previously dependent variable (DV) acts as one IV, among others, over the course of time. THIS SECTION will derive the implications of the analysis carried out throughout this chapter for an analytical approach towards the issue at hand. This will serve as the basis for locating my research in the pertinent theoretical debates in the following chapter. First, it is important to recall that my focus rests on the development of EFP cooperation and its framework. This implies, on the one hand, (1) *a long timeline* and on the other hand, (2) *a different focus* compared to the many studies analysing various aspects related to the European foreign *policy* process. What are the IMPLICATIONS FOR AN ANALYTICAL ACCOUNT, i.e., what requirements does it have to meet?

Considering (1), an approach must be able to cover *the whole time span* and not just a snapshot in time, as we talk about a long-term process (e.g., the steps from EPC to CFSP and the subsequent revisions) and not a short-term event (e.g., action under CFSP in the Gulf War). Therefore, an approach must be *general enough* to account for the different steps of EFP development. Furthermore, it must be a *single* approach for the whole time span in order to allow for *comparison between* the various stages in the development of EFP cooperation.

Considering (2), the following implications arise: First of all, the two processes (EFP development and EF policy process) *must not be confused!* Furthermore, an approach must be able to *incorporate the mutual relation* between the two processes, which I illustrated by using the Formula One analogy. In the example, we saw that the EFP framework works top down, i.e., influences the EF policy process; however, the opposite is also true, i.e., the EF policy process can influence the EFP framework. In consequence, EFP development cannot be seen as a series of intergovernmental bargains before making the various treaty changes (e.g., SEA, Maastricht, Amsterdam etc.), but must also acknowledge and incorporate the influence of the policy dimension on the EFP framework.

Finally, we should recall what was said concerning the dependent variable in the second part of this chapter. I showed that the most important provisions are stated in the various treaties. However, I also pointed out that the framework can develop, as in the case of EPC before the SEA, and be altered outside of the treaty context, as happened to a certain extent in the case of ESDP, and as we saw at a lower level, i.e., not in the great bargains struck by the heads of states and governments but, for example, by the foreign ministers. I proved that the framing of regulations then takes place in a quite different context. In consequence, an approach towards EFP development *must be able to incorporate the different sources of changes in the EFP framework*, and as already suggested, we also need *a more fine-grained grid to capture changes in the dependent variable*.

So, on the one hand, an approach has to conceptualise the mutual relation between policy process and EFP framework development process; and on the other hand, it also has to take into account that treaty provisions (e.g., Maastricht) are only one aspect (although the most important) of the dependent variable and that rules are also set on other occasions. We have also seen that "output," i.e., actions under EFP are also part of the dependent variable and have to be accounted for. We could not say that EFP



cooperation developed if we only had legal provisions, institutions, actors etc., i.e., structures, but no action.

A further critical demand for an approach aiming at analysing EFP development is that it has to *cope with the huge amount of explanatory (independent) variables*: In the part "Independent variables" (0) and in the first part of the chapter, I showed not only the huge number of variables (without striving for completeness) that influenced the development process but also the huge differences among them. We saw the various sources (the three levels), the differences in impact, and how long the variables influenced the development process. By contrasting a simplified picture of Realism with the findings of my analysis, I showed why we have to aim for an approach *that in principle will not omit variables a priori*. This point is particularly relevant because we are still at a very early stage of theoretical development concerning EFP as it will be proved in the following chapter. So, an approach must be able to cover all the different sources of independent variables as well as *enable us to make comparisons* across the long EFP development process. Therefore, we need analytical categories for IVs that can be applied to the whole development process. Additionally, they must be *abstract enough* to subsume the very different types of independent variables (e.g., the death of Stalin, the influence of a running election campaign in a member state, and the relation among EC and CFSP pillars).

The last important point that has to be addressed by an approach towards EFP cooperation is its *specific dynamics*. In the first part of the chapter, I pointed out the far-reaching plans after the Second World War, which, however, failed for various reasons. We saw slow development under EPC with the speed increasing after Maastricht and then even shorter periods of time between changes (Amsterdam, Nice, the European Constitution, and Lisbon). So, here we envisage phases of rapid development as well as phases of stagnation.

The findings of this chapter, and the implications derived, will serve as guidelines for discussing the current state of the art and debates in theorising EFP and for locating my research within it in the following chapter. Furthermore, the criteria/requirements derived in this chapter will serve as a yardstick for assessing the analytical approach towards the study of EFP development, which will be developed in Chapter Two.

# CHAPTER 2.

## State of the art and beyond

### 2.1. State of the art—Discussion and research agenda

#### 2.1.1. Introduction—The argument in a nutshell

The structure suggested by Creswell (2014a, 2014b) for writing introductions of mixed-methods articles is used as a template for the introduction to this second, theoretical, chapter. This section briefly summarises the topic and aims of the thesis, gives an overview of existing literature, and provides the purpose statement (intent of the thesis, design), i.e., provides the broader context within which the following theoretical discussion is set. The introduction concludes with an overview of the structure of the whole chapter.

As argued in the Introduction and Chapter One, the development of cooperation in the area of European foreign policy among EC, later EU, member states has been cumbersome; yet, to scholars it has been a fascinating process. This peculiar process, the development of foreign policy cooperation among EC, later EU, member states (in particular within EPC, later CFSP) is the TOPIC OF THIS THESIS.

THE AIM of this thesis is to analyse, capture, and conceptualise the process of developing cooperation among EC, later EU, member states in the area of European foreign policy (EFP) under EPC/CFSP. This process has spanned decades, having evolved at a fluctuating pace, and has been influenced by an abundance of independent variables (IVs) stemming from different levels.

In the LITERATURE, there is widespread consensus (Bergmann & Niemann, 2013; Carlsnaes, 2004; Ginsberg, 1999; Howorth, 2001; Jørgensen, 2015b; Knodt & Princen, 2003; Michael E. Smith, 2009; Tonra & Christiansen, 2004) regarding a lack of theoretical work and theory-guided case studies on EFP (Michael E. Smith, 2009, pp. 15, 18, 24). While, as shown, there has been limited theoretical work on EFP, there has been almost no political science research *on the process of developing cooperation among EC-, later EU-states in the area of European foreign policy*.<sup>64</sup> This study builds upon, in particular, the works of Michael E. Smith (2004, 2008, 2009) who has also aimed at capturing and explaining the process of intensifying cooperation in the area of European foreign policy. He provides the most extensive discussion of the existing empirical and theoretical literature on EFP and the development of EFP as a research field (2009) and a research agenda (2008) for studying EFP. As a consequence of the limited theoretical literature, there are still significant gaps in the current state of the art. Most importantly for this research, it is still unclear how we should conceptualise and study the development of cooperation of EFP. This applies in particular to the development *process* itself.

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<sup>64</sup> A shortcoming was identified by Jørgensen (2015a, p. 24) as an imbalance in studying EFP: “More research [has been done] on the (ever changing) present than on the long-term past or *longue durée* trajectories.”

Given the brief outline of the current state of the art in theorising EFP and taking into account the gaps, the INTENT of this study is to provide—and subsequently test—an analytical model for studying the development of cooperation in EFP among EC, later EU, member states within EPC and later CFSP.

Given the existing early stage of theorising EFP in general and its development in particular, this study, as a first step, aimed at achieving a better understanding of the subject of study. In terms of RESEARCH DESIGN, a configurative-ideographic case study with a primarily heuristic purpose (Bennett, 2007, p. 22) of the development of cooperation in the area of European foreign policy was conducted. Therefore, the purpose of Chapter One, using secondary sources for analysis, was to inductively reveal topics, issues,<sup>65</sup> and central characteristics of the object of study, defining the dependent variable and also revealing independent variables. The outcome of the research conducted in Chapter One was synthesised into requirements that a model for analysing EFP development should fulfil. These requirements form the focus of the following state of the art review, and will later on serve as a yardstick for assessing the model to be developed.

This chapter commences with a review of the state of the art of theorising (a) EFP and (b) the development of EFP. The aim is to identify potential works to draw upon, to reveal gaps that can serve as additional requirements that an analytical model for capturing EFP development should fulfil, to review the debates in the field, and establish where this study fits before revealing the contribution of this study and its relevance. Particular attention is paid to the “sui generis” character of EFP in order to identify potential pitfalls in transferring concepts developed for other areas of study (as pointed out, the most promising candidates stem from (comparative) foreign policy analysis, International Relations (IR) theories, and European integration theories) to EFP. This is particularly relevant because the model intended to be adapted for use in this study of EFP development (Schumann, 1996) was originally designed for filling gaps in the study of European integration. The model will be introduced and discussed in greater detail and fully explained because it is only available in German. Based on the outcomes of Chapter One (in particular the characteristics of the EFP development process and the requirements that a model for the study of EFP development should fulfil) and the review of the theoretical debates, I will assess to which extent the model of Schumann (1996) can be applied to the study of EFP development and where modifications may be necessary. The assessment incorporates two perspectives—one empirical (as derived in Chapter One) and one more conceptual or theoretical (as derived in this chapter).

In Chapter Three, I will demonstrate that the model developed in this chapter not only fits on a conceptual level and fulfils the requirements derived based on the analysis conducted in Chapter One and the review of the existing literature, but can also be beneficially applied to the study of EFP development in practice. To that end, a case study applying the approach developed in this chapter will be conducted, using primary and secondary sources and, to a smaller extent, interviews as data sources, as means to analyse the development of European non-proliferation policy as an emerging subfield within EPC and CFSP.

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<sup>65</sup> As laid out by Miles et al. (2014, pp. 69-105).

This chapter consists of three parts: (1) a review of the state of the art in theorising EFP and its development; (2) an introduction of the model to be applied to the study of EFP development; and (3) implications for the subsequent case study that are derived based on the first two parts.

Concerning the first part of this chapter (review of the state of the art, 2.1), (a) I will, drawing on the work of Michael E. Smith (2009), briefly trace the development of EFP as a research field. In the following, (b) I will review the works relevant for my study—from a small series of articles that review and reflect the state of the art in studying, and in particular theorising, European foreign policy (Bergmann & Niemann, 2013; Carlsnaes, 2004; Jørgensen, 2015b; Knodt & Princen, 2003; Michael E. Smith, 2008, 2009; Tonra, 2000; Tonra & Christiansen, 2004; White, 1999). I will unfold the debate by discussing how various scholars in the field define the dependent variable and the topics and debates that emerge around that in order to locate my research in the wider context. I will (c) link back these topics and debates to the findings of Chapter One and derive conclusions and implications for my research. After that, (d) I will drill further down by discussing the work and research agenda of Michael E. Smith (2008, 2009) in depth because his research agenda is most closely matched to my own. Based on the previous steps, I will (e) derive final conclusions concerning the state of the art and point out where this thesis strives to contribute to filling existing gaps.

### **2.1.2. Overview—Development of European Foreign Policy as a research field, gaps in theorising EFP**

Michael E. Smith (2009) provides us with the most extensive review of the development of EFP as a research field.<sup>66</sup> He discusses (1) the emergence of EFP as a research field (2009, pp. 6-12), reviewing the literature in (2) the period around the founding of the Treaty of Maastricht (2009, pp. 17-24), before going on to discuss (3) current trends in European foreign policy analysis (FPA) (2009, pp. 24-28). The main findings will be traced in the following.

Michael E. Smith (2009) discerns the emergence of EFP as a research field in three phases: The first one is “traditional IR/FPA with some speculation regarding potential for EFP (1950s-60s)” (p. 6). The second phase is “the first recognition of European foreign policy cooperation and some very limited conceptual innovation (1970s—early 1980s),” and the third phase is “the period surrounding the advent of the Single European Act (1986), which placed European foreign policy cooperation on a new institutional path.” In the last phase mentioned, Michael E. Smith identifies several empirical topics in the

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<sup>66</sup> For another comprehensive overview of various topics in EFP, in particular EPC, CFSP, and ESDP, covering also the German literature, see Algieri (2010). However, the work of Algieri, in comparison to Michael E. Smith’s (2009), is much less focussed on mapping EFP as a research field. Jørgensen (2015a) also provides an overview in “The Study of European Foreign Policy. Trends and Advances.” His account seems a little more descriptive (“The purpose of this chapter is . . . to review the state of the art . . . concerning . . . the conduct of foreign affairs, whether national or common European” (2015a, p. 14), mapping events that occurred, in comparison to Michael E. Smith (2009)) and a little less focused on the development of EFP as a research field. Maybe for this reason, but still surprisingly, Jørgensen does not address the two reference works by Michael E. Smith (2008, 2009) on the state of the art of theorising EFP, neither of which are mentioned in Jørgensen’s other work (2015b).

scholarly work of that phase: The first one is "the status of EFP political influence relative to other global actors, particularly the U.S." The second topic is "a seeming disconnect between EFP procedures and substance." The third one is "tensions between the economic/trade and political/security dimensions of EFP." Finally, the fourth topic is "the relative inputs of European states vs. EU institutional actors, particularly the European Commission." The aforementioned "empirical debates often provided the core material for emerging theoretical debates about EFP as well, mainly in terms of realism vs. liberalism, then intergovernmentalism vs. institutionalism, then constructivism, normative theory, and beyond" (Michael E. Smith, 2009, pp. 6-7).

In the post-Maastricht phase, with the CFSP institutionalised, scholarly attention to EFP increased. One stream of inquiry addressed the functioning of the TEU, with Hill's (2003) work on the "capability-expectations gap" being most prominent (Michael E. Smith, 2009, p. 18). Most of the works, similar to the ones in the 1980s, "involved either institutional issues or national inputs into EFP, or some combination" (Michael E. Smith, 2009, p. 18). Studies focusing on institutional aspects of EFP pivoted around "mapping the changes to EFP made under the TEU and evaluating whether the CFSP had improved upon the EPC mechanisms" (Michael E. Smith, 2009, p. 19), EFP finances, legal aspects of EFP coming with the TEU and the questions of coherency (between foreign policy action under the first and the second pillar). National approaches to EFP by the member states were addressed by other scholars (Michael E. Smith, 2009, p. 20). Case studies of EFP activity formed another major strand of analysis in the post-Maastricht period (Michael E. Smith, 2009, pp. 22-23). The topics of the European Union's " 'actorness' or 'roles' or 'identity' " (Michael E. Smith, 2009, p. 23) depict another strand of literature in the post-Maastricht phase.

Study of EFP reached a certain maturity level by the eve of the new millennium. Among others, as reflected by journals dealing with EFP, the academic network FORENET was founded to help channel activities of researchers in the area, and finally a number of textbooks on EFP appeared (Michael E. Smith, 2009, p. 24). Institutional analyses continue to surface, and a number of cases studies have appeared for which the security/defence aspects increasingly attract scholarly attention. The latter raises the question of how power should be conceptualised regarding EFP (normative, civilian, etc.) (Michael E. Smith, 2009, p. 27).

While empirical accounts of EFP reach an increasing level of maturity in the field, the same does not hold true for theoretical accounts: "A large part of the literature on the CFSP is more descriptive than theoretically guided research with sometimes very useful thick descriptions on the emerging CFSP as well as the common defence policy" (Knodt & Princen, 2003, p. 2). Tonra and Christiansen came to a similar conclusion:

The field of study in EPC/CFSP has been dominated by empirical accounts of decision-making, policy-making and regional or issue-based case studies. Only infrequently are such accounts grounded in an explicit theoretical framework and even then such analyses are, more often than not, dominated by realist/rationalist accounts of state behaviour. (2004, p. 4)

Carlsnaes (2004) also points towards problems in theorising EFP, attributing them to the fact that "EFP is a new field of study" (p. 508) and, much more seriously, however, arguing that

the differences between the major recent contributions to the field are considerably more foundational in character than is perhaps assumed by most scholars working in it. In short, they are talking about different things, and they are talking about them in different ways. (2004, p. 503)

And, it seems, a decade later, these gaps have not been closed sufficiently:

However, the field of study at hand—(European) foreign policy—is not exactly known for indulging in theorizing or theory-informed analysis. . . . Research on case specifics, the employment of official conceptualizations and a focus on current (policy) affairs is much more common. The outcome is an abundance of empirical studies, by nature volatile. . . . The process of summarizing, synthesizing and accumulating knowledge tends not to be prioritized. . . . Some scholars make resistance to theorizing a virtue, arguing that the EU is *sui generis* and thus not theorizable. (Jørgensen, 2015b, p. 75)

Ginsberg (1999) addresses in more detail which problems EFP poses to theorists:

Theorists struggle with defining and categorizing EFP behaviour. The EU is neither a state nor a non-state actor, and neither a conventional international organization nor an international regime. Agreement eludes scholars over which concepts imported from international and comparative politics are germane, which methods of inquiry, evaluative criteria and levels of analysis are most appropriate, and whether EFP analysis ought to be placed within the context of the study of comparative foreign policy where the emphasis is on single states. (p. 432)

In his extensive stocktake of the development of EFP as a research field, Michael E. Smith also identifies numerous gaps in theorising EFP in scholarly contributions (2009, pp. 12, 15, 18, 24-25, 27, 32).

Seven reasons may explain this gap in theorising EFP: (1) EFP itself, as a research field, reached a certain maturity fairly late (Michael E. Smith, 2009, p. 24). (2) EFP is a unique and complex phenomenon mirrored, as it will be shown, by substantial controversies as discussed in depth by Carlsnaes (2004), White (1999), and Ginsberg (1999) about what the dependent variable (DV) to be studied actually is. It should be taken into account that EU member states' foreign policies co-exist but do not necessarily always align with EU foreign policy and furthermore that foreign policy competences on the European level are still *de facto* distributed between what used to be the first pillar before the Treaty of Lisbon (hence EC foreign policy) and the second pillar (EU foreign policy) (Blockmans & Spornbauer, 2013, p. 10; Devuyst, 2012, p. 329). (3) Given the "sui generis" character of EFP, it is unclear if, and to what extent, theories tailored for other phenomena—of particular relevance to my research area are (comparative) foreign policy analysis, International Relations theories, and European

integration theories—can be applied to the study of EFP and its development (Bergmann & Niemann, 2013; Michael E. Smith, 2008, 2009; Tonra & Christiansen, 2004, pp. 1-9; White, 1999). (4) “Among foreign policy analysts, the CFSP is widely considered an appendix to national foreign policy and why waste time on theorising an appendix?” (Jørgensen, 2004, p. 14). (5) “CFSP is a topic beyond the attention of scholars with an interest in international theory. After all, we are dealing with a regional not a global phenomenon” (Jørgensen, 2004, p. 14). (6) “CFSP has been primarily analysed by European scholars and, for some reason, they generally theorise less than their North American colleagues” (Jørgensen, 2004, p. 14). (7) A personal hypothesis is that only with the advent of the “security and defence” aspect in EFP, more scholars became attracted to the topic since roughly the end of the 2000s.

### **2.1.3. Overview—Approaches towards theorising EFP**

So which theories and/or concepts have mainly been applied to research EFP? First of all, it can be seen that the developing EFP does not fit well with existing theories or categories as Tonra (2000, p. 163) shows by quoting Wessels:

Early foreign policy co-operation among the member states of the European Community was an oddity. It challenged neo-functionalist orthodoxies by resisting incorporation into the main body of European integration while at the same time its development meant that traditional intergovernmental models of co-operation were “no longer applicable in any meaningful way” [Wessels 1982:14].<sup>67</sup> (as cited in Tonra, 2000, p. 163)

This in part may explain why we see empirical accounts rather than theoretical works:

Thus, in the infancy of studying an emerging “European” foreign policy, attention was devoted to detailed analyses of the unique decision-making and policy outputs deriving from European political co-operation (EPC) and later the common foreign and security policy (CFSP) of the European Union (EU). (Tonra, 2000, p. 163)

There is a widespread consensus among scholars that three major research fields have been applied towards the study of EFP: (1) Foreign policy analysis (FPA) or comparative foreign policy analysis, (2) International Relations (IR) theories, and (3) European integration studies (Bergmann & Niemann, 2013; Jørgensen, 2015b; Michael E. Smith, 2008, 2009; Tonra & Christiansen, 2004, pp. 1-9; White, 1999). Other approaches towards the study of EFP that received considerable attention are as follows: (1) Ginsberg’s (2001) approach adapting Easton’s model (for a discussion on this, see Carlsnaes, 2004, p. 500) and conceptualising EFP more as a foreign policy system in action, accounting for respective input and outputs. (2) Studying EFP as a multilevel network as proposed by Krahnemann (2003) (for a discussion, see Carlsnaes, 2004, pp. 500-501) or as a policy network in general (Bergmann & Niemann, 2013, pp. 13-14; Michael E. Smith, 2009, pp. 29-30). (3) Using a governance approach as point of departure has attracted recent interest (Michael E. Smith, 2009, p. 29; Bergmann & Niemann, 2013, pp. 9-12). Before going into more detail regarding the dependent

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<sup>67</sup> Note that the reference to Wessels (1982:14) is cited in the quotation of Tonra (2000, p. 163), and is therefore not a citation of this thesis, hence no reference has been listed.

variable, it is worth pointing out one major problem, as described above, EFP poses to researchers—it eludes itself from being studied with existing major theories (FPA, IR, EIT). These theories have been developed and applied to other phenomenon with specific properties, and the newly emerging European foreign policy (here meant with an involvement of the EC, EU) does not have many of these properties—e.g., the EC, later EU, is not a state, but most FPA and IR theories are based upon the concept of sovereign states; integration as EIT conceptualises it did not happen in EFP.<sup>68</sup> In short, theorists therefore have to be very careful if, and to what extent, theories developed for other phenomena can be applied, or adapted, to EFP.

#### **2.1.4. The wider context—The dependent variable and topics in theorising EFP**

Asking what the dependent variable is constitutes the object of the research, and topics that emerge from that seem a good starting point for looking in more detail at the various problems and puzzles that theorising EFP poses<sup>69</sup> and at the debates that have unfolded around these. Carlsnaes (2004, pp. 497-502) carefully, and in depth, reviews the different definitions of “European” foreign policy by scholars in the field (Hazel Smith, 2002; Karen Smith, 2003; White, 2001; Ginsberg, 2001; Krahnemann, 2003; Michael E. Smith, 2004). This is not an academic exercise and is well justified because the differences to be found in the definitions (and in conceptualisations) of EFP reflect various assumptions of the respective scholars with crucial consequences concerning theorising European foreign policy. In the following, based mainly on Carlsnaes (2004), I will briefly review different definitions, point towards different debates in the field, and derive implications for theorising. Carlsnaes<sup>70</sup> presents the definitions used by six scholars.

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<sup>68</sup> In a recent conference paper, Bergmann and Niemann (2013) give, to the best of my knowledge, the first comprehensive overview of how far European integration theories (EIT) have been applied to the study of EFP, concluding that Federalism, Neo-functionalism and Intergovernmentalism have rarely been applied to EFP (2013, pp. 3-9), but many scholars of EFP seem to draw, sometimes rather implicitly, on intergovernmentalist assumptions (2013, p. 9). Since 2000, Governance approaches have been increasingly applied to the study of EFP, in particular to the security/defence dimension of EFP (2013, pp. 9-10). However, as Bergmann and Niemann (2013, p. 15) point out in their conclusion, an EIT perspective on EFP so far mainly supports “explaining and understanding EFP *outcomes* [emphasis added],” whereas my DV is the developing of EFP. This is a sort of irony in that the limited applications of EIT approaches towards EFP focus rather on outcomes and policy-making than explaining the development of closer cooperation, which was one of the main purposes of developing EIT (although of course trying to explain in particular economic integration). This is, however, in line with my findings that, in particular, the development of EFP has so far attracted limited scholarly attention.

<sup>69</sup> As Rosamond (2000, p. 11-14) shows, similar problems have already been posed to scholars of European integration, e.g., the dependent variable problem or the question whether integration is a process or an outcome.

<sup>70</sup> Carlsnaes is very specific regarding the scope of his review (2004, pp. 495-496). Among others, he only focuses on books. Therefore, he does not cover in detail White’s 1999 article, which I will, however, consider. I will also consider the more recent reviews by Michael E. Smith (2008, 2009) and an earlier article by Ginsberg (1999) because all of the aforementioned authors contribute in particular to theorising EFP.



HAZEL SMITH (2002, p. 1) approaches the question of the DV in a straightforward way by stating that “the European Union does indeed have a foreign policy and that it can be analysed in pretty much the same way as we can analyse that of any nation-state.” For her,

“foreign policy” means the “capacity to make and implement policies abroad which promote the domestic values, interests and policies of the actor in question,” and, since the EU does in her view possess all of these attributes, it *ipso facto* has a foreign policy. (as cited in Carlsnaes, 2004, p. 497)

So, the “sui generis question,” with its implications for EFP theorising (comparability and that is the possibility to utilise a comparative approach) discussed by Tonra (2000, p. 164) seems to be of no concern or problem for her. Diametral different positions will be assessed soon.

Hazel Smith makes two further moves relevant for reflecting upon theorising EFP: First, rather than being concerned with procedural/institutional aspects (“to equate EFP with what ‘emanates from the procedure of the Common Foreign and Security Policy’ Smith (2002: 8)” (as cited in Carlsnaes, 2004, p. 497)), she opts for

“geo-issue-area approach,” involving foci that “engage with either the geographical reach of the Union abroad or which attempt to evaluate the various issues with which the Union abroad or which attempt to evaluate the various issues with which the Union has involved itself abroad. . . .” (Carlsnaes, 2004, p. 497)

It seems that Hazel Smith is primarily interested in empirical issues located outside of the EU, i.e., the impact<sup>71</sup> EFP has in the world and the tools for analysis that can be borrowed from orthodox foreign policy analysis. Second, she is also clear about where it is better not to go to in theoretical terms:

A rear-guard action could come from the institutionalist ghetto of European integration analysis which concentrates on procedure at the expense of substance—form at the expense of content—in a defence of the idea that CFSP procedures as written in the treaties should limit the scope of inquiry into European Union foreign policy. (Hazel Smith, 2002, pp. 269-270)

This stark statement reveals a couple of assumptions that seem to be worth considering for further theorising: First, I would suggest it seems to reveal a misleading dichotomy in Hazel Smith’s conception. Why should (integration and others) scholars concentrate on *either* procedure *or* substance rather than taking into account the obvious relation between them? On a more positive note, Hazel Smith (2002), with that statement, points towards two indicators when analysing EFP—treaty provisions on the one hand, and what she calls substance on the other. Substance could be actions taken, such as

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<sup>71</sup> Conceptualising “impact” appears less straightforward for at least two reasons: First, there may be differences between what is decided in EFP, say, under CFSP, and what is actually done. Second, the impact of foreign policy measures are hard to assess (How does one really measure the impact of sanctions, for example?). It is even more difficult if we try to substitute impact with success having a normative connotation.

Common Positions and Joint Actions under CFSP, which are easily traceable in the EU's databases,<sup>72</sup> i.e., are a good starting point for empirical research. In any case, it seems more convincing to move beyond the either/or dichotomy and consider the *relation* between procedure (CFSP treaty provisions) and substance (output) as, for example is demonstrated by Michael E. Smith (2004) and found in the case study in this thesis. Hazel Smith is right, however, and hardly any scholar would disagree that it would be a big mistake to equate European foreign policy (and even EU foreign policy) with what was happening in the second pillar (Maastricht-Lisbon period) alone.

What are the topics found that have implications for theorising EFP? First, there is a debate about whether or not there is a European foreign policy at all. Hazel Smith (2002) is clear on that. Christopher Hill might challenge her by replying that " 'a European foreign policy worthy of the name must await a federal European state' " (Hill, 1993, p. 316<sup>73</sup>), as quoted in Michael E. Smith (2008, p. 178).<sup>74</sup> Also, some twenty years later it is still an intriguing question as to how far foreign policy (and its analysis) has to be tied to the notion of a state-like system. Second, and an outcome of the first point, are the implications for studying EFP—is EFP a *sui generis* phenomenon and does it therefore escape comparative analysis? For Hazel Smith, definitively not—EFP can be studied using "orthodox" foreign policy analysis tools. Third, Hazel Smith's conceptualisation and suggested way of approaching EFP highlight different areas scholars can shine a spotlight on: Rather than being concerned with procedural/institutional aspects, she puts the spotlight outside of the EU, i.e., where EFP should have an effect. In her analysis, Hazel Smith prefers to concentrate on the substance (presumably, she means empirical topics) rather than on procedure (the institutionalist ghetto of European integration analysis). As shown, that is not wrong *per se*, but it also seems worth thinking about the relation between procedure and substance rather than thinking about it as distinct ways of investigation, in particular, as the implications regarding indicators for empirical analyses of EFP are related to that. Finally, scholars have to be careful and precise about what belongs to EFP when they

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<sup>72</sup> Again it should, however, be kept in mind that substance conceptualised like this does not necessarily equate with impact. Furthermore, White (1999, p. 46) aptly reminds us: "Outputs, of course, are not necessarily the same as outcomes given the vagaries of the implementation process."

<sup>73</sup> Please note that the reference to Hill (1993a: 316) is cited in the quotation of Michael E. Smith (2008, p. 178) and is therefore not a citation of this thesis; hence, no reference has been listed.

<sup>74</sup> When checking references, I found that the original quote by Hill (1993, p. 316) was actually "A European foreign policy worthy of the name will require an executive capable of taking clear decisions on high policy matters, and of commanding the resources and instruments to back them up." It turned out that Michael E. Smith had taken the quote from Tonra and Christiansen (2004, p. 52) where it is "a 'European foreign policy worthy of the name' must await a federal European state (Hill 1993a: 316)." and incorrectly placed the quotation marks (email conversation, July 2015). While I was checking in Google Scholar for the quote, an article by White (1999), to be discussed soon, was found. On page 43, the following quote can be found: "is that a 'European foreign policy worthy of the name' must await a federal European state (Hill 1993a: 316)," which also seems to be "borrowed" from Tonra and Christiansen (2004, p. 52). My email to White regarding the issue was not answered. An underlying issue for PhD students, as discussed with other fellows, is fearing that reviewers will not like secondary quotes. However, honestly it seems (or to make a statement - it is!) impossible to read everything and keep track with the ever-increasing amount of publications even in small fields.

research it (the issue has been discussed in the first chapter (see also White, 1999; Michael E. Smith, 2008, 2009).

How does KAREN SMITH (2003) approach EFP? According to her,

“foreign policy . . . is defined widely here, to mean the activity of developing and managing relationship between the state (or, in our case, the EU) and other international actors, which promotes the domestic values and interests of the state or actor in question.” (Karen Smith, 2003 p. 2, as cited in Carlsnaes, 2004, p. 498)

Similar to Hazel Smith’s argument, for Karen Smith EFP is not reduced to the outcomes of what used to be the second pillar (but also EC and JHA have to be considered). She asserts that the EU has traditional foreign policy tools at its disposal, as well as unique ones (Carlsnaes, 2004, p. 498). Carlsnaes (2004) concludes that Karen Smith’s aim is rather empirical and evaluative and therefore “little effort is spent on linking these concerns to a larger theoretical framework or to ongoing theoretical debates” (p. 498). Still, it is noteworthy that on the EU level, her conceptualisation of EFP is rather broad. Furthermore, and in part a result of the latter, she asserts that the EU, apart from traditional, also has unique foreign policy tools. In fact, this is one of the fascinating aspects for scholars of EFP—the unique character of the EU as a foreign policy actor, as already discussed in the first chapter, and the additional options it enables its member states to pursue in their foreign policy objectives. So, concerning theorising, we find (1) a focus on a more empirical approach towards EFP rather than a theoretical guide, (2) the choice of how far or how narrow EFP is defined (i.e., the scope of the research), and (3) the specific and unique characteristics (Karen Smith points towards the additional foreign policy tools at the disposal of the EU in comparison to member states) of the EU as a foreign policy actor.

As shown above, the study of EFP comprises three major theoretical fields: FPA, IR, and European integration theory. WHITE (1999, p. 38) looks at the first strand, assessing “the nature of the challenge posed to FPA [Foreign Policy Analysis] by the development of what is increasingly though not uncontroversially being called European foreign policy (EFP).” White (1999, pp. 43-45) carefully discusses different approaches towards theorising EFP (state-centric realist position, Ginsberg’s approach), arguing that these approaches define EFP too narrowly:

The foreign policy analyst . . . , concerned both to track and to analyse actor-directed policy at the international level, can and arguably should offer a less restrictive definition of “European foreign policy.” The position taken here is that to be useful for analytical purposes, the concept has to encompass the fragmented nature of agency at the European level and the variety of forms of action. (White, 1999, p. 44)

Therefore, White continues to point out

that defining European foreign policy as “member states” foreign policy or as “**EU** foreign policy” [emphasis added] or, indeed, as “**EC** foreign policy” [emphasis added] (see Smith M., 1998: Ch. 5) is too restrictive. European

governance in the field of foreign policy actually takes all three forms or types which can be differentiated for analytical purposes . . . , a key research task for the analyst is to establish the extent to which these forms have become interwoven over time. (White, 1999, p. 44)

White continues to specify in detail the three different parts he argues EFP comprises Community (EC) foreign policy, Union (EU) foreign policy, and national foreign policy of individual EU member states (White 1999, pp. 46-47). It can easily be seen that White conceptualises the DV much wider and focuses more on action than on structures in comparison to the definitions analysed prior to his, and he is quite explicit about that by stating that “the essence of FPA is that it offers an actor rather than a state perspective and, equally important, it provides a policy focus at the international level” (1999, p. 46). White goes on (1999, pp. 52-53) to conclude how the framework he sketched out for analysing EFP should be applied and to what. He discusses merits and problems, as well as case studies as the “issue area” approach (as favoured, e.g., by Hazel Smith as discussed above) before actually suggesting a third focus (White, 1999, p. 53): “to take the different forms of governance in the EFP arena and to analyse each of them comparatively using FPA techniques and the common analytical framework outlined above.”

Which points stick out in White’s (1999) article regarding theorising EFP? First, the structure-agency question is highly relevant to White, unsurprisingly, as he asks how to adapt traditional state-centric FPA to EFP, and he explicitly takes a position towards the agency pole. In contrast to Hazel Smith, he stresses much more the need to analyse procedure and processes, asking also to incorporate the policy dimension (and its processes) on the international level (what to him, probably, means above the level of the EU member state, i.e., on the European level) in analysing EFP. Obviously, that adds another source of independent variables. Second, and in partial outcome of the previous point, he proposes a much more nuanced conceptualisation of the dependent variable, actually a composite for him, and the *interplay* between the three dimensions of it. So EFP is conceptualised as a system with different units on different levels, and the key task for the researcher is how to account for that.<sup>75</sup> Third, on the practical level he suggests that traditional foreign policy analysis (with a focus on states and a more structural perspective) can be adapted to analysing EFP by shifting away from a traditional state-centric focus (White, 1999, pp. 41-42) and replacing “government” with “governance,” leading to “a framework for analysing policy-making and policy outcomes that emerge from a political system like the EU which is constituted by interactions between traditional ‘authority structures’ (i.e., states/governments) and newer forms of non-state authority” (1999, p. 42). Clearly, that is a much more sophisticated, but also demanding, approach towards the study of EFP as presented, e.g., by Hazel Smith above: (1) While accepting the impact of structures, he strongly urges to account for agency in EFP. Agency can be exerted by traditional actors (states; the EU member states are national European foreign players as well as foreign policy players on the European level, in particular in the intergovernmental second pillar) and newer non-state authorities as well (presumably European foreign policy made under the first pillar

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<sup>75</sup> This seems to be another chance for more empirically and more theoretically oriented scholars in the field to join forces—the interplay between levels and units in EFP has to be conceptualised analytically, but the “flesh” will stem from empirical accounts and, e.g., case studies will be needed again to test the derived conceptual, theoretical accounts.

under the community method). (2) White is certainly more interested in the procedures than Hazel Smith—arguably as a result of focusing more on agency than structures—but he is interested not only in the processes but also equally in the outcomes.

White goes on (1999, pp. 52-53) to conclude how the (adapted FPA) framework he sketched out for analysing EFP should be applied and to what. He assesses the potential of case studies and the issue-area approach (1999, p. 52). He argues that both approaches face problems—case studies suffer, as he coins it, the old problem of case selection (1999, p. 53); considering the issue-area approach, he raises methodological problems and the lack of agreement among scholars as to what actually constitutes an issue area. Therefore, he opts “to take the different forms of governance in the EFP arena and to analyse each of them comparatively using FPA techniques and the common analytical framework outlined above” (1999, p. 53). As seen, White is a proponent of FPA, one of the three major streams of theories applied to the study EFP. White points out the origin of the FPA tradition and its assumptions. He carefully unravels where these are at odds with the evolving EFP, as an object of scholarly analysis, before suggesting how to adapt traditional FPA to EFP. This results in an approach that is finely nuanced but rather complex and demanding.

KRAHMANN’S (2003) study of multilevel networks in European Foreign Policy adds another facet to the dependent variable mosaic. She argues that EFP cannot

be reduced to the actions of the EU alone, or to those of its member states, since not only are these “influenced by the United States and vice versa, but also there are key European foreign policy decisions taken and implemented by a broad range of national and multinational institutions, including the United States and NATO.” (Krahmann, 2003, p. 3, as cited in Carlsnaes, 2004, p. 500)

From her point of view, a multilevel network approach is best suited to account for the resulting complexity when considering these additional actors before presenting three case studies utilising this approach (Carlsnaes, 2004, p. 501). Which consequences for theorising EFP would therefore arise? Similar to White (1999) as discussed above, Krahmann (2003) directs our attention towards the different levels of analysis and the respective units on each of the levels and the relation between them as relevant sources for independent variables. By doing so, she expands the scope beyond the EU and its member states (“broad range of national and multinational institutions”). A network approach furthermore promises to better account for the multiple actors on the different levels and the interaction among them (Carlsnaes, 2004, p. 501).

Given his 2004 book and other major contributions (2008, 2009), MICHAEL E. SMITH is probably the scholar who focused most on analysing and explaining the *development* of EFP and in particular the institutionalisation of cooperation of EFP since its early stages.

This he does by way of explaining how changes in institutional context—in terms of intergovernmental, transgovernmental and supranational procedures—affect the propensity for cooperation, and then linking processes of institutionalization to an expansion of foreign policy cooperation among EU member states. The claim made is that “there is a reciprocal relationship

between institution-building and cooperation," and that in the case of EU foreign policy this has meant a "progressive expansion of both the institutional mechanisms and substantive outcomes of cooperation." (Michael E. Smith, 2004, pp. 239-240, as cited in Carlsnaes, 2004, p. 501)

Carlsnaes continues discussing Michael E. Smith:

He defines "EU foreign policy," "European foreign policy" or "foreign/security policy co-operation" (these terms are used interchangeably) as cooperative actions "(1) undertaken on behalf of all EU states toward non-members, international bodies, or global events or issues; (2) oriented toward a specific goal; (3) made operational with physical activity, such as financing or diplomacy; and (4) undertaken in the context of EPC/CFSP discussions (although the EC can also be involved)" (2004:18). (Carlsnaes, 2004, p. 501)

Given the amount of criticism Michael E. Smith (2008, 2009, pp. 12, 15, 18, 24-25, 27, 32) raised concerning the unsatisfactory state of the art in theorising EFP, it is not surprising that he offers, as shown above, a well-operationalised definition using observable indicators ("made operational with physical activity") of EFP as a causal mechanism (reciprocal relationship between institution-building and cooperation). As other scholars discussed above, he also favours a wider concept of EFP (including EC). If we recall White's (1999, p. 46) comment: "Outputs, of course, are not necessarily the same as outcomes given the vagaries of the implementation process," a smaller issue could arise in Michael E. Smith's second part of the definition (oriented toward a specific goal)—what should we do with unintended consequences? Although unintended, and therefore not orientated to a specific goal, they can still have an effect. As seen, Michael E. Smith focuses on institutions and institutionalisation in the area of EFP. We would not expect him to sit in the realist camp and, similar to White, be more interested in actors than in structures; and Michael E. Smith is explicit on that (2008, 2009).

"The last scholar discussed by Carlsnaes is ROY GINSBERG. Carlsnaes (2004) shows that Ginsberg is very careful in stating how we can study EFP:

"Comparing and assessing EFP as if the EU were a state," he warns us, "is a slippery slope" (Ginsberg, 2001: 12). The reason for this is that the "EU lacks the attributes of cohesion, purpose, and continuity normally (but not always) associated with national foreign policies because the EU is not a state"; that is to say, "the EU is a partially constructed international political actor, neither a state nor a political union of states." (Ginsberg, 2001, p. 9, as cited in Carlsnaes, 2004, p. 500)

Carlsnaes (2004, p. 500) goes on to present Ginsberg's definition of EFP. According to Ginsberg, this "'activity refers to the universe of concrete civilian actions, policies, positions, relations, commitments, and choices of the EC (and EU) in international politics' (Ginsberg, 2001: 3)." Carlsnaes does not seem to be totally convinced by the precision of Ginsberg's definition ("and this is as close as he gets to a definition of EFP"), but he points towards a major contribution Ginsberg makes towards theorising EFP:

In his extensive elaboration of a conceptual model for analysing EFP—one of the most extensive and intricate in the literature discussed here, inspired by Eastonian systems analysis—these various types of activities are conceptualized in the form of “outputs” from a “European foreign policy system” that includes all three EU pillars as well as the foreign policies emanating from within member states. (Carlsnaes, 2004, p. 500)

Although Ginsberg’s definition of EFP is rather parsimonious, we still can derive implications regarding theorising EFP: Similar to Michael E. Smith, Ginsberg has a clear focus on (empirically) observable actions. He focuses on EC and EU and therefore puts forward a rather broad definition of EFP. Furthermore, he is interested in what the EC/U does in international politics but, as Carlsnaes (2004, p. 500) shows, with a specific aim: “However, the purpose of his book is to analyse or to explain not so much these foreign policy outputs as such as their international impact in the form of outcomes, i.e., their external political effects.” Finally, we see that Ginsberg gives a slightly new edge regarding the *sui generis* topic. He warns us that we should be careful with “comparing and assessing EFP as if the EU were a state” (Ginsberg, 2001, p. 12), whereas most other scholars have asked how far we can use approaches (mainly FPA, IR, EIT) tailored for other phenomena for the study of EFP.

Presumably due to space considerations and the fact that he concentrates in his review article only on book-length contributions after 2000, Carlsnaes (2004, p. 496) only briefly points toward Ginsberg’s conceptual model (1999). Since Ginsberg’s model, together with White’s (1999), is still one of the most elaborate approaches to studying EFP *as a system*—also how I suggest to approach the study of EFP development in the previous chapter—it will be discussed later on in more detail. As quoted above, Ginsberg, as well as other scholars mentioned, draws a rather pessimistic picture of the theoretical state of the art concerning EFP. However, he concludes that the old realism versus liberalism debate is slowly being overcome by various concepts. But bringing these various concepts together in a coherent way is a difficult task. Ginsberg approaches this by using a framework for EFP decision making that draws on Wendt (1987, as cited in Ginsberg, 1999) and the classical works of Easton on governmental decision making.

As a first step, Ginsberg gives a brief snapshot about the current state of affairs of theorising EFP before developing his model for analysing EFP. Ginsberg (1999, p. 430) recalls the capability-expectations gap brought into the debate by Christopher Hill (1993, 1998). In short, the idea is that the shift from EPC to CFSP raised the expectations relating to CFSP. However, these expectations could not be fulfilled. Ginsberg goes on to argue that this gap is also reflected in the gap of expectations and capabilities in terms of theories explaining EFP (1999, p. 432). Either functionalist and neofunctionalist theories were introduced too early (before the EU’s external dimension developed) or their heyday was over when the external dimension developed (the case of neofunctionalism). Integration theory was no better and “was either subsumed by broader perspectives of global interdependence and international political economy,

squeezed into the safer and narrow confines of regime theory, or left . . . for a future generation to rediscover”<sup>76</sup> (1999, p. 432).

Ginsberg identifies two streams of literature (1999, p. 432) concerning the external dimension of the EU. The first one describes the time when the integration process stalled during the 1970s. More important here, however, are two waves of conceptual works on EFP, the latter stimulated by the shift from EPC to CFSP with the Treaty of Maastricht.<sup>77</sup> He concludes:

Theorists struggle with defining and categorizing EFP behaviour. The EU is neither a state nor a non-state actor, and neither a conventional international organization nor an international regime. Agreement eludes scholars over which concepts imported from international and comparative politics are germane, which methods of inquiry, evaluative criteria and levels of analysis are most appropriate, and whether EFP analysis ought to be placed within the context of the study of comparative foreign policy where the emphasis is on single states. (Ginsberg, 1999, p. 432)

Similar to White, Ginsberg argues that scholars have been locked in a debate about prospects of liberal or realist perspective, concluding that neither of them “ha[s] a monopoly of insights” (1999, p. 433), but that we should look at what both have to offer. As did White (1999), Ginsberg (1999, p. 433) points out that “the problems of theorizing EFP mirror much wider ones in international relations theory”—again raising the issue of how far the newly emerging EFP fits into existing (theoretical) categories.

Ginsberg develops the following model<sup>78</sup> (1999, p. 434) that draws on the classical works of Easton on governmental decision making and Wendt (1987, as cited in Ginsberg, 1999). He explicitly states that concerning Wendt (1987, as cited in Ginsberg, 1999), he wants to incorporate the structure-agency problem (1999, p. 433). Rather implicitly, by referring to Easton, he stresses the dynamic aspect of policy making. Ginsberg uses the model as a heuristic tool. He shows which parts constitute the EFP system and the various ways scholars tried to relate them to one another.

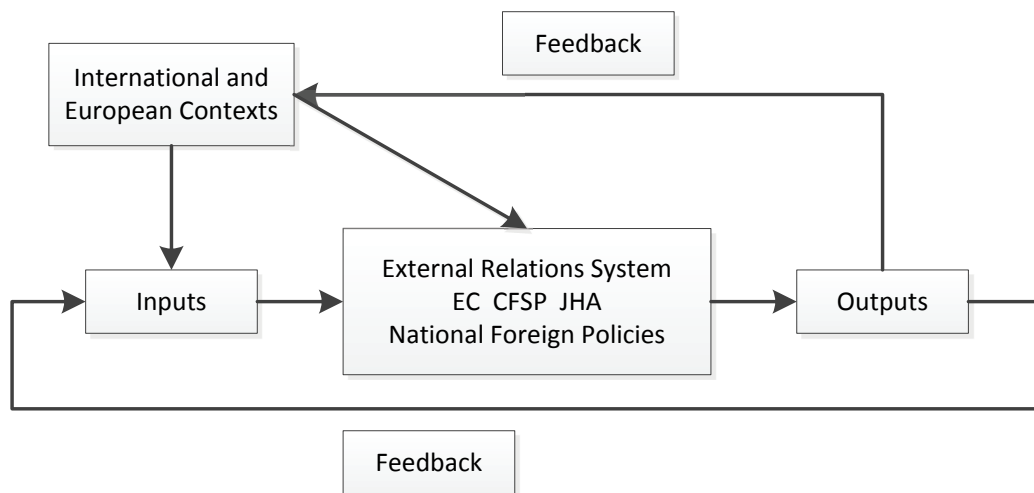
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<sup>76</sup> Actually, it took some 14 years not for a rediscovery, but, to the best of my knowledge, for the first extensive stocktaking by Bergmann and Niemann (2013) of how far EIT had been applied, and with what benefit, to the study of EFP.

<sup>77</sup> First wave: Ifestos (1987); Pijpers, Regelsberger, and Wessels (1988); Ginsberg (1989); Rummel and Mazzucelli (1990); Allen and Michael Smith (1990); Holland (1991); Nuttall (1992); and Pfetsch (1994). Second wave: Rummel (1992); Hill (1993, 1996); Carlsnaes and Steve Smith (1994); Holland (1995, 1997a); Regelsberger, de Schoutheete de Tervarent, and Wessels (1997); Peterson and Sjursen (1998); Rhodes (1998); and Allen and Michael Smith (1998).

<sup>78</sup> The model is simplified. The basic structure and the arrows are the same; however, I left out further information he gives in the boxes and arrows that state the relation in the External Relation system box. So this is just the “bare bones”; the “flesh” will be given in the text.





**Figure 18**—Ginsberg’s model accounting for the EFP policy process

The model has an analytical purpose concerning the structure-agency question as “It focuses attention to the two-way relationship between opportunities provided for by EFP structures and the extent to which the EU has agency—or the willingness of national and EU actors to make use of and shape EFP structures” (Ginsberg, 1999, p. 433).

I will briefly state how Ginsberg fills the boxes of the model:

1. INTERNATIONAL AND EUROPEAN CONTEXT: Concerning how *national and regional actors influence and are influenced* he mentions the following sources:

“(a) the European context of and norms rooted in interstate reconciliation . . . , a security community . . . , a democratic (or stable) peace . . . , and shared identities . . . linked to the legitimacy and interests of the EU; and (b) the context of rules and norms . . . rooted in international society . . . and (c) systemic change rooted in international politics” (Ginsberg, 1999, pp. 433, 435).

2. The INPUT BOX for the decision-making system is filled as follows: “Decision-making inputs are triggered by national and subnational actors and European institutions responding to external and internal stimuli and inspired by indigenous European values and interests and by a politics of scale” (Ginsberg, 1999, p. 435).<sup>79</sup>
3. Concerning the EFP DECISION-MAKING SYSTEM, Ginsberg (1999, p. 435) notes: “Knowledge of decision-making inside the ‘black box’ . . . requires an understanding of the interplay between national actors (as influenced by subnational, regional, and international stimuli) and European actors and ‘Europeanized’ institutional norms and practices.” Ginsberg identifies three concepts that explain the conversion of inputs to outputs in the current

<sup>79</sup> Politics of scale refers to Ginsberg’s notion that acting collectively under EFP provides more leverage; therefore, there is a strong incentive for member states that can outweigh some of the costs participating in EFP may have (1999, p. 438). The argument was developed by Ginsberg (1989).

literature: (1) consociationalism, (2) liberal intergovernmentalism, and (3) two-tier bargaining.

4. Concerning the OUTPUTS of the European foreign policy system Ginsberg focuses on (1) civilian power actions and (2) enlargement.
5. Concerning the measurement of the *impact* of outputs, two concepts are available: (1) actorness and (2) presence. The measurement of outputs is important for the feedback process; therefore, Ginsberg locates these two concepts in the FEEDBACK BOX.

IN SUMMARY, Ginsberg provided a framework that placed the European foreign policy system in its wider context and used this framework to introduce existing theoretical concepts that try to explain different parts of the puzzle, and to some extent the interplay between the various parts. What insights do we gain from Ginsberg in regard to theorising EFP? His previously quoted comments regarding the state of the art in theorising EFP are clear: CFSP came at the wrong moment for the major theories in the field (Functionalist, neofunctionalist, integration theories), and theorists were plagued by various problems. As shown at the beginning of the chapter, this situation has not changed much since that time. So what is Ginsberg's contribution? Quite important, I would suggest: First, Ginsberg, similar to White (1999), forcefully puts forward what studying EFP as a foreign policy system in action could look like and what the levels and units of analysis should be. Second, drawing on Wendt (1987, as cited in Ginsberg, 1999), he makes a contribution to the structure-agency question in EFP: "It [Researcher's note: his model] focuses attention on the two-way relationship between opportunities provided for by EFP structures and the extent to which the EU has agency—or the willingness of national and EU actors to make use of and shape EFP structures" (Ginsberg, 1999, p. 433). This statement implies that Ginsberg, when analysing EFP, has a longer-time perspective in mind. Therefore, drawing Easton's model and incorporating two feedback loops makes perfect sense. A different inquiry would be to ask what the effect of a certain EFP output was on the international system (as asked, e.g., by Hazel Smith, as discussed above), or to explain a certain FPA outcome. Trying to account for one European foreign policy action, however, goes for a snapshot perspective rather than a process perspective. As already said, there is nothing wrong with that inquiry, but the potential contribution towards theorising EFP seems limited. So Ginsberg's intuitive argument seems to be that structures, to a certain extent, enable action ("opportunities provided for by EFP structures"), but actions, in turn, over time can change the structures ("willingness . . . to make use of and shape EFP structures").

#### **2.1.4.1. Conclusion and implications for research**

To sum up, drawing on Carlsnaes (2004) I discussed how six scholars define the DV in approaching EFP. The aim was to derive underlying (and/or overarching) assumptions, topics, and problems in theorising EFP, i.e., to unfold the theoretical debate. Using an inductive approach of content analysis,<sup>80</sup> I suggest that the following main topics emerge: (1) Is EFP studied more empirically, more theoretically, or in some combined way? To what extent do we really have measurable indicators (e.g., what is an indicator

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<sup>80</sup> Miles et al. (2014, pp. 69-96).

of the impact of an EFP measure? How do we account for change on the DV?)? Michael E. Smith's (2004) definition stands out in that regard, as well as Ginsberg's (2001) strong focus on measurable variables. (2) Is EFP defined more narrowly, as for example, by Hazel Smith (2002), or more broadly (the other five authors)? Is the focus more on the EFP, that is, on what happens at the member-state level and within the EC/U (in particular White (1999) and Ginsberg (1999, 2001)) or outside of it (e.g., impact on the International System), as it is the focus of Hazel Smith (2002) and, to some extent, Krahmman (2003)? In other words, what are the level(s) and units of analysis when researching EFP? One further step is to conceptualise EFP, as DV, as a system and think about its components and their relation/interplay as White (1999), Ginsberg (1999), Krahmman (2003), and, to a certain extent, Michael E. Smith (2004) have done. (3) The next topic, related to the previous ones is the structure-agency question. If at all, where do you position yourself on the continuum?<sup>81</sup> One step further is to ask about the relation between structure and agency in the European foreign policy system, as has been done by Ginsberg (1999), White (1999), and Michael E. Smith (2004). I would suggest that the "procedure versus substance" (Hazel Smith, 2002) or "procedure and substance" (Ginsberg, 1999; White, 1999; Michael E. Smith, 2004) debate is a subtopic of the structure-agency debate (with procedure, processes resembling the agency pole and substance more resembling the structure pole). (4) A cross-cutting topic among the three previous ones is the time frame you have in mind in your analysis—should a certain event in history (e.g., a foreign policy outcome) be analysed, explained (so, more a snapshot perspective) (e.g., Hazel Smith (2002), probably also Karen Smith (2003), and to a certain extent Krahmman (2003)), or should you analyse change, development over a period (in particular Ginsberg (1999, 2001), but also Michael E. Smith (2004), and, to a certain extent, White (1999)) potentially spanning decades (e.g., the emergence of EPC and the following revision with CFSP until, for example, the Treaty of Lisbon)? (5) Another major topic is the "sui generis" question. There seems to be consensus among scholars that EFP has many unique features; but there is less consensus about if or to what extent the approaches and theories tailored for other phenomena (e.g., European integration, FPA, IR) therefore can be applied to the study of EFP (with White (1999), Ginsberg (1999, 2001), and Michael E. Smith (2008, 2009) offering the most elaborate reflections on potential adaptations of existing approaches).

Before proceeding, I want to recall the outcomes of the previous chapter and relate this study to the findings of the discussion of other scholars summarised above. I demonstrated that the development of cooperation in EFP (forerunners of EPC, EPC, and second pillar since Maastricht until Lisbon<sup>82</sup>) was a peculiar process, that is, it poses challenges as to how to capture the DV, the vast range of potentially important IVs, stemming from different levels, and which approaches can be used to study it. I showed that different processes (EFP development and policy process) are at work, and that they should not be confused in analysis and their interrelation has to be accounted for. Using the development of ESDP as an example, I showed that changes on the DV occur not only at the Treaty level but also below it; therefore, we need to account for this in a model that provides a more fine-grained concept of the DV. Finally, we saw that the development process did not evolve at an even pace, but we saw the dynamics that

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<sup>81</sup> Carlsnaes locates the scholars he reviewed in a four-field matrix regarding structure/agency and Output/Action (2004, p. 503) as dimensions.

<sup>82</sup> As discussed in Chapter One, with the Treaty of Lisbon the pillar structure was formally repealed but de facto remains.

should be accounted for. I argued furthermore that we would need a *single* approach to analysing the whole time span to allow for comparison in empirical analysis.

In this chapter so far, we have seen that the complex nature of EFP and its development is mirrored by the problems scholars have getting an analytical, theoretical grip on it as proved by the various references given regarding the state of the art in theorising EFP at the beginning of this chapter. Similar to Michael E. Smith (2004 in particular, but also 2008, 2009), Ginsberg (1999), and to a certain extent White (1999), I want to study this process and what resulted from it (development of cooperation in EFP as DV) in contrast to scholars who are, for example, interested in analysing, and/or explaining certain outputs (as DV) of the European foreign policy system (then acting as an IV). Similar to the three aforementioned scholars, I propose that we should study EFP as a system of various components. White (1999, pp. 46-47) stresses the need to study the EF *policy* system and its outcomes. Ginsberg (1999), with his model adapted from Easton's, makes a similar argument. As I pointed out in the previous chapter, I am also interested in the EF policy system, but as an IV to my DV, not as my DV—the outcomes, or failures as we have often seen, of the European foreign policy system often worked as an IV, among others, to change the institutions, rules, procedures, etc. of the EFP, e.g., in treaty revisions. Given the previous points, it is obvious that I am not taking a snapshot perspective but am interested in the longer-term evolution of European foreign policy cooperation. A corollary is that, similar to Ginsberg (1999), I am interested in how we can account for the relation of structure and agency in the development of EFP cooperation. Just to recap, concerning the relation of structure and agency in EFP, Ginsberg (1999, p. 433) states, "It [Researcher's note: his model] focuses attention on the two-way relationship between opportunities provided for by EFP structures and the extent to which the EU has agency—or the willingness of national and EU actors to make use of and shape EFP structures." That matches what I demonstrated in the first chapter—e.g., the provisions concerning CFSP in the Treaty of Maastricht constitute and set the rules of the game (structures) for the European foreign policy system (again here in the narrower sense, EPC/second pillar, as defined as my DV). After Maastricht, the EFP system with its actors produced various outcomes, e.g., Joint Actions, so that is the agency and some of these (as shown often the failures) worked as IVs, among others, in the upcoming changes of the structures (in the Amsterdam revisions of the treaties) of the European FP system. The model I want to provide for analysing EFP development seeks to CONTRIBUTE exactly to these areas: (1) how to capture the DV as specified, (2) how to get a grip on the potentially huge number of IVs (given that a longer term process is analysed), and (3) how to study EFP as a system and how to conceptualise the various processes (in particular relationship between development of the EFP cooperation and the EF policy process) as well as how to relate structure and agency. Finally, the model seeks to conceptualise dynamics in the EFP development process.

Michael E. Smith (2008, 2009) has analysed the state of the art of theorising EFP most rigorously, proposed a future research agenda, and reminded us (2008) of potential pitfalls when attempting to theorise EFP. Michael E. Smith has a similar research focus on the development of cooperation under EFP with his 2004 monograph addressing the issues in detail theoretically and empirically. Taking the mentioned points all together, Michael E. Smith's work is a reference point for the current state of theorising EFP and

his focus on EFP development is closest to my research agenda. Therefore, I will discuss his work and relate the findings to my research agenda.

### **2.1.5. Research agenda for studying EFP development**

Before going in medias res, here's a short summary of how Michael E. Smith (2008) proceeds when giving us "Some Fundamentals," as his title states, in researching EFP. After defining the DV, he states the three major approaches that EFP, as a research field, comprises: FPA, IR, and EIT (p. 177). Michael E. Smith also points towards the problem to define EFP and the fact that it is becoming more and more difficult to differentiate " 'EU foreign policy' from 'European foreign policy' " (p. 178). He warns us to avoid four key analytical pitfalls: The first one is the choosing of an inappropriate frame of reference (p. 179); the second pitfall relates to the "relationship between exogenous and endogenous dynamics of EFP" (p. 180). The third one is "conceptualising power quite narrowly in terms of the primacy of military force" (p. 180); and the fourth pitfall is "too narrow definition of political influence or impact" (p. 181). Afterwards Michael E. Smith goes on to organise the EFP research agenda (pp. 181-183), addressing first the DV question, then "the question of endogenous vs. exogenous actors and processes (or factors)" (p. 182) and the "question of direct or short-term effects vs. indirect or long-term effects" (p. 182). Finally, he approaches the EFP research agenda from a different perspective—in terms of systems and actors in EFP (pp. 183-184).

Similar to the previous section, I want to start off by addressing the dependent variable. What is Michael E. Smith adding in respect to the DV in comparison to his previous work (2004) cited above?

Each EU enlargement over the past 35 years has been accompanied by an expansion of the so-called *acquis politique* [emphasis in original], or *the common rules and policies that govern EU foreign/security policy co-operation* [emphasis added]. Today these take the form of procedural and substantive norms under the rubrics of the EU's foreign economic policies, the Common Foreign and Security Policy (CFSP), the European Security and Defence Policy (ESDP) and other more focused foreign policies devoted to specific issues (the environment and human rights, for example) or regions (such as European Neighbourhood Policy (ENP)). (Michael E. Smith, 2008, p. 178)

Michael E. Smith is focusing on "procedural and substantive norms" (2008, p. 178), as most clearly visible in the treaties, and this matches to a large extent my DV as laid out in Chapter One (however, confining my DV to the evolving of cooperation in EFP under EPC and, since Maastricht, the second pillar).

Rejecting more structural approaches and "both functionalist and intergovernmentalist theorists," Michael E. Smith (2008, p. 179) goes on to point towards what scholars should look at in empirical research:

Thus, the most relevant reference point for analysing EFP in my view first involves the *measurement of meaningful political change over time*

[emphasis added]. By “meaningful” change I simply refer to unexpected, unexplained (by more orthodox approaches), persistent and demonstrable EFP causes or effects. The EU’s dogged pursuit of ESDP despite the existence of NATO (and previously, the Western European Union) is one possible example; others might include specific EFP operations (such as support for peace operations in Indonesia and Africa) that seem very far removed from the everyday interests of European states. (Michael E. Smith, 2008, p. 179-180)

Examples of that are shown in the case study, e.g., the agreement to ban landmines is difficult to explain by approaches that solely focus on interest because some EU states have or used to have an interest to use them for security purposes, and for others there can be economic interests with companies producing them. The quote from Michael E. Smith, however, has to be read carefully—he seems to address here EFP as well as a DV as an IV therefore referring to “demonstrable EFP causes *or* effects [emphasis added]” (2008, p. 179). This becomes clear and obvious in the next step Michael E. Smith makes regarding the study of EFP.

In regard to a research agenda, Michael E. Smith (2008, pp. 181-182) proposes that EFP can be approached in three ways—as a DV, as an IV, and being a central point for this thesis, as a *sequence*:

Finally, one might attempt to combine both approaches—policy process and content—into a single analysis, either by treating each aspect separately but in sequence (EFP first as a DV, then as an IV, or vice versa); or by attempting to create a circular or systemic model of EFP that incorporates feedback effects or similar processes (such as path dependency). (Michael E. Smith, 2008, p. 182)

As shown, the latter is exactly my aim—providing a model for analysing the development of cooperation in EFP as a sequence of DV and IV allowing also for structure *and* agency. Michael E. Smith goes on to state which data are needed for such an approach:

For both methods the use of time-series data is critical, which further demonstrates the importance of analysing EFP change over time rather than merely comparing it to other reference points (noted above) that may have little or no relevance to the cause-effect relationships under examination. Moreover, if the study of EFP involves the question of EU/EFP “actorness” in world politics then it clearly makes sense to analyse the creation of a new *policy space* over time rather than single policies or “one shot” decisions whose importance may be diluted when taken out of their larger context. (2008, p. 182)

The development of EFP cooperation as traced in Chapter One and the data used as basis for the case study in Chapter Three, aiming at testing and validating the approach to be suggested for analysing EFP development, satisfy the mentioned requirements.

Regarding the pitfalls that researchers might fall into when approaching EFP, Michael E. Smith (2008, p. 180) makes another claim that is important with regard to my research: "A second major mistake involves the relationship between exogenous and endogenous dynamics of EFP, particularly the tendency of some EFP sceptics to focus almost exclusively on the former without appreciating fully the latter (for example, see Posen, 2006)." We came across this point when discussing the definition of the DV by Hazel Smith above. Michael E. Smith points out six intra-European functions of the EFP before concluding:

These specific (endogenous) factors, not vague (exogenous) balance of power or threat dynamics, are equally if not more important in explaining the emergence of EFP since the 1960s. Thus, it is more accurate to say that EFP involves *first*, the institutional construction of a European political or security community (Deutsch et al., 1957<sup>83</sup>), and *second*, the desire positively to influence international problems and assert European/EU "actorness." (Michael E. Smith, 2008, p. 180)

Which points are relevant for my research? First, Michael E. Smith points towards the importance of accounting for dynamics of EFP. As seen in Chapter One, that is one trait of EFP worthy of explanation—we do not see a continuous steady process of development but rather phases with different speeds (sometimes indeed "lightning speed," if we recall the famous statement made by Javier Solana, former HR, regarding ESDP), sometimes in fact also no speed, i.e., being static. Unfortunately, Michael E. Smith gives no hint as to how to account for the dynamics conceptually. The approach to studying EFP development suggested in this thesis will make a proposal concerning that. A second point important for my research, is that Michael E. Smith warns us not to draw a picture of sources of dynamics which is too reductionist. The model to be proposed also allows accounting for endogenous as well as exogenous dynamics. In the case study, the importance of both sources of factors will be proved empirically.

#### **2.1.6. Overall conclusions and potential contribution to the state of the art**

Where do we stand so far in regard to my research agenda? As I argued, and proved in this chapter, the research in respect to my dependent variable is very limited so far, with the works of Michael E. Smith being an exception; therefore, they have been discussed in detail. Thus, Chapter One was devoted to analysing the phenomenon under study in a more inductive fashion pointing out characteristics and puzzles that need to be explained. I derived criteria and requirements that a theoretical approach aimed at conceptualising EFP development should fulfil:

- I elaborated on what the dependent variable in my research is. I used examples to show why we have to take account of it in a more fine-grained fashion, allowing for changes in EFP development below the treaty level as well.

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<sup>83</sup> Note that the reference to Deutsch et al. (1957) is cited in the quotation of Michael E. Smith (2008, p. 180) and is therefore not a citation of this thesis; hence, no reference has been listed.

- I pointed out differences and interrelation of EF policy process and EF development process and the need to conceptualise this relation.
- I pointed out that my analysis focuses on a longer period; actually, it covers decades; therefore, we need a single approach that is constant for the whole period to allow for comparison. I also gave examples of different pace seen in the development of EFP cooperation; therefore, an account for EFP development should be able to conceptualise this dynamic in the development process.
- I showed that there are a potentially huge number of independent variables that stem from different levels and cause change on the DV; so, a model of the process has to be able to account for them. Again, the categories should be constant to allow for comparison.

In the following, I want to relate these findings to the outcome of the discussion of the state of the art in this chapter.

- We have seen that EFP, and the study of EFP development in particular, has not received much scholarly attention. While a certain maturity has been reached in empirical research, we have seen significant gaps and problems in theorising EFP. Also, it seems that the more empirical contributions and the more theoretical ones are often disconnected, hampering progress in the research field. Therefore, the approach taken in this thesis—working in a more inductive way in Chapter One to reveal characteristics of the object of study and defining requirements for an analytical model before developing and testing it—seems valid and justified.
- We have seen different definitions and scope in regard to defining the DV in studying EFP. Most scholars conceptualise the DV in a broader fashion spanning across different levels of analysis. Michael E. Smith (in particular 2004, but also 2008) confirms theoretically and empirically that a significant proportion of the change on the DV occurs below treaty level, so my findings in Chapter One are in line with that finding and it seems therefore desirable to try to account for changes to the DV in a more fine-grained way.
- In Chapter One, I argued that EFP development is a complex phenomenon spanning across different levels and that different but interrelated processes are at work. As shown, some scholars (Ginsberg, 1999; Krahnemann, 2003; Michael E. Smith, 2004, 2008, 2009; White, 1999) carefully pay tribute to the different levels and units of analysis that EFP comprises and therefore conceptualise it as a system. Ginsberg's work (1999) was discussed in detail, as he provides us with the most elaborate model so far and points towards different processes at work in EFP.
- In Chapter One, I argued that we should aim for a single approach to studying EFP development in order to cover the whole development process, spanning decades, and to allow for comparison in empirical analysis. In the discussion on how other scholars define the DV, I revealed the time frame taken as one topic in the debates. As shown, many scholars suggest/work with a longer time frame



when studying EFP (development). Given the discussed limitations in theorising EFP, the gap between theoretical and empirical work and in the problems of case studies (often not theory guided), a single approach seems desirable. Related to that issue, the review confirmed that EFP (development) is a complex phenomenon that is difficult to conceptualise as a DV and influenced by a vast range of potential IVs. This confirms the requirement derived in Chapter One that an approach should have clear-cut concepts and categories for DV and IV that also should be constant over time to allow for comparison in empirical analysis.

- Michael E. Smith (2008, p. 180) has pointed towards a pitfall related to IVs—prioritising exogenous dynamics over endogenous (i.e., from within the EFP system including its member states). This suggestion is twofold—scholars should not overestimate the role of structures (exogenous dynamics) over agency; but, in a more general way, Michael E. Smith reminds us that a study of EFP has to cope with a potentially huge number of IVs from different levels and units, which confirms the findings of Chapter One. The huge number of potential independent variables to be accounted for in analysis is also discussed in-depth by Ginsberg (1999) and White (1999), both also confirming the findings of Chapter One and underlining the respective requirements that have been derived.

Which aspects newly arose from the state of the art discussion that have implications for this research?

- In particular Ginsberg (1999), but also White (1999) and Carlsnaes (2004), have convincingly showed that the structure-agency topic is a crucial aspect of theorising EFP (development). By drawing our attention to the mutual relation of structure and agency in studying EFP and its development, Ginsberg took the debate one step further.
- The short discussion of the “sui generis” debate showed that scholars have to be careful if, and to what extent, concepts from the three major streams (foreign policy analysis, IR, EIT), but also in general, of scholarly inquiry in EFP can be applied or adapted.
- Michael E. Smith’s (2008, p. 179) suggestion of how to account for changes in the DV—“meaningful political change over time” is particularly important as a yardstick for assessing the benefit of the suggested approach when applied in the case study—does it help us to reveal more than existing approaches?
- The most important point that Michael E. Smith makes with regard to my thesis, is clearly the research agenda he sets out (2008, pp. 181-183). In particular, he points out that EFP can be studied in three ways—as a DV, as an IV, and as a sequence. To the best of my knowledge, the latter has not been done by any scholar in any rigorous way. The approach I want to suggest for studying EFP development, however, contributes exactly that—how we can study EFP development as a process conceptualised as a sequence of DV and IVs and empirically test the approach by applying it in a case study.

Finally, given the state of the art in theorising EFP, what is now the CONTRIBUTION this thesis tries to achieve? I have justified my research by drawing on the criteria a research project in social sciences should fulfil, as proposed by King et al. (1994), at the beginning of this chapter: I have argued that an important topic has been by and large overlooked in the literature and that an existing piece of research in one strand of the literature can be applied in another (this will be done 2.2). Therefore, first and foremost I want to contribute an analytical model for studying the development of cooperation in the area of EFP (in particular EPC and what has developed since Maastricht in the second pillar of the EU). As shown in the State of the Art section theorising EFP, and in particular its development, it is still in an earlier stage with significant gaps. Reflecting requirements derived in Chapter One and related to the state of the art in this chapter, the model will provide a more fine-grained account of the DV and clear-cut categories for IVs that can be kept constant over the whole period of analysis.

The model furthermore makes a contribution to the state of the art by carrying on two issues raised by Ginsberg (1999) and Michael E. Smith (2008). Drawing on Carlsnaes (2004), I have traced the discussion considering the DV and specified mine before discussing the current state of the art, as presented by Michael E. Smith (2008, 2009). Michael E. Smith (2008, pp. 181-182) proposes that scholars can study EFP as DV, IV, or a sequence. The model I want to suggest conceptualises the development of EFP as a sequence. As it will be shown, the DV, similar to the suggestion made by Peterson (2001, pp. 294-310) for European integration studies, will be subdivided into three parts, which will allow for a more fine-grained analysis and new insights about the interplay of structure and agency in EFP, as well as determining how to account for dynamics in EFP development. I traced the structure-agency debate and Ginsberg's (1999, p. 433) point that we should also consider the *relation* between structure and agency in theorising EFP. The model will propose how this relationship can be conceptualised, and in the case study we will see if that is feasible and also empirically relevant.

In the discussion of the theoretical state of the art, we found an often-unsatisfactory cooperation of the more empirically orientated scholars of EFP and the more theoretically orientated ones. I assume that the success of both camps is hampered by this condition. Since the model will provide clear-cut and discrete analytical categories for DV, IVs and will conceptualise their interplay, it might work as a connector between empirical and theoretical work in the field. Similar to Ginsberg's model, it is meant to be inclusive, i.e., various approaches of explanation by other scholars and in other areas could be "plugged in."

Limitations: The model is not a theory but, much more modestly, an analytical model for studying and conceptualising the development of cooperation of EFP. It reflects the early stage of theorising discussed above and the warnings scholars have given regarding transferring theories and approaches from other fields to the study of EFP. Having said that reveals my understanding of scholarly cooperation in the field and my vision of the "end of theorising" in the field. I am sceptical that eventually one scholar will surprise us with a grand theory of EFP (development). Rather, I assume that scholars will have to jointly contribute to the puzzle of theorising EFP. Moreover, for advancing and testing hypothesis and theories, we will need empirical work (presumably

mainly case studies), and empirical scholars, in return, can benefit from advances in theorising by providing a clearer focus for their research.

## **2.2. An analytical framework to capture European foreign policy development**

In the second part of this chapter, I will develop the analytical framework for the study of the development of EFP cooperation. It is worth remembering where we actually stand: CHAPTER ONE introduced the specific features of the object of study and specified dependent and independent variables before deriving criteria for an analytical approach towards the object of study. In that respect, Chapter One argued inductively, i.e., from the subject, as to why a new approach towards the study of EFP cooperation is desirable. In CHAPTER TWO, I have discussed existing approaches that were used for the study of EFP, unfolded the debates, and located my research within them. I extended the requirements of an analytical approach towards the study of EFP development elaborated in Chapter One in the light of the discussion of the state of the art in the field in Chapter Two. Based on the work in the thesis so far, I will now introduce an approach to the study of EFP development.

The framework will be developed in the following STEPS: First of all (2.2.1), I will briefly point out which sources I draw upon before (2.2.2) introducing the example (development of cooperation in the area of European Security and Defence Policy) to illustrate the following approach. Finally, I will introduce the analytical tools for getting to grips with the dependent variable (2.2.3) and then the independent variables (2.2.4).

### **2.2.1. The source: An extended policy analytical model for the study of the European Community**

The analytical tools sketched out below, draw on the work of Wolfgang Schumann (1996). I will briefly introduce his main arguments for two reasons: On the one hand, it is important to know where the arguments are rooted, and it has to be asked how far they can be transferred to another context. On the other hand, the work is available only in German and therefore not accessible to most readers.<sup>84</sup>

Schumann's work can be located in the area of integration studies and it focuses on the *first* pillar (EC). Briefly reviewing the theoretical literature dealing with the EC, Schumann (1996, pp. 15-16) draws on the famous image of Puchala (1972), who compares scholars of integration studies with blind men who touch an elephant to get an idea of what it actually looks like. The problem is obviously that they cannot touch the whole elephant but only parts of it. So, they will only solve parts of the puzzle and will not get the whole picture.

Schumann refers to that metaphor in order to point out that there has been too little fruitful exchange between the theoretical works on European integration and the vast number of empirical studies in the area.<sup>85</sup> His central claim is that the *policy dimension*

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<sup>84</sup> The following brief summary rests on Schumann (1996) and Müller (1997).

<sup>85</sup> Recall the similar argument made by Michael E. Smith (2009, pp. 15, 18, 24-25, 32) for the area of EFP as discussed in the review of the state of the art.

has been excluded in attempts to get an analytical and theoretical grip on the EC (1996, p. 17). He convincingly argues that analysing the policy dimension, and that is, to a large extent, how authoritative decisions are made in the EC, enables us to *infer how the EC actually works and the factors that influenced its development process*, i.e., we can infer driving factors of the integration process. This is even more relevant if we consider the long-term perspective, i.e., take a diachronic perspective, in order to understand how the EC evolved (1996, pp. 17, 23). To solve the whole puzzle posed by the EC integration process, Schumann argues that all three dimensions (polity, politics and, in particular, the previously neglected policy) have to be considered. The core argument, however, is that if we study the policy dimension of the EC in a systematic way, in a long-term perspective *we will also derive important factors that influenced the development of EC integration* (Schumann, 1996, p. 23).

Schumann, therefore, critically assesses the tools provided by the policy analysis approach (1996, pp. 73-95, 105-110).<sup>86</sup> Furthermore, and of crucial importance, he asks how the policy analysis tools developed for the *national* level can be used to study the European level. He argues that in principle the tools developed for the national level can be applied to the European level, however, some adjustments are necessary.

Important in my context are the analytical tools he develops to analyse independent and dependent variables, how he conceptualises the interplay between them, and how this leads to his account of the dynamics in the EC development process.

It is not my aim to assess the advantages and shortcomings of Schumann's model for the study of the EC.<sup>87</sup> On the contrary, the question is to what extent his model, designed for the study of EC development, can be applied to the study of EFP development. My main argument is very similar to the one of Schumann's: The study of the development ("integration") process of cooperation in EFP cannot solely focus on the polity dimension (i.e., the various treaties); the study of decision making in European foreign policy (and that means not only decision making at history-making conferences but also in everyday business policy making) may also reveal many factors that had an impact on the long term development of EFP cooperation. All three dimensions (politics, policy, and polity) have to be taken into account to make sure that no important factors are overlooked in the development process of EFP.

An analogy may clarify the point: A friend of mine develops engines for a German car manufacturer. He can infer how the engine will behave in many aspects just by looking at the drafts or the parts of the engine, e.g., if it will provide a lot power at low revolutions per minute. It will be much more difficult, and to a certain extent impossible, for him to estimate how all the parts of the engine will work together in a coherent way just by looking at the drafts or at the model. Many characteristics of the engine will only be revealed through running it in a test laboratory or by test-driving it. For example, they still have not found out why a certain diesel engine needs significantly more fuel depending on if the engine is mounted lengthways or crosswise—all other things being equal. The analogy illustrates that research on the polity dimension and how it evolves (the drafts of the engine and the treaties, in our case) will

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<sup>86</sup> See, for example, Hérítier (1993), Windhoff-Hérítier (1987), and Schubert (2003).

<sup>87</sup> There have been several applications of Schumann's model: Abels (2000), Berg and Berg (1993), Dentz (2000), Müller (1997), and Rössler (1997).

provide us with a lot of information, but it cannot tell the whole story (we cannot anticipate how the parts, e.g., the various EFP institutions, will interact; or how they will behave in their wider context, e.g., across pillars and layers; and, finally, what will be the consequences of their interplay in respect to the development process).

### **2.2.2. The development of ESDP; an example to introduce the approach**

In the following, I will introduce the analytical tools for independent and dependent variables and how to conceptualise their interplay. I will use the development of European Security and Defence Policy (ESDP) as an example. Therefore, I will give a brief outline of the development of ESDP from the Treaty of Maastricht onwards, before specifying the dependent variable in that context.<sup>88</sup>

The striking point about the development of ESDP is pointed out by Howorth (2001, p. 767): "There has been more progress on European security and defence issues since 1998 than in the previous 50 years."<sup>89</sup> Therefore, it was apt that the High Representative Javier Solana compared the pace of the development with "lightning speed." Before stating what actually happened, it is important to recall the previous development as discussed in Chapter One. We recall the *very slow pace* of progress in EFP and in particular the strong resistance primarily from the UK for any closer cooperation in the area of defence. We also remember the *extremely vague formulation* on defence made in the Treaty of Maastricht, also quoted in Chapter One. Therefore, it is most astonishing that we see such a rapid and far-reaching development of cooperation in the area of defence. The task of the tools described in the following will be to analyse and explain that unexpected process.

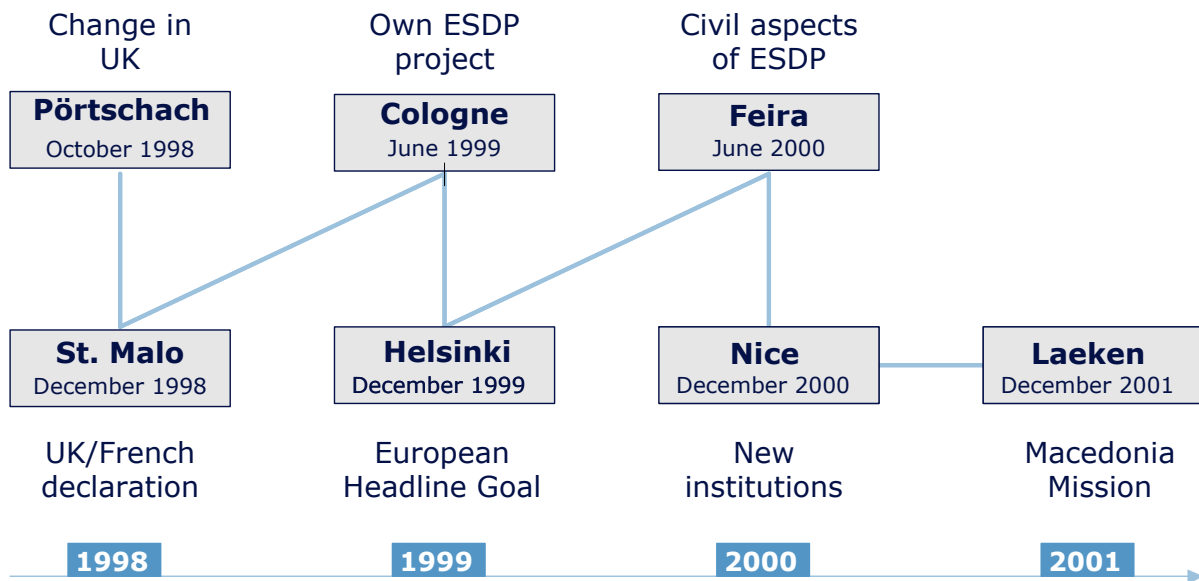
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<sup>88</sup> ESDP quickly attracted attention in the literature (all Internet resources in this footnote were accessed in June 2015): For a literature review, see Bono (2002). For an extensive account covering also the US perspective on the ESDP project, see Hunter (2002). Another rich source for publications concerning ESDP, although usually stressing the security aspect, is the European Union Institute for Security Studies (<http://www.iss.europa.eu/>), and in the publications section, in particular the Chaillot papers. Especially worth stressing are the compilations (European defence: Core documents) of primary sources on European defence conducted by Rutten (2001, 2002), Haine (2003), and Missiroli (2003). From the same source, see also the Chaillot papers from Howorth (2000), Ehrhart (2002), and Ortega (2001) that treat various aspects of ESDP in depth. A further source of publications available online is the ARENA database: (<http://eiop.or.at/erpa/arena.htm>). See, in particular, the various papers of Helene Sjurssen on CFSP and ESDP. On ESDP, see in particular Fröhlich (2002) and Meiers (2000) (both in German) and the rich database of *Hessische Stiftung für Friedens und Konfliktforschung* (<http://www.hsfk.de/index.php?&L=1>). Finally, *Forschungsstelle für Sicherheitspolitik* at ETH Zurich focuses increasingly on ESDP ([http://www.css.ethz.ch/publications/index\\_EN](http://www.css.ethz.ch/publications/index_EN)).

As to literature in the German language on ESDP, Stütze (2001) provides an excellent first account. For more detailed accounts, see Ehrhart (2002) and Müller-Brandeck-Boquet (2002a). See also the series on the Treaties of Maastricht, Amsterdam, Nice, and Lisbon and the Constitution edited by Werner Weidenfeld (1995, 1998, 2001, 2005, 2008) that discuss the treaty changes in the area of CFSP as well as ESDP.

<sup>89</sup> Howorth (2001, p. 767, footnote 6) points to 34 seminal documents between 1998 and 2000. The documents are published in the compilation made by Rutten (2001) by the EU Institute for Security Studies. See Footnote 88.

# The development of ESDP



**Figure 19**—ESDP development from 1998 to 2001

Stützle (2001, pp. 71-76) gives an account of the development of ESDP in the period 1998-2000: At an informal meeting in PÖRTSCHACH (Austria), UK Prime Minister Tony Blair demanded that Europe should stand on its own feet in regard to security and defence and asked his colleagues to make the necessary steps concerning institutions and military capabilities. Indeed, this was a complete turnaround from the previous position of the UK, which was extremely reluctant concerning further cooperation in defence and also any steps that could endanger the relationship to the US and NATO.

The informal initiative led to the UK/French “Declaration on European defence” signed in ST. MALO. The three main points of the declaration are (Stützle, 2001, p. 71) as follows:

- NATO should remain the basis of collective defence; however, the EU should be capable to manage crises under CFSP.
- In order to provide the capabilities to manage crises, institutions and resources have to be built up. However, existing NATO structures should not be duplicated.
- Necessary troops can be recruited either from national or multinational sources or from the European pillar of NATO. This point is mainly due to the fact that some EU states are not in NATO, and some European NATO states are not in the EU.

The ESDP project was pushed under the German Presidency in the first half of 1999. At the COLOGNE SUMMIT (Stützle, 2001, p. 73) it was decided that sufficient political and military structures should be developed to fulfil the Petersberg tasks (mainly humanitarian intervention and rescue missions as stated in Article 17 (2) TEU-

Amsterdam), if necessary also without the support of NATO. The General Affairs Council (foreign ministers of EU member states) was asked to prepare the necessary steps before the end of 2000. One of the tasks was also to incorporate the WEU (former EU military wing) into the EU, since WEU had fulfilled its purpose, i.e., it would cease to exist. Again we see a quantum leap in development as the WEU and EU were strictly separated before.

The HELSINKI SUMMIT (Stützle, 2001, pp. 73-74) brought about, among others, the so-called European Headline goal. By the end of 2003, member states were supposed to be able to provide 50-60 thousand military personnel deployable in just 60 days. At a capabilities commitment conference held in November 2000, member states decided on the contributions of each state. Apart from the military aspects, the decisions taken at the Cologne summit concerning institutions were implemented. The Security Committee was upgraded in respect to competencies and renamed to the Political and Security Committee; in addition, the two military institutions EUMC and EUMS were founded. They started working at the beginning of 2000 and were followed by an institution for the civilian aspect of crisis management. Two things should raise an eyebrow: First of all, some of these institutions were not mentioned in the Treaty of Nice, i.e., they stand outside of the legal framework. Furthermore, we see a remarkable institutional development after a phase of stability that had lasted for decades.

The summit in DE FEIRA (June 2000) (Stützle, 2001, p. 76) mainly dealt with the civilian aspect of crisis management. Among others, the need for police and administrative staff was expressed; thus, the summit recognised the shift from wars between states to intrastate wars, as the example of Yugoslavia showed. Other topics included the interplay between NATO and ESDP and how far non-EU states could participate in actions taken under ESDP.

Surprisingly, if we consider the developments above, the TREATY OF NICE did not bring about fundamental changes in CFSP/ESDP.<sup>90</sup> Previous developments (Maastricht, Amsterdam) brought small to medium changes in CFSP, and no fundamental changes were found outside of the treaty framework. At the same time, we saw the rapid development made at the summits but only little progress in Nice. Which changes were introduced with Nice? With a minor exception, the passages in Article 17 TEU concerning the WEU were crossed out, i.e., the WEU was incorporated into the EU and ceased to exist in its previous form. Concerning the institutions, the Political and Security Committee was contained within the treaties, whereas the military and civil crisis management institutions were not. Only marginal changes were made concerning the decision making process; however, the possibility of closer cooperation ("coalition of the willing") of a smaller number of member states in the area of security and defence policy was incorporated. CFSP/ESDP was clearly not the main topic of the Nice negotiations, because making the EU fit for enlargement heavily dominated the agenda (Regelsberger, 2001, pp. 156-163).

The last step in this short review of ESDP development is the declaration made at the LAEKEN SUMMIT (December 2001): "Through the continuing development of the ESDP, the strengthening of its capabilities, both civil and military, and the appropriate EU

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<sup>90</sup> See Algieri (2001), Regelsberger (2001), Giering (2001), and Müller-Brandeck-Bocquet (2002b, p. 258).

structures, the EU is now able to conduct some crisis-management operations” (Rutten, 2002, p. 120).

The first EU missions were finally launched in 2003: (1) European Union Police Mission in Bosnia and Herzegovina (EUPM), (2) European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL PROXIMA), and (3) European Union Military Operation in Former Yugoslav Republic of Macedonia (FYROM/CONCORDIA), EU military mission in the Democratic Republic of Congo (ARTEMIS/DRC).<sup>91</sup>

Without doubt the development of ESDP is remarkable for various reasons. The pace of development is astonishing after decades of only gradual progress. Closer cooperation in the area of defence is even more astonishing if we consider not only the setup of EFP under EPC, where defence was strictly excluded, but also the inability to reach further provisions regarding defence in the Treaty of Maastricht. Also puzzling is the fact that most of the ESDP project was decided outside of the treaty negotiations during the period between Amsterdam and Nice. Obviously, we want to know what factors (independent variables) caused the remarkable changes reviewed above. However, it is advisable to state the dependent variable more clearly as a first step, and then introduce the analytical tools for conceptualising the dependent variable.

### **2.2.3. Capturing the dependent variable**

In the following section, I will introduce the tool used to capture the dependent variable, and, in particular, the dynamics and changes in it.

As a first step (2.2.3.1), I will briefly reiterate the dependent variable of my research based on the first chapter. As the next step (2.2.3.2), I will reiterate the requirements that an approach to analyse EFP development has to fulfil *concerning the dependent variable*, as already stated at the end of Chapter One and also in the discussion of the existing theoretical approaches at the beginning of this chapter. After the problem has been set (dependent variable) and the requirements for an analytical tool have been stated, I will go on (2.2.3.3) to introduce the tool I have in mind and its source. ESDP development will serve as an illustration.

#### **2.2.3.1. The dependent variable**

TO REITERATE FROM CHAPTER One, the dependent variable, i.e., what I want to analyse is how *foreign policy cooperation among the EC, later EU, member states developed and became manifest* over the course of time. The focus rests on what developed with and under EPC and its successor CFSP (second pillar of the EU since the Treaty of Maastricht).

The most prominent indicators are the provisions in the treaties (and their evolution), as shown in Figure 19. EFP cooperation is specified by defining objectives, means, actors, decision-making procedures, etc. However, as indicated, analysis also has to focus on regulations below, and sometimes outside, the treaty level and informal rules, which indicate changes in cooperation of European foreign policy cooperation. Finally, as

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<sup>91</sup> For previous and current EU missions, see the EEAS webpage (<http://www.eeas.europa.eu/csdp/missions-and-operations/>).



shown, actual actions/outputs of EFP cooperation have to be accounted for. Consequently, three major aspects have to be focused on in analysis: (1) changes in the formal and informal rules specifying and regulating European foreign policy cooperation, (2) changes in the pace of development, i.e., dynamics, and (3) outcomes of EFP.

### **2.2.3.2. Requirements concerning the dependent variable**

The following requirements concerning the dependent variable arose out of CHAPTER ONE:

First, as mentioned, the perspective here is not a snapshot in time, but a diachronic, i.e., examination of the long-term development of EFP. Therefore, the approach must be *general enough to capture the various stages of EFP development*, e.g., the time of EPC and CFSP.

Second, to allow for comparison at different stages in time, we need a *single analytical approach*; otherwise, a long-term perspective would be pointless.

We saw major changes in EFP cooperation due to major intergovernmental conferences, e.g., in the context of the Single European Act and the Treaty of Maastricht and its revisions. Although these conferences often brought about substantial changes, they cannot explain the whole story of EFP development. To reiterate but two examples already mentioned: the role of informal cooperation, particularly for EPC, and the outcomes of various summits in the example of ESDP development described above, e.g., the Cologne summit under German Presidency. We also saw that an aspect of the dependent variable is actions and outputs under EFP—actors and structures without output could hardly be qualified as cooperation. In consequence, an approach has to cover these ever-changing differences in the dependent variable, i.e., has to be *able to account for more fine-grained changes* in EFP development.

I pointed out the interplay of European foreign policy processes and the development of cooperation in EFP. It is desirable that this *interplay can be conceptualised* in the approach.

Finally, I pointed out that first off, development is a process with specific dynamics. It is also highly desirable to take account of the specific *dynamics* in EFP development. Related to that point is the fact that the development processes in the economic sphere and the area of foreign and security policy (i.e., later EC and CFSP development) often *mutually influenced each other*. I will show that in order to consider the impact of this independent variable (development in economic integration) on the dependent variable, it is necessary to conceptualise the dependent variable in a specific way.

Related to the process character of EFP development is also the notion of *path dependency*, as already described. Plainly stated, the idea is that a certain path taken over time can have severe consequences for future developments.<sup>92</sup> A good example is

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<sup>92</sup> In general, see Pierson (1993, 2000). For the position of the concept in the broader topic of institutions, see Hall and Taylor (1996). Related to CFSP, see Michael E. Smith (2001, in particular p. 84-84, 94); for more detail, see Michael E. Smith (2004). For an application towards EU integration, although not explicitly drawing on the concept of path

the extremely vague provisions concerning defence in the Treaty of Maastricht, with only passionate optimists believing they would lead to fundamental changes in cooperation in the area of defence. However, some five years later it proved that the path taken at Maastricht actually paved the way to the ESDP project. Again, I will show that it depends on the design of the analytical tools for the dependent variable to enable us to take account of the phenomenon of path dependency.

Further requirements concerning operationalising the dependent variable arose out of the discussion of the THEORETICAL LITERATURE in the Introduction to Chapter Two:

Drawing in particular on Ginsberg (1999), but also White (1999) and Carlsnaes (2004), I proved that the *structure and agency problem* is particularly relevant for the study of EFP and its development. In our case, the question is not only what effect treaty provisions (i.e., structures, for instance, in the Treaty of Maastricht) have on actors in European foreign policy, but also to what extent actors from various sources may change the rules of the game. One part of that puzzle relates to the interplay of EF development process (structures) and EF policy processes (agency), as illustrated with the Formula One example. Ginsberg (1999, p. 433) draws our attention to the necessity not only to consider structure and agency in EFP but also to think about the relation between the two. The approach to be developed will contribute a suggestion as to how to conceptualise this relation in EFP development.

In particular, Ginsberg stressed the importance of *coherent analytical categories* for the analysis of EFP, which obviously has to be prior to theory building.

From the discussion of the state of the art, we recall that Michael E. Smith (2004, 2008) added two further important points regarding the DV: First, he suggested how to account for changes in the DV—"meaningful political change over time" (2008, p. 179). This is in line with the findings of Chapter One, reiterated above—a reasonably fine conceptualisation of the DV is necessary to account for change in it, even below the treaty level. Second, Michael E. Smith (2008, p. 182) suggested that EFP could be studied as a sequence of DV and IV over time but did not elaborate upon the suggestion. As discussed in the research agenda, that is exactly what the approach to be developed will contribute.

### **2.2.3.3. An analytical tool for capturing the dependent variable**

As already mentioned above, I am drawing on the work of Schumann (1996). He has a similar perspective in trying to explain the European integration process, and in particular its dynamics, although focusing on political and economic integration, i.e., the European Community (first pillar). I am convinced that his toolkit can be adopted with some adjustments for my dependent variable to analyse the development in the area of European foreign policy. Schumann is *splitting the dependent variable in three*,<sup>93</sup> which, among others, enables him to conceptualise dynamics in European integration. I will

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dependency but sailing as "rational choice historical institutionalism," see Stacey and Rittberger (2003).

<sup>93</sup> Similar to Peterson (2001) who differentiates between " 'history-making' decisions," " 'policy-setting' decisions," and " 'policy-shaping' decisions" (2001, pp. 294-295).

briefly introduce the three analytical categories Schumann develops and then state the two underlying criteria for the distinction before discussing the benefits of the concept.

### **2.2.3.3.1. Schumann's analytical categories for policies in the EU system**

Schumann (1996, p. 198) develops three different categories to conceptualise the dependent variable:

**Type I:** Treaty provisions spanning across policy area ("landmark decisions").

These are the landmarks in European integration such as the treaties for the European Community, SEA, and European Union and for revisions such as Amsterdam, Nice, and Lisbon. These treaties do not address a single policy field, e.g., environmental policy, because their provisions usually address all policy fields of the EC/U. Furthermore, Schumann incorporates decisions of the European Council and fundamental decisions of the European Court of Justice.<sup>94</sup> Schumann (1996, p. 198) gives, among others, the example of the European Economic Community, which creates with its central institutions fundamental structures and defines the rules of the game. Furthermore, the EEC Treaty demanded the creation of the Common Agricultural Policy (CAP) (Article 39 and 43).

**Type II:** Treaty provisions in a single policy field.

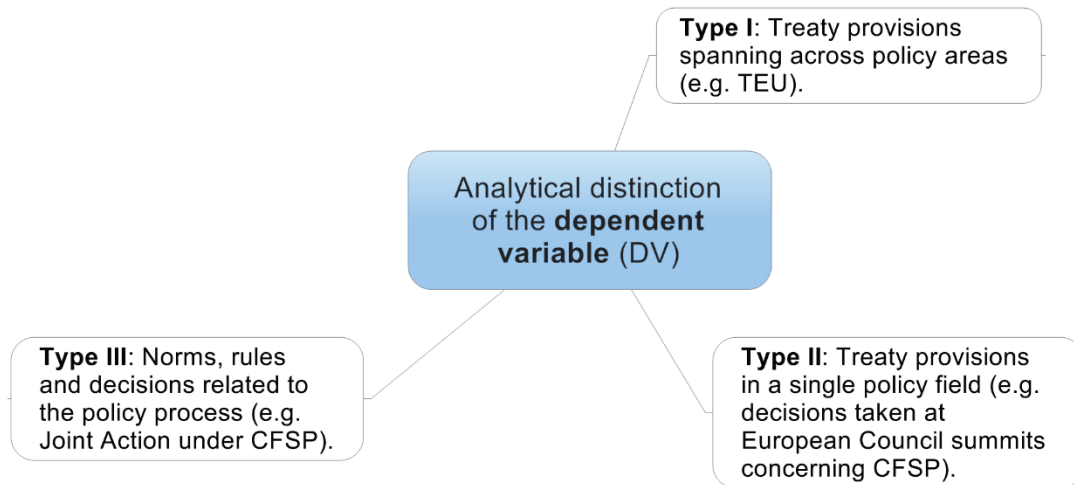
These are also usually landmarks or major steps in development, but they are limited to one policy area. Schumann (1996, p. 198) gives the example of the development of CAP by the Agriculture Council, beginning with the conference in Stresa (1958). Another example he gives is the founding of the Common fishery policy.

**Type III:** "Everyday" policies in a certain policy area.

As examples, Schumann (1996, p. 198) mentions the annual decisions on prices in CAP and the regulation of the amount of lead allowed in fuel (85/210/EEC).

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<sup>94</sup> It should be kept in mind that Schumann primarily aims at the EC. So far, the European Court of Justice has not played a significant role in the development of EFP because it has next to no competencies in that area (but remember provisions regarding ECJ coming with the TL as discussed in Chapter I), which was very much intended by some states in order to prevent integration "through the backdoor."



**Figure 20**—Analytical distinction of the dependent variable

As Schumann (1996, p. 199) points out, the distinction between the three groups is based on TWO CRITERIA:

- If a decision changes the rules of the game and the mutual relationship between actors and, as a consequence, creates different conditions for future decisions; and
- How far changes in the dependent variable affect only one policy field or if there are also implications for other policy areas.

I will only highlight the MAIN ADVANTAGES of this concept in order to concentrate on its application to my dependent variable. Obviously, Schumann pays tribute to the fact that three ideal type<sup>95</sup> processes occur in the EC/EU. They fundamentally differ in content, scope, consequences, i.e., quality and quantity, as well as actors that participate and rules that apply. For example, there is obviously a huge difference between negotiations on the Treaty on the European Union, which were conducted by the heads of the states and governments with decisions made under unanimity, and a regulation in a single

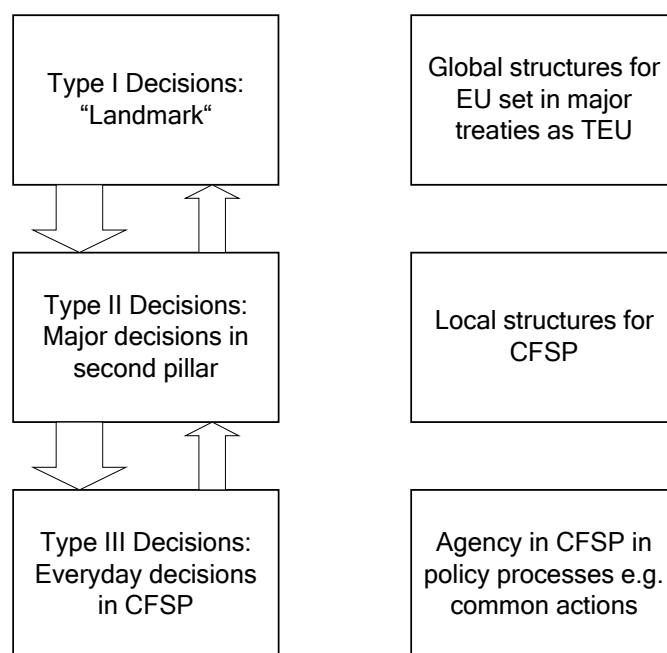
<sup>95</sup> The term "ideal type" refers to the problem that usually not all phenomena neatly fit in all categories, i.e., categories are to a certain extent always questionable. The point is, however, not whether or not they are realistic, but upon which criteria they are based and if they meet the purpose they were designed for.

policy field proposed by the Commission and decided in the Council of Ministers under co-decision and qualified majority vote together with the European Parliament.

The first two categories relate to constitutional policies (primary law), whereas the third category focuses on material policy, i.e., “everyday” business in a certain policy field. In consequence, this distinction allows making much more fine-grained divisions concerning the dependent variable, which is of vital importance considering the various points in respect to the dependent variable problem discussed at length above.

**2.2.3.3.2. The structure-agency problem**

The distinction furthermore enables us to conceptualise the STRUCTURE-AGENCY QUESTION. Obviously, in Type I and II decisions, the structures and rules in a policy field or the whole EC/EU are changed; we can assume that the participating actors will have preferences based on anticipated consequences of the changes, i.e., at the time they make decisions they anticipate their future consequences. These changes in the rules of the game usually directly influence interaction in Type III, i.e., here the changes in structures come to bear, e.g., the provisions concerning the Petersberg tasks in the Treaty of Amsterdam only enable any Joint Action in CFSP (i.e., Type III). So, on the one hand, we see a top-down approach, i.e., provisions in the higher category will affect the following category (1->2->3). On the other hand, separation also allows accounting for bottom-up processes, i.e., where processes in Type III may slowly alter or create structures in the higher categories. Both points are illustrated in Figure 21. This point was discussed in Chapter One with the help of the Formula One analogy, i.e., how rules influence the policy process as well as how the policy process may change rules in time. The point was also salient in the discussion of the theoretical debates, in particular in the context of Ginsberg’s claim (1999) that in EFP we have to account for structure and agency and in particular the relation between the two.

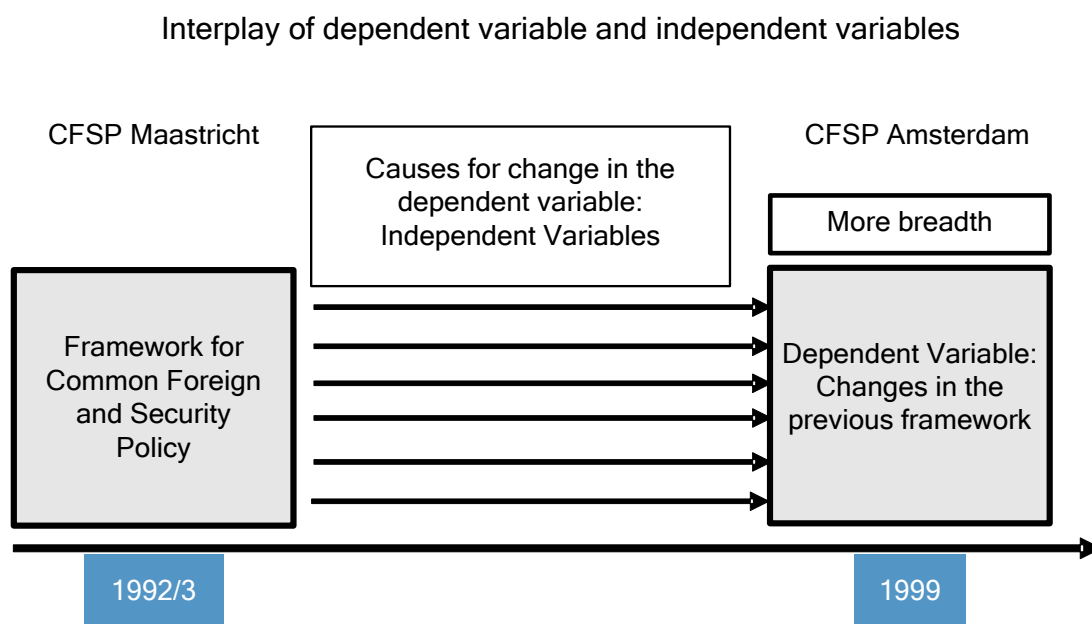


**Figure 21**—Top-down and bottom-up processes in EFP development

### 2.2.3.3.3. Accounting for dynamics in EFP development

Related to the structure and agency problem is the question of how changes in time, and therefore DYNAMICS, can be conceptualised. A fundamental advantage of Schumann’s distinction is that it allows accounting for changes in time. I have repeatedly pointed out the importance of this aspect, considering the focus of my research. Schumann conceptualises dynamics in European integration as *a change from dependent to independent variable*. It is worth recalling that Michael E. Smith (2008, pp. 181-182), as discussed above in the research agenda for studying EFP development, suggested that there are three ways of studying EFP—as a dependent variable, as an independent variable, or as a sequence. As shown, the latter is what is approached here and is one contribution of the thesis.

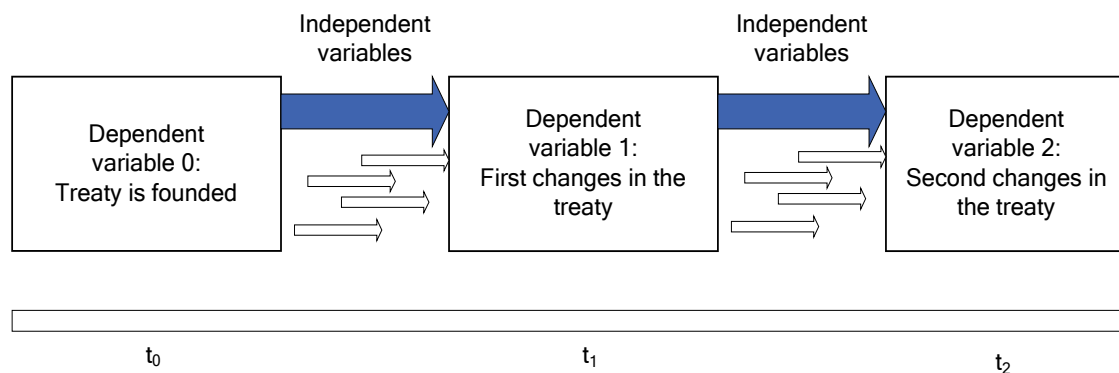
I will introduce the idea step-by-step. From the first chapter we remember the interplay of dependent and different independent variables, as depicted in Figure 22. In the Treaty of Amsterdam some provisions concerning CFSP were changed in comparison to the Treaty of Maastricht, e.g., the Petersberg tasks were incorporated. These changes are the dependent variable.



**Figure 22**—Interplay of dependent variable and independent variables from Maastricht to Amsterdam

I pointed out different independent variables (represented by arrows in Figure 22) stemming, e.g., from the international system such as the Yugoslavian war, which caused the changes from Maastricht to Amsterdam. Schumann’s point, however, is *that one crucial independent variable is the previous treaty itself*, i.e., in our case the provisions concerning CFSP in the Treaty of Maastricht. The underlying idea is that it makes a difference if we establish a new treaty, such as the provisions concerning EPC first mentioned in the Single European Act, or if an existing treaty is changed. In the

former case, everything is written on a blank sheet of paper, whereas in the latter case, the previous framework may have several consequences concerning changes—usually rules that regulate treaty changes are set, e.g., unanimity vote.<sup>96</sup> Furthermore, we will see that the vague provisions in the Treaty of Maastricht concerning the eventual framing of a common defence were one independent variable in the later development of ESDP. As a consequence, Schumann stresses that the dynamics of European integration can be conceptualised as a change of dependent and independent variables in time. The point is illustrated in Figure 23:



**Figure 23**—Dynamics in EFP development: Interplay of independent and dependent variables

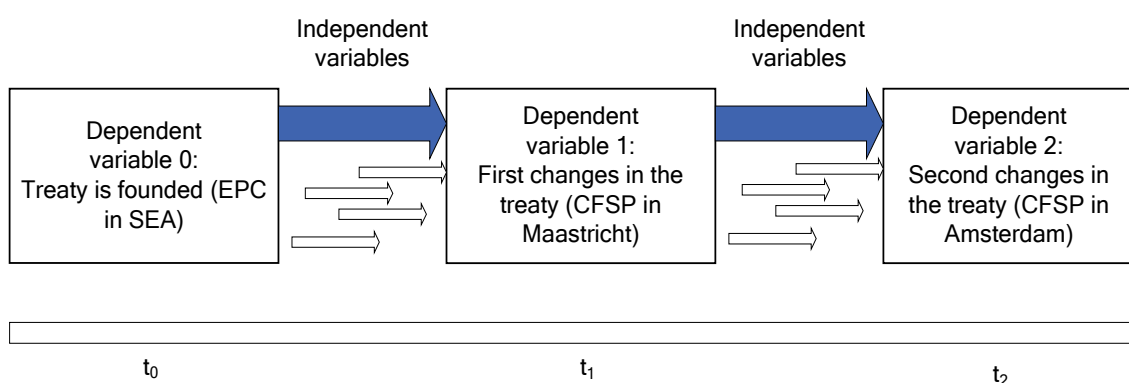
The arrow at the bottom indicates the timeline. Various independent variables (not shown in Figure 23) led to the founding of the first treaty (dependent variable 0). At this stage, provisions are written on blank paper.<sup>97</sup> The huge difference between this step and the following is that the previously dependent variable (here 0) becomes *one* (i.e., one among others) **independent** variable (highlighted in blue colour) when we want to explain the changes from dependent variable 0 to 1. The same holds for the next step: Various independent variables (indicated by the small arrows<sup>98</sup>) explain changes in the dependent variable (2). One, arguably important, is the previously dependent variable (1), i.e., once again, the previously dependent variable (1) becomes an **independent** variable in explaining the new dependent variable (2).

<sup>96</sup> The treaties set the rules of the game. The provisions that regulate how the rules of the game can be changed could be named meta rules. Recalling the sensitivity of the policy field as proved in Chapter One, it is neither surprising nor by accident that the European Court of Justice was ruled out in EFP, i.e., is predominantly unable to change rules or meta rules.

<sup>97</sup> There may be exceptions, e.g., if there already were *informally* codified rules. The idea behind it, however, still holds, i.e., there will be more room for manoeuvre when a treaty is written in comparison with changes to an already existing formally codified framework. We envisaged not revolutions in European integration but steps of evolution, arguably due to the unanimity rule that is applied to treaty changes.

<sup>98</sup> The number of arrows chosen here is arbitrary. Different positions on the timeline should indicate that obviously independent variables may vary in occurrence. It is worth stressing that finding numbers, occurrence and impact of independent variables is an *empirical* question. The framework introduced here is *analytical*, i.e., provides tools to analyse the subject of study and conceptualises the interplay of variables, i.e., provides the “bones,” whereas empirical work is necessary to provide the “flesh.”

To reiterate, Schumann argues that the dynamics in European integration can be conceptualised as this change from dependent to independent to dependent variable and so forth. The following EXAMPLE related to EFP helps to clarify the point. As mentioned in Chapter One, European Political Cooperation got its first treaty basis with the Single European Act. The next step in the development of European foreign policy was CFSP introduced with the Treaty of Maastricht and the subsequent revisions in Amsterdam, Nice, and Lisbon. In Figure 24 it can be easily seen how the dependent variable EPC in SEA becomes an independent variable among others explaining CFSP in the Treaty of Maastricht (dependent variable 1) and how in the next step the dependent variable 1 (Treaty of Maastricht) becomes an independent variable explaining CFSP in Amsterdam (dependent variable 2).



**Figure 24**—Dynamics in EFP development: Interplay of independent and dependent variables (SEA, Maastricht, Amsterdam)

To SUMMARISE BRIEFLY before moving on:

I pointed out my dependent variable and showed the relationship between development and policy process in EFP. I stressed the importance of getting a rigorous analytical grip on the dependent variable. I stated the requirements an analytical concept for my dependent variable should fulfil, as inferred from the findings of Chapter One and the discussion of state of the art in theorising EFP earlier in this chapter.

As the next step, I introduced Schumann’s concept to account for the development process of European integration, with three different categories for the dependent variable as its core. I showed the benefits for the structure-agency question, that is, how far top-down and bottom-up processes can be conceptualised. After that, I showed how Schumann conceptualises dynamics in the integration process as a change of dependent and independent variables.

The example given above concentrates solely on events of the first category (“landmarks”—SEA, Maastricht, and Amsterdam). In the following step, I will show HOW AND WITH WHAT BENEFITS THE WHOLE CONCEPT CAN BE APPLIED TO MY DEPENDENT VARIABLES.

The examples given above draw on SEA, Maastricht, and Amsterdam, i.e., landmark decisions, or Type I decisions in Schumann’s terms. As already proved, the development



of EFP cannot be reduced to a series of landmark decisions. Coming back to the ESDP example, we saw vague provisions concerning defence in the Treaty of Maastricht and, among others, the Petersberg tasks in the Treaty of Amsterdam and only minor changes in the Treaty of Nice. I also pointed out the rapid development of the ESDP process between 1998 and 2001. Most of the development took place outside the landmark treaties, but decisions were made at the various summits. Afterwards, we envisage various military missions of the EU, as already mentioned. In brief, the puzzle deserving explanation is the rapid development of cooperation in the area of security, and in particular defence policy, beginning with the vague provisions concerning defence in the Treaty of Maastricht and leading up to the first military mission of the EU in 2003.<sup>99</sup> This case is worth examining when we recall the fierce resistance of many states over decades to the slightest cooperation in that area. The point is nicely captured in the title of Howorth's (2000) paper: "European integration and defence—the ultimate challenge?"

If we apply Schumann's threefold distinction concerning the dependent variable to the ESDP example, the following result occurs:

Type I decisions (landmark spanning across pillars): in the Treaty of Maastricht primarily the new provisions concerning the possibility of a common defence (Title V, Article J.4 (1)); in the Treaty of Amsterdam the provisions concerning the Petersberg tasks (Title V, Article 17 (2)).

Type II decisions (major decisions in a certain policy field): the various decisions made at the summits as, for example, in Cologne, Helsinki (both 1999), and de Feira (2000), as described above.

Type III decisions (everyday policy in a policy field or here in the second pillar): the decision of the Council of Ministers to launch various military missions via the instrument "Joint Action" (Title V, Article 14 TEU-Amsterdam).<sup>100</sup>

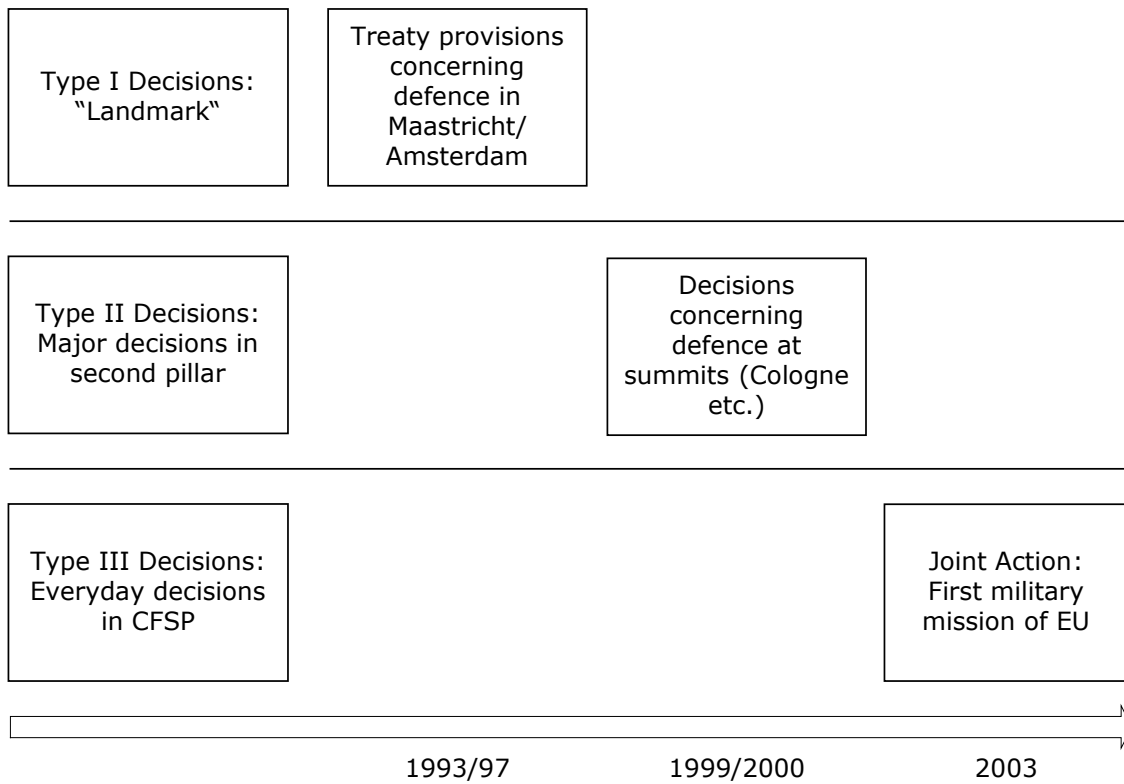
The result is visualised in Figure 25. The starting point for the closer cooperation process in the area is the provisions concerning defence in the Treaty of Maastricht. The first military mission of the EU under CFSP<sup>101</sup> can be seen as a most prominent sign in the development of closer cooperation in the area of defence.

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<sup>99</sup> For an overview of completed and ongoing missions, see (<http://www.eeas.europa.eu/csdp/missions-and-operations/>).

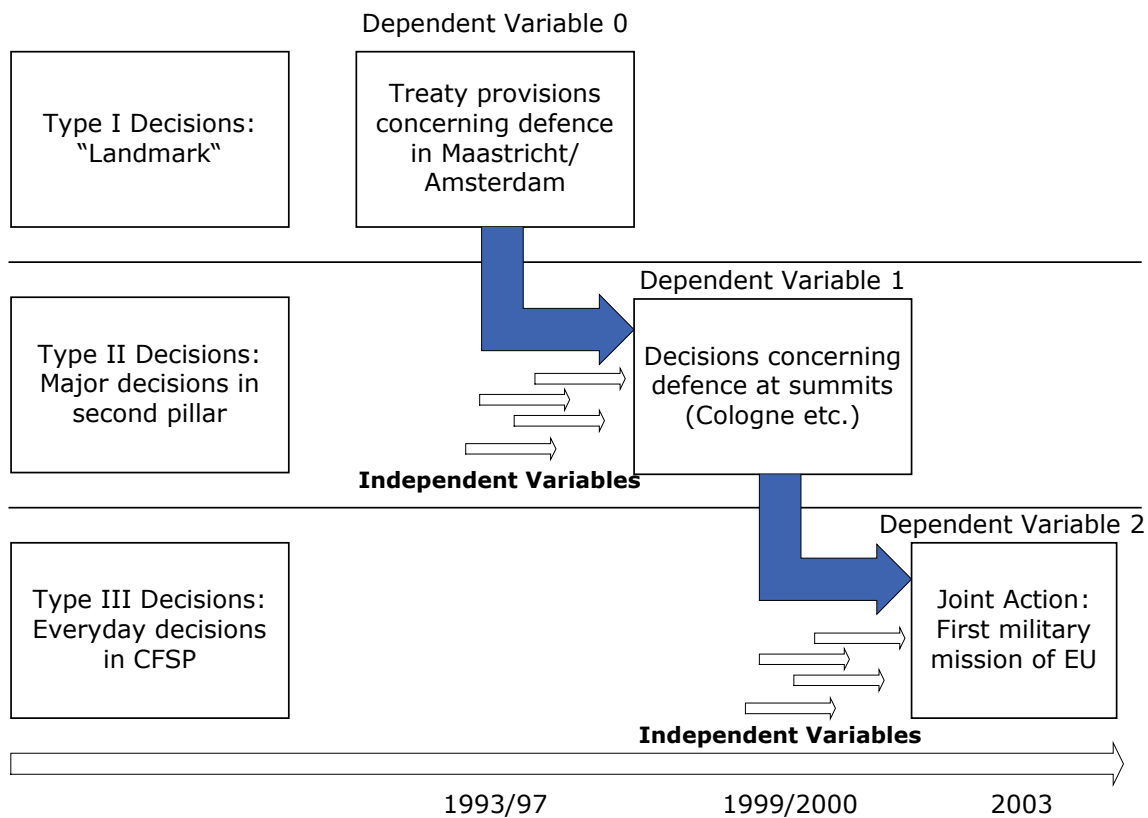
<sup>100</sup> Legal basis and provisions for actions under CFSP/ESDP can be found in the EUR-LEX database (area 18 Common Foreign and Security Policy): (<http://eur-lex.europa.eu/browse/directories/legislation.html>).

<sup>101</sup> Recent focus of academic literature on ESDP (with the Treaty of Lisbon renamed CSDP) could make an impression that ESDP is something separated from CFSP that could or should be analysed in isolation. A look in the EU Treaty (Nice version), however, makes sure that ESDP is one part of CFSP and nothing separate. Furthermore, I argue that the development of CFSP cannot be understood without taking into account the development of EC/EU; similarly, the study of ESDP development should take the CFSP context into account within which it is located.



**Figure 25**—Threefold division of the dependent variable in the case of ESDP development

The ADVANTAGES OF THE THREEFOLD DISTINCTION become obvious in Figure 26, where the distinction between dependent and independent variables is incorporated:



**Figure 26**—Dynamics in the development of ESDP: Interplay of dependent and independent variables

The development process of ESDP can be subdivided into its relevant parts, i.e., the various dependent variables. Therefore, we have a much more *fine-grained analytical tool* that focuses not only on landmark decisions. The outline of the ESDP development given above proves that concentrating on landmark decisions could not explain the development of cooperation in European defence. In short, all relevant pieces (dependent variables) of the puzzle can be captured because we can also account for changes in cooperation below the treaty level.

The *interplay of the parts* can be captured: ESDP development is not a series of isolated events; we see the *dynamic element* of its development that can be captured as change between dependent and independent variables—the provisions made concerning defence in Maastricht and Amsterdam (dependent variable 0) become one crucial independent variable in explaining the next important step in ESDP development coming with the decisions at the various summits 1999/2000 (dependent variable 1). In the same way, the next step from dependent variable 1 to dependent variable 2 can be conceptualised. It is worth stressing that I do not assume a causal relation—the provisions in the Treaty of Maastricht did not cause the following ESDP development, but the latter would have been impossible without the former.

The *structure and agency problem* is addressed: As already pointed out above, Type I and II decisions usually result in structures (e.g., treaty provisions) that provide the framework for action under Type III. As already proven, the process works not only top-down (I->II->III) but can also work bottom-up over the course of time, e.g., when

failure in CFSP policies prompts change in the structures (Type I or II decisions), or when close cooperation that was established over time is finally moulded in structures, as in the case of EPC. Connected to the point is the *relation between EF policy process and development process*. The policy process is located in category III. In Chapter One, I used the Formula One example as an analogy to illustrate the relation between the two processes. The distinction allows us to conceptualise the influence of the structures (Type I and II) on the policy process (top-down) and enables us to take into account potential effects of the policy process on the structures in the course of time (bottom-up).

When the interplay of the two processes is conceptualised like this, we can also derive an important implication for *empirical research*:<sup>102</sup> A thorough study of the policy process (Type III) can give us important insights about the driving factors of the development process of European foreign policy cooperation (Type I and II), e.g., shortcomings in European foreign policy became obvious in the case of Yugoslavia or Iraq and in part reflect problems in the structures of the CFSP project. Here policy analysis can be reintroduced: The elaborated tools of (foreign) policy analysis<sup>103</sup> can help us to analyse level III thoroughly in order to derive information about the driving forces or obstacles in the development process of EFP cooperation.

It is worth pointing out the crucial difference between this approach and the approaches discussed at the beginning of the chapter: The claim is not to give the best explanation for instances in European foreign policy via policy analysis. The *aim is to derive important information about the development process* in the sense of “integration.” The claim is that we can derive some more valuable information about the driving factors and obstacles of EF development process (“integration”) by studying the EF policy process.

By now, we have an analytical tool for studying my dependent variable and, in particular, changes in it in a fine-grained fashion. Furthermore, we can also account for dynamics in the development process, and the relation between structure and agency in EFP is conceptualised. The next step will introduce the tool for the independent variables. The main task will be to manage the huge number of independent variables, i.e., the complexity.

#### **2.2.4. An analytical tool for capturing independent variables**

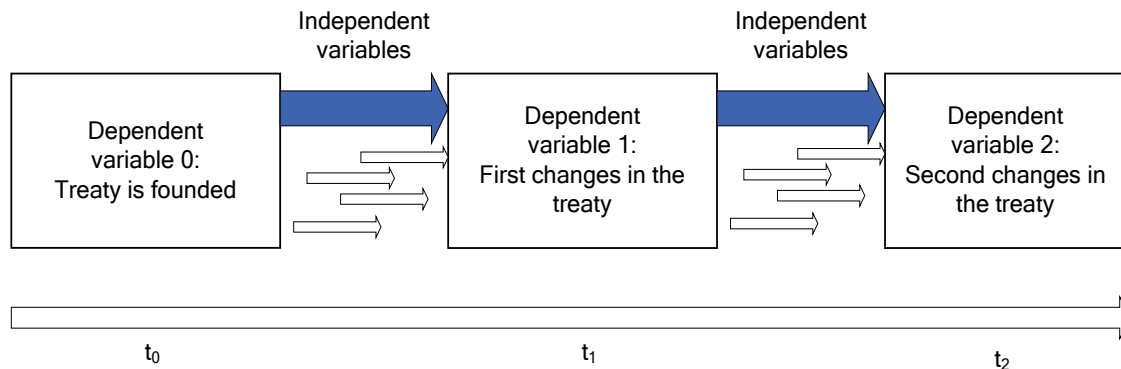
Figure 27 illustrates the interplay between dependent and various independent variables. As said above, the number of arrows chosen in the figures is arbitrary. In fact, we can imagine that many more independent variables caused, for example, the change from European Political Cooperation as stated in the Single European Act to

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<sup>102</sup> We recall the problems Michael E. Smith (2009, pp. 15, 18, 24-25, 32) highlighted in many of the empirical works (case studies) of EFP—many of them being rather eclectic and many not located in a theoretical framework and/or not testing/advancing theories. The approach suggested here may help advancing on that problem.

<sup>103</sup> White (1999), as shown in the discussion of the existing literature, analysed in depth potential contribution of (comparative) foreign policy analysis to the study of EFP. Schumann (1996) proved how the tools of (national) policy analysis could be used for the study of EC policy processes.

CFSP introduced with the Treaty of Maastricht. The same holds true, of course, for the development of ESDP as illustrated above.



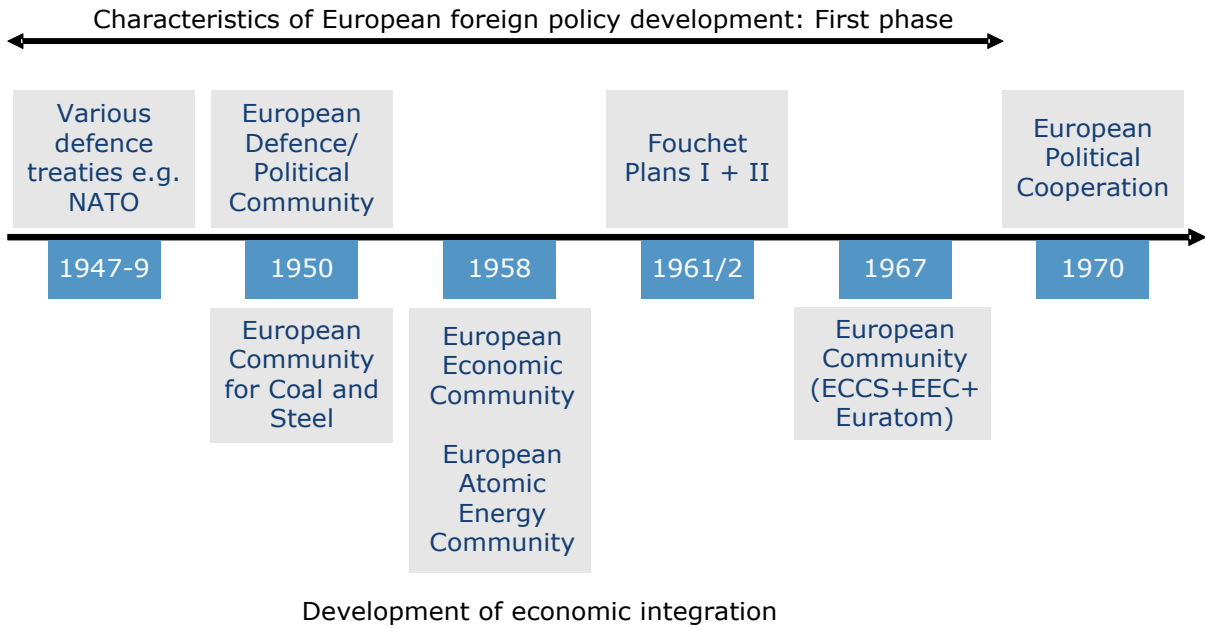
**Figure 27**—Dependent and independent variables in EFP development

Obviously, for the researcher this results in the following problem: All the relevant independent variables should be found, i.e., nothing omitted a priori, for the reasons argued at length in Chapter One. Then, however, the researcher will be faced with overwhelming complexity<sup>104</sup>—the huge number of variables. Therefore, it seems desirable to have a reasonable number of abstract analytical categories capable of subsuming all independent variables. The most common examples for such categories are, probably, structures and actors.

Furthermore, due to the perspective taken here a specific point is revealed. As already argued at length, my focus rests on the development of European foreign policy cooperation, i.e., the perspective taken is similar to those of integration studies focusing on the EC. This, however, implies a long time line, as already argued above. To recall the main events discussed in Chapter One, see Figure 28, Figure 29, and Figure 30, which mark the major steps in EFP development and deserve explanation.

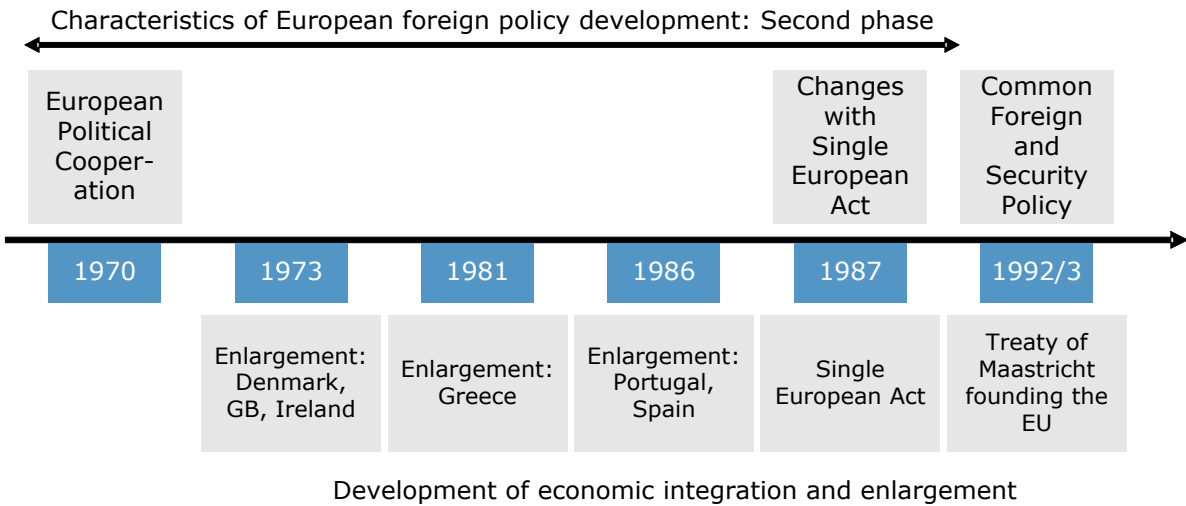
<sup>104</sup> The point was also addressed by White (1999) and Ginsberg (1999), as discussed at the beginning of this chapter.

**First phase in EFP development:**

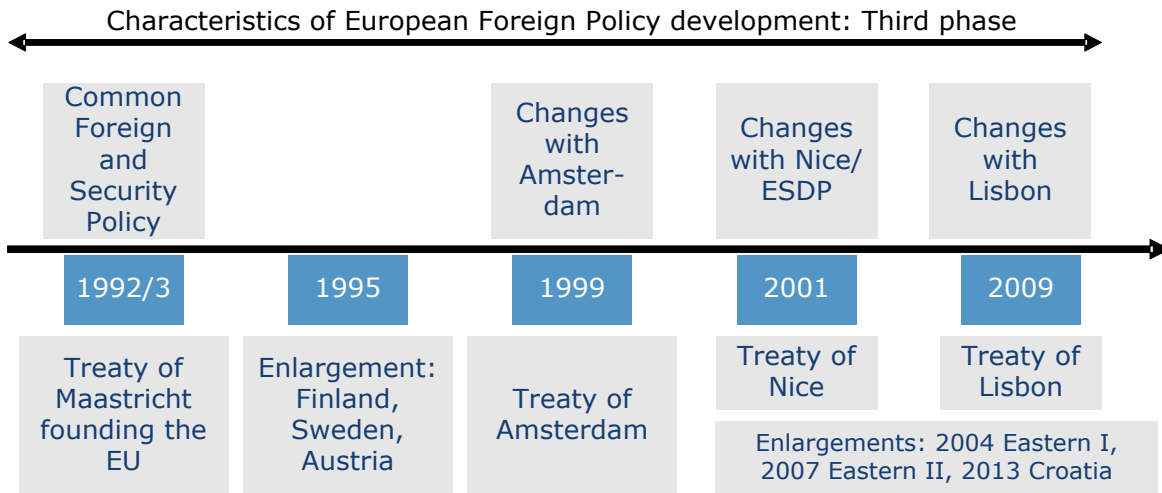


**Figure 28**—First phase in EFP development

**Second phase in EFP development:**



**Figure 29**—Second phase in EFP development



Development of economic integration and enlargement

**Figure 30**—Third phase in EFP development

The not so obvious point is that the analytical categories should be *constant* for the whole period in study in order to *allow for comparison*. For example, as a first step, we could search for the independent variables that caused the changes concerning EFP from Maastricht to Amsterdam. As a second step, we could use the same analytical categories for finding/analysing independent variables that caused the changes from Amsterdam to the Treaty of Nice. As a third step, we could compare to what extent the two sets of independent variables are different or similar.

The underlying question is how we can detect independent variables that had lasting effect on the development of EFP (e.g., the Cold War); or, on the contrary, if we have to think of the development process of EFP with all its steps, as indicated in Figure 28, Figure 29, and Figure 30, as a series of isolated steps, each having little in common in regard to the independent variables that caused them. It should be clear that an answer to that question is of central importance as it has far-reaching implications for theorising EFP.<sup>105</sup>

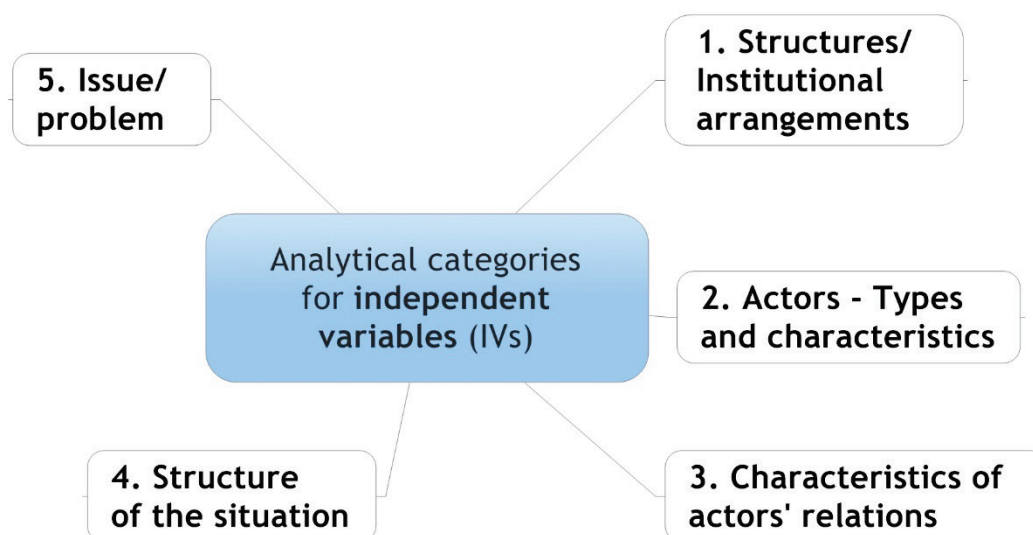
Considering the points made above, a tool for dealing with the independent variables has to fulfil two criteria: **FIRST**, it must be able to deal with all possible kinds of independent variables, i.e., it must provide categories that are abstract enough to subsume all kinds of independent variables.<sup>106</sup> **SECOND**, it has to be *one constant* tool (i.e., analytical categories) in order to allow us to compare the different sets of independent variables in the various stages of EFP development. The same relates to

<sup>105</sup> This is relevant for the approaches discussed above that try to explain “everyday” EF policy processes, and even more for this study, which examines the EF development processes.

<sup>106</sup> As usual, building categories is a trade-off: There should be a manageable number of categories in order to help us to cope with complexity; however, if categories are defined in too broad a manner so that they can subsume nearly everything, they will not be able to fulfil their analytical purpose. Furthermore, categories have the tendency to be less clear-cut than we would wish them to be.

events belonging to the three different classes of dependent variables, as introduced above, at *one single* point in time.

In the following, I will suggest five categories for getting an analytical grip on the independent variables. I believe they are suitable to meet the two criteria set above. The categories draw on the work of Schumann (1996). As already mentioned, Schumann focused in his work mainly on EC/first pillar. He has to cope with various policy fields (first pillar), which sets specific requirements for his approach. With EFP, I only focus on one policy field, or later pillar (second pillar of the EU), i.e., the range of phenomena to incorporate in my approach is much smaller. However, as argued in Chapter One, the interplay between the pillars has to be incorporated, i.e., I cannot solely focus on EFP development. In consequence, the five categories must be able to satisfy this requirement. The categories will be introduced step-by-step. I will not discuss origins or purpose of the categories in Schumann's work but concentrate on the applicability to my work.



**Figure 31**—Categories for independent variables

#### **2.2.4.1. First category for independent variables: Structures/institutional arrangements**

The effects of structures have already been discussed in the theoretical section above, mainly in the context of various realist and institutionalist accounts and the structure-agency debate. Simplifying a vast debate, a lowest-denominator consensus on the



effects of structures could be that they are channelling action in certain directions. They make certain actions more likely either by enabling or constraining actors.<sup>107</sup>

So, what belongs to this category in the context of EFP?

Most obviously, the provisions laid out in the various treaties (EC/EU). To a large extent, these treaties govern (1) aims, scope, instruments, etc. of EFP,<sup>108</sup> as well as (2) the status of EFP in the EC/U. As already mentioned in Chapter One, EFP differed very much from other policy fields in the EC as it became incorporated very late in a treaty, i.e., with the Single European Act. This reminds us that structures do not have to be written down but can be informally codified.<sup>109</sup> Schumann (1996, p. 231) furthermore incorporates the LEGAL SYSTEM at the supranational level, e.g., not only the distribution of competencies between the various institutions but also the decision making procedures. As already pointed out in Chapter One, provisions concerning the institutions involved vary significantly between the EC and CFSP pillar. We saw that the European Court of Justice has very limited competencies in the second pillar, and that the Parliament has de facto very limited competencies as well. Interestingly, the Commission was granted full participation under Article J.9 in Title V of the Treaty on European Union (from Maastricht onwards), but nobody doubts that the Commission plays only a minor role in the second pillar. Furthermore, concerning the decision rules, we face a rather convenient situation<sup>110</sup> with unanimity de facto prevailing ever since cooperation in EFP was launched.

Another set of STRUCTURES can be found AT THE MEMBER-STATE LEVEL. National legal systems and/or constitutions often had severe effects on the development of EFP. Examples were already been given in Chapter One, but just to recall a couple: the neutrality of some states and the problem that German troops could only be sent in very limited cases.

A final set of STRUCTURES/RULES can be located AT THE INTERNATIONAL LEVEL. States in geographical Europe belong to different kinds of organisations/alliances such as EU, former WEU, NATO, OSCE, etc., to mention just the political/military organisations. Implications concerning the development of EFP and in particular ESDP arose, for example, concerning the question as to how far the EU may use NATO resources (Berlin

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<sup>107</sup> The idea is captured nicely by the two-filter model of Jon Elster (1999, pp. 13-21): From the huge set of possible actions, a vast range is ruled out by various constraints (e.g., although I feel like having a holiday, a quick look at my bank account and a discussion with my partner will rule out certain options). The question in the second step is why I actually choose a specific action (e.g., a day climbing in Franconian Switzerland) from the remaining set rather than another (e.g., visiting friends at Lake Constance).

<sup>108</sup> The provisions for EFP are laid out in Title V of the Treaty of Maastricht. Here it is, however, most important not to confuse dependent and independent variables: As argued above, *previous* treaty provisions (e.g., Treaty of Maastricht) concerning EFP are one important independent variable to explain *following* changes in the treaty provisions (then Treaty of Amsterdam as a successor analysed as DV).

<sup>109</sup> The point is related to the debate on institutions or, in particular, the new institutionalism. See, for example March and Olsen (2004) and North (1990). For an excellent account of the vast debate, see Hall and Taylor (1996).

<sup>110</sup> For the researcher, as it works as an "other things equal" clause.

Plus agreement. The case, as already discussed in Chapter One, shows how a non-EU but NATO member (Turkey) could influence the development of ESDP.<sup>111</sup>

IN SUMMARY, we can identify four different sets of structures that come to bear in EFP development: at the supranational level (1) structures in EPC, or later CFSP, and (2) structures of the EC/U; at the national level (3) structures in the member states; and finally (4) at the international level various structures arising primarily from membership in various organisations. Obviously, the number and impact of the various structures differs significantly.

#### **2.2.4.2. Second category for independent variables: Actors—types and characteristics**

This second category is also quite familiar. Obviously, actors act and not structures; so we have to get a grip not only on the various kinds of actors but also on the factors that cause their actions.<sup>112</sup> So how can we get an analytical grip on actors and actions in order to examine their effect on changes in the dependent variable?

Schumann (1996, pp. 235-239) proposes the following distinctions:

As a first step, he divides between ACTORS (1) and their CHARACTERISTICS (2).

##### (1) ACTORS

- Individual actors vs. corporate actors
- State actors vs. non-state actors

Both divisions should be evident. The former points towards collective action phenomena and its consequences on decision making, the latter—mainly towards differences in power and legitimacy.

Furthermore, he differentiates actors' location:

- The various levels on which actors can be located
- The policy field they belong to

The former division of levels is already familiar from the last category (structures). Obviously, different games with different rules are played at various levels. However, we should be more aware of the fact that the division is ambiguous in our context: For example, a foreign minister acts at different levels (national, EU) and, additionally, at the EU level in different pillars. The latter distinction is less important for EFP context as we deal with a single policy area. The area of defence might develop a slightly different

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<sup>111</sup> Turkey's consent to the Berlin Plus agreement was required as a NATO member, but Turkey used the issue to gain influence on the Cyprus question, i.e., the conflict between EU member Greece and non-member Turkey. For an in-depth assessment of Turkey's role in CSDP, see Blockmans (2010).

<sup>112</sup> A look at Berger (2004), Hollis (1980, 1999), and Hollis and Steve Smith (1991) reveals that the line between structures and action is finer than we would expect at first glance.

position within CFSP because it has a strong economic component; however, the difference is not that big as, for example, between social policy and common agricultural policy in the first pillar.

## 2) ACTORS' CHARACTERISTICS

- Belief systems
- Interests

In the case of corporative actors, Schumann stresses the importance of acknowledging the effects of the internal structures of the respective organisations they belong to.

Schumann's categories of ACTORS (individual/corporative, state/non-state, levels, policy field) suggest that actors' behaviour will be influenced by their wider context, e.g., the same actors will behave differently in various policy fields, or if they act as individuals rather than as part of an organisation. In that respect, the function of the categories is not so much different from that of the structures of the first analytical category (structures). These structures are just not as visible—they are more incorporated or internalised by the actors rather than limiting their behaviour from outside, e.g., a decision procedure.

ACTORS' CHARACTERISTICS, on the contrary, ask why somebody chooses a certain kind of action over another from the remaining set of actions left after the structures rule out some of them.<sup>113</sup> This is definitely the point to show one's colours. Needless to say, it is one of the hottest debates in social science with two broad camps (explaining vs. understanding), which was briefly discussed at the beginning of the chapter. Schumann chooses not an either/or position but a little bit of both. He incorporates actors' value systems (drawing on the work of Sabatier) *and* interests. The crucial point is that Schumann (1996, pp. 237-248) is able to show that in his three categories of dependent variables both broad factors play a role, although with varying impact. Therefore, the "little bit of both" approach seems justifiable. In that context, it is worth repeating that Schumann (and I) aims to analyse the development/integration process over decades, and it has already been shown that this process cannot aptly be reduced to a series of history-making decisions. I also want to stress that one explicit aim was to provide an analytical approach that should not neglect variables a priori, as a theoretical approach by definition would.<sup>114</sup>

How can the categories be applied to EFP and its requirements, as discussed in Chapter One?

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<sup>113</sup> In that respect, Schumann's argument is similar to Elster's two-filter model. Elster took structures as a first filter that ruled out certain courses of action among the myriad of possible actions. In the second step, he asks why actors choose a specific kind of action from what is left after the first filter (Elster obviously favours a rational choice argument). The point is that Schumann seems to blur the line in his actors category, i.e., he also has two separate categories for structures and action, but the actors category seems to contain a good proportion of structure as argued above.

<sup>114</sup> Recall the still very early stage in theorising EFP as discussed at the beginning of the chapter (Bergmann & Niemann, 2013; Carlsnaes, 2004; Ginsberg, 1999; Howorth, 2001; Knodt & Princen, 2003; Michael E. Smith, 2009; Tonra & Christiansen, 2004).

CONTRIBUTION REGARDING LEVELS OF ANALYSIS: Concerning actors as independent variables, we recall that we cannot concentrate only on the second pillar—the first pillar has to be acknowledged as well as actors at the member-state level; the same holds for the international level. Actors can be found at various levels and pillars if we recall the discussion of White above.<sup>115</sup> Therefore, division into three levels (national, European, international) and at least two pillars (EC, CFSP) seems apt.

Although a great deal of EFP development may be due to landmark negotiations between the heads of the states and governments, I showed that a good proportion, particularly during the time of European Political Cooperation, was due to frequent interaction at lower levels.<sup>116</sup> Therefore, Schumann's division between INDIVIDUAL and CORPORATIVE ACTORS seems to be equally applicable to my research context. Note the advantage of the threefold division of the *dependent* variable in that context: In Type I (landmark) decisions, individual actors (e.g., the heads of the states and governments) may play a much bigger role than in Type III decisions (everyday policy in EFP), i.e., we are able to differentiate in a much more fine-grained way, which is obviously necessary when we recall the discussion of the theoretical approaches above.

The division between STATE and NON-STATE ACTORS seems to be less important in EFP in comparison to Common Agricultural Policy (Schumann aimed at the first pillar). However, if we recall not only the protest of millions of people against the Gulf War but also the increasing interests of, for example, the defence industry,<sup>117</sup> non-state actors play a role in EFP development and therefore should not be omitted a priori.

The actors' origin, i.e., Schumann's POLICY FIELD distinction, seems less important for my context because, contrary to Schumann, I do not want to explain the whole EC development but just want to concentrate on EFP, which is relatively isolated from other policy areas.

More difficult is the question HOW TO ACCOUNT FOR THE REASONS OF ACTORS' BEHAVIOUR, i.e., the question why they choose a certain type of action from the remaining set, after various constraints (structures, institutions of the previous category) have been imposed.

Here it is important not to step in the trap of traditional realist accounts that stem from International Relations theories. Evidence has been given as well in the analysis of Chapter One, as in the theoretical section, that we cannot reduce EFP development to pure self-interest and rational action. It is worth stressing that I assume that at the

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<sup>115</sup> For an in-depth analysis of the actors in Europe's foreign policy, see also the series of case studies edited by Christopher Hill (1996).

<sup>116</sup> This point is studied empirically in depth and linked to a theoretical framework by Michael E. Smith (2004).

<sup>117</sup> A particular interest may arise from the founding of the European Defence Agency by a Joint Action of the Council on 12 July, 2004. Defence is also a massive market, and with the founding of the agency, actors belonging to the economic sphere will try to gain influence. In consequence, the line between defence policy and economic policy will be blurred. (Council of the European Union (2004) Joint Action 2004/551/CFSP of 12 July 2004 on the establishment of the European Defence Agency, Official Journal OJ L 245/17, pp. 17-28). For full text of the Joint Action, see the EUR-LEX database <http://eur-lex.europa.eu/homepage.html> retrieved June 2015.

early stage of theoretical development we should aim at a flexible framework that is able to account for various sources of action. The point is that it is an *empirical* question to find out which reasons motivated actors at the various stages of EFP development. The threefold division of the dependent variable will help as it provides a more fine-grained division of the items in analysis, allowing also to account for different IVs that caused change on the DV. It may very well be that for Type I (landmark) decisions, Moravcsik's argument (1998) regarding the most influential independent variables is applicable; however, regarding EFP we cannot be sure at the current stage of empirical work. Strong evidence was given for the role of deeply rooted values in EFP development in Chapter One. On the contrary, it seems plausible that in the three different categories of dependent variables in EFP different reasons make actors choose specific courses of action.

In any case, the twofold distinction between actors and their characteristics seems plausible in the context of EFP development. The first category (actors) broadly locates actors in their context and allows incorporating a broad range of actors from various sources, which is important because we have seen that EFP development is not at all determined by actors located in the second pillar or by the main figures at the member-state level. The second category (actors' characteristics) addresses the reasons why actors choose a certain way to act. By intention, this category may incorporate a broad range of items in order not to step into the "realist trap," as described above. Again it has to be stressed that it will be an empirical question to find out which independent variables influenced the course of EFP development at various stages in time.

#### **2.2.4.3. Third category for independent variables: A grip on interaction—characteristics of actors' relations**

In politics, we see not only structures and actors but also *interaction*. The following category supplements the two previous ones, in particular the actors category. What is the advantage of an additional category? So far, we only have a certain number of people who are constrained by various structures and who only choose among a limited set of actions in regard to EFP. Their choices may be motivated by various sources, as outlined above. However, rarely, if ever, will they achieve their goals alone but are dependent on others, i.e., they have to interact with other actors.<sup>118</sup> The most common image that may immediately come to one's mind is a meeting of the heads of the states and governments or foreign ministers of the EU in a more or less fancy place, and after several late sessions, an agreement is finally made at 3 a.m. (and quite often none was made). The category tries to get a grip on the question how interaction takes place in EFP, what outputs (intended/unintended) occur, and what factors cause them.

In order to fulfil the task mentioned above, the category is subdivided into three further categories based on Schumann's (1996, pp. 251-252):

- the locus where interaction primarily takes place;

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<sup>118</sup> The terms "actors" and "agents" are used interchangeably here. I did not choose "agents" because it has a strong connotation of game theory. As it will be seen shortly, concepts of game theory may be "plugged into" that category, but the category cannot be reduced to game theoretical concepts.

- exchange- and power relations; and
- intensity and manner of relations.

Where (inter)action primarily takes place

This subcategory asks where interaction primarily takes place with the common threefold distinction between national, European, and international levels. The distinction can take account, for example, of the early stages of EFP under European Political Cooperation when some member states wanted to avoid any “supranational contamination,” which led to the absurd situation described in Chapter One, when foreign ministers met in the morning as the General Affairs Council and in the afternoon in a different place under EPC. Obviously, some member states wanted to prevent what would now be called Brusselisation:

Briefly, this concept means that “while the relevant competencies do remain ultimately at the disposal of the Member States, the formulation and implementation of policy will be increasingly Europeanized and Brusselized by functionaries and services housed permanently at Brussels.”<sup>119</sup> This increasing tendency to “cross-pillarise” many security and defence aspects, which already makes it difficult to state that CFSP/ESDP (European security and defence policy) is a mere sum of 15 national security and defence policies, together with the “mushrooming” of new security and defence institutions that are asymmetric in terms of membership and competences are factors that contribute to blurring the delimitation of responsibilities on security and defence issues. (Barbé, 2004, p. 48)

Although analysing from the perspective of democratic accountability, the quote also underlines the problem posed by EFP to the researcher as mentioned above. EFP takes place at different levels, and obviously this “matters.” The quote points towards the tendency of own dynamics of the institutions located in Brussels, i.e., they may develop goals different from those of member states. Furthermore, we have to take into account that action taken in Brussels is far less under control of national constituencies. It also matters from a different perspective if we recall that EFP is a supplement, not a substitute, to national foreign policies of EU member states, i.e., there are parallel tracks in foreign policy, as discussed in Chapter One. Frequently in EFP development, initiatives for further development were launched at the national level as, for example, by the French-German “locomotive.” Obviously, in such cases, other rules apply and different proposals are made than when an initiative is launched at a European summit.

With “cross-pillarisation” another point is addressed that can be captured by this category—the degree of isolation of a policy field. Policy fields in the EU are rarely totally isolated and have no implications for other policy fields. During interaction, actors may have requirements of other policy fields in their mind as well—if we, for example, consider Type I decisions (dependent variable “landmark”) when the heads of the states and governments have various decisions to make with the possibility of trade-offs, etc. between various policy areas. This situation very much differs from a Type III decision in the second pillar, which is prepared and implemented in relative isolation from other

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<sup>119</sup> Müller-Brandeck-Bocquet (2002b, p. 261) is being directly quoted by Barbé.

policy areas. The threefold role of a foreign minister and the implications have already been discussed, and the increasing influence of economic aspects in ESDP was underlined by the founding of the European Defence Agency.

#### **2.2.4.3.1. Resource dependency and power relations**

This category addresses two aspects:

The first aspect covers the following: How far are actors in EFP dependent on resources of other actors when achieving their goals? What resources actually constitute may vary significantly within the context of EFP: information/expertise, financial resources, public support, all kinds of military capabilities,<sup>120</sup> and the rite of passage over neutral EU states in the context of ESDP missions, etc. In the context of EFP, resource dependency can also have an external dimension: How far is the EU dependent on non-EU actors (e.g., non-EU states or international organisations) in achieving its goals under EFP? The degree of resource dependency (be it within the EU or between the EU and external actors) can vary on a continuum between autonomy and total dependency.

The second aspect of this category addresses the power relations among the actors involved in EFP. This refers to the distinction between vertical and horizontal coordination. The former case is usual for all kinds of “classical” organisations, such as states, companies, and armies in particular—the rank determines who has the right to make a decision. On the contrary, horizontal coordination takes place among actors of equal power.<sup>121</sup>

With respect to power relations, a charming feature of EPC/CFSP is that *de facto* UNANIMITY in decision making has prevailed for decades, now giving all participants, at first sight, equal power regardless of their resources—anyone can veto. One resulting hypothesis could be that we do have an EFP in cases where all European foreign ministers or heads of states and governments have the same opinion, and none if not. The underlying logic would be a standard bargaining situation when agents meet once and negotiate only one topic of EFP under unanimity rule, and they either find an agreement or not. EFP development would then be reduced to a series of isolated bargaining situations. This view seems to be highly contestable not just based on the empirical evidence in Chapter One!

Both categories (resource dependency and power relations) seem promising for EFP research. The point is that EFP sharply differs from most other policy areas (in particular from the first pillar), insofar as on all levels *de facto* unanimity prevails. Therefore, here

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<sup>120</sup> With the lack of many capabilities in the military field leading to a strong influence of NATO and now significant attempts to close these gaps, e.g., the A 400 M project (to improve long distance air transport capabilities), the EU satellite centre in Spain, Galileo as an alternative to GPS, etc.

<sup>121</sup> If we refer back to the army example, we could think about a couple of generals who have to decide about an issue. Note, however, that equal power can also arise out of certain circumstances: In the course of establishing new publicly funded infrastructure (e.g., motorways, airports, etc.), citizens often establish pressure groups to raise different issues in regard to the project, and/or propose alternatives. These groups have no, or virtually no, power. *De facto* qua legal actions, the groups may be able to postpone such projects, sometimes for decades, raising costs tremendously; therefore, such a group can become *de facto* an actor of equal power.

all insights of various bargaining theories<sup>122</sup> can be “plugged in.” However, from what was said in the first part and from the significant output of CFSP, we are puzzled as to which other independent variables play a role, i.e., why we cannot reduce EFP development to a series of bargaining situations.

Finally, I want to stress that the two divisions (resource dependency and power relations) concerning independent variables in the analytical category “actors’ relations” can be applied not only to independent variables stemming from the European level but also equally to all actors from the various levels (international, EU with various pillars, national).

#### **2.2.4.3.2. Characteristics and intensity of relations/interaction**

One reason that makes modelling of EFP development as a series of isolated bargains implausible is the fact that the relevant actors in most cases will meet again, i.e., there is continuity.<sup>123</sup> In bargaining terms, this is called the “shadow of the future.” Contrary to selling a car, when a buyer and a seller usually will not interact again, in EFP, for example, foreign ministers meet on a very regular basis in various contexts. Consequences are manifold: Learning processes may take place, a better mutual understanding may take place with potential benefits in bargaining, actors may foresee that uncompromising behaviour may spoil future relations, etc. In short, there are various sources that may influence actors not to act in a short-term fashion, trying to maximise their utility on a single issue. Therefore, in analytical terms, a division between long-term and short-term (or single-issue) interaction seems beneficial (Schumann, 1996, p. 252).

Interesting empirical cases are the EFFECTS OF ENLARGEMENT ROUNDS when new member states that did not mature with the developing EFP appear. The rather uncompromising position of Poland during the Gulf War could be in part due to that fact. The category can also take account of traditional alliances in EFP, e.g., as between France and Germany. Needless to say, under unanimity leading figures such as de Gaulle, Thatcher, and Kohl play a more important role, and negative or positive relations among key players can have a lasting effect on EFP development. In respect to the threefold division of the dependent variable, we could also make the hypothesis that at the working-group level (related to Type III decisions), with frequent interaction over longer periods, a more cooperative style of interaction develops that may, in some cases, bridge differences among the respective member states.<sup>124</sup>

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<sup>122</sup> A vast area! For first accounts, see overviews by Pruitt and Carnevale (2003), Ordeshook (1999), Fudenberg and Tirole (1998), and Luce and Raiffa (2000). The classic work for IR is Schelling (1970). The whole mathematical background is summarised by Muthoo (1999); fortunately, there is also “A non-technical introduction to bargaining theory” by the same author (Muthoo, 2000).

<sup>123</sup> To be precise, this is not the exact objection because game theory is also able to model repeated games, i.e., situations when actors will meet again (for a finite or infinite time). The point is that they will meet again, and their behaviour is not totally determined by rational calculation in the sense of maximising utility – one objection is the role of values as described in Chapter One and the discussion of existing theoretical literature.

<sup>124</sup> Unfortunately, there is still little empirical research on that point, which may be mainly due to the fact that most data are inaccessible because of secrecy and other reasons. One



Related to the long-term and short-term division is another division of the characteristics of actors' relations: whether they are perceived as COOPERATIVE OR CONFLICTIVE, with the former enhancing and the latter slowing down progress in EFP development. One point should be addressed that sharply differs between EFP and most other policy fields. In EFP there is little to distribute or redistribute.<sup>125</sup> For example, nearly half of the EU budget is spent on the Common Agricultural Policy, i.e., winners and losers are created by any measures depending on the distribution of the cake. Note that in EFP primarily no measurable goods are distributed, and that EFP action, almost by definition, addresses people outside of the EU.

In summary, the category "characteristics of actors' relations" with its three subcategories (place of interaction, resource dependency and power relations, and characteristics/intensity of relations) supplements in particular the second category (actors). The focus is on *interaction*, i.e., the category allows us to capture what happens when our constrained (structures—category 1) actors (category 2) meet in various contexts. Note again that we can expect very different results according to the various dependent variables, e.g., different sets of independent variable will come to bear at the working-group level in comparison to meetings of the EU foreign ministers.

#### **2.2.4.4. Fourth category for independent variables: A snapshot in time—structure of the situation**

Schumann introduces this rather uncommon and more abstract category (1996, pp. 263-269) to capture two elements that are not covered by the previous categories and gives convincing empirical examples for the necessity to extend the previous three categories.

One element of this category covers UNFORESEEABLE EVENTS that just happen in a specific situation, leading to a different outcome than usually expected. A typical example in the context of CFSP would be domestic pressures at the time of important Council decisions e.g., elections. A similar example would be the terrible terrorist attack in Madrid in 2004. Another example is the severe pressure put on the Blair administration when it was revealed that the proofs for Iraq's weapons of mass destruction were much less bulletproof than originally announced. Furthermore, we could also incorporate the unforeseen revolution in Eastern Europe with its effect on the Treaty of Maastricht. Schumann (1996, p. 268) gives as further examples the Falkland War and the coincidence of the Uruguay round and reforms of Common Agricultural Policy. The point

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exception is the work of Michael E. Smith (2004), as already discussed. For a recent in-depth case study, see Chelotti (2013). Dr. Hans Arnold (2002), with whom I conducted interviews and who was involved in the developing of EFP mainly as member of the German foreign office and as a researcher, comes to a similar conclusion. For an overview of the theoretical underpinnings focusing on EFP, see Thomas and Tonra (2012). On interaction in the Council working groups, see also De Maillard, Fouilleux, and Andy Smith (2005). Dehousse (2003) also addresses the role of working groups and comitology in general (but focuses on the first pillar and from a legal perspective).

<sup>125</sup> The analytical division between distribution and redistribution is a central division of policy analysis for the domestic level (where it makes a difference if there is money that can be distributed, or if money has to be taken away from one group in order to be given to another group). It has to be seen in the case study how far this division is also applicable to EFP, or if an equivalent can be found.

is that the factors mentioned were unforeseeable but had a very strong influence, i.e., altered the outcome to what we would have expected from the variables stemming from categories 1-3.

The second aspect of this category is to make a SNAPSHOT AT THE TIME OF DECISION MAKING CONCERNING THE CATEGORIES 1-3. The point is to find out the current situation concerning structures, actors, and characteristics of actors' relations at the time when the decisions are actually made. While some independent variables are constant over a long period of time, others are not. Furthermore, the influence of certain independent variables may vary over time. Therefore, it is important to take a snapshot concerning the first three categories at the point when the decisions are being made. The category suggested here is able to capture these often-contingent factors that occur only in specific situations and therefore cannot be captured by the previous categories.

#### **2.2.4.5. Fifth category for independent variables: The issue/problem**

The last analytical category focuses on the issue that is dealt with. Obviously, it makes a difference if a decision concerns the future of CFSP, e.g., the Treaty of Maastricht or "only" a Common Position of the EU in the conflict between Israel and Palestine. For example, we expect different actors to be involved in that decision and other decision procedures (although the unanimity rule prevails) and so on.

Although the idea that the issue matters<sup>126</sup> is quite intuitive, it is much more difficult to capture that notion in analytical terms. As it will be seen shortly, there is a widespread consensus in the literature that the issue does matter, but much less consensus regarding *how far* or precisely *in which way it matters*. The issue is further complicated as the literature, which will be discussed shortly, primarily focuses on EU/C integration and not on the single policy field of EFP. In an ironic way, it turns out that the issue dealt with here, EFP, also matters. Again, it does not neatly fit into the categories designed to capture EU/C development.

Therefore, I will briefly discuss Schumann's approach towards the category "problem structure" and give a very brief survey on the issue in the integration literature. After that, I will discuss what contribution FPA literature makes, in particular Christopher Hill's objection to the traditional distinction between high and low politics. Then I will argue that Hill's objection is quite right; however, some modifications to Schumann's categories will help achieve an analytically sound grip on problem structure in the context of EFP.

##### **2.2.4.5.1. Schumann's approach to the problem structure**

Schumann (1996, pp. 269-270) points out in which way the issue or problem structure is incorporated into the concepts of Moravcsik (1993), Kiser and Ostrom (1982), and Zürn, Wolf, and Efinger (1990). Moravcsik (1993 p. 495), for example, distinguishes three different "Issue Areas," which incorporate various areas of policy. Kiser and Ostrom, according to Schumann (1996, pp. 269,271), distinguish between different worlds of action, and they assume differences according to the choices actors can make

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<sup>126</sup> Maybe most famously stated in the "policies determine politics" claim of Lowi (1972).

in different worlds. In the approach of Zürn, Wolf, and Efinger it is a central assumption that the issue matters (Schumann, 1996, p. 271).

Schumann (1996, pp. 271-272) points towards the two poles concerning the question HOW THE ISSUE ACTUALLY MATTERS: from objective to subjective. The former opinion is held by Moravcsik, the latter by most versions of policy analysis.<sup>127</sup> Policy analysis takes the perspective of the addressee of a certain measure and asks if the individual will *perceive* (therefore subjective) the results as being beneficial for him or not—therefore, the common classification into the three types of policies: distributive, redistributive, regulative (Windhoff-Héritier, 1987, pp. 22-41). For example, we expect less resistance if the farmers get some subsidy from unexpected gains of the treasurer than if a subsidy is taken away from the steel industry and given instead to the farmers. The latter case creates winners and losers, whereas the former knows only winners.

Schumann (1996, pp. 273-279) takes a different position in the question of how the issue matters as an independent variable and argues that objective as well as subjective factors have to be taken into account. For Schumann (1996, pp. 273-274), the problem structure is defined by the following:

- relevance and scope of a decision; and
- the implications that are linked to the subject matter and by the interplay of both factors.

#### (1) Relevance and scope of a decision

This subcategory is divided into two elements. The first stresses the objective character, the second the subjective character of an issue:

The subdivision in various decision types (I-III, i.e., landmark, major decision in a certain policy field, and everyday decisions in a policy field) already pays tribute to the importance of an issue. In consequence, different actors play a role in the various types of decisions, and we can also expect differences in the policy cycles within the different types of decisions. Furthermore, interests and values of the actors will play a different role across various issues, e.g., it will make a difference if further far-reaching steps in integration have to be decided, in contrast to a regulation on a technical issue.

How the consequences of a decision are *perceived* by the actors in general, but also in regard to the three types of policies pointed out above (redistributive, distributive, regulative).

#### (2) Implications linked to a subject matter

Schumann (1996, pp. 277-278) identifies three major points where implications deriving from the subject matter as part of the situation structure come to bear as independent variables:

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<sup>127</sup> See, for example, Héritier (1993) and Windhoff-Héritier (1987).

To a large proportion, the issue determines which levels become important and how far other policy fields are affected;

To a large proportion, the issue determines how and to what degree interests of member states, or actors, are affected;

The issue can also play an important role in the interplay with the value system of actors. As an example, Schumann points out the huge differences in deeply rooted values in regard to EU social policy (1996, pp. 277-278), which made progress in that area very difficult.

#### **2.2.4.5.2. Benefits and problems applying the issue/problem structure category to the study of EFP development**

I will now address two problems that arise with the categories introduced above if they are applied to EFP, and afterwards I will suggest solutions.

The FIRST PROBLEM is that the division of policy analysis into distributive, redistributive, and regulative policies seems to be not applicable to EFP. As stated above, the underlying idea of the division is to take account of the (subjective) perception of an addressee of policies, i.e., to put it simply, somebody who perceives himself either as a winner or as a loser of a measure. However, the point in EFP is that winners or losers are primarily created outside of the Union because measures of foreign policy naturally address primarily people abroad.<sup>128</sup>

The SECOND PROBLEM is an objection raised by Hill (2003, p. 4):

It is for the same reason [that foreign policy is not only made by the ministry of foreign affairs but there is also parallel foreign policy made by colleagues of domestic ministries—*added by researcher*] that the once popular distinction between “high” and “low” politics is no longer of much help. High politics . . . can be as much about monetary integration as about territory and the threat of armed attack. Conversely low politics . . . can be observed in NATO or OSCE multilateralism as much as (perhaps more than) in discussion over fish or airport landing rights. Thus the *intrinsic content* [emphasis in original] of an issue is not a guide to its level of political salience or to the way it will be handled, except in the tautological sense that any issue which blows up into a high-level international conflict (and almost anything has the potential to do so) will lead to decision-makers at the highest level suddenly taking over responsibility—their relations with the experts who had been managing the matter on daily basis then become a matter of some moment, which can be studied as a typical problem of foreign policy analysis.

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<sup>128</sup> Obviously, measures will also have consequences of varying degrees inside the Union. However, it seems unjustified to compare these consequences to those of measures that directly affect actors inside the Union as, for example, in the first pillar, i.e., cases the categories of policy analysis originally were made for.

A closer look at the quote from Hill makes the following clear: He does not reject in principle the idea that the issue matters. His point seems to be that issues that were traditionally seen as highly conflictive (territory, war) are now not the only ones that may lead to reactions at the highest level—in that I would totally agree. The underlying logic of the distinction between high and low politics, as presented in the quote from Hill, seems to be deeply rooted in a realist approach to FPA, which stresses the consequences of anarchy in the international system making conflicts over territory or a war high politics.

The puzzling point now is that Hill rejects in particular state-centric realism. Therefore, to me it is not clear if he rejects only the division into high and low politics (as it seems to be based on a traditional realist approach towards foreign policy) or in general the idea that the issue may “determine” actors and procedures. The question is what Hill means by *intrinsic* content. A look into Collins Cobuild Dictionary reveals: “If something has **intrinsic** value or **intrinsic** interest, it is valuable or interesting because of its basic nature or character, and not because of its connection with other things (FORMAL).”<sup>129</sup> In that case, I would comfortably agree with Hill because the issue as stated above matters not by itself (if intrinsic can be understood as in the quote) but has a subjective component, i.e., what matters is the perception of the relevant actors (i.e., the connection with other things, as said in the quote).<sup>130</sup>

An EXAMPLE<sup>131</sup> may help to shift from semantics to the empirical realm and to put some “flesh” on the “issue bones.” The Council of Ministers decided to impose sanctions against the Soviet Union in March 1982. The basis was Article 113 of the EC Treaty, i.e., the measure was decided in the policy area of foreign trade policy. An extension of the measure was back on the agenda in February 1983. Although all members agreed that sanctions should be continued, the Danish foreign minister announced that his country would no longer uphold the regulation after 01 March, 1983, would but implement equivalent *national* measures. As a consequence, the Commission made it clear that the regulation was made under the common trade policy and therefore *directly applied* (contrary to directives) to all member states.

Further developments of the case are of no interest for the argumentation here. The crucial question is why the Danish state risked legal action by the Commission and European Court of Justice *although they consented that the sanctions* against the Soviet Union *should be continued*.

At first sight, the reasons for the strange behaviour can be traced back to the domestic level. The political debate in Denmark focused on the issue of how far instruments of the EC Treaty (Article 113) may be used to pursue foreign political goals. The underlying problem—which already occurred manifold in Chapter One where I showed that many states wished a strict separation between cooperation in the economic sphere and the

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<sup>129</sup> Collins Cobuild Lingea Lexikon on CD-ROM, version 3.1.

<sup>130</sup> It could be worth a thought or even an empirical examination to research if the high/low politics distinction was meaningful at the time of the Cold War but not any longer afterwards.

<sup>131</sup> Taken from Schumann (1996, pp. 275-276).

sphere of foreign policy<sup>132</sup>—was the attitude towards national sovereignty. Obviously, most Danish politicians wanted to avoid any blurring of the line between the two spheres, going even so far as to risk legal action by the European Court of Justice!

The case is a striking example when not so much interests as fundamental values come to bear. Furthermore, it shows that the issue does in fact matter! The crucial point now is that we cannot expect an underlying deterministic logic, as aptly asserted by Hill in the case of the high/low politics distinction. However, it seems justified to argue that the subjective element of the situation structure came to bear in the example and led to a rather unpredictable result. We should be aware that knowledge of the issue/problem structure will not automatically enable us to *predict* the further course of action. Maybe that is Hill's underlying objection that there is a deterministic element in the high/low politics distinction that in fact is not tenable. The analytical advantage, as proved in the example, is that we can come up with a better *explanation* of the Danish behaviour by incorporating the "issue structure" as a source of independent variables and additionally not omitting important independent variables a priori.

The PROBLEM NOT YET SOLVED in the issue category is how to substitute the traditional policy analysis categories (distributive, redistributive, and regulative) with something that is more apt for foreign policy. One tentative suggestion, backed up by the example given above and the exposition of Chapter One, would be to concentrate on *changes—as perceived by member states—in the degree of national sovereignty resulting from EFP* as a substitute for distribution/redistribution of transfers of various sorts in the traditional approach to policy analysis. National sovereignty still seems to be a core issue in EFP, and the following four points support that category:

- Empirical evidence has been given that sovereignty matters, with the Danish example being the most obvious, but it also can be seen during the development of ESDP.
- There is variance in respect to changes in sovereignty in EFP between issues, i.e., the slower pace in establishing closer cooperation in the area of defence could be traced back (among others) to the fact that it is the heart of national sovereignty, and, e.g., imposing sanctions can be rated lower in that respect.
- National sovereignty cannot be easily measured, and it is justified to say that a large proportion of it depends on the actors' perceptions, i.e., has a similar subjective dimension as the three traditional policy analysis categories, or (to go back to the quote from Hill) that it's not the intrinsic value that matters but, in this case, the subjective value that the actors attribute to it.
- National sovereignty does not intersect that much with national interest, i.e., there is a clear division between the actor and the issue category.

I assume this is a sound but, as said, tentative suggestion to substitute traditional policy analysis categories (distributive/redistributive/regulative) with something applicable to EFP. Empirical work has to be done to check if the suggested substitute enriches our

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<sup>132</sup> To recall only the separation of EC foreign policy ministers meetings in EC and EPC context.

analytical toolkit in a broader range in comparison to the examples made above, or if it is better to leave out that aspect of the problem structure.

IN SUMMARY, as argued at the beginning of this part, issues matter by intuition, but it is much harder to convert that intuition into a sound analytical category. As shown, this is in particular true for the application to EFP, as it ironically seems to be a very specific issue. However, I am convinced that the modification suggested here provides a category that will enable us to shed more light on the EFP development process in that respect, because it can detect various independent variables otherwise omitted, as the example with Denmark showed. The discussion of Hills objection, however, reminds us that we cannot expect easy or straightforward causal relations as the traditional division between high and low politics promised.

### **2.3. Implications for the case study**

Where do we stand now? Before moving on, it is time to take a brief look back: At the end of Chapter One, I derived criteria, requirements that an approach has to fulfil in order to capture my dependent variable. In the State of the Art discussion, the findings were located and enriched in light of the pertinent theoretical debate. In the following, I will briefly assess how far the approach for studying EFP development developed in the second part of this chapter, and how far it was able to fulfil the requirements derived in Chapter One and from the theoretical debate.

It must be a SINGLE APPROACH that is able to cover the whole period of time in order to allow for comparison among independent variables. Is the development of cooperation in EFP shaped by constant factors or more by contingent factors? The threefold division of the dependent variable (Types I-III) and the five categories for independent variables were able to cover the ESDP example, but it has to be seen if the same holds true for the case study.

As shown in Chapter One and underpinned by the scholarly work in the field discussed in this chapter, EFP development (as the DV) cannot be reduced to a series of history-making decisions. We recall the suggestion made by Michael E. Smith (2008, p. 179) that we have to account for "meaningful political change over time" in EFP development. Splitting the DV into three also allows us to account for changes below treaty level and to conceptualise the interplay over time (top-down as well as bottom-up).

Using the Formula One example as an analogy, I pointed out that the EUROPEAN FOREIGN POLICY PROCESS and THE DEVELOPMENT OF COOPERATION IN EFP ARE TWO SEPARATE BUT INTERRELATED PROCESSES. As discussed, I am only indirectly interested in the European foreign policy process, insofar as we can derive insights about the development of cooperation in EFP via studying the European foreign policy process. As shown above, the interplay is conceptualised via the threefold division of the dependent variable, with the European foreign policy process located at the lowest level (Type III decisions). Therefore, we are able to account for top-down processes, e.g., where the provisions of the treaty influence the policy process (as in the case with Petersberg tasks introduced with the Treaty of Amsterdam in the ESDP example), or, vice versa, bottom-up, where failure in the policy process (e.g., during the Yugoslavian war) led to changes in EFP

cooperation (paving the way to fundamental changes as proved in the ESDP example given above).

In Chapter One, and in the ESDP example, we saw that EFP development is not only a process, but that it also has specific DYNAMICS. We recall periods of stagnation but also—as in the ESDP example—lightning speed in development, as Javier Solana aptly put it. The approach as introduced accounts for dynamics as a change from the previously dependent variable into an independent variable. As shown in the example of ESDP development, the provisions concerning defence in the Treaty of Maastricht and Amsterdam (previously dependent variable) became independent variables (together with other independent variables) explaining the rapidly evolving cooperation in ESDP from the Cologne summit (1999) onwards. As discussed in the research agenda, Michael E. Smith (2008) proposes three ways EFP can be studied—as a DV, an IV, or as a sequence. The latter, to the best of my knowledge, has not been applied to the study of EFP development so far and is added by the approach laid out above.

I traced the structure-agency debate in respect to EFP at the beginning of the chapter. In particular, Ginsberg (1999) added to this debate. He drew our attention towards the point that we should not only focus on structure and agency but should also think about the relation of the two in EFP (development) (1999, p. 433). Above I discussed how the threefold division of the dependent variable and the categories for independent variables can account for structure and agency.

Concerning EXPLANATORY (INDEPENDENT) VARIABLES, I argued that we should not omit any of them a priori at this early stage of theoretical development; and as a consequence of the huge number of explanatory variables, we need clear-cut and meaningful analytical categories for independent variables. I proposed five categories for independent variables: structures, actors, actors' relations, structure of the situation, and problem structure. The reader may judge to what extent these categories are convincing in light of the ESDP example given above. The "in-depth" test will be the following case study. As discussed above, in particular the last three categories were designed for a different purpose (the study of integration in the EC pillar), which raises the question as to how appropriate they are for my research interest. These problems have already been reflected upon above and will be dealt with again in light of the results of the case study.

Considering the points above, the approach so far has been able to meet the criteria derived at the end of Chapter One and in the State of the Art discussion. Obviously, we need more in-depth testing. The following case study on the development of cooperation in the area of European non-proliferation policy under EPC and CFSP has a much longer timeline than the ESDP example above, and a much broader empirical basis, i.e., should provide a serious testing case for my approach. Rigorous testing is particularly advisable if we recall the warning of many scholars, discussed as the "sui generis problem" in the state of the art, regarding transferring approaches designed for other phenomena to the study of EFP.



## **CHAPTER 3.**

### **Application of the approach**

#### **3.1. Introduction**

In the first chapter of the thesis, I presented the characteristics of the phenomenon being studied, before specifying the dependent variable and commenting on independent variables. I stressed that I am primarily interested in the development process of European foreign policy cooperation and only secondarily in the actual EF policy processes. Based on the characteristics of EFP and the dependent variable, I derived criteria that an analytical approach towards the study of EFP development has to fulfil.

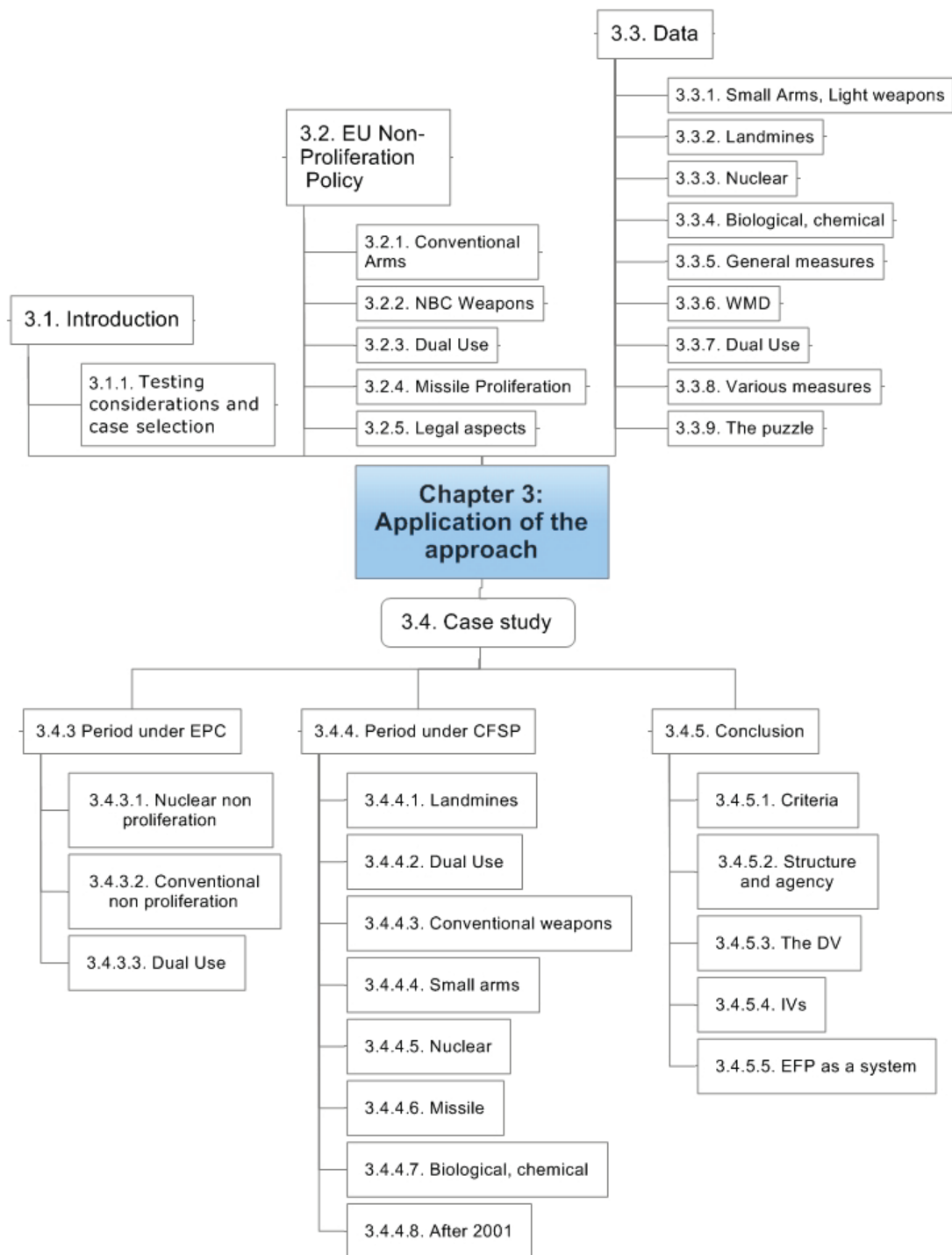
In Chapter Two of the thesis, I reviewed the state of the art of existing research relevant to this study. I traced the genesis of European foreign policy as a research field, looking at how other researchers defined and conceptualised the dependent variable and, inductively, revealed underlying topics in theorising EFP. I discussed in more detail the research agenda towards EFP proposed by Michael E. Smith (2008) because his research focus, also resting on the development process, is highly pertinent to this study. As a final step, I derived a conclusion based on the empirical results presented in Chapter One and the review of the theoretical discussion in Chapter Two. The purpose was to derive criteria that should ideally be fulfilled by an approach towards the study of the development of EFP cooperation. In Section 2.2, I introduced the approach developed by Wolfgang Schumann, originally developed for studying European Union integration, and argued why I consider it appropriate, based on the criteria developed, to try to apply and adapt it to my research field. Applying it to the development of ESDP as a small testing case (case study), I showed that the approach can be adapted and applied to the study of an instance of EFP cooperation (the development of ESDP).

In Chapter Two, I referred to King et al. (1994) in order to address the relevance of my work. I suggested that I could make a small contribution in two areas: First, I "argue that an important topic has been overlooked in the literature and then proceed to contribute a systematic study to the area." Second, I "show that theories or evidence designed for some purpose in one literature [Researcher's note: here a model for studying European integration] could be applied in another literature to solve an existing but apparently unrelated problem [Researcher's note: here the study of European foreign policy cooperation]" (King et al., 1994, p. 17).

I have therefore reviewed the state of the art in theorising and proved that a gap does exist in studying the development of cooperation of EFP. I continued deriving requirements, based on existing research of other scholars and the outcomes of my empirical work in Chapter One, in order to end up with an approach to the study of EFP development. On that basis, I argued that Schuman's approach seems promising for studying not only European integration but also the development of cooperation under EFP. Therefore, the major purpose of this chapter is to prove the second point proposed by King et al. (1994), which is to show that Schumann's approach can also be applied to another problem, i.e., the study of EFP development rather than European integration.

For that purpose, a case study has been chosen where the approach developed in Chapter Two will be applied. Within the case study, I will analyse how cooperation in the area of European non-proliferation policy (nuclear, biological, chemical (NBC) and conventional weapons) developed under EPC and CFSP. Data collected represent the measures taken by the EU under CFSP in that area from 1994 to 2004.

The structure of this chapter (see ) is as follows: As a first step, I will address methodological issues, reiterating the requirements that should be fulfilled for an approach towards the study of EFP development, as derived in the previous chapters, and then argue why a case study is chosen to test the approach, and why this particular case. Then I will move on to introduce the field of EU non-proliferation policy (NPP). I will specify and discuss various measures that have been taken in the context of EU NPP, summarizing them in a frequency table, before deriving puzzles that have to be explained. Afterwards, a case study will be conducted, applying the approach developed in Chapter Two. Throughout this chapter, I will continuously reassess how the approach is fulfilling the criteria, as developed in the previous chapters, set as a yardstick for an assessment. The overall findings will be discussed in Chapter Four.



**Figure 32—Structure of Chapter Three**

### **3.1.1. Testing considerations and case selection**

Before starting with the case study, two issues should be addressed: First, the criteria empirically and theoretically derived in Chapter One and Chapter Two will be recalled as they should be fulfilled in an approach towards the study of EFP development. This will

serve as a yardstick to see if, and to what extent, the approach developed in Chapter Two can meet the criteria. Second, it has to be justified why the approach should be tested via a case study and why this particular case was selected.

### **3.1.1.1. Setting the yardstick—Criteria for assessing the approach**

In Chapter Two (2.1.6), I summarised the findings of the empirical study of EFP conducted in Chapter One and the theoretical considerations elaborated in the review of the state of the art. Both fed into the requirements that an approach towards the study of EFP development should ideally cover. Therefore, I will only briefly summarise and reiterate the main requirements here:

- I elaborated on the dependent variable chosen for my research. Giving examples, I have shown why we have to take account of it with a *more fine-grained* approach, also allowing for changes in EFP development *below the treaty level*.
- I pointed out differences and interrelation of EF policy and EF development processes and the *need to conceptualise this relation*.
- I pointed out that my analysis focuses on a longer time period; it, actually, covers decades, and therefore we need *a single approach that is constant* for the whole period in order to allow for comparison. I also gave examples of the different pace seen in the development of EFP cooperation; therefore, an account for EFP development should conceptualise this *dynamics* within the development process.
- I showed that there are a potentially huge number of independent variables, stemming from different levels, which cause change to the DV, so a model of the process *has to be able to account for them*. Again, the categories should be *constant in order to allow for comparison*. This aspect is confirmed by Michael E. Smith (2008, p. 182), Ginsberg (1999), and White (1999) as discussed in Chapter Two.
- As shown in Chapter Two, some scholars (Ginsberg, 1999; Krahnemann, 2003; Michael E. Smith, 2004, 2008, 2009; White, 1999) carefully pay tribute to the different levels and units of analysis that EFP comprises and therefore *conceptualise it as a system*. The research of Ginsberg (1999) was discussed in detail, as he provides the most elaborate model so far and points towards different processes at work in EFP.
- In particular, I mention Ginsberg (1999); but White (1999) and Carlsnaes (2004) also convincingly show that the *structure-agency* topic is a crucial aspect of theorising EFP (development). By drawing our attention to the mutual relation of structure and agency in studying EFP and its development, Ginsberg took the debate that one step further.
- Michael E. Smith's (2008, p. 179) suggestion of *how to actually account for changes in the DV* through "measurement of meaningful political change over time" is particularly important as a yardstick for assessing the benefit of the

suggested approach when applied to a case study—does it help us to reveal more than just the existing approaches?

- As discussed in Chapter Two, Michael E. Smith (2008, pp. 181-183) proposes that *EFP can be studied as a sequence of IV and DV*, but so far, to the best of my knowledge, this has not been conceptualised. As shown, the approach developed in Chapter Two contributes that, and in the following case study it has to be demonstrated that this is indeed feasible.

### **3.1.1.2. Case study design**

In the following, I will briefly outline the main characteristics of EU NPP, and then justify why I chose that particular example. For convenience, the issue will be discussed in a slightly unusual form—as a fictive dialogue between a PhD student and his supervisor, which, actually, happens to be fairly close to reality.<sup>133</sup> Afterwards the methodological choices are discussed and justified in depth.

Supervisor: “Ok, Christian, finally part two managed and not yet years behind the schedule. In the original research proposal, you suggested three parts. What did you plan as the third part?”

Me: “According to the proposal, I intended to analyse the whole EFP process from Adam to Eve, and that means from the end of the Second World War until now.”

Supervisor: “In essence, that would mean you repeat the stories already told in various books in a shorter form. Furthermore, you would repeat several points already made in the first chapter. How does that relate to the new approach worked out in the second chapter? And sixty years of EFP development in roughly sixty pages—isn’t that just scratching the surface?”

Me: “Actually, I had similar doubts. It is tempting to write a story from all the sources I have worked through, but there would be no significant, if any, analytical advantage. The argumentation of the thesis should be coherent (i.e., the first part showed what is characteristic of EFP development, then concluded that existing approaches and theories do not cope well with the characteristics; therefore, it is necessary to come up with an alternative). Logically, the third part then should prove that the new approach was not just an intellectual exercise but one that can be usefully applied to the study of the EFP development process. Therefore, I thought of an example that shows that the approach has additional value, and shows its advantages as well as problems, in far more detail than the ESDP example used in the second chapter.”

Supervisor: “Do you have anything particular in mind for the example?”

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<sup>133</sup> When revising the thesis (2014/2015), some years after the death of my supervisor, Professor Wolfgang Schumann, I decided to keep this summary of a conversation that took place around 2006. I am extremely grateful for the huge amount of time Prof. Schumann devoted to me, discussing all the issues that popped up during the research. During the years since, I have come across new books and arguments that are relevant regarding case studies/selection and theory development. These have been added at the end of this section in a condensed form.

Me: "Yes. I thought about the Union's actions under CFSP in the area of non-proliferation policy in nuclear, biological, and chemical weapons, as well as conventional weapons."

Supervisor: "Actually, I've not heard that the EU is engaged in that area. Is that a significant topic? And isn't that just a kind of technical topic, left to the bureaucrats, that has nothing of political relevance in the sense of high politics?"

Me: "I must admit I was also quite astonished to find something like eighty Common Positions, Joint Actions, and the like in the period from 1994 until May 2005. Furthermore, I found that the topic is also addressed in all three Common Strategies decided by the EU, with particular relevance here to Russia and the Ukraine. Apart from the sheer number of measures, I was also quite surprised to see that a significant amount of money of the relatively small CFSP budget is spent on the issue i.e., there seems to be a will to go beyond declaratory statements. It is interesting to see that the EU is engaged in quite a wide range of different fields: preventing proliferation of small weapons, landmines, nuclear/biological/chemical weapons, prevention of proliferation in many senses and measures for disarmament, and so-called Dual-Use items (i.e., goods that can be used for civilian and military purposes), such as equipment connected to both the chemical and pharmaceutical industries. Then I discovered different phases in cooperation in that area and the quite rapid development during the last few years following the European Security Strategy of fighting proliferation of weapons of mass destruction as a top priority. Furthermore, the EU's efforts to prevent the manufacture of nuclear weapons by Iran and North Korea are part of EU NPP."

"Besides, I found that the topic is quite often highly controversial and political (e.g., we have two member states with atomic weapons and huge differences among members in regard to the future use of atomic energy). Some member states are leading arms producers, whereas others have no industry at all in that area. For example, Finland was against the ban on landmines, arguably because Russia was still perceived as a potential invader, whereas most EU states stopped the production and stockpiling of mines. In particular, the topic of landmines and cluster bombs is of current interest for much of the public and a major field of NGO activity. In the fight against terror, with proliferation issues as a major part, we see deep fractions between those who want to restrict individual freedom and privacy and those who think it is already worse than depicted in Orwell's famous *1984*. Finally, there also seems to be quite a contradiction between CFSP disarmament efforts and at the same time building up a credible ESDP with a defence agency. Indeed, I was also puzzled that the topic does not seem to attract that much attention—maybe it's because, in part at least, it has been a success story, and that never sells as well as splits in the EU over the Gulf War."

Supervisor: "Hmm, not too bad; but not totally convincing yet, either. Why do you think that particular example is suitable to show the benefits of your approach best of all? What are the characteristics of EU NPP, and how do they fit your purpose of that last chapter?"

Me: "There are several points to consider:

FIRST, major developments in the area of EU NPP started after the Treaty of Maastricht, but there were already initiatives before that. So we end up with a time span of more than a decade, which enables us to speak of a process and not just an event.

SECOND, I found that there seems to be variation in the pace of the development, and one central claim of my approach was that it can take account of dynamics in the development process.

THIRD, in the literature I found evidence that, in part at least, everyday cooperation under EU NPP brought about closer cooperation, started learning processes, and founded several small working groups (i.e., we can speak of institutionalisation, but from the bottom up, not only from the top down). One central claim of the approach was that it can conceptualise bottom-up as well as top-down developments, which also has implications regarding the structure-agency debate.

FOURTH, there seem to be links between pillars, in particular EC and CFSP (e.g., in the case of Dual-Use goods, landmines), as well as with interests of the defence industry. In recent times, we have also seen closer connections between pillars two and three, for example, in combating the proliferation of weapons of mass destruction. So here I could show if my approach can really conceptualise spillover from other pillars influencing EFP development. Also, the coherence problem seems to be severe in that area; in particular between humanitarian and development aid provided by the first pillar and certain actions under CFSP NPP. That could be another possibility to show the inbuilt tension in the project, which would again justify my claim that EFP development cannot be analysed in isolation of EC and, (yet) to a much lower extent, JHA development.

FIFTH, not only do all the pillars seem to play a role, but there are also independent variables that come from all three levels, i.e., national, EU, and international. So here it can be shown that the approach may cover all sources of variables, and also that it is important not to paint an oversimplified picture of EFP development."

Supervisor: "Ok, I am quite convinced that the example will serve your purpose, i.e., show that the approach works and also yields additional analytical value. However, two things still cause my concern: First, a reader could get the impression you have chosen precisely that example because it has all the characteristics you are looking for; therefore, I am wondering if it is truly representative. Second, I am still puzzled if EU NPP is really such a hot issue."

Me: "Indeed the example seems to have most of the characteristics I have been looking for. However, in Chapter One I provided a significant number of relevant examples, and the ESDP example used to illustrate the approach in Chapter Two showed similar characteristics. Then I remember a short conversation I had with Christopher Hill concerning the choice of case studies—the problem is still the same, i.e., induction, so he suggested choosing a particularly hard case. However, my ultimate argument would be that it would not matter too much if we could not find all the characteristics mentioned above for EU NPP for all other CFSP developments. The reason is that the approach may easily manage to cope with simpler problems—but it actually has to prove that it can also manage the harder ones! And remembering that Chapter One gave an extensive series of examples, these cases, which are hard in analytical terms,

do not seem to be the exception. Finally, it still has to be taken into account that I am primarily approaching the EFP development process, not the policy process. To my knowledge, nobody has done that before in a systematic way, despite Michael E. Smith's extensive works."

Supervisor: "That is fine for me. I guess not all the readers will agree; however, nobody can say you have not thought about it in depth. But still, what about EU NPP as a hot-topic issue?"

Me: "Ok, what can I say about the hot issue? Without doubt, I may not be fully independent in that issue anymore—I will therefore contact experts in the field and pose two questions: First, if they consider EU NPP a central topic in CFSP and ESDP. Second, if they think it is a controversial and political topic or a more technical affair."

Supervisor: "Ok, let's see what comes back."

In fact, responses were received pretty quickly from Professor Varwick and Professor Krause at the University of Kiel, from Professor Harald Müller at the Peace Research Institute Frankfurt, and from Professor Wenger at the Centre of Security Study, Swiss Federal Institute of Technology Zürich. All of them agreed that the topic is both important and controversial and encouraged me in selecting it as my example.

What issues have to be considered if we approach the reasoning laid out above in a more formal way (i.e., what are the choices concerning the research design)? First, the purpose of the research to be conducted has to be defined and discussed. Second, the methods have to be specified and justified.

As discussed in the previous chapters, the study of EFP development is still in its infancy. So far, there is no dedicated and tested theory for explaining EFP development. As shown, it is doubtful if, and to what extent, theories developed for other phenomena can be applied to the study of EFP development. Furthermore, the most promising theories (European integration theories, (comparative) foreign policy analysis and International Relations theories) were tried to be applied to theorising European foreign *policy*, not its development, and as discussed in Chapter Two, so far with often modest success. As Miles et al. (2014, pp. 11-12) point out, qualitative data are particularly suitable in such cases with limited theoretical grounds: "They often have been advocated as the best strategy for discovery, for exploring new areas, and for *developing hypotheses*. In addition, we underline their strong potential for *testing hypotheses*, seeing whether specific predictions hold up." Two other aspects relevant to my purpose are also stressed by Miles and his co-authors: "Another feature of qualitative data is their *richness and holism*, with strong potential for revealing complexity; such data provide "thick descriptions" (Geertz, 1973<sup>134</sup>) that are vivid, are nested in real context" (Miles et al., 2014, p. 11). In my context, obviously, the revealing of complexity is of interest, and the questions of how far the approach developed (see Chapter Two) support us in managing it with the categories of dependent and independent variables. Second, "the fact that such data are typically collected over a *sustained period* makes them powerful for studying any process

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<sup>134</sup> Note that the reference to Geertz (1973) is cited in the quotation from Miles et al. (2014, p. 11) and is therefore not a citation of this thesis; hence, no reference has been listed.



(including history); we can go far beyond snapshots of 'what?' or 'how many?' to just how and why things happen as they do" (Miles et al., 2014, p. 11).

Among other things, Chapter One demonstrated that the development of EFP cooperation was in particular a distinctive and unique process and the need to take account of the process dimension was also underlined in the discussion of theoretical debate in Chapter Two.

Schumann's approach to the study of European integration is, as discussed, not a theory but an approach to the empirical study of European integration (Busch, 2001, p. 262). Similarly, as Boyce puts it,

Schumann's work deals with the difficult question on how to theorize on the nature of the EU. After an appraisal of traditional 'integration theories,' he opts for a policy analytic approach, drawing extensively on new insights into policy analysis and producing a comprehensive policy analytic model which, in his own words, now needs *empirical testing* [emphasis added]. (Boyce, 1997, p. 492)

The same holds for the subsequent application of the amended approach to the study of European foreign policy development in the case study. In the following, I will briefly review some general issues to be considered in the research design with regard to case studies, before addressing some particular issues concerning my chosen case study.

Case studies are one of the standard tools in a qualitative researchers' toolbox (Yin, 2014), in social sciences in general (Della Porta, 2010, pp. 198-222; Vennesson, 2010, pp. 223-239) and in political science in particular (George & Bennett, 2005). Bennett (2007) points out some strengths and weaknesses of the case study method:

The comparative advantages of case study methods include identifying new or omitted variables and hypotheses, examining intervening variables in individual cases to make inferences on which causal mechanisms may have been at work, developing historical explanations of particular cases, attaining high level construct validity, and using contingent generalizations to model complex relationships such as path dependency and multiple interaction effects. (2007, p. 19)

Bennett (2007, p. 19), however, also warns us about the problem of case selection and selection bias when using case study designs. Also, there is a "tension between parsimony and richness in selecting the number of variables and cases to be studied." Furthermore, "case study findings are usually contingent and can be generalized beyond the type of case studied only under specified conditions." The latter point deserves more attention in my research as it is indeed a special case; in fact, it is a single case.

George and Bennett (2005, p. 17) discuss the origin of the "small-N" and "large-N" debate concerning the value of case studies and the related problem of case selection. Case selection is a crucial choice in research design. In my case, it is important that the study of European foreign policy development, just as the study of European

integration, is a special case; therefore, both are frequently labelled *sui-generis*, insofar that it is indeed *one* case:<sup>135</sup>

The study of European integration, however, starts from the premise that the EU is a rare or extreme phenomenon . . . . Even if one treats the EU more generally as an instance of regional integration or multi-level governance, it is hard to avoid the conclusion that the combination of deep supranational centralization and broad functional scope . . . makes it an outlier in the population of international organizations. (Schimmelfennig, 2015, pp. 98-99)

Schimmelfennig goes on to demonstrate (2015, p. 99) that scholars therefore usually “prefer focusing on within-case analysis rather than comparing the development of the EU to that of other organizations and polities.” I would argue the same holds for the study of EFP development as proved empirically in Chapter One, and in Chapter Two on theoretical grounds; therefore, I would conclude, in line with Schimmelfennig for European integration, that the study of EFP development is a singular case asking for within-case analysis.<sup>136</sup>

As for the second issue of case selection, which has relevance to my case, this relates to the selection of a case on the dependent variable:

Finally, on a more methodological note, studies of European integration are often outcome-centric and focus on examining cases of successful integration. In other words, they select cases on the dependent variable. This case selection procedure is useless for establishing sufficient conditions in comparative analysis (King *et al.* 1994; Geddes 2003<sup>137</sup>). (Schimmelfennig, 2015, pp. 99-100)

George and Bennett (2005) discuss the underlying problem occurring in *quantitative* analysis when selecting a case on the dependent variable and continue deriving conclusions for selecting a case on the dependent variable in *qualitative* analysis:

Cases selected on the dependent variable, including single-case studies, can help identify which variables are not necessary or sufficient conditions for the selected outcome. In addition, in the early stages of a research program, selection on the dependent variable can serve the heuristic purpose of identifying the potential causal paths and variables leading to the dependent variable of interest. Later, the resulting causal model can be tested against cases in which there is variation on the dependent variable. (2005, p. 23)

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<sup>135</sup> What actually constitutes a case, and hence the definition of a case, is less straightforward than one could expect. On the issue, see, for example, George and Bennett (2005, pp. 17-18).

<sup>136</sup> Future research could conceptualise the study of EFP development as a deviant case (George & Bennett, 2005, p. 81) and systematically compare and contrast it with European integration (in the economic sphere).

<sup>137</sup> Note that the references to King *et al.* (1994) and Geddes (2003) are cited in the quotation from Schimmelfennig (2015, pp. 99-100) and are therefore not citations of this thesis. Whilst there is a reference for King *et al.* (1994), no reference has been listed for Geddes (2003).

Therefore, there is no objection in principle to choosing cases on the dependent variable. Besides, it is crucial to see that potential problem with case selection discussed above relates to (single) case studies with *no* variation on the dependent variable. As I will explain, in my case study there is variance on the dependent variable with measure taken under CFSP in the area of non-proliferation policy as the primary indicator for evolving cooperation.

What are the implications of the two aspects cited for my research? Schimmelfennig (2015) reminds us that European integration is a special case, and I argue the same holds for the development of cooperation of EFP. Comparative analysis is ruled out, as shown, but that is not a problem because within-case analysis can be employed (and there is variation on the dependent variable) rather than comparative analysis. Furthermore, I do not claim that the results of my research can be generalised to other areas, but I confine them to the analysis of my unique case of EFP development. George and Bennett (2005), as cited above, encourage us to consider that at the early stages of a research programme, as I proved it to be the case for the study of EFP development in Chapter Two, "selection on the dependent variable can serve the heuristic purpose of *identifying the potential causal paths of variables leading to the dependent variable of interest [emphasis added]*" (2005, p. 23). Therefore, in my research, choosing a case on the dependent variable poses no issue in terms of methodology in general, keeping additionally in mind that there is in fact variance on the dependent variable in my case in particular. Furthermore, one aim of the approach laid out in Chapter Two is to cope with the huge amount of potential explanatory (independent) variables by providing five categories. In that respect, George and Bennett (2005, p. 25) underline that case studies "remain much stronger at assessing *whether* and *how* a variable mattered to the outcome than at assessing *how much* it mattered. [emphasis in original]"

Based on the considerations above, I argue that case study of a single, unique case chosen on the dependent variable for within-case analysis is justified from a methodological standpoint. Considering the still early stage of theorising EFP development, it is advisable to choose a qualitative approach; hence, I argued why a case study is particularly suited at this stage of theoretical development. The potential value of case studies, however, crucially depends on careful consideration of the design. George and Bennett (2005, pp. 73-88) offer advice on which parameters to consider in order to achieve a valid case study design. These will be briefly reviewed in respect to my study.

George and Bennett (2005, p. 74) remind us that "the formulation of the research objective is the most important decision in designing research." Similar to King et al. (1994, pp. 15-17), as discussed in Chapter Two, George and Bennett (2005, p. 74) remind us that the research objective should be relevant and that the "problem should be embedded in a well-informed assessment that identifies gaps in the current state of knowledge." The argument of the thesis is that an important field of study has been largely overlooked (EFP development) and that an approach originally developed, by Schumann (1996), for one field of research (European integration) can also be applied to another. In Chapter Two, the approach was adapted and it was argued as to why it is also suitable for application to the study of EFP development. The purpose of the case study is to apply the approach to the object of study in order to test its applicability in

general, and its advantages and limitations in particular. The requirements for the test were derived in Chapter One and Chapter Two and have also been reiterated above.

George and Bennett (2005, p. 77) guide the case study design by asking the following questions. Their questions (Q) and my answers (A), with regard to my research, are shown as follows:

1. Q: "What is the phenomenon or type of behaviour that is being singled out for examination; that is, what is the class or subclass of events of which the case will be instances?"

A: Development of cooperation under EFP. As shown above, the case is a unique case, i.e., no instance of another class.

2. Q: Is there no variation on the dependent variable? "Or is the goal to explain an observable variation in the dependent variable?"

A: There is variation on the dependent variable and one goal is to account for that.

3. Q: "What theoretical framework will be employed? Is there an existing theory? If not, what provisional theory or theories will the researcher formulate for the purpose of the study? If provisional theories are lacking, what theory-relevant variables will be considered?"

A: As shown, the gap is precisely that there exist very few works on how to theoretically account for EFP development. Therefore, as a preceding step to theorising, a model is suggested on how we should actually study and conceptualise this peculiar process of developing cooperation in EFP. The hope, and aim, is to gain a better understanding of the variables and mechanisms at work as a step towards formulating theories.

4. Q: "Which aspects of existing theory or theories will be singled out for testing, refinement, or elaboration?"

A: As shown in the previous chapter, theorists of EFP (development) required that an approach to EFP (development) should (a) not overstate the role of structures over agency and also account for the interplay between both, (b) conceptualise EFP development as a series of DV, IVs, and DV again, (c) study it as a system, (d) account for the DV in a more fine-grained way, (e) not overstate the role of "history-making decisions," but also assess other independent variables, some of them potentially working in a bottom-up manner. It will be assessed to what extent these issues can be tackled by the developed approach towards the study of EFP development.

With regard to the research objectives, George and Bennett (2005, p. 77) caution us to choose the right scope for a case study: "Most successful studies, in fact, have worked with a well-defined, smaller scope *subclass* of the general phenomenon." I hope that the development of cooperation in European non-proliferation policy under EPC/CFSP, as a

subclass of the development of cooperation in European foreign policy, matches the criteria posed by the authors. George and Bennett (2005, p. 78) point out that such an empirical approach, by singling out and researching various subclasses, can be an effective strategy for theory development within a “building-block” approach. This is in line with the claim made by Michael E. Smith (2009, pp. 15, 18, 24-25, 32), as discussed in the state of the art, that we need more theory-driven case studies of EFP and a better interplay between theory development and case studies in EFP.

The second step that case study researchers should address in detail, according to George and Bennett (2005, pp. 79-83), is the specification of the variables. For various reasons, the closest attention should be paid to specifying the dependent variable. As Rosamond (2000, p. 11) reminds us, it is notoriously difficult in regard to European integration, and I would suggest no less for developing cooperation in European foreign policy. Michael E. Smith (2008, p. 179) gives a practical definition of how to account for changes in the DV—“meaningful political change over time.” In the case study, however, I found the issue of specifying the dependent variable to be relatively straightforward—I researched which measures the EU under CFSP had made a decision on during a specified period of time in the different areas of European non-proliferation. The advantage of that operationalisation is that the measures are published as legal acts and therefore can be detected and counted and a frequency table can be constructed. This measure concentrates primarily on quantity (how often were measures decided in which areas) and not on quality (e.g., how much money was allocated), which is a potential limitation. However, as it will be shown, quality was also taken into account as the measures were differentiated among the threefold division of the dependent variable. None of the independent variables were prioritised because the explicit aim was not to omit any a priori at this early stage of theorising. Following the “logic of discovery” (Bennett, 2007, p. 21), on the contrary, the question was as to how far the developed approach could support us in detecting new ones. A special issue with regard to variables in this case study is to assess the feasibility of studying EFP development as a sequence of IVs and DV, as suggested by Michael E. Smith in his research agenda (2008, pp. 181-183) and as conceptualised by the approach. In that respect, the question is if it is observable that a dependent variable becomes an independent variable for the following dependent variable over the course of time in the process of developing cooperation under EFP.

Case selection is the third step that according to George and Bennett (2005, pp. 83-84) should be carefully considered in case study design.

The primary criterion for case selection should be relevance to the research objective of the study, whether it includes theory development, theory testing, or heuristic purposes. Cases should also be selected to provide the kind of control and variation required by the research problem. This requires that the universe or subclass of events be clearly defined so that appropriate cases can be selected. (2005, p. 83)

Concerning the latter point, the study of European non-proliferation policy is a very convenient case because the measures taken fall within different categories (e.g., NBC, landmines, small arms light weapons) and each can be analysed in isolation and/or as a within-case comparison. Furthermore, there is substantial variation on the dependent

variable (when a measure started, and in some case stopped, in the different areas; number of measures decided in the different areas). As it will be seen, some areas were transferred to the former first pillar, marking it a slightly deviant case, shedding light on particular independent variables. The problem of case study selection on the dependent variable has been discussed above and I believe proven not to be an issue in the case study design of this research.

The fourth task that George and Bennett pose in regard to case study design (2005, pp. 84-86) is to describe the variance of the variables:

The way in which variance is described is critical to the usefulness of case analyses. . . . The researcher's decision about how to describe variance is important for achieving research objectives because the discovery of potential causal relationships may depend on how the variance in these variables is postulated. (2005, p. 84)

George and Bennett go on to argue that there is no predetermined way to describe and/or define the variance, but more likely that the measure develops during the course of the analysis and may be qualitative or quantitative (2005, pp. 84-85). In my case, this issue could be addressed straightforwardly. On the one hand, the frequency table of the 79 measures of European non-proliferation policy during the period being analysed provides a quantitative measure; however, with the potential limitation that the actual budget spent per measure was not taken into consideration. On the other hand, qualitative differences among the measures can be accounted for, due to the threefold distinction of the dependent variable.

Finally, as a fifth task that researchers should consider in case study design, George and Bennett (2005, pp. 86-88) state specifying the data collection: "This is only to say—and to insist—that case researchers should follow a procedure of systematic data compilation" (2005, p. 86). Data collection regarding the dependent variable will be specified below and is therefore not addressed here. Concerning the independent variables, data were collected in two ways: by means of secondary analysis and, in a few cases, through conducting interviews. Data were compiled in a standardised way as prescribed by the analytical categories for dependent and independent variables. Therefore, as George and Bennett (2005, p. 86) put it, it is possible "that comparable data will be obtained from each case and so that single-case study data can be compared later with others."

In this section, I have stated the purpose of the following empirical work. I have discussed why a qualitative approach in general—and a case study design in particular—is advisable. The case study design has been presented, the underlying methodological issue has been addressed, and choices have been justified in depth. In the following, the policy field of European non-proliferation will be introduced and data and the data collection procedure presented before the case study is conducted utilising the approach developed in Chapter Two.

### 3.2. EU non-proliferation policy

This section briefly discusses the key facts (content, development, legal basis) of European non-proliferation in order to provide an overview<sup>138</sup> before analysing EU NPP in much more detail when the approach developed in Chapter Two is applied.



**Figure 33**—Areas of activity under European non-proliferation policy

EU NPP focuses on two main categories of weapons: (1) conventional, and (2) nuclear, biological, and chemical (since the terror attacks of 11 September, 2001, the acronym NBC has been more frequently referred to as weapons of mass destruction (WMD)).

The two types of weapons differ fundamentally in terms of the risk posed by them and their means of distribution. If risk is defined as (damage if used) x (probability of usage), the difference becomes obvious. The probability that nuclear weapons are used is relatively small; however, the damage would be colossal. Small weapons are very easily accessible and are easy to use, but their individual impact is comparatively low.

So, problems with small arms occur mainly because they have a very widespread availability. Concerning distribution, the main difference is that NBC weapons are not for sale on the open market. Therefore, the main focus rests on the required parts (and know-how) that are necessary in order to develop NBC weapons. These parts are often the so-called Dual-Use items—goods that can be used for both civilian and military purposes. Examples range from certain types of corrosion-resistant stainless steel to high-performance computers to many parts used within the chemical and pharmaceutical industries. The resulting problem is, obviously, how to distinguish the intention of the potential buyers. Apart from that, there is another problem: Most Dual-Use items can be found within the EU internal market—i.e., the competencies rest in the first pillar. This problem will be discussed later on.

<sup>138</sup> For an overview see the European External Action Service website on Disarmament, Non-Proliferation, and Arms Export control ([http://www.eeas.europa.eu/non-proliferation-and-disarmament/index\\_en.htm](http://www.eeas.europa.eu/non-proliferation-and-disarmament/index_en.htm)); a solid overview with numerous documents available is also provided by the EU Non-Proliferation Consortium: (<http://www.nonproliferation.eu>). See also the relevant sections in the SIPRI Yearbooks (<http://www.sipri.org/yearbook>). European approaches to non-proliferation are also covered in the SIPRI Yearbook by Anthony (2001). Lina Grip (2011) discusses actors involved in the EU's NPP, and Rapp (2015) gives an up-to-date overview of the field (in German).

Finally, in particular, NBC weapons must be transported to their target, which usually requires the use of missiles. The crucial question is how far the missiles can fly and how much load they can carry (for nuclear weapons, usually at least 500 kilograms are assumed to be the necessary load-carrying capacity) in order to judge who is potentially threatened. Note, however, that these calculations rest on the assumption that the actors are states (e.g., North Korea). The situation changes tremendously in a scenario where terrorists try to use BC weapons, or so-called dirty bombs (radioactive material spread by conventional explosives, leading to long-lasting contamination). This scenario is described in the 2003 European Security Strategy (European External Action Service, (n.d.-c) as one of the most threatening to Europe's security.

### **3.2.1. EU measures concerning conventional arms transfer<sup>139</sup>**

Due to Article 296<sup>140</sup> TEC, the Union has very limited powers in the area of conventional arms transfers, which holds for transfers of conventional arms in and out of member states.<sup>141</sup> Since 1990, member states cooperate in the following areas:<sup>142</sup>

Note: Each of the following points contains quotations from the European Union and Conventional Arms Export Controls (n.d.). Since the page is no longer accessible,<sup>143</sup> a scan of the document is shown in Appendix A.

"agreed criteria that member states will take into account in their decision making." This is the so-called Code of Conduct (CoC) (Council of the European Union (1998b), Document 8675/2/98), which is politically, rather than legally binding;<sup>144</sup>

- "recognized that coherence is desirable in implementing agreed measures, including arms embargoes";<sup>145</sup>
- "produced and circulated national reports on arms export policies and practices";
- "recognized that the industrial and technological base required to maintain a defence industry able to deliver equipment of the latest generation can usefully be discussed in the EU framework";
- "begun to elaborate a programme to combat illicit arms trafficking";<sup>146</sup>

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<sup>139</sup> On the EU's role in conventional arms control, see Boyer (1996); Schmitt (2003); and Remacle and Martinelli (2004). For recent developments, see Poitevin (2013).

<sup>140</sup> Treaty of Maastricht Article 223. Renumbered to Article 296 in Treaty of Amsterdam. Treaty of Nice still shows Article 296, but Treaty of Lisbon renumbered to Article 346.

<sup>141</sup> Legal aspects will be discussed under Section 3.2.5.

<sup>142</sup> SIPRI's research on non-proliferation and arms control: (<http://www.sipri.org/research>).

<sup>143</sup> The page is no longer available in the SIPRI archive (as of 04.10.2015)—see Appendix A.

<sup>144</sup> Code of Conduct (Council of the European Union, 1998b, Document 8675/2/98) was established in June 1998.

<sup>145</sup> See [http://eeas.europa.eu/cfsp/sanctions/index\\_en.htm](http://eeas.europa.eu/cfsp/sanctions/index_en.htm) for sanctions and arms embargoes. Also see [http://eeas.europa.eu/cfsp/sanctions/docs/measures\\_en.pdf](http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf) for the measures currently applied. And for an overview of arms embargoes (EU, UN, and others), see the SIPRI Arms Embargoes Database (<http://www.sipri.org/databases/embargoes>).



- “enhanced their information sharing, including the circulation of information about national decisions to deny export licences for items subject to the Code of Conduct”;
- “agreed a number of small arms initiatives.” The Union frequently addressed the destabilising effects of accumulations of small arms and launched several initiatives (Basis: Council of the European Union (1999a) Joint Action 1999/34/CFSP, two examples: Albania (1999/846/CFSP), Cambodia (1999/730/CFSP)) in order to combat these effects. Furthermore, the Union is involved in various actions for the clearance of mines (Basis: Council of the European Union (1997b) Joint Action 97/817/CFSP, examples: Croatia (2000/231/CFSP));
- “agreed measures to harmonise and improve brokering controls”;
- “co-operated on arms transfers issues in third fora such as the UN and discussed export controls with third countries (EU-US, EU-Canada, EU-Africa etc.)”; and
- “the European Parliament's role in arms export policy has also increased over the years.”

As it can be seen in Article 296, the Union’s influence on member states concerning conventional arms import/export in strictly legal terms is rather limited. However, this should not imply that the impact, for example, of the Code of Conduct is non-existent. It is more so that the channels through which influence is exerted differ—i.e., information sharing and common viewpoints, once agreed, can be equally binding as legal provisions.<sup>147</sup>

Whereas the impact concerning conventional arms on member states is limited, there is no doubt that the Union’s actions taken externally (sanctions, mine clearing, light weapons initiatives etc.) have shown effect.

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<sup>146</sup> Illicit trafficking refers to the ways (conventional) arms are acquired and distributed: Money for weapons mainly stems from illegal sources such as drug dealing, forced prostitution, illegal immigration, trade of human beings/blood diamonds/faked labels, etc. In other words, criminal activities finance weapons. Furthermore, focus rests on the sources from which arms can be acquired. For an overview and assessment of the EU’s activities in the area, see Poitevin (2013).

<sup>147</sup> Information on German provisions concerning conventional arms can be found at [http://www.bafa.de/bafa/en/export\\_control/index.html](http://www.bafa.de/bafa/en/export_control/index.html) (with additional information, in German, at <http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/>). My interviews conducted with members of the agency in 2005, and with a representative of a arms company Krauss-Maffei Wegmann, underlined the impact of non-legally binding provisions (e.g., the Code of Conduct) on the national level. The problem seems to be more that member states apply, for example, the Code of Conduct in different ways, which can lead to disadvantages in competition among European arms producers. Furthermore, it should be kept in mind that there are huge differences in the size of defence sectors among member states and national agencies (i.e., resources controlling import/export of conventional arms may vary significantly).

### **3.2.2. EU measures: Nuclear, biological and chemical weapons, including Dual-Use goods and missile systems**

The Union can look back at a long history concerning measures in the area of nuclear,<sup>148</sup> as well as biological and chemical non-proliferation. A few points have to be addressed before giving a brief historical overview of the Union's activities in this field.

Although NBC weapons are often named in one phrase, the problems that nuclear/biological/chemical weapons pose, the countermeasures each type requires, and the measures the Union took vary significantly. This fact is increasingly disguised as the debate about weapons of mass destruction subsumes the three different kinds of threats. Obviously, nuclear weapons attracted the most attention due to their evolving role in the Cold War and their potential destructive power.<sup>149</sup>

The end of the Cold War and its consequences significantly altered the substance of the debate about NBC weapons. Whereas in the Cold War, the focus mainly lay on two superpowers and the three other official nuclear powers (United Kingdom, France, and China), the focus shifted to new nuclear powers (India, Pakistan, and Israel) after the Cold War and to a series of smaller states, currently in particular North Korea and Iran. Clearly weapons possessed by the official nuclear powers pose a different threat to the ones possessed by so-called "rogue" states. Since the 11 September, 2001, attacks, we have seen a further shift in public focus from state actors to non-state actors in the area of NBC weapons. In short, particularly the number and type of actors have significantly changed over the decades.

Two technical details have to be kept in mind: First, NBC weapons cannot easily be used (contrary to most conventional weapons) but have to be brought to the place in order to be used. In particular, for nuclear weapons, missile technology is therefore key to effective non-proliferation. As the attacks of 20 March, 1995, in Tokyo (Sarin) and in 2001 in the US (Anthrax) showed, *effective* distribution of chemical and biological agents is thankfully, difficult. Second, as already mentioned in the context of NBC weapons, Dual-Use goods play a significant role because these weapons cannot usually be bought as end products, but tools and substances have to be bought in order to produce them. In this context, Dual-Use goods play a crucial role as they have a civilian as well as military application.

Although nuclear proliferation and threat reduction became a hot topic right after the Second World War, before 1981 European Community members did not address the issue of non-proliferation at the European Community level in the context of European Political Cooperation (Grand, 2000, p. 9). To avoid any misunderstanding here, it must be stressed that the members did in fact address questions related mainly to the civilian aspects of nuclear use in the context of the European Atomic Energy Community since its launch in 1957. Furthermore, the topic of nuclear energy and weapons was also addressed at the international level. The point is that only the establishing of the EPC

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<sup>148</sup> For a good account of the EU activities in Nuclear Non-Proliferation Policy also addressing theoretical question, see Müller and van Dassen (1997).

<sup>149</sup> For an in-depth analysis, see the Chaillot papers from the European Union Institute for Security Studies (e.g., for nuclear weapons, see 37, 48, 66, 77; for chemical/biological weapons, see 66, 69, 93) (<http://www.iss.europa.eu/publications/chaillot-papers/>).

gave the basis to address *non-civilian aspects* of nuclear weapons at the *European Community* level.

As Grand (2000) notes, the first action under EPC was to establish a working group on the issue of nuclear proliferation, and the first consequence of cooperation in the sphere was the "joint adoption of the London directives on nuclear exports announced on 20 November 1984" (p. 9). Cooperation in the area intensified between 1985 and 1990, which could be seen by more frequent meetings of the working group (at least twice per Presidency) and an increase of information shared via the COREU system (p. 10). Grand explains the increasing cooperation in the area with the declining importance of the Cold War and an increasing concern in proliferation triggered by the Gulf War in 1991. Furthermore, with the French adhesion to the NPT treaty in 1992, the last obstacle to a more active role of the EU (in the context of the emerging CFSP) in the area of non-proliferation was removed (p. 11).

The future role of the EU in the area of non-proliferation was sketched out at the summits of Luxembourg (28-29 June, 1991) and Lisbon (26-27 June, 1992). Under Annex VII "DECLARATION ON NON-PROLIFERATION AND [sic] ARMS EXPORTS" in European Council (1991b) Presidency Conclusions, Luxembourg, Annex VII (Luxembourg summit),<sup>150</sup> the following is stated:

The European Council is deeply concerned at the danger arising from the proliferation of weapons of mass destruction throughout the world. The recent Gulf War showed the absolute necessity of further enhancing the effectiveness of regimes of non-proliferation. (p. 31)

In regard to proliferation, the 1992 Lisbon summit identified the following areas for potential future action under CFSP (European Council, 1992b, Presidency Conclusions, Annex 1):

- Specific objectives of the Union: "strengthening existing cooperation in issues of international interest such as the fight against arms proliferation, terrorism and the traffic in illicit drugs;" (1992b, p. 32)
- Areas where efforts of non-proliferation should focus on: Russia and former Soviet Republics (1992b, pp. 35-36.), Maghreb and the Middle East (1992b, pp. 37-40).
- As domains related to the security dimension suitable for future Joint Actions, "the policy of disarmament and arms control in Europe, including confidence-building measures; nuclear non-proliferation issues; the economic aspects of

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<sup>150</sup> For reference: List of Council meeting conclusions (2004–current) can be found at ([http://www.consilium.europa.eu/register/en/content/out/?typ=SET&i=ADV&RESULTSET=1&DOC\\_ID=&DOS\\_INTERINST=&DOC\\_TITLE=&CONTENTS=&DOC\\_SUBJECT=CONCL&DOC\\_DATE=&document\\_date\\_single\\_comparator=&document\\_date\\_single\\_date=&document\\_date\\_from\\_date=&document\\_date\\_to\\_date=&MEET\\_DATE=&meeting\\_date\\_single\\_comparator=&meeting\\_date\\_single\\_date=&meeting\\_date\\_from\\_date=&meeting\\_date\\_to\\_date=&DOC\\_LANCD=EN&ROWSPP=25&NRROWS=500&ORDERBY=DOC\\_DATE+DESC](http://www.consilium.europa.eu/register/en/content/out/?typ=SET&i=ADV&RESULTSET=1&DOC_ID=&DOS_INTERINST=&DOC_TITLE=&CONTENTS=&DOC_SUBJECT=CONCL&DOC_DATE=&document_date_single_comparator=&document_date_single_date=&document_date_from_date=&document_date_to_date=&MEET_DATE=&meeting_date_single_comparator=&meeting_date_single_date=&meeting_date_from_date=&meeting_date_to_date=&DOC_LANCD=EN&ROWSPP=25&NRROWS=500&ORDERBY=DOC_DATE+DESC)); for previous ones, see (<http://www.europarl.europa.eu/summits/>).

security, in particular control of the transfer of military technology to third countries and control of arms exports” (1992b, p. 40) were listed.

At the institutional level, the working group on nuclear proliferation merged with a working group on biological and chemical weapons established in the context of the Single European Act (1986) and was hence called CONOP (Höhl, Müller, & Schaper, 2002, pp. 4-5). Its main task was the development of programmes and documents (2002, p. 9).

In 1995, the Union supported the infinite extension of the Nuclear Non-Proliferation Treaty (NPT) and launched a highly successful Joint Action in order to gain support for that aim from other countries. Furthermore, the Union engaged in a dialogue between nuclear suppliers and receivers. At the NPT review conference in 2000, the Union proposed general policies on all aspects of the NPT based on a Common Position of the members (Höhl et al., 2002, p. 4).

The Union unfolded a whole range of activities in the area of NBC non-proliferation, most notably supporting disarmament in the former Soviet Republics<sup>151</sup> and dialogues with North Korea and Iraq concerning their atomic programmes.

Activities in the area of non-proliferation of NBC weapons dramatically increased in the aftermath of the terrorist attacks of 11 September, 2001. Consequently, the European Security Strategy (12 December, 2003) (European External Action Service, n.d.-c) identifies terrorism and the proliferation of weapons of mass destruction as new key threats to the Union’s security. As Javier Solana once characterized the pace of the development of ESDP as lightning speed, so it could be said in regard to the Union’s activities in the area of NBC non-proliferation. The measures and consequences will be treated in more detail later. The development in Iran in 2005, with the decision to start uranium enrichment,<sup>152</sup> is a further reason that propelled WMD proliferation higher up on the agenda.

### **3.2.3. Dual-Use**

Dual-Use items cut across the line of conventional and NBC weapons. According to the definition used in Council of the European Union (2009) Regulation (EC) No 428/2009,<sup>153</sup> Article 2 (1) of 5 May, 2009,

“dual-use items” shall mean items, including software and technology, which can be used for both civil and military purposes, and shall include all goods which can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices.

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<sup>151</sup> See Höhl, Müller, and Schaper (2002).

<sup>152</sup> See Meier (2013) for an assessment of the EU’s performance vis-à-vis the Iranian nuclear programme. For an up-to-date (2014) account of the proposals towards the Iranian nuclear programme, see ([https://www.armscontrol.org/factsheets/Iran\\_Nuclear\\_Proposals](https://www.armscontrol.org/factsheets/Iran_Nuclear_Proposals)).

<sup>153</sup> On Dual Use in general, see (<http://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/>).

Dual-Use items therefore pose severe difficulties: On the one hand, it is not easy to judge for what purpose a potential buyer intends to use the goods; on the other hand, the question arises as to who has the legal competency to regulate Dual-Use items. Concerning the latter, we could say the civilian use of Dual-Use goods falls within the competency of the EC (i.e., mainly the Commission in the area of foreign trade for EC exports and single market trade between EC members), whereas potential military use would mainly concern the Council under CFSP. This led to the following situation:

In 1989, the Council of Ministers adopted an EC Regulation prohibiting the export of certain chemical products under specific conditions, within the wider context of attempts to reduce the risk of spread of chemicals for military purpose (Adam, 1990). . . .<sup>154</sup> This regulation was agreed by the Council on a Commission proposal based on Community law, whilst the list of concerned items was agreed within the intergovernmental framework of the European Political Co-operation. Such list could only be changed after a unanimous decision. (Remacle & Martinelli, 2004, p. 114)

The whole legal development will be discussed in the next section. Here it is important to point out what is specific about Dual-Use goods with regard to my research. In a way, we can speak of unintended and, I also assume, unforeseen consequences of the common market project—i.e., I doubt that the problem of *military* use of a few goods was even foreseen when the common market was planned, as laid out in the Treaty of Rome in 1958. In that respect, they could be seen as a “Trojan horse” that blurred the line between EC and EPC (later CFSP)—what most states so eagerly wanted to avoid as shown in the analysis in Chapter One. As it will be discussed later, the battle was won by the Commission through an ECJ judgement that ruled that competencies for Dual-Use goods solely rested in the EC pillar. The example, however, proves my claim that the line between pillars, or even EC and EPC, is less clear-cut than some would like. Consequently, analysis cannot concentrate on EPC/CFSP—independent variables from other sources have to be taken into account, as already frequently shown.

#### **3.2.4. Missile proliferation**

As mentioned, in the context of NBC weapons focus has to rest not only on production and proliferation but also on their transportation, i.e., missiles and their technology. As Mark Smith (2003, p. 12) points out, a threatening missile is one that is able to carry 500 kilograms of load (enough for nuclear weapons) and has a range of more than 300 kilometres. From a strategic point of view, conventionally armed missiles are irrelevant in the context of non-proliferation considerations. The Scud missile attacks on Israel in 1991 demonstrated that they can cause terror and civilian death, yet have no impact on the strategic level (Mark Smith, 2003, p. 12).

To what degree is European security threatened by missile proliferation? Mark Smith (2003) argues that European states can currently only be reached by missiles of *de jure* nuclear states (i.e., China, France, Russia, the UK, and the US). However, “the only technical factor that can change this in the foreseeable future is the circulation of

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<sup>154</sup> Note that the reference to Adam (1990) is cited in the quotation of Remacle & Martinelli, (2004, p. 114), and is therefore not a citation of this thesis; hence, no reference has been listed.

*Nodong* and especially *Taepo Dong* technology from the DPRK [Researcher's note: North Korea] to a state in the Middle East" (p. 18). In that context, Mark Smith (pp. 19-20) points to the motivation for suppliers and buyers of missile technology. In particular, North Korea is dependent on the income (estimated U.S. \$100 million per annum) of missile technology proliferation. The buyers, all of them developing states, are usually driven either by bilateral hostility and/or regional insecurity (e.g., India/Pakistan, North/South Korea, Iran/Iraq, and China/Taiwan). In consequence, in regard to the EU,

European states only figure in missile drivers in the regional sense: they are not customers for developing world missile technology, they are not suppliers, and they do not have any bilateral hostilities with states of missile concern, but they *are* [emphasis in original] involved in force projection into regional security problem areas, in particular the Middle East. This means that it is only those European states in these categories that confront a potential missile threat. States such as Turkey provide bases and logistical facilities, and states like Britain are involved in sending troops. In other respects, missile proliferation threatens European states in the sense that it has a negative impact upon regional stability. Thus, European states currently face only a partial direct threat but a strong indirect threat. (Mark Smith, 2003, p. 21)

To what extent is the EU engaged in non-proliferation of missiles?

Missiles technology falls under the Dual-Use Regime: "or the development, production, maintenance or storage of missiles capable of delivering such [Researcher's note: weapons of mass destruction] weapons" (Council of the European Union, 2000, Regulation (EC) No 1334/2000, chap. 2, article. 4, para. 1).

Indirectly: Most EU member states are members of the Missile Technology Control Regime<sup>155</sup> (MTCR).

The EU was very active and successful in the development of the INTERNATIONAL CODE OF CONDUCT AGAINST BALLISTIC MISSILE PROLIFERATION (ICOC), later called the Hague Code of Conduct. The Council of the European Union (2001b) Common Position 2001/567/CFSP and the Council of the European Union (2002b) Joint Action 2002/406/CFSP supported invention and implementation of the Code.

As Ahlström (2003, p. 751) points out, "while the *substance* of the ICOC was worked out within the framework of the MTCR, the *process* of its multilateralization was developed and brought to fruition within the framework of the EU." Ahlström shows that at the beginning of the drafting of the ICOC, EU members had no Common Position, which then changed in 2001 when "the EU General Affairs Council (GAC) adopted conclusions on missile non-proliferation." The situation changed when

at the European Council meeting in Gothenburg in June 2001, the heads of government adopted a Declaration on Prevention of Proliferation of Ballistic Missiles. It was decided that the EU should adopt a Common Position on ballistic missile proliferation on the basis of multilateralization of the draft

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<sup>155</sup> <http://www.mtcr.info/english/index.html>

ICOC. A Common Position to this end was adopted by the European Council on 23 July 2001.<sup>156</sup> (Ahlström, 2003, p. 752)

Finally, in autumn 2002, the Netherlands hosted a launching conference of the ICOC. Roughly 90 states subscribed to the legally non-binding ICOC that was then renamed the Hague Code of Conduct (Ahlström, 2003, pp. 753-754).

In short, we see that the EU developed its role as a non-proliferation actor over the years in various areas (conventional weapons, NBC, Dual-Use, missile proliferation). As shown, each of these areas poses specific problems and requires specific measures. The following section will briefly discuss the legal aspects of EU NPP.

### **3.2.5. Legal aspects**

The topic of non-proliferation is not explicitly mentioned in the Maastricht provisions concerning CFSP (Title V), and the same is true for the revisions in Amsterdam and Nice. Potential areas for Joint Actions under CFSP were identified at the European Council summit<sup>157</sup> in Lisbon (June 1992) in European Council (1992b) Presidency Conclusions, Lisbon, Annex I. In particular, reference is made to the following:

- "strengthening existing cooperation in issues of international interest such as the fight against arms proliferation, terrorism and the traffic of illicit drugs" (1992b, p. 32).
- Seen as suitable for Joint Actions from the start of CFSP: "the policy of disarmament and arms control in Europe. Including confidence-building measures"; "nuclear non-proliferation issues"; "economic aspects of security, in particular control of the transfer of military technology to third countries and control of arms exports" (1992b, p. 40).
- As the geographical focus of the above-stated measures, the Middle East (1992b, pp. 39-40), Maghreb (1992b, p. 38), Russia and the former Soviet Union (1992b, p. 34) were explicitly mentioned.

In the period 1994-2004, 79 Common Positions, Joint Actions, and Common Strategies were decided under CFSP in the area of EU NPP. It must be stressed that the actions taken under the second pillar are not enforceable in a legal sense, unlike measures under the EC pillar (e.g., Dual-Use items), which fall under the jurisdiction of the European Court of Justice.

Very atypical was the development in the area of DUAL-USE GOODS (Schmitt, 2003, pp. 29-32), with competencies first shared between EC and CFSP and then, after a

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<sup>156</sup> Council of the European Union (2001b) Common Position 2001/567/CFSP.

<sup>157</sup> All documentation is available at ([http://www.europarl.europa.eu/summits/previous\\_scan.htm](http://www.europarl.europa.eu/summits/previous_scan.htm)) where the Presidency Conclusions with annexes are provided from 1985 to 2006. All references are made to the English-language documents.

judgement of the ECJ, in sole competence of the EC.<sup>158</sup> Actual need for activity in the area of Dual-Use goods came in the context of the single market in 1992 because Dual-Use goods should also be able to move freely among the EU member states (2003, p. 29). This resulted, however, in a dilemma because Dual-Use goods, on the one hand, fell within EC competencies in the area of trade, which fell under Article 113 (or 133, post-Amsterdam) of the EC Treaty. On the other hand, Dual-Use goods were deemed as an item for the newly established CFSP under Article J.3 Treaty of Maastricht.

This led to two legal acts governing Dual-Use items: Council of the European Union (1994c) Regulation (EC) No 3381/94 as part of the Community law and Council of the European Union (1994a) Decision 94/942/CFSP adopted under J.3 CFSP (Schmitt, 2003, p. 30). How did this work in practice? The EC regulation ruled the workings of the Dual-Use regime, whereas the Joint Action under CFSP specified which goods actually fell under that regime.<sup>159</sup> As a result, it was within member states' competency to decide which goods were subject to the regime and to ensure implementation at the national level (which is generally done by the Commission).

A major change came in July 2000 when the regime mentioned above was replaced by Council of the European Union (2000) Regulation (EC) No 1334/2000. This change was due to a judgement by the ECJ.<sup>160</sup> Now the regime was solely based on Article 133 EC—i.e., fell within the competences of the first pillar. In consequence, also the list of goods was decided by the first-pillar procedures—i.e., the Commission has the right for initiative, and the decision in the Council is taken not under unanimity (as in CFSP) but by qualified majority. The list is updated once a year. However, it would be a false interpretation to state that member states lost significant control in favour of the Commission: The list of goods is, by and large, taken from international regimes (Wassenaar, MTCR, Nuclear Suppliers' group) where member states have full control (Schmitt, 2003, p. 31). What should be kept in mind, however, is that in the whole second pillar the ECJ has no competencies, unlike in the EC pillar (i.e., compliance in the area of Dual-Use is legally enforceable, whereas under CFSP it is not).

Legal provisions concerning CONVENTIONAL WEAPONS are much weaker:

Armaments could and can still be excluded by Member States from the Single Market rules due to Article 223 TEC (renamed Article 296 TEC<sup>161</sup> in the Amsterdam treaty) (Davis, 2002<sup>162</sup>). Member States could through this clause, retain discretionary decision powers on trade and exports in military goods, subsidies to the defence sector and mergers in the armament industry without any interference from the European Commission. This blanket "opt-out" clause was nevertheless somewhat questionable, as the list

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<sup>158</sup> The first hint is that most of the information can be found at the Commission's (i.e., first pillar!) webpage under external trade (<http://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/>).

<sup>159</sup> The meaning of this rather bizarre arrangement will be dealt with in more detail later.

<sup>160</sup> To be discussed in detail in the relevant section.

<sup>161</sup> Article 346 in the Treaty of the Functioning of the European Union (Treaty of Lisbon).

<sup>162</sup> Note that the reference to Davis (2002) is cited in the quotation of Remacle & Martinelli (2004, p. 113) and is therefore not a citation of this thesis; hence, no reference has been listed.



of armaments concerned has not been updated since 1958. (Remacle & Martinelli, 2004, p. 113)

Consequently, the EU plays a much smaller role in the area of conventional arms control, at least in strictly legal terms. However, it can be seen that the Code of Conduct concerning conventional arms has an impact (see Bauer & Bromley, 2004).

IN SUMMARY, we see that EU NPP poses a complex puzzle: It developed over time in a whole range of areas. As pointed out, the measures required concerning the different items (conventional and NBC weapons, Dual-Use items, carrier systems) that can be proliferated can be very different. The Union and its members may act directly, e.g., by proposing measures, or indirectly as members of the various international regimes. In particular Dual-Use items and the development of their legal status showed that EPC/CFSP and the EC, that is the economic and the security domains, cannot be easily separated. As we will see, EU NPP developed significant dynamics in some areas—i.e., we cannot speak of a steady and gradual process of closer cooperation in the field.

The following section will set out the puzzle that has to be solved in more detail—i.e., all 79 decisions of EU NPP under CFSP will be presented in a table. Then I will specify what deserves explanation before applying the approach developed in Chapter Two.

### **3.3. The data: Measures of the EU—Non-proliferation and disarmament 1994-2004**

This section will introduce the empirical data. The first step briefly describes how the data were collected and then introduces the categories I have chosen to classify, together with the various EU NPP measures, before giving a brief background on each category and listing the measures taken.

Data collection was much less straightforward than I had assumed. Two publications list EU measures in the area of CFSP and non-proliferation:

Gottschald (2001) lists all Joint Actions and positions from Maastricht until the Treaty of Nice (2001, pp. 130-167), with the last entry being on 20.11.2000.

Anthony (2001) lists in Appendix 8c of the 2001 SIPRI Yearbook under table 8c (pp. 604-605) measures of the EU in arms control, non-proliferation and disarmament taken under CFSP from 1994 until April 2000.

Very tempting as a source of data is the directory of community legislation in force, which is divided into twenty areas with CFSP being number 18.<sup>163</sup> However, scanning through the directory showed that some measures listed in the sources mentioned above had been omitted. As it says “into force,” it may be that terminated actions are not listed. Writing to the information desk did not bring clarification as they could not explain upon which criteria the directory was made.

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<sup>163</sup> Original 2005 searches using (<http://europa.eu.int/eur-lex/lex/en/repert/index.htm>). Note that as “18 Common Foreign and Security Policy” contains no sub-levels, there is no link to expand, so you have to select the “number of acts” instead to the right of it.

Further investigation showed that by typing “cfsp” in the simple search field of [http://europa.eu.int/eur-lex/lex/RECH\\_mot.do](http://europa.eu.int/eur-lex/lex/RECH_mot.do)<sup>164</sup> would bring all measures ever taken under CFSP. The query was made on 02 June, 2005, and returned 615 results. As a consequence, I scanned all the measures and highlighted just those that fell into the area of EU NPP. As a next step, the measures found were compared with the measures listed by Gottschald and Anthony. All the measures listed by Gottschald and Anthony were found in the list stemming from the search query. Problems occurred in a few cases as Joint Actions or Common Positions had been changed. In most cases, the changes were marginal or referred simply to wording. I choose not to list these kinds of changes but only the original measures. Also, only fundamental changes are listed. The main reason is that listing these changes would give a false impression of the absolute number of measures taken in the various areas, e.g., landmines, nuclear weapons, etc. Finally, the period from 2001 to 2005 was rechecked, and I was not able to find a second collection similar to Gottschald and Anthony for that time period. Consequently, I have confidence in assuming that no measure was omitted.

After collecting the raw material, I extracted the measures that fell within the scope of EU NPP, which led to 79 measures during the period from 1994 to 2004. The measures clustered around the following topics:

- Fighting the accumulation and destabilising effects of small weapons;
- Landmines;
- Nuclear weapons;
- Biological and chemical weapons;
- Issues around proliferation and disarmament in general;
- Weapons of mass destruction; and
- Dual-Use goods.

Others: Measures which cannot be easily classified, such as measures concerning blinding lasers, the Common Strategies (Ukraine, Russia, Mediterranean)—all of them with various references to NPP, the extension of the Common Strategy on Russia and finally the founding of the European Defence Agency.

The classification was in most cases straightforward: Small weapons, landmines, Dual-Use, as well as nuclear and biological/chemical weapons are treated as separate issues in the measures. The problem appeared to be that WMD measures were listed in 2003 for the first time; but in 2003 and 2004, we also find additional measures on nuclear weapons (which are obviously also WMD weapons). As I will argue later, the EU’s actions taken under WMD have a different background and scope and another kind of urgency, which justifies considering them as a new category. Otherwise, some of the most dynamic developments in recent years would be disguised.

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<sup>164</sup> Latest 2015 searches using (<http://eur-lex.europa.eu/homepage.html>).

In the following, the measures in the different categories will be listed and a short background to the classes provided.<sup>165</sup>

### 3.3.1. Measures in the area of small arms and light weapons

The Union became involved in the topic for the first time in 1998-1999 with the Council of the European Union (1999a) Joint Action 1999/34/CFSP adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons. Small weapons play a particular role in intra-state wars; hence, the so-called "new wars" (Kaldor, 2001; Münkler, 2002), when it's not regular armies that fight against each other, but various groups, often so-called warlords mainly driven by economic interest. This is very important considering the fact that most high-intensity conflicts are usually within states and only a very limited number between states (Heidelberg Institute for International Conflict Research, 2014).<sup>166</sup>

Consequently, Council of the European Union (1999a) Joint Action 1999/34/CFSP on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons identifies the following objectives:

"to combat and contribute to ending the destabilising accumulation and spread of small arms,

to contribute to the reduction of existing accumulation of these weapons to levels consistent with countries' legitimate security needs, and

to help solve the problems caused by such accumulations."

The measures are listed below. Also, the geographical focus of the Union's activities can be seen.

**Table 1**—Measures in the area of small arms and light weapons<sup>167</sup>

Reference	Content of measure
1999/34/CFSP [cited reference]	Council of the European Union (1999a). Joint Action 1999/34/CFSP. As adopted by the Council: European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons. [1999] OJ L9.

<sup>165</sup> Measures are cited in the following format: Year/Number/CFSP. In some literature, you will find the French version PESC instead of CFSP. To find the text of the measures, go to <http://eur-lex.europa.eu/homepage.html> and enter the Year/Number/CFSP in the "Quick search" field.

<sup>166</sup> The Conflict Barometer 2014 (p. 17) lists 44 intrastate limited wars but only one limited war between states. For 1945-2014, see (<http://www.hiik.de/en/konfliktbarometer/index.html>).

<sup>167</sup> Most table entries are not cited elsewhere and are therefore not considered references. Entries that are also listed in the References section are annotated as [cited reference].

<b>Reference</b>	<b>Content of measure</b>
1999/320/CFSP	Council of the European Union (1999). Decision 1999/320/CFSP. Contribution to the collection and destruction of weapons in Albania.
1999/730/CFSP	Council of the European Union (1999). Decision 1999/730/CFSP. Contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia.
1999/845/CFSP	Council of the European Union (1999). Decision 1999/845/CFSP. Contribution to combating the destabilising accumulation and spread of small arms and light weapons in Mozambique.
1999/73/CFSP	Council of the European Union (1999). Common Position 1999/73/CFSP. European Union, on Afghanistan.
2000/724/CFSP	Council of the European Union (2000). Decision 2000/724/CFSP. Extending and amending Decision 1999/730/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia.
Council Decision 20.11.2000 <i>Official Journal L</i> 292, 21/11/2000 P. 0003—0004 <sup>168</sup>	Council of the European Union (2000). Council decision of 20 November 2000 extending and amending Decision 1999/730/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia.
Council Decision 14.12.2000 <i>Official Journal L</i> 326, 22/12/2000 P. 0001—0002	Council of the European Union (2000). Council decision of 14 December 2000 implementing Joint Action 1999/34/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in South Ossetia.
2001/796/CFSP	Council of the European Union (2001). Decision 2000/796/CFSP. Extending and amending Decision 1999/730/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia.
2001/850/CFSP	Council of the European Union (2001). Decision 2001/850/CFSP. Implementing Joint Action 1999/34/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in Albania.

<sup>168</sup> Some of the decisions related to CFSP are Council Decisions not explicitly listed under a CFSP number but by reference to the Official Journal. To find these documents, go to <http://eur-lex.europa.eu/homepage.html> and enter in the "Quick search" the publication year, month, date, and page number in particular.

Reference	Content of measure
2001/200/CFSP	Council of the European Union (2001). Decision 2001/200/CFSP. Implementing Joint Action 1999/34/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in Latin America and the Caribbean.
2002/842/CFSP	Council of the European Union (2002). Decision 2002/842/CFSP. Implementation of Joint Action 2002/589/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in South East Europe.
2002/904/CFSP	Council of the European Union (2002). Decision 2002/904/CFSP. Extending and amending Decision 1999/730/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia.
2002/589/CFSP	Council of the European Union (2002). Joint Action 2002/589/CFSP. As adopted by the Council: Contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP.
2003/276/CFSP	Council of the European Union (2003). Decision 2003/276/CFSP. Implementation of Joint Action 2002/589/CFSP, European Union's contribution to the destruction of ammunition for small arms and light weapons in Albania.
2003/543/CFSP	Council of the European Union (2003). Decision 2003/543/CFSP. Implementation of Joint Action 2002/589/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in Latin America and the Caribbean.
2003/806/CFSP	Council of the European Union (2003). Decision 2003/806/CFSP. Extending and amending Decision 1999/730/CFSP implementing Joint Action 1999/34/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia.
2003/807/CFSP	Council of the European Union (2003). Decision 2003/807/CFSP. Extending and amending Decision 2002/842/CFSP concerning the implementation of Joint Action 2002/589/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in South East Europe.
2004/833/CFSP	Council of the European Union (2004). Decision 2004/833/CFSP. Implementing Joint Action 2002/589/CFSP, European Union's contribution to ECOWAS in the framework of the Moratorium on Small Arms and Light Weapons.

Reference	Content of measure
2004/790/CFSP	Council of the European Union (2004). Decision 2004/790/CFSP. Extending and amending Decision 2003/276/CFSP implementing Joint Action 2002/589/CFSP, European Union's contribution to the destruction of ammunition for small arms and light weapons in Albania.
2004/791/CFSP	Council of the European Union (2004). Decision 2004/791/CFSP. Amending Decision 2002/842/CFSP implementing Joint Action 2002/589/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in South East Europe.
2004/792/CFSP	Council of the European Union (2004). Decision 2004/792/CFSP. Extending and amending Decision 1999/730/CFSP implementing Joint Action 1999/34/CFSP, European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons in Cambodia.

### 3.3.2. Measures concerning landmines<sup>169</sup>

The EU unfolded activities in the area of anti-personnel landmines (APM) quickly after CFSP was launched. As Anthony (2001, p. 612) points out, activities concentrated on two topics:

“development of international norms about the possession and use of such mines”;

“practical measures aimed at removing and destroying mines that have been put in place in different parts of the world.”

These two aims are reflected in the Council of the European Union (1995) Decision 1995/170/CFSP concerning the Joint Action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel mines that aims “to work to end the indiscriminate use and spread of anti-personnel landmines” and “to mitigate the effects of anti-personnel landmines that had already been placed and to prevent humanitarian consequences considered excessive and inhumane” (Anthony, 2001, p. 612).

Furthermore, the EU was engaged in international organisations that deal with APMs, mainly the UN. Landmines are addressed in the 1981 “Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects” (CCW Convention). The EU states supported the amendment of the CCW in order to extend its scope to APMs (Anthony, 2001, p. 612).

<sup>169</sup> See European External Action Service (n.d.-a), European External Action Service (n.d.-b), and European Commission, (n.d.). Rémacle and Martinelli also address the Union's role in regard to anti-personnel landmines (2004, pp. 118-120).

However, as Anthony shows, a 1996 Joint Action extended the EU policy towards APMs even further as it included “a commitment to the eventual total elimination of anti-personnel landmines . . . as well as a moratorium on the export of anti-personnel landmines to all destinations” (Anthony, 2001, p. 612).

Meanwhile, a large group of states initiated the so-called Ottawa Convention, which aimed at the “Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction” (United Nations, 2002, pp. 211-312).<sup>170</sup> The Joint Action of 28 November, 1997 (Council of the European Union, 1997b, Joint Action 97/817/CFSP<sup>171</sup>), adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel landmines, supported the Ottawa convention and “committed the EU states to take the steps required for national implementation” (Anthony, 2001, p. 612). A problem, however, occurred as neither Finland nor Estonia nor Latvia signed the convention; they argued that landmines “are a legitimate form of self-defence” (Remacle & Martinelli, 2004, p. 120). It is not too difficult to see against whom these states deem self-defence necessary.

Concerning practical measures, the EU supported various mine actions in Bosnia and Herzegovina and Croatia. Furthermore, it financially supported the International Committee of the Red Cross in conducting various mine projects (Anthony, 2001, p. 613).

**Table 2—Measures concerning landmines<sup>172</sup>**

<b>Reference</b>	<b>Content of measure</b>
1995/170/CFSP <b>[cited reference]</b>	Council of the European Union (1995). Decision 1995/170/CFSP. Joint Action adopted by the Council: Anti-personnel mines. [1995] OJ L 115.
1996/251/CFSP	Council of the European Union (1996). Decision 96/251/CFSP. Complementing Decision 95/170/CFSP concerning the Joint Action adopted by the Council on anti-personnel mines.
1996/588/CFSP <b>[cited reference]</b>	Council of the European Union (1996c). Joint Action 96/588/CFSP. As adopted by the Council: Anti-personnel landmines. [1996] OJ L 260.
1997/819/CFSP	Council of the European Union (1997). Decision 97/819/CFSP. Implementation of Joint Action 96/588/CFSP on anti-personnel landmines and contributing to funding of certain programmes of SADC and ICRC.

<sup>170</sup> See (<http://www.armscontrol.org/factsheets/ottawa.asp>). The treaty can be found at (<http://www.icbl.org/en-gb/the-treaty.aspx>).

<sup>171</sup> This Joint Action is listed as 97/817/CFSP (not in the usual format 1997/817/CFSP) and can only be found like that in EUR-LEX.

<sup>172</sup> Most table entries are not cited elsewhere and are therefore not considered references. Entries that are also listed in the References section are annotated as [cited reference].

<b>Reference</b>	<b>Content of measure</b>
1997/818/CFSP	Council of the European Union (1997). Decision 97/818/CFSP. Implementation of Joint Action 96/588/CFSP on anti-personnel landmines, co-financing the special appeals from the ICRC.
1997/817/CFSP <b>[cited reference]</b>	Council of the European Union (1997b). Joint Action 97/817/CFSP adopted by the Council: Anti-personnel landmines. [1997] OJ L 338.
1998/627/CFSP	Council of the European Union (1998). Decision 98/627/CFSP. Specific action of the Union in the field of assistance for mine clearance.
1998/628/CFSP	Council of the European Union (1998). Decision 98/628/CFSP. Implementation of Council Decision 1998/627/CFSP concerning a specific action of the Union in the field of assistance for mine clearance.
2000/231/CFSP	Council of the European Union (2000). Decision 2000/231/CFSP. Supplementing Decision 98/627/CFSP concerning a specific action of the Union in the field of assistance for mine clearance.
2001/328/CFSP	Council of the European Union (2001). Decision 2001/328/CFSP. Supplementing Decision 98/627/CFSP concerning a specific action of the European Union in the field of assistance for mine clearance.

### **3.3.3. Measures in the area of nuclear non-proliferation**

In the area of nuclear non-proliferation, the Union's measures also started quickly after CFSP was introduced. Measures cluster around four topics:

- the Union's position in, or towards, international agreements in the area of nuclear non-proliferation as the Treaty of Non-Proliferation of Nuclear Weapons (NPT)<sup>173</sup> and the Comprehensive Nuclear Test-Ban Treaty (CTBT);<sup>174</sup>
- the Korean Peninsula Energy Development Organisation (KEDO)<sup>175</sup> which aims at promoting peaceful use of atomic energy in North Korea;
- two decisions concerning nuclear export controls; and
- one Joint Action dealing with the physical protection of a nuclear site in the Russian Federation.

As it can be seen, most of the EU's activities relate to international treaties (NPT/CTBT) where the EU has an indirect effect. However, this does not mean that the effect of the Union in that area is insignificant, as already described above.

<sup>173</sup> <http://www.un.org/disarmament/WMD/Nuclear/NPT.shtml>

<sup>174</sup> <http://www.ctbto.org/>

<sup>175</sup> <http://www.kedo.org/>



**Table 3—Measures in the area of nuclear non-proliferation<sup>176</sup>**

<b>Reference</b>	<b>Content of measure</b>
1994/509/CFSP <b>[cited reference]</b>	Council of the European Union (1994b). Decision 94/509/CFSP. Joint Action adopted by the Council: Preparation for the 1995 Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. [1994] OJ L 205/1.
1996/195/CFSP	Council of the European Union (1996). Joint Action 96/195/CFSP. Participation of the European Union in the Korean Peninsula Energy Development Organisation (KEDO).
1997/484/CFSP	Council of the European Union (1997). Common Position 97/484/CFSP. European Union, on the Korean Peninsula Energy Development Organisation (KEDO).
1997/288/CFSP	Council of the European Union (1997). Joint Action 97/288/CFSP. European Union's contribution to the promotion of transparency in nuclear-related export controls.
1998/289/CFSP	Council of the European Union (1998). Common Position 98/289/CFSP. Preparation for the second Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the non-proliferation of nuclear weapons.
1998/623/CFSP	Council of the European Union (1998). Decision 98/623/CFSP. Implementation of Joint Action 97/288/CFSP on the European Union's contribution to promotion of transparency in nuclear-related export controls, financing of second NSG seminar on nuclear-related export controls.
1999/74/CFSP	Council of the European Union (1999). Decision 1999/74/CFSP. Implementation of Joint Action 97/288/CFSP concerning the financing of a communication system to all members of the Nuclear Suppliers Group which are not Member States of the European Union.
1999/533/CFSP	Council of the European Union (1999). Common Position 1999/533/CFSP. European Union's contribution to the promotion of the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT).
2000/297/CFSP	Council of the European Union (2000). Common Position 2000/297/CFSP. The 2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons.

<sup>176</sup> Most table entries are not cited elsewhere and are therefore not considered references. Entries that are also listed in the References section are annotated as [cited reference].

<b>Reference</b>	<b>Content of measure</b>
2001/543/CFSP	Council of the European Union (2001). Decision 2001/543/CFSP. Repealing Decision 1999/74/CFSP on implementation of Joint Action 97/288/CFSP concerning financing of a communication system to all members of the Nuclear Suppliers Group which are not Member States of the European Union.
2001/286/CFSP	Council of the European Union (2001). Decision 2001/286/CFSP. Implementing Common Position 1999/533/CFSP relating to the European Union's contribution to the promotion of the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT).
2003/567/CFSP	Council of the European Union (2003). Decision 2003/567/CFSP. Implementing Common Position 1999/533/CFSP relating to the European Union's contribution to the promotion of the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT).
2004/796/CFSP	Council of the European Union (2004). Joint Action 2004/796/CFSP. Support of the physical protection of a nuclear site in the Russian Federation.

### **3.3.4. Measures in the area of biological and chemical non-proliferation**

In the area of biological and chemical weapons, the Union issued three Common Positions, all related to the Biological and Toxin Weapons Convention (BTWC).<sup>177</sup> Similarly the EU acts mainly indirectly on the issue of nuclear weapons. Practical assistance in the area of chemical weapons is given to the Russian Federation in order to fulfil its obligation in accordance with the BTWC treaty. The measures are described in the next section.

**Table 4—Measures in the area of biological and chemical non-proliferation<sup>178</sup>**

<b>Reference</b>	<b>Content of measure</b>
1996/408/CFSP <b>[cited reference]</b>	Council of the European Union (1996b). Common Position 96/408/CFSP. Fourth Review Conference of the Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction. [1996] OJ L 168.
1998/197/CFSP <b>[cited reference]</b>	Council of the European Union (1998a). Common Position 98/197/CFSP. Protocol to strengthen compliance with the Biological and Toxin Weapons Convention and the intensification of work in the Ad Hoc Group to that end. [1998] OJ L 075.

<sup>177</sup> <http://www.opbw.org/>

<sup>178</sup> All table entries are cited elsewhere and are therefore annotated as [cited reference].

Reference	Content of measure
1999/346/CFSP <b>[cited reference]</b>	Council of the European Union (1999b). Common Position 1999/346/CFSP. Protocol to strengthen compliance with the Biological and Toxin Weapons Convention, and with a view to the successful completion of substantive work in the Ad Hoc Group by the end of 1999. [1999] OJ L 133.

### 3.3.5. General measures on non-proliferation and disarmament

This section deals with four topics:

1. The Union's support of the Russian Federation in the area of non-proliferation;
2. The Union's efforts in the area of ballistic missile non-proliferation;
3. A Common Position in regard to non-proliferation in the area of South Asia;
4. A Common Position concerning the control of arms brokering.

The activities in Russia concerning non-proliferation are based on the European Council Common Strategy (European Council, 1999, Common Strategy 1999/414/CFSP). Activities concern nuclear as well as chemical threats and export controls.<sup>179</sup> Most notable is the introduction of chemical weapon destruction plans,<sup>180</sup> which help the Russian Federation to fulfil its obligations in accordance with the BTWC treaty.

The Union's role in missile non-proliferation has already been discussed above.

The Council Common Position (Council of the European Union, 2003a, Common Position 2003/468/CFSP) on the control of arms brokering supports the EU's Code of Conduct on conventional weapons (CoC) and seeks to avoid the undermining of the Code by arms brokering activities of EU citizens who, for example, try to broker arms of the CoC list from third-party countries to other third-party countries—in other words, try to circumvent the Code.

The Common Position regarding non-proliferation in South Asia is in particular concerned about nuclear proliferation in India and Pakistan and tries to contribute to nuclear and ballistic missile non-proliferation in the South Asian area.

<sup>179</sup> For an overview, see "STRENGTHENING EUROPEAN ACTION ON WMD NON-PROLIFERATION AND DISARMAMENT: HOW CAN EUROPEAN COMMUNITY INSTRUMENTS CONTRIBUTE?"

(<http://www.nonproliferation.eu/web/documents/other/sipri4ee0cc75ca591.pdf>)

See also Höhl et al. (2002, pp. 21-29).

<sup>180</sup> See ([https://www.armscontrol.org/act/2001\\_07-08/tuckerjul\\_aug01](https://www.armscontrol.org/act/2001_07-08/tuckerjul_aug01), [http://eeas.europa.eu/non-proliferation-and-disarmament/g8-global-partnership/index\\_en.htm](http://eeas.europa.eu/non-proliferation-and-disarmament/g8-global-partnership/index_en.htm)) and (<http://www.nti.org/country-profiles/russia/chemical/>).

**Table 5—General measures on non-proliferation and disarmament<sup>181</sup>**

<b>Reference</b>	<b>Content of measure</b>
1998/606/CFSP	Council of the European Union (1998). Common Position 98/606/CFSP. European Union's contribution to the promotion of non-proliferation and confidence-building in the South Asian region.
1999/878/CFSP <b>[cited reference]</b>	Council of the European Union (1999c). Joint Action 1999/878/CFSP. Establishing EU Cooperation Programme for Non-proliferation and Disarmament in the Russian Federation. [1999] OJ L 331.
2001/567/CFSP <b>[cited reference]</b>	Council of the European Union (2001b). Common Position 2001/567/CFSP. Fight against ballistic missile proliferation. [2001] OJ L 202/1.
2001/493/CFSP <b>[cited reference]</b>	Council of the European Union (2001a). Decision 2001/493/CFSP. Implementing Joint Action 1999/878/CFSP: Contributing to the European Union Cooperation Programme for Non-proliferation and Disarmament in the Russian Federation. [2001] OJ L 180.
2002/406/CFSP <b>[cited reference]</b>	Council of the European Union (2002b). Joint Action 2002/406/CFSP. Financial support for the international negotiating process leading to the adoption of an international code of conduct against ballistic missile proliferation. [2002] OJ L 140.
2002/381/CFSP	Council of the European Union (2002). Decision 2002/381/CFSP. Implementing Joint Action 1999/878/CFSP, contributing to the European Union cooperation programme for non-proliferation and disarmament in the Russian Federation.
2003/468/CFSP <b>[cited reference]</b>	Council of the European Union (2003a). Common Position 2003/468/CFSP. Control of arms brokering. [2003] OJ L 156.
2003/874/CFSP	Council of the European Union (2003). Decision 2003/874/CFSP. Implementing Joint Action 2003/472/CFSP, contributing to the European Union cooperation programme for non-proliferation and disarmament in the Russian Federation.
2003/472/CFSP	Council of the European Union (2003). Joint Action 2003/472/CFSP. Continuation of the European Union cooperation programme for non-proliferation and disarmament in the Russian Federation.

<sup>181</sup> Most table entries are not cited elsewhere and are therefore not considered references. Entries that are also listed in the References section are annotated as [cited reference].

### 3.3.6. Measures concerning weapons of mass destruction

**Table 6**—Measures concerning weapons of mass destruction<sup>182</sup>

Reference	Content of measure
2003/805/CFSP	Council of the European Union (2003). Common Position 2003/805/CFSP. Universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery.
2004/495/CFSP	Council of the European Union (2004). Joint Action 2004/495/CFSP. Support for IAEA activities under its Nuclear Security Programme and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction.
2004/797/CFSP	Council of the European Union (2004). Joint Action 2004/797/CFSP. Support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction.

### 3.3.7. Measures in the area of Dual-Use items

The role and background of Dual-Use goods have already been discussed at length above. Until 2000, the competencies in the area of Dual-Use were shared between the Commission (EC) and the Council under CFSP, and later within EC competency. Most of the CFSP measures listed below (1996-2000) amended the list of goods applicable to the Dual-Use regime.

**Table 7**—Measures in the area of Dual-Use items<sup>183</sup>

Reference	Content of measure
1994/942/CFSP [cited reference]	Council of the European Union (1994a). Decision 94/942/CFSP. Joint Action adopted by the Council: Control of Exports of Dual-use Goods.
1995/127/CFSP	Council of the European Union (1995). Decision 95/127/CFSP. Amending Decision 94/942/CFSP on the joint concerning the control of exports of Dual-Use goods.
1995/128/CFSP	Council of the European Union (1995). Decision 1995/128/CFSP. Amending Decision 94/942/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.

<sup>182</sup> Most table entries are not cited elsewhere and are therefore not considered references. Entries that are also listed in the References section are annotated as [cited reference].

<sup>183</sup> Most table entries are not cited elsewhere and are therefore not considered references. Entries that are also listed in the References section are annotated as [cited reference].

<b>Reference</b>	<b>Content of measure</b>
1996/613/CFSP	Council of the European Union (1996). Decision 96/613/CFSP. Amending Decision 94/942/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.
1996/173/CFSP	Council of the European Union (1996). Decision 96/173/CFSP. Amending Decision 94/942/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.
1996/423/CFSP	Council of the European Union (1996). Decision 1996/423/CFSP. Amending Decision 94/942/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.
1997/419/CFSP	Council of the European Union (1997). Decision 97/419/CFSP. Amending Decision 94/942/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.
1997/633/CFSP	Council of the European Union (1997). Decision 97/633/CFSP. Amending Decision 96/613/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.
1998/106/CFSP	Council of the European Union (1998). Decision 98/106/CFSP. Amending Decision 94/942/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.
1998/232/CFSP	Council of the European Union (1998). Decision 98/232/CFSP. Amending Decision 94/942/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.
1999/94/CFSP	Council of the European Union (1999). Decision 1999/94/CFSP. Amending Decision 94/942/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.
2000/243/CFSP	Council of the European Union (2000). Decision 2000/243/CFSP. Amending Decision 94/942/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.
2000/402/CFSP	Council of the European Union (2000). Decision 2000/402/CFSP. Repealing Decision 94/942/CFSP on the Joint Action concerning the control of exports of Dual-Use goods.

### 3.3.8. Various measures

This section covers various measures related to EU NPP activities that do not fit in the other categories. Most important are the three Common Strategies<sup>184</sup> the EU decided on Russia, Ukraine, and the Mediterranean region. The Strategy on Russia had a series of follow-up Joint Actions in regard to NPP, as described above.

Blinding lasers were dealt with within the CCW similar to anti-personnel mines.<sup>185</sup>

The European Defence Agency relates only indirectly to EU NPP.<sup>186</sup> To be credible, CFSP/ESDP heavily relies on large-scale military capabilities, the agency should ensure most efficient spending of the relatively small defence budgets of the EU member states. As Wulf (2004, pp. 77-86) points out, the EU faces a dilemma as non-proliferation policy and building military capabilities are in part contradicting aims.

**Table 8**—Various measures in the area of European non-proliferation policy<sup>187</sup>

Reference	Content of measure
1995/379/CFSP	Council of the European Union (1995). Common Position 95/379/CFSP. European Union, concerning blinding lasers.
1999/877/CFSP	European Council (1999). Common Strategy of the European Union (1999/877/CFSP) on Ukraine.
1999/414/CFSP [cited reference]	European Council (1999). Common Strategy of the European Union (1999/414/CFSP) on Russia. [1999] OJ L 157.
2000/458/CFSP	European Council (2000). Common Strategy of the European Union (2000/458/CFSP) on the Mediterranean region.
2003/471/CFSP	European Council (2003). Common Strategy of the European Union (2003/471/CFSP) amending Common Strategy 1999/414/CFSP on Russia in order to extend the period of its application.
2004/551/CFSP [cited reference]	Council of the European Union (2004). Joint Action 2004/551/CFSP. Establishment of the European Defence Agency. OJ L 245/17.

<sup>184</sup> The instrument Common Strategy was invented with the Treaty of Amsterdam (EU Treaty, Title V, Article 13 (2)) but ceased to exist with the entry of the Treaty of Lisbon (as discussed in Chapter One).

<sup>185</sup> <http://goo.gl/Y7SfS2>

<sup>186</sup> <https://www.eda.europa.eu/>

<sup>187</sup> Most table entries are not cited elsewhere and are therefore not considered references. Entries that are also listed in the References section are annotated as [cited reference].

### 3.3.9. The puzzle posed by EU NPP and how to proceed

Data collected in the various areas of EU NPP for the period researched are displayed as a frequency table allowing the derivation of various puzzles.

**Table 9**—Frequency of the EU’s non-proliferation/disarmament measures 1994-2004

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	Sum
Small weapons	0	0	0	0	0	5	3	3	3	4	4	22
Landmines	0	1	2	3	2	0	1	1*	0	0	0	10
Atomic	1	0	1	2	2	2	1	2	0	1	1	13
BC	0	0	1	0	2	0	0	0	0	0	0	3
Proliferation/Disarmament	0	0	0	0	1	1	0	2	2	3	0	9
WMD	0	0	0	0	0	0	0	0	0	1	2	3
Dual-Use	1	2	3	2	2	1	2*	0	0	0	0	13
Misc	0	1	0	0		2	1	0	0	1	1	6
<b>Sum</b>	<b>2</b>	<b>4</b>	<b>7</b>	<b>7</b>	<b>9</b>	<b>11</b>	<b>8</b>	<b>8</b>	<b>5</b>	<b>10</b>	<b>8</b>	<b>79</b>

**Note:** \*denotes last measures under CFSP. All others are measures made under CFSP.

A look at the frequency data in Table 9 (which displays Type III decisions, i.e., CFSP instruments) reveals the following questions:

Cooperation in the various areas, mentioned under CFSP<sup>188</sup> in Table 9, started at different points in time, e.g., small weapons in 1999, landmines in 1995, nuclear issues in 1994, biological and chemical weapons in 1996, proliferation and disarmament issues in 1998, weapons of mass destruction in 2003, and Dual-Use already back in 1994. Obviously, we have to ask why new issues came under the scope of EU NPP over time, as these indicate an increased breadth in cooperation and that there is indeed<sup>189</sup> variance on the dependent variable.

We see that cooperation stopped in some areas: landmines (2001) and Dual-Use (2000). Actually, we saw that cooperation did not stop, but that the issues were transferred to the first pillar, i.e., competences shifted from pillar two to pillar one. Without question, that is puzzling—why should states transfer their competencies in

<sup>188</sup> The “status quo” under European Political Cooperation will be discussed shortly, i.e., to show in how far cooperation had already taken place in some areas before CFSP.

<sup>189</sup> Variance in the dependent variable was crucial to the discussion of methodological issues regarding case study design.



certain areas under CFSP (with the strong intergovernmental mode of cooperation) to the first pillar (with strong influence from the Commission and European Parliament)? As seen in Chapter One, that is precisely what member states usually tried to avoid—supranational influence in the area of foreign and security policy.

If we compare the number of measures in the area of EU NPP under EPC with the measures under CFSP, we can see an increase in measures. Furthermore, we see an increasing number of measures under CFSP from 1994 to 1999, and since then a roughly constant number of measures (in particular, if we take into account that Dual-Use and landmines issues were transferred to the EC pillar). In other words, there seemed to be an increased frequency of measures over time in the first years, but then it stabilised at a high level with roughly eight measures per year from 2000 to 2004.

### **3.4. Case study—Capturing the development of cooperation in the area of European non-proliferation policy**

In order to apply the approach developed in Chapter Two, the following steps will be taken: First, I will create a snapshot in time before CFSP was launched in regard to cooperation in the area of EU NPP. That means that I will show how far cooperation had already been established under EPC so that we can see if measures under CFSP are really new, or if they just continued previous EPC cooperation under a new CFSP label. Second, I will start specifying the dependent variables and search for explanatory variables, using the approach set out in Chapter Two. I will proceed in chronological order and split the development process into different stages, with the various treaty revisions (SEA, Maastricht, Amsterdam, Nice, Constitution/ Lisbon) as focal points.<sup>190</sup>

#### **3.4.1. Cooperation in the area of EU NPP under European Political Cooperation (EPC)**

Describing or assessing European Communities' activities in the area of non-proliferation is not a trivial task for several reasons:

First, as already described above, many EU member states participate in various non-proliferation regimes, e.g., the NPT; however, this is not an EC endeavour, i.e., no Community approach (whereas my research focuses on the EC/U activities in the area of NPP).

Second, there are huge discrepancies between the extent to which EU states cooperate in international non-proliferation regimes and the extent of cooperation at the EC level

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<sup>190</sup> This division should not be understood as an emphasis on the treaty revisions as main explanatory variables for the development process in the area of EU NPP. On the contrary, we will see that the treaties have little to say on the issue. The division has practical and analytical reasons. Practical: Treaty revisions already serve as focal points in most EU researchers' heads, and they pose manageable periods of time. Analytical: Treaties as Type I decisions only make Type II and III decisions possible, i.e., we can see how far the top-down argument works, but additionally we can judge how far the decision made below the treaty level may influence the **next** treaty (bottom-up argument).

in various proliferation-related areas, with most activities in the area of nuclear non-proliferation.

Third, the situation for EPC cooperation is insofar unique as it was not treaty-based until the introduction of the Single European Act, i.e., there was no previous experience or legal basis to draw on.

Fourth, we will see shortly a close relation between non-proliferation issues under EPC and Community actions that just created the urgency to act in that area, e.g., consequences of the Euratom Treaty and the common market in the area of Dual-Use goods.

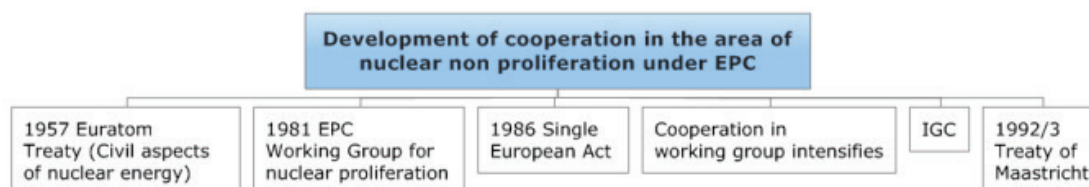
Finally, most of the EPC activities in the area of non-proliferation can be located at the end of the 1980s and beginning of the 1990s, when four outstanding events relevant for my research occurred: the collapse of the Soviet Union and thus the end of the Cold War; German unification; the Gulf War, which revealed that the troops of Saddam Hussein were to a significant extent equipped with weapons and Dual-Use items produced in EC countries; and the preparations for the Political Union with Maastricht.

The five points mentioned above underline that the example chosen poses a serious empirical testing case to the approach developed in Chapter Two. In particular, it has to be proven if the categories proposed for dependent and independent variables are capable of capturing the multifaceted development process of cooperation in the area of EC/U non-proliferation policy.

I will address the following aspects of the development of non-proliferation under EPC, using the approach introduced in Chapter Two:

- development of cooperation in the area of nuclear non-proliferation under EPC;
- development of cooperation in the area of conventional arms export; and
- development of cooperation in the area of non-proliferation of Dual-Use goods.

#### **3.4.1.1. Development of cooperation in the area of nuclear non-proliferation under EPC**



**Figure 34**—Development of cooperation in the area of nuclear non-proliferation under EPC

Development of closer cooperation in the area of nuclear non-proliferation under European Political Cooperation took place in three steps, which will be addressed in the following (dependent variable one, two and three). Afterwards, I will address the various

explanatory factors (independent variables) that caused this development of closer cooperation. As a last step, I will make a short summary before assessing if my approach was able to capture the development in that area.

#### **3.4.1.1.1. Step 1: From the Euratom Treaty to establishing a working group on nuclear proliferation issues under EPC (first dependent variable)**

Cooperation on nuclear issues among EC members started as a consequence of the Treaties of Rome 1957 (Euratom<sup>191</sup>) with the obligation of members to disclose their activities related to civilian use of atomic energy (Höhl et al., 2002, p. 3). As Müller (1996b, p. 14) points out, the Euratom Treaty mainly regulates civilian non-proliferation *within* the Community, whereas EPC addresses non-proliferation to areas *external* to the Community.

Meanwhile in 1970, the Non-Proliferation Treaty (NPT)<sup>192</sup> came into force, but none of the six EC members had yet signed it. Until the first review conference in May 1975, all of the EC members, except France, had ratified the Treaty, including the three new EC members—the UK, Ireland, and Denmark (Müller & van Dassen, 1997, p. 55).

The EC states additionally became members of the Nuclear Suppliers Group<sup>193</sup> that was founded in 1974. That membership, however, required that the EC states accepted export controls on selected materials related to the civilian use of atomic energy. As a result, the following—presumably unanticipated—problem occurred: Due to the Euratom Treaty, EC members agreed on free trade of material related to civilian use of atomic energy internally of the EC, but the NSG required controls on some of these materials which were also applicable for trade between EC members. In short, membership in NSG brought about a violation of the Euratom Treaty (Höhl et al., 2002, p. 4)!

The issue became further complicated:

As the member states [Researcher's note: EC] had signed the International Convention for the Physical Protection of Nuclear Materials . . . The Commission requested that it become a party to the Convention on the grounds that its authority on all intra-Community movements of nuclear materials would otherwise become defunct. For France, the interpretation was different as security issues were exempt from the Euratom Treaty; however, the European Court eventually sided largely in accordance with the Commission's reading of the Euratom Treaty. But legal clarifications were not enough; on the important issue a politically bearable solution would have to be found as the problem largely coincided with that created by the adoption by some member states of the London Guidelines. (Müller & van Dassen, 1997, p. 56)

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<sup>191</sup> See Müller (1996a, pp. 40-44) for a discussion (in German) of the content of the treaty. For the English version, see (1996b, n.p.).

<sup>192</sup> <https://www.un.org/disarmament/wmd/nuclear/>

<sup>193</sup> <http://www.nuclearsuppliersgroup.org/en/>

The next step in that remarkable development was the suggestion made by the United Kingdom and the Netherlands to create a working group on nuclear non-proliferation under EPC in 1981 (Müller & van Dassen, 1997, p. 57), which actually was done.

What CHARACTERISTICS does this development of cooperation reveal, and which were already addressed frequently in Chapter One and led to my claim in Chapter Two that we need a more fine-grained tool of analysis resulting in the approach developed in Chapter Two?

The origin of the whole development lies in EC cooperation (Euratom Treaty)—i.e., we again see a nexus between EC and EPC development.

The membership in various international regimes is a *domestic* foreign policy decision of certain EC member states. However, we see the impact of these domestic decisions, together with EC developments (Euratom), on EPC development.

We see further independent variables that could be overlooked by using too simplifying theoretical lenses: The quote above unveils a more common characteristic of EFP development—there are rivalries between EC (Commission) and member states where competencies for European foreign policy should be located, and that is, in essence, which mode of cooperation should be chosen. We see different interpretations concerning the issue, i.e., France deemed that problem to be an issue of security.

Furthermore, we see how sensitive the issue is—although the ECJ made it clear where the competencies lay, a politically adequate solution needed to be found. This is a clear indicator that the actors involved are not solely motivated by self-interest. That characteristic mixture of independent variables was already discussed in Chapter One and mirrors the problems posed to researchers for accounting EFP in theoretical terms as discussed when reviewing the existing literature in Chapter Two.

Before discussing the fate of this working group, I WILL SHOW IF THE DEVELOPMENT SO FAR, with its characteristics as discussed, CAN BE CAPTURED THROUGH THE APPROACH I HAVE PROPOSED. I will address (a) the dependent variable and (b) independent variables and (c) will show how we can take account of dynamics in the development:

(a) The dependent variable:

Establishing of a working group addressing nuclear proliferation issues under EPC is the first sign of closer cooperation in nuclear non-proliferation issues under EPC<sup>194</sup> and therefore is the first DEPENDENT VARIABLE. It can be categorised as a Type III decision (for dependent variables): It is a minor decision with implications limited to a certain area of EPC.

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<sup>194</sup> As mentioned, there was already cooperation in respect to the *civilian* use of atomic energy due to the European Atomic Community in the EC. The working group, however, addresses non-civilian issues beyond the scope of the European Atomic Community, i.e., outside the community framework (under EPC instead of EC).

(b) Independent variables:

We saw that the main factors causing the decision (the INDEPENDENT VARIABLES<sup>195</sup>) to establish the working group stemmed from developments in the EC and obligations of the member states:

The problem was rooted in the Treaty of Rome (Euratom, Type I decision) ruling on the *civil* use of atomic material *internally*, i.e., within the EC. Additionally, some EC member states became members of *international* Treaties (NPT, NSC) governing aspects of civilian and military use of atomic-related materials among, but mainly outside the EC members, while the Community enlarged with states that were already members of the NPT. The membership in the international treaties brought about a *legal problem* concerning the EC Euratom Treaty.

The second problem stated in the earlier quote from Müller and van Dassen (1997) showed how the Commission and Court were active players in the issue, whereas France assumed that *security* aspects of atomic energy would *not fall into the Community domain*. The problems were transferred to a newly established working group (first dependent variable) on nuclear proliferation matters under EPC, i.e., *outside the Community realm* governed by intergovernmental logic, as not only a legally but also *politically* adequate solution had to be found.

(c) Dynamics in the development:

How can we capture the DYNAMIC ELEMENT in that development process with the threefold distinction of the dependent variable?



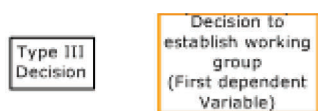
**Derived: Figure 35**

Problems in cooperation with an issue located in the EC (Euratom) area led to a kind of *spillover* to EPC where a working group was established to solve the legal problem mentioned above. The advantages of the threefold division of the dependent variable are shown in Figure 35. We can capture this initial development of cooperation in the area of nuclear non-proliferation under EPC in the following terms:

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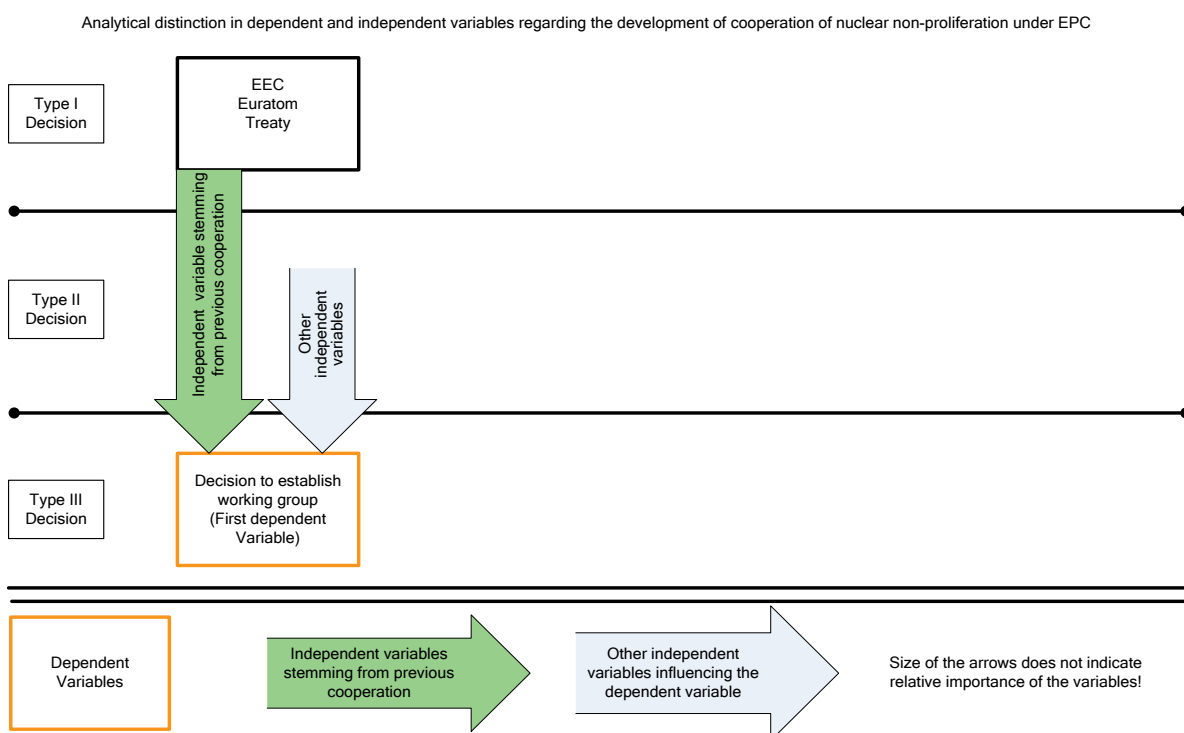
<sup>195</sup> Independent variables influencing the whole development process and being differentiated in the five categories proposed in the theoretical section will be addressed in depth shortly. I decided to concentrate on the dependent variable and how to account for dynamics in the development process in this first step, making it easier to follow the argumentation.

Initially, the Euratom Treaty (Type I decision) rules the civil aspects of atomic energy among the Community members. The first *dependent* variable concerning the development of cooperation of EC member states under EPC in the area of nuclear non-proliferation is the decision (Type III) to establish the working group for nuclear issues in the EPC domain.



**Derived: Figure 35**

It becomes immediately clear that the development in the EC (obligations arising from the Euratom Treaty) becomes one major *explanatory* (independent) variable when explaining the decision to establish the working group.



**Figure 35**—Dependent and independent variables in nuclear non-proliferation in EPC—First step

This represents the *DYNAMIC ELEMENT* in the approach, i.e., the *impact of previous interaction* on EFP development, as indicated by the green arrow in Figure 35. In that way, also the EC development process and the EFP development process can be interrelated, i.e., the already proven impact of EC developments on EFP development. At the same time, it can be seen that the Euratom treaty works as a structure that influences agency (the decision to establish the working group). As discussed above, this is only one independent variable among others—the various other independent variables (indicated by the blue arrow) are discussed in detail below.

Type I  
Decision



Type II  
Decision



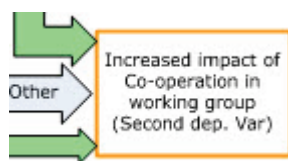
Type III  
Decision

Another point is that the threefold division of the dependent variable (Type I-III decisions) allows us to take account of the everyday EC foreign policy process—here this process takes place within the working group. Soon we will see how this everyday policy process in the working group influenced further EFP development, i.e., the relation between policy process and development process as described in the previous section. Furthermore, the threefold division of the dependent variable allows us to account for structure and agency as urged for by many scholars discussed in Chapter Two (Ginsberg, 1999; Michael E. Smith, 2008; White, 1999).

**Derived: Figure 36**

### **3.4.1.1.2. Step 2: Working group interaction plus impact of the Single European Act (second dependent variable)**

As the next step in the development, the impact of cooperation in the working group (Type III) expanded (dependent variable 2) through the newly established legal basis for EPC introduced with the Single European Act (Type I decision). As described above,



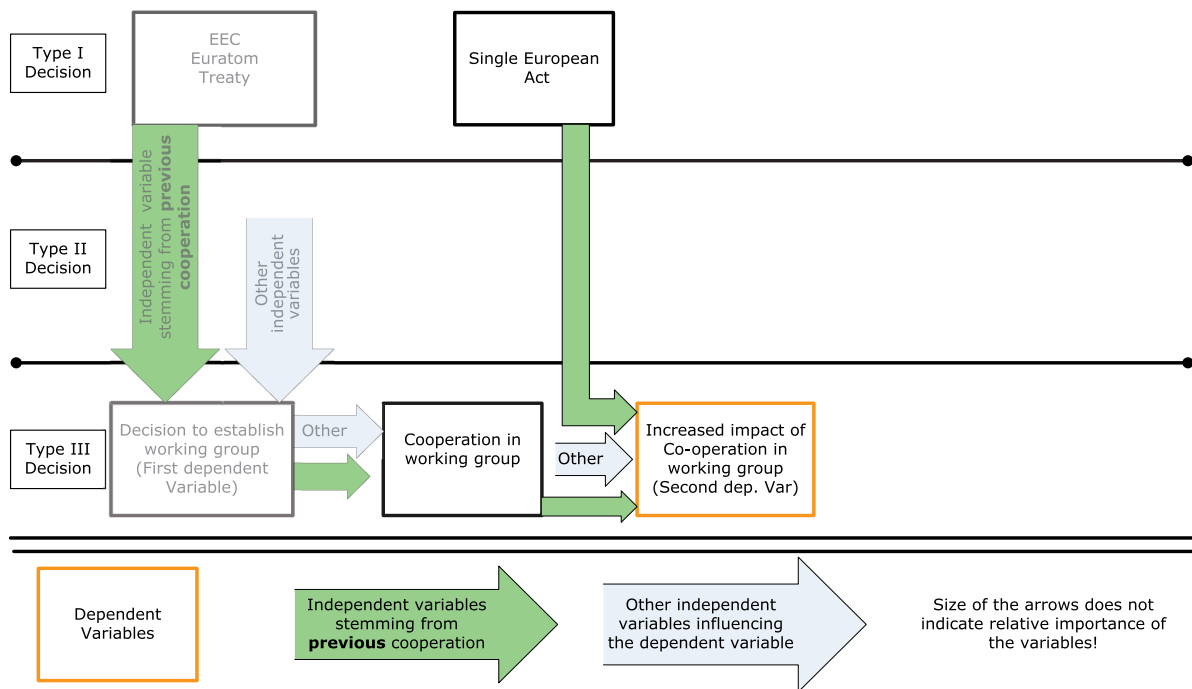
due to provisions in the SEA, the proposals of the working group could no longer be easily ignored.

**Derived: Figure 36**

Again we see that a Type I decision (provisions concerning EPC in the SEA) representing the outcome of previous cooperation works as an independent variable in enhancing further cooperation in the area of nuclear non-proliferation.

Similar to the Euratom Treaty, the SEA at first hand represents EC development, so again we see the impact of EC development on EPC development.

Analytical distinction in dependent and independent variables regarding the development of cooperation of nuclear non-proliferation under EPC



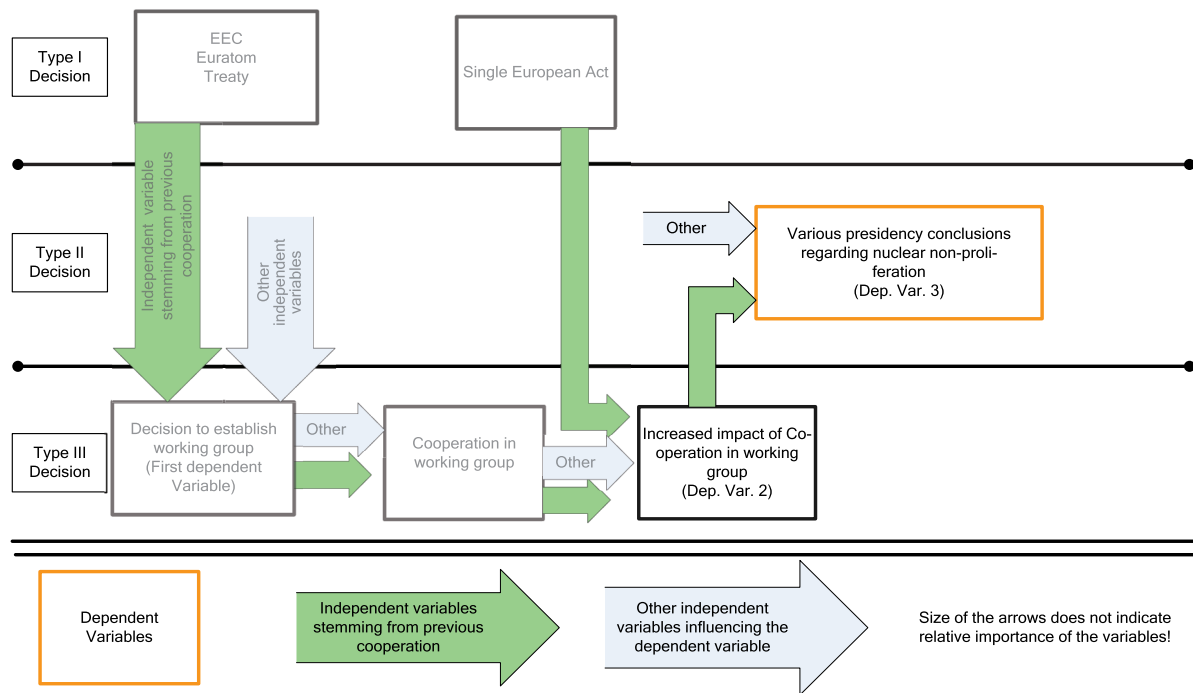
**Figure 36**—Dependent and independent variables in nuclear non-proliferation in EPC—Second step

**3.4.1.1.3. Step 3: Issue of nuclear non-proliferation under EPC “lifted” from the working-group level on the Presidency agenda (third dependent variable)**

Further development of cooperation in that area is most interesting as it represents the bottom-up development discussed in the summary above:

The increased impact of cooperation in the working group (mainly due to the provisions of the SEA concerning EPC, as discussed in the previous step) together with other independent variables led to the new habit of including statements concerning nuclear non-proliferation in the Presidency Conclusions (third dependent variable, Type II decision).





**Figure 37**—Dependent and independent variables in nuclear non-proliferation in EPC—Third step

Here we see again how dynamics can be conceptualised as a change from dependent variable to independent variable: The last dependent variable (number 2)—representing the outcome of previous interaction in EFP—becomes an *independent* variable in explaining the next dependent variable (third dependent variable), which is illustrated in Figure 37 by the green arrow.

As in the previous cases, apart from the impact of previous interaction, other independent variables, represented by the blue arrows (other), also play a role, which will be discussed later.

The crucial difference from the two previous steps discussed (dependent variable 1 and 2) is now that the development of cooperation in this case represents a **BOTTOM-UP MOVEMENT**:

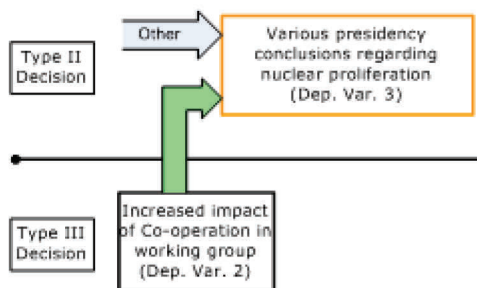
In the previous cases, cooperation took place at level three:



**Derived: Figure 37**

In this case, however, we see that from now on, the issue is also addressed in the Presidency Conclusions (Type II decisions) thus representing a new quality of cooperation. We can say that over time—due to the consequences of previous

interaction and other independent variables yet to be discussed—the issue was “lifted” from level III to level II:



**Derived: Figure 37**

The following is a SHORT SUMMARY of the development so far before we move on to addressing the independent variables in more detail:

We see that the topic initially came on the agenda due to the legal problem described above and was dealt with only in a working group (Type III). Cooperation in the working group intensified and became more salient due to the SEA provisions concerning EPC and led, together with other independent variables (to be discussed in the following step), to the habit of addressing the problem of nuclear non-proliferation at a higher level (Presidency Conclusions, level II), i.e., the new issue of nuclear non-proliferation became firmly rooted in EPC cooperation over time.

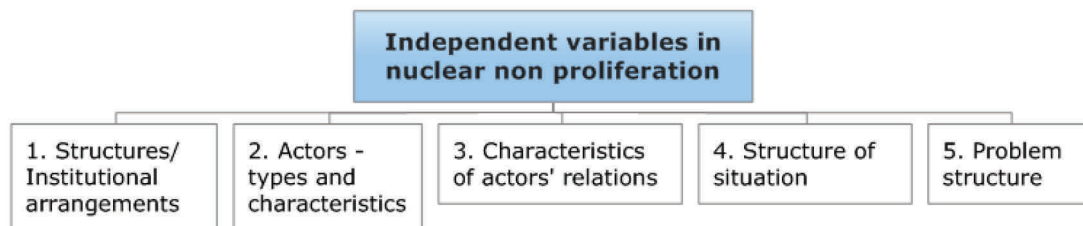
We saw how the approach can capture this development:

The previously dependent variables (dependent variable 1 “establishing the working group” and dependent variable 2 “increased impact of cooperation in the working group”) act as major *independent* variables in explaining the new habit of addressing the issue in Presidency Conclusions (dependent variable 3). In that way, the dynamics and the impact of previous interaction related to EFP are conceptualised as a change from previously dependent variables (1 and 2) to independent variables (in explaining dependent variable 3), putting into practice what Michael E. Smith suggested (2008, p. 182) regarding the study of EFP as a sequence of DV and IV.

Finally, the example stresses how interaction at lower levels (working group) has significant impact on further EFP development (nuclear non-proliferation in Presidency Conclusions), representing a bottom-up movement as shown. This confirms my claim that EPC development is not only a series of intergovernmental treaty bargains, but significant independent variables are found below the treaty level as well as in the EC development process.

As a consequence, nuclear non-proliferation was seen as a suitable issue for the joint-action procedure to be established with the Treaty of Maastricht, which clearly marks another qualitative leap in cooperation in the area of then EU nuclear non-proliferation. In the following, I will discuss the various other independent variables involved in the development process in that area.

#### 3.4.1.1.4. *Independent variables influencing the development of cooperation in the area of nuclear non-proliferation under EPC*



**Figure 38**—Analytical categories for independent variables

So far, I have addressed the dependent variables and shown how we can account for the dynamics in the development conceptualised as a change from dependent variable to independent variable. As mentioned above, there is no strict causal logic intended and there are various other independent variables to be considered. To recall, these other independent variables are clustered in five analytical categories (Figure 38).

In order to keep Figure 37 tidy, they were only represented as one blue arrow but will now be discussed in detail. So, which were the other main INDEPENDENT VARIABLES, apart from those stemming from previous cooperation (which were indicated by the two wide green arrows in Figure 37) in that remarkable process, and how can they be captured in the five analytical categories proposed in Chapter Two?

I will start with the independent variables that were relevant for the first step in development (from provisions concerning the European Atomic Community until the establishing of the working group (first dependent variable as analysed in Section 3.4.1.1.1)):

FIRST, one variable lies in the twofold character of atomic energy as a source of energy but also of horrifying destruction. Otherwise, the tension between civil use (Euratom) and military use (international obligations) would not have arisen. Clearly, that twofold character does not relate to structure, agents, or interests, to mention the typical categories, but can be captured under the category of PROBLEM STRUCTURE as introduced in Chapter Two, i.e., the issue matters in that context.

SECOND, in the case of France, the earlier quote from Müller and van Dassen (1997) shows that there were clearly different interpretations of what belongs to the realm of security (and then had to be dealt within EPC) or to civilian and economic aspects (and therefore EC/Euratom), which relates to the *subjective* dimension of the PROBLEM STRUCTURE as introduced in Chapter Two. The creation of the working group, however, also stresses the *political dimension* of the problem—the legal solution by the ECJ was accomplished by the EPC working group. That clearly shows that other EC members did not act out of pure self-interest (as an ideal type realist approach would suppose) but were motivated to address French concerns. The French concerns, as described in the earlier quote (Muller & van Dassen, 1997), are, however, a clear sign that beyond interests, *values* also play an important role as an independent variable, which can be

subsumed in the category *ACTORS' CHARACTERISTICS* as defined in Chapter Two. The examples mentioned represent independent variables frequently overlooked in analyses that usually focus on structures, actors, and interests, i.e., it seems that applying the proposed five categories to independent variables indeed allows for a more fine-grained analysis.

THIRD, even if the EC member states had not ratified the international treaties (NSG, NPT), the legal problem would have arisen because the new members were members of NSG and NPT when joining the Union. That, however, proves that EC development (enlargement) may have an impact on the EPC, or later CFSP, development, which is a clear sign that development in EFP cannot be analysed separately from EC development and economic issues (twofold character of atomic energy). The proposed division into three dependent variables and the suggestion to conceptualise dynamics in EFP development as a shift from dependent variable to independent variable, as argued in Chapter Two, allow us to take account of that development in analytical terms.<sup>196</sup>

FOURTH, one source of independent variables can be located at the international and national level with the EC member states deciding outside the EC context whether to join various nuclear non-proliferation treaties or not, as in the case of France with the NPT.<sup>197</sup> These decisions work as independent variables, and in terms of the proposed categories they represent *STRUCTURES* influencing further development of EPC cooperation in nuclear non-proliferation.<sup>198</sup> Clearly, here we see the importance to focus on domestic structures arising from international obligations—i.e., the importance not to treat member states as black boxes if we look for sources of independent variables.

FIFTH, the Commission and ECJ activities show the blurred division between economic and security aspects, as well as the willingness of the Commission to expand its competencies also in the area of security.<sup>199</sup> This works in two ways as independent variables: On the one hand, we have *ACTORS* (Commission, ECJ) with mainly the Commission that tries to expand its competencies. On the other hand, the Commission benefits from the ambiguous legal provisions (*STRUCTURES*) concerning the distribution of competencies in that policy area. Figure 39 summarises the various independent variables in the five abstract categories, which were reduced to blue arrows in Figure 37.

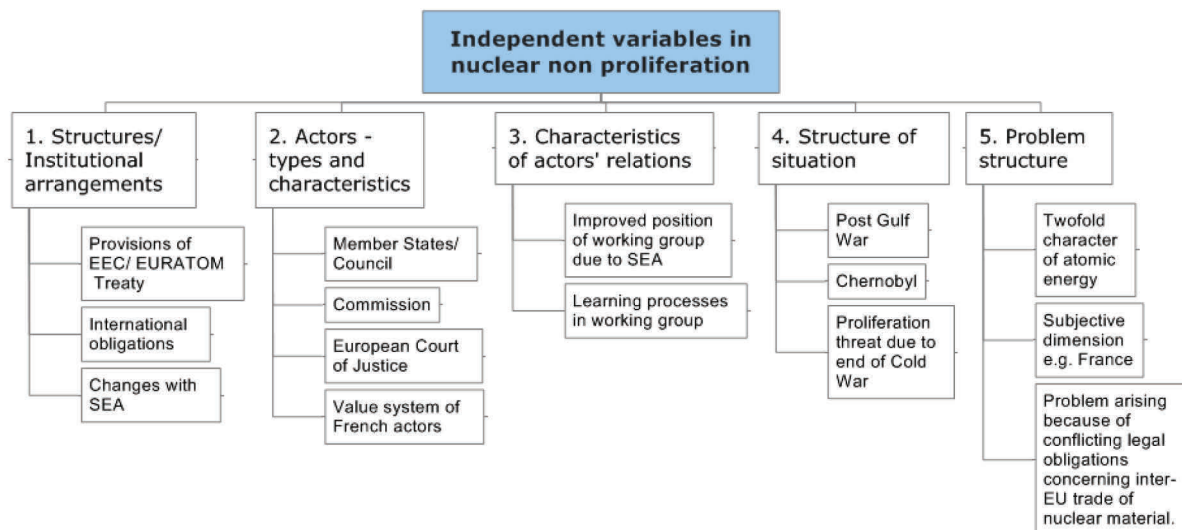
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<sup>196</sup> The point is illustrated in Figure 37. Assuming that only the new member states would have been members of NSG and NPT, we could incorporate the decision to enlarge the EC as a Type I decision. This decision, together with the obligations of the Euratom Treaty (Type I decision), would represent the two main **independent** variables in explaining the Type III decision to establish the working group (Dependent Variable 1).

<sup>197</sup> Motives and bargaining issue around the NPT accession are beyond the scope of this thesis as they do not directly relate to my dependent variable. See Müller and van Dassen (1997, pp. 55-56).

<sup>198</sup> Recall that the underlying logic concerning the five categories of independent variables is not a spatial one (i.e., where the variables come from), but they are constructed analytical categories, as argued in Chapter Two. However, they are also capable of incorporating the more common divisions that differentiate concerning the place from where variables stem.

<sup>199</sup> It may be due to this experience that some member states pressed to exclude the ECJ from CFSP and to limit the influence of the Commission and Parliament in the second pillar in the Treaty of Maastricht.



**Figure 39**—Independent variables influencing the development of EC nuclear non-proliferation policy

In the following, I will analyse FURTHER DEVELOPMENTS (the period after the working group had been established (dependent variable 1) until the habit of addressing nuclear proliferation issues in the Presidency statements (dependent variable 3) as analysed in Section 3.4.1.1.1) in regard to the working group in order to reveal the REMAINING INDEPENDENT VARIABLES that caused closer cooperation on the issue.

As Müller and van Dassen (1997, p. 57) point out, cooperation in the working group was hampered initially by the reluctance to cooperate, mainly by France and Germany, due to domestic reasons. Over the course of time, things started to run more smoothly, and the group worked out two declarations (1983 and 1984), one preparing an EC Council meeting and the other related to an UN Assembly meeting.

Less successful was the preparation in the context of the Third Review Conference of the NPT where different national positions could not be mediated. So the working group managed to solve the legal problems mentioned above and created Common Positions on two issues but could not bridge the gap in the case of the Third NPT Review Conference. So it seems that the step towards institutionalising cooperation in that area via the working group was at least a partial success.

It is important to see the impact of learning processes in that context. Problem-orientated interaction seems to have partly mediated differences in interests, as described by Müller and van Dassen (1997). Furthermore, as Höhl et al. (2002, p. 4) point out, the working group expanded its activities rapidly beyond its two initial tasks. These two points (learning processes and increased interaction) can be captured in terms of changes in the characteristics of actors' relations (category three of independent variables).

It is crucial to see the impact on further cooperation, and that is the development of the area as a policy field: Initially the issue of nuclear non-proliferation was not addressed; the problems mentioned above led to the establishing of the working group. We then see that the interaction on that level (Type III) intensified and that actors' relations

changed. Soon we will see the impact on the whole development process of cooperation in the area of nuclear non-proliferation. This instance underlines that the threefold division of the dependent variable is capable of capturing that development process, whereas a focus on landmark decisions would not explain the reasons for a rapidly developing new policy area because it would overlook the crucial developments in the working group. Furthermore, we see that the policy process (interaction in the working group) interrelates with the development process and the ability of the five categories for independent variables to reveal important variables that could be overlooked by approaches that focus too heavily on structures.

Development of the working group was driven further by the introduction of the Single European Act<sup>200</sup> that brought about the legal basis for the EPC. The crucial result was that “the activities of the Working Group could no longer be treated with the neglect some of the member states had hitherto been inclined to apply” (Müller & van Dassen, 1997, p. 57). As already stated, this EC-related development acted as a major independent variable.

The frequency of meetings increased, and the information exchange via the COREU system multiplied (Müller & van Dassen, 1997, pp. 57-58). In that positive climate, unforeseeable external events (the Chernobyl accident) working as independent variables (here in the category of SITUATION STRUCTURE) triggered an upgrade in the working-group competencies, which led to the “foundations for a deeper ‘political socialisation’ among the national bureaucracies” (1997, p. 58). Clearly, this is another indicator for further changes in ACTORS’ RELATIONS and the fact that learning processes had taken place (both category three for independent variables). The EC members and the working group dealt with various issues related to atomic non-proliferation at the end of the 1980s and beginning of the 1990s, some related to old topics (NPT), some related to new problems. The impact of unforeseeable events—the end of the Cold War and rising fears of nuclear proliferation in the former Soviet states, insights about the Iraqi atomic programme revealed after the Gulf War and the Chernobyl accident—worked as highly influential independent variables and changed the SITUATION STRUCTURE. The working group provided the forum to discuss these unforeseen events. As a consequence, it had “become an established routine that the European Council addressed non-proliferation in its statements. . . . Therefore, it was against a solid background that non-proliferation was viewed as a testing ground for the CFSP’s joint action procedure” (Müller & van Dassen, 1997, p. 59).

#### **3.4.1.1.5. Assessment of development; EU nuclear non-proliferation policy**

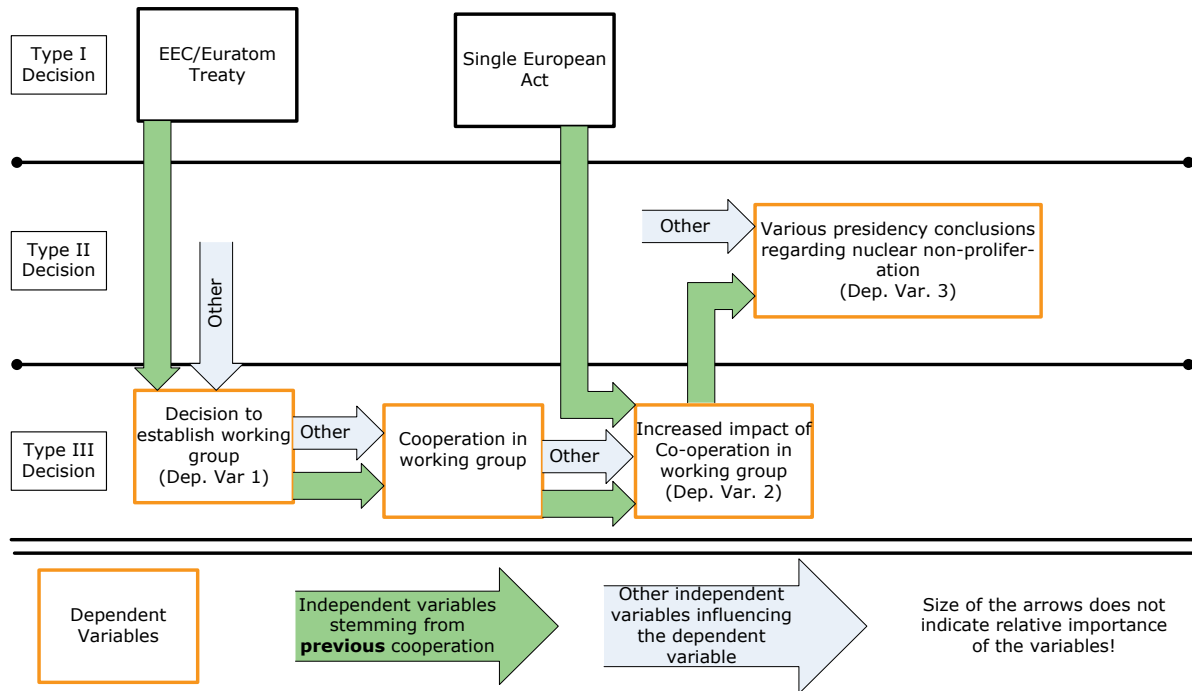
As an OVERALL ASSESSMENT concerning EFP development under EPC, the example of nuclear non-proliferation shows how an issue with causes rooted in EC cooperation (due to Type I decisions—Treaty of Rome, Euratom) taken together with obligations due to international treaties and resulting national obligations (independent variable category structures) exposed a legal problem with also a highly political aspect (French concerns regarding the separation of economic and security aspects subsumed as an independent variable in the category actors’ value system) that led to the establishing of a working group (Type III decision, first dependent variable) in the EPC domain.

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<sup>200</sup> I use the English version found at EUR-LEX and downloadable from (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:1987:169:TOC>).

Initially designed only to solve two problems, the working group expanded scope and cooperation and initiated learning processes (independent variable “actors’ relations”) that were partially able to bridge different interests of EC members, finally leading to the firm establishment of EC/U cooperation in nuclear non-proliferation.

Analytical distinction in dependent and independent variables regarding the development of cooperation of nuclear non-proliferation under EPC



**Figure 40**—Dependent and independent variables in nuclear non-proliferation in EPC

The SEA (Type I decision) increased the weight of the working group significantly<sup>201</sup> (dependent variable 2) and changed the actors’ relations as described above. Increasing cooperation together with new challenges (end of Cold War, Gulf War, and the Chernobyl accident) laid the ground for the Council under EPC to regularly address nuclear non-proliferation issues (dependent variable 3).

The example shows that the threefold division of the dependent variable and the five categories for independent variables are able to capture *a complex development process* spanning from 1957 right through until 1993:

FIRST, it can take account of the spillover from EC development (Euratom, SEA) to EPC, i.e., it is capable of linking the EC and the EPC development process in an analytical, coherent way.

<sup>201</sup> Obviously, the working group is addressed not in the SEA but “Under Article 30, the exchange of information on any issue of common interest (Article 30. 2. a.) and the uses of working groups (Article 30. 10. f.) was spelled out as the precondition for the formulation and implementation of a European foreign policy (Article 30. 1.)” (Müller & van Dassen, 1997, p. 57).

SECOND, it offers a plausible interpretation for how we can capture the *dynamics* of the development of cooperation of the EC in nuclear non-proliferation, as a sequence of dependent and independent variables, as illustrated in Figure 40.

The founding of the Euratom Treaty and the changes in the SEA are major independent variables in establishing the working group (dependent variable 1), representing previous interaction in other EC areas.

In particular, the provisions of the SEA concerning EPC explain the increased impact of cooperation in the working group (dependent variable 2). Clearly, a focus on the treaty level alone (SEA) would totally miss the development of cooperation in the area of nuclear proliferation because the topic is not addressed in the SEA.

On the contrary, we actually see a *bottom-up* development with cooperation starting from a single issue at level III (working-group interaction), which led together with other independent variables to frequent Type II decisions concerning nuclear non-proliferation to be included in the Presidency Conclusions (dependent variable 3), i.e., we see how successful interaction is in a working group ascribed, to a large extent, to the establishment of a new policy area!

Besides, we see that it is possible to conceptualise and analyse the EFP development process as a sequence of DV and IV, as suggested by Michael E. Smith (2008, p. 182).

THIRD, we saw that the five categories of independent variables are able to capture all relevant independent variables: They are able to capture explanatory variables that would probably be overlooked by approaches that focus too heavily on structures and self-interest, such as the problem structure and its subjective dimension. Other examples are the change in actors' relations coming with the SEA and internal learning processes within the working groups, the impact of values in the French case, and the change in the situation structure due to unforeseeable events such as the end of the Cold War, the Chernobyl accident, and consequences of the Gulf War.

Finally, we see that splitting the DV into three types, conceptualising EFP as a sequence of DV and IV, and the finer division of the independent variables allow us to better account for the mutual relation between structure and agency in the EFP development process, which Ginsberg (1999, p. 433) brought to our attention. In the example, this can be empirically seen by the impact of the structures (provisions EEC, Euratom treaty. Type I) on the decision (agency) to set up the working group (Type III) and the impact of cooperation in the working group (agency) on following structures (Presidency Conclusions. Type II).

#### **3.4.1.2. Development of conventional weapons non-proliferation under EPC**

Judgements concerning activities in the area of conventional arms exports under EPC vary: "Prior to 1992 the members of the European Community did have some cooperation in the area of arms exports" (Anthony, 2001, p. 609). Furthermore, it has to be taken into account that "the EU had not been created when the main arms control instrument within Europe, the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty), was developed" (Anthony, 2001, p. 608). However, as I will point out, the



founding stone for cooperation in that area was laid at the end of the 1980s and beginning of the 1990s. Again, I aim at showing that the development of cooperation in that area reflects the characteristics discussed in Chapter One and can be captured with the approach developed in Chapter Two.

In chronological order, the most important steps for closer cooperation in the area of conventional weapons within the EPC framework are the following (Cornish, 1997, pp. 75-86):

The topic was dealt with in Article 223 of the 1958 EEC Treaty, which was already discussed above (see Sections 3.2.1 and 3.2.5, on the legal aspects of EU NPP);

The end of the Cold War had an enormous impact on European security and also European defence industries;

The Gulf War (1990-91) brought the problem of EC member states' arms export onto the agenda as it showed that Iraqi troops were in part equipped with weapons from EC member states;

The single market project to be established with the TEU also touched the area of intra- and extra-EC weapons exports. The topic was therefore on the agenda of a working group from 1989 onwards and during the preparation process of the intergovernmental conference concerning the Treaty of Maastricht.

Development of cooperation in the area of conventional weapons under EPC took two parallel tracks (Cornish, 1997, pp. 77-81):

1. The topic was dealt with within the EPC framework, in a primarily intergovernmental mode;
2. In the context of the preparation of the "pre-Maastricht process," the Commission, the European Parliament, and external actors also tried to influence further development.

Concerning point 1 (Conventional weapons proliferation in EPC framework):

The main forum for action on conventional arms exports remained the EPC process, up to the entry into force of the Maastricht Treaty in 1993. Interest did not simply begin with commencement of the IGC(PU) [Researcher's note: Intergovernmental Conference (Political Union)] in December 1990, however. In the summer of 1989, a Political Committee (PoCo) working group was convened to examine the problems which the Single European Market (SEM) might pose for national arms export controls. (Cornish, 1997, p. 79)

Cornish shows that competing visions concerning the topic existed, and no real progress was made. This changed when Iraqi forces were expelled out of Kuwait, and the involvement of European arms trade became visible. As a consequence, a second working group was established (ad hoc Working Group on Conventional Arms Exports) and met in April 1991 for the first time. What the group actually did is not of interest here (see Cornish, 1997, p. 79), but the consequence of its action is: A list of seven

criteria concerning conventional arms export was agreed upon at the Luxembourg Council in June 1991 and an eighth criterion at the Lisbon Council one year later.

In the following, I will address dependent and independent variables and the dynamic element in the development process similar to the previous example of development of nuclear non-proliferation. The establishing of the two working groups and the seven criteria concerning conventional arms exports in the Luxembourg Presidency Conclusions (European Council, 1991a, Presidency Conclusions, Luxembourg) are the dependent variables in the development of cooperation in European conventional arms non-proliferation.

We see that the two major independent variables explaining the establishing of the first working group (first dependent variable) again result from EC developments: The provisions of the EEC Treaty (Article 223) and problems foreseen with the Single Market project (both Type I decisions) were the main independent variables to establish the first working group in 1989.

As described above, cooperation in the first working group was initially not very fruitful. Why should we then expect the creation of the second ad hoc working group (next dependent variable)? It was mainly the Gulf War that drastically showed the shortcomings of European arms export controls, which led to rapid activity, i.e., establishing the ad hoc working group in 1991, and therefore acted as a major independent variable. This independent variable can be subsumed in the category "structure of the situation" in terms of the five categories proposed for independent variables. It was this unforeseen event that showed the shortcomings of the existing European arms export controls, i.e., the existing structures in that area, which created enough pressure to promote closer cooperation.

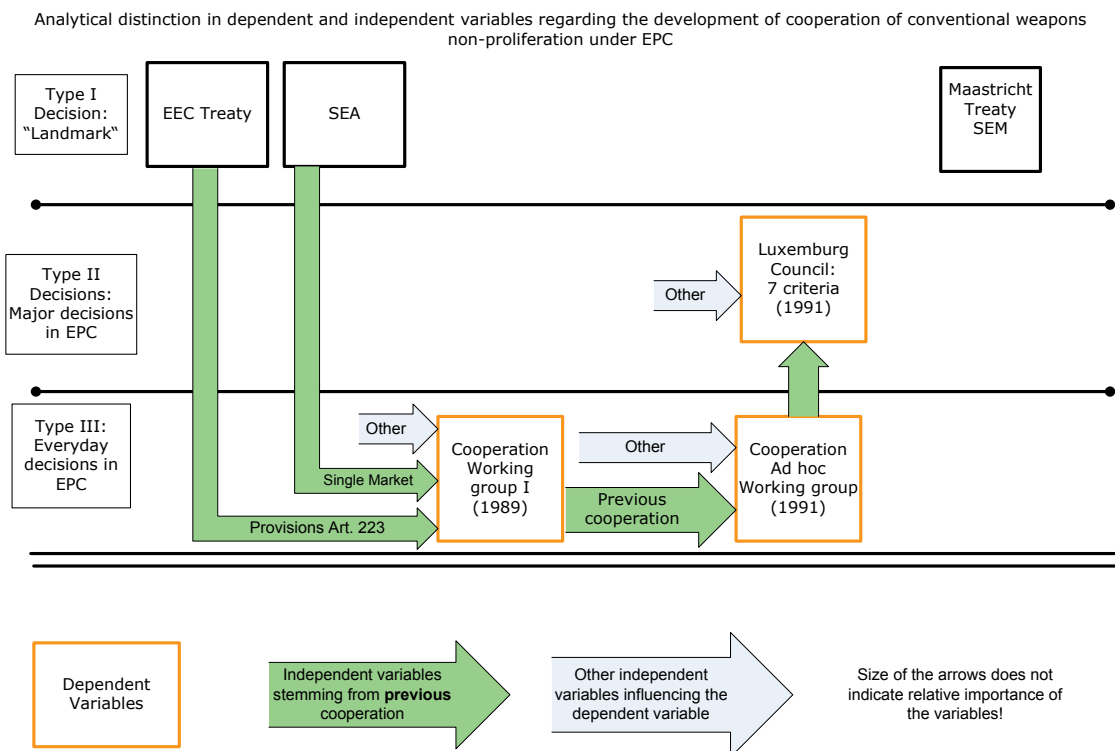
Obviously, the already existing, but by and large unsuccessful, cooperation in the first working group (previously dependent variable) also acts as an explanatory variable in the next step, i.e., in the decision to set up the ad hoc working group. Again, we see how the impact of previous cooperation and therefore how the dynamic component can be conceptualised as a change from dependent variable (first working group) to independent variable in the next step when we explain the establishing of the ad hoc working group.

How can we finally explain the next step with the seven criteria of the Luxembourg Council concerning conventional arms transfer as next dependent variable? Still the findings after the Gulf War act as one major explanatory variable. Furthermore, we have to consider the outcome of previous cooperation in the two working groups, where the issue had been dealt with in depth before the seven criteria were introduced. Here we face two phenomena: Again, we see that the two previously dependent variables (working group and ad hoc working group) act now as independent variables (among other independent variables) in relation to the next dependent variable (seven criteria). Furthermore, we see that the development of cooperation in part worked bottom-up: Two working groups were established, which led to proposals (Type III decision, i.e., interaction at lower level), which caused, together with other independent variables (mainly Gulf War discoveries), the Type II decision (criteria in the European Council Luxembourg, Lisbon).

Again, we see that it is plausible to conceptualise the development process of closer cooperation as a mixture of change from a dependent to an independent variable and taking into account the impact of further independent variables:

The first provisions with consequences for conventional arms exports are found in the EEC Treaty (Article 233). These provisions become one major explanatory variable in the next step if we want to explain the establishment of the working group. The same is true for the anticipated consequences of the establishing of the Single European Market as addressed in the SEA. Again, it is worth stressing that both points (EEC, SEM) are primarily EC events, i.e., EC developments brought about problems that fell into the EPC domain. So again we see the huge impact of EC development as a source of independent variables on the EPC development process.

As pointed out in Chapter Two, the underlying logic is not deterministic: The provisions of the EEC regarding arms exports control and the anticipated consequences with the SEM do not cause, in a strict sense, the seven criteria concerning conventional arms exports but open a corridor for solutions and add a sense of urgency to act. As shown, the disclosure of European arms exports in the context of the Gulf War worked as another major independent variable that led to the seven criteria. Finally, we also saw the impact of cooperation at the working group level on the development process. Figure 41 shows, as do the previous ones, the relation between independent and dependent variables and the dynamics in EFP development in the development of cooperation of European conventional weapons non-proliferation under EPC.



**Figure 41**—Dependent and independent variables: Development of cooperation in European conventional weapons non-proliferation

If we assess the role of the criteria more closely, the following quote from Cornish is elucidating:

At Luxembourg, rather than use the language of “common policy” and integration, the Council was merely hopeful that a “common approach” based on “criteria of this nature” might lead to “a harmonization of national policies.” It was stressed at the time, and repeatedly since, that several governments did not consider the criteria to be the first steps towards a common policy on arms exports, nor was there a commitment that all criteria would be “applied” in all cases. (Cornish, 1997, p. 79)

At first, this statement sounds as solid as butter in the sun. However, the important point is whether this was the “kickoff” for further cooperation, i.e., a path on which to continue. Furthermore, this point nicely illustrates my claims concerning the characteristics of cooperation in EFP in respect to relevant independent variables, as described in Chapter One: The extremely carefully chosen words reflect the underlying sensitivity of the issue that touched a central nerve. It also underlines my claim for the need for a more fine-grained approach concerning independent variables—the quote clearly shows the sensitivity of the issue and competing visions for modes of cooperation, which could not easily be captured in terms of structures and interests but rather in terms of “characteristics of actors’ relations” and “problem structure,” as proposed in Chapter Two.

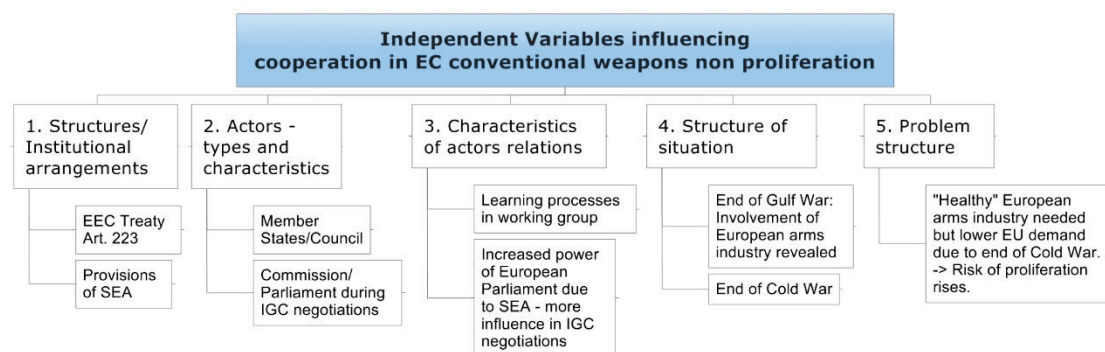
Which steps then followed? Similar to the working group for nuclear proliferation dealt with above, cooperation also intensified and “fine-tuning has continued ever since” (Cornish, 1997, p. 80)—i.e., cooperation in the working groups seems to mediate different interests over time to a certain degree, which indicates that learning processes, working as an independent variable, took place within that policy area.

However, Article 223 (renumbered to 296 with the Treaty of Amsterdam) was, and still is, in force—i.e., member states still have a firm grip on the issue. Therefore, the Treaty of Maastricht (Type I decision) did not bring about changes in the area of conventional weapons non-proliferation. Actually, the topic is not directly addressed in the EU Treaty, only the new formula found in Article J. (4)<sup>1</sup> is a little more ambitious than the one for EPC in the Single European Act (Cornish, 1997). As a consequence,

little further work has been done on the development of integrated arms export policies within the institutions of the EU. The eight criteria have not been adopted or implemented in any formal sense by the EU or the member governments. (Cornish, 1997, p. 80)

Clearly, this sounds highly unsatisfactory. However, we will see shortly that development continued after Maastricht, leading to the so-called Code of Conduct. One thing has to be said in advance: Although this code is more politically than legally binding, this does not mean that it has no effect! (as my interviews with Germany’s Federal Office for Economic Affairs and Export Control and a major German arms manufacturer revealed).

In analytical terms, the crucial point concerning EFP development of cooperation in the area of conventional arms control (dependent variable) is that although the initial independent variable was to be found at the Treaty level (Type I decision, i.e., the common market project and Article 223 due to the EEC Treaty of 1957), further development in the area took place in the working group and the European Councils (Type II and III). A perspective focusing on "milestones" in EC/U integration would miss that. Concerning independent variables, we see the importance of learning processes within the working groups; these processes can be captured by the category "characteristics of actors' relations" of my approach (see Figure 42) and by the "problem structure" category as discussed above.



**Figure 42**—Independent variables influencing cooperation in EC conventional weapons non-proliferation

Concerning 2 (topic of arms control in the context of the Intergovernmental Conference (IGC) for the Political Union):

Above, I evaluated the activities concerning arms control in the EPC context. In the following, I will briefly discuss how the topic was dealt with at the Intergovernmental Conference (IGC) preparing the Political Union (Treaty of Maastricht). Similarly, the events have to be seen against the background of the end of the Cold War and the Gulf War. The underlying puzzle is rather uncomfortable, however: The EU member states' security relies to a certain extent on "healthy" arms industries. These industries have to sell their goods to survive and, even more importantly, to invest in research and

development. The end of the Cold War decreased significantly the demand for arms in the EU member states—markets had to be found abroad to uphold a “healthy” defence industry. Obviously, the problem is to ensure that the weapons are not delivered to the “wrong” states.<sup>202</sup> The crucial point related to my research is now that contrary to most EPC and CFSP business below the treaty level, the European Parliament and the Commission heavily tried to influence the issue of conventional arms proliferation during the IGC on the Political Union, which started in December 1990 (Cornish, 1997, p. 77).

As Cornish (1997, pp. 77-78) shows, both the Commission and Parliament tried to scrap Article 223 of the 1958 EEC Treaty. In the so-called Pottering Report (Report on the outlook for a European Security Policy), the EP called, among others, for an independent agency in charge of arms production and export control within the Union and also demanded that Article 223 should be deleted.

The crucial point concerning my dependent variable is to see now that in order to address the issue, the EP took its legitimation from the changes concerning EPC in the Single European Act (where the EP should be “associated with the development of a common foreign and security policy” (Cornish, 1997, p. 78)). That is particularly important when we remember previous development: EPC with no treaty basis at first and the absolute exclusion of the EP and the Commission; treaty basis first with the SEA where the EP got a very loose grip on the issue that it tried to use in the next big step, i.e., the IGC on the Treaty of Maastricht.

There should be no illusion regarding the consequences of the report:

Among informal official reactions to the resolution, the view that it was “a good job we can afford to ignore the Parliament” was not untypical—at least in Britain—and that the impression given by newspapers headlines such as “EC nations vote for controls on weapons exports” proved to be exaggerated. (Cornish, 1997, p. 79)

That sounds like the typical image of EPC/CFSP with regard to the powers of the EP and Commission in comparison to member states. Note, however, that the EP launched a second initiative in late 1992, promoted by the Saferworld organisation, on a Code of Conduct on conventional arms export, which was eventually agreed in 1998 (the Code of Conduct will be discussed later).

To SUMMARISE, concerning my approach we again see the change from a dependent variable to an independent variable as a way to conceptualise the development of the cooperation process in EFP:

The SEA (dependent variable 0) gave the Parliament limited participation in the area of EPC. Obviously, this is one important explanatory variable (independent variable) in the

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<sup>202</sup> This is, first of all, an ethical question. I know that states’ preferences may vary over time in regard to which states are deemed to be “wrong” or “right” and consequently should be supplied with weapons or not. It may even be the case that some migrants trying to come to the EU now were expelled by intrastate wars during which small weapons manufactured by the EU states were used. The point is disgusting but beyond the scope of this thesis.

next step when we ask where the Pottering report in the context of the IGC comes from (dependent variable 1).

The quote concerning the reaction of the member states (in particular the United Kingdom) towards the EP's report shows several characteristics of EFP development in regard to independent variables already unravelled in Chapter One: There is an entanglement of EC and EFP development processes (here SEA provisions); the influence of the Parliament on EFP development is very limited but progressing, as we will see with further development concerning the Code of Conduct, i.e., the analysis of the development process should not focus only on EPC/CFSP—and obviously, there are huge differences among the member states about the preferred mode of cooperation (the UK's position about involvement of the EP).

Note, finally, that with the changes of the SEA concerning the European Parliament, the set of independent variables concerning future EFP development changed: Obviously, we find a new actor in the EPC game (the Parliament); and in particular the characteristics of actors' relations changed because the EP was granted limited participation in EPC.

### **3.4.1.3. Development in the area of Dual-Use items**

Characteristics, measures, and legal aspects in the area of Dual-Use goods were already discussed at the beginning of the chapter. In short, the problem posed was due to the twofold character of some goods, which made it difficult to place them either within the competency of the EC or EPC/CFSP. Dual-Use goods are products that can have civil as well as military application, e.g., certain chemicals, steels, computers, etc. If they are seen as civil goods, they fall under the rules of the EEC with the Treaty of Rome 1957, or later the Single/Common Market (Single European Act, Political Union with the Treaty of Maastricht). Military applications actually fell within the competency of member states (mainly due to Article 223 of the EC Treaty) or were dealt with within the EPC context. The purpose of this section, similar to the previous one on conventional weapons, is to show how the founding stones of cooperation developed until CFSP started and if the approach can capture this development.

Dual-Use items pose a multifaceted puzzle in this area: First, dealing with Dual-Use goods is regulated by various international regimes (e.g., Coordinating Committee for Multilateral Export Controls (CoCom), Nuclear Suppliers Group, and Australia Group etc.<sup>203</sup>). It should be noted that not all EC members were members of all regimes at the same time; furthermore, EC enlargement makes the club even more diverse, i.e., we see the role of domestic factors and again the role of EC development (enlargement) as

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<sup>203</sup> CoCom (1949-1994) was replaced in 1995 by the Wassenaar Arrangement on export controls for conventional arms and Dual-Use goods and technologies (<http://www.wassenaar.org/>).

Nuclear Suppliers Group: "The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries which seeks to contribute to the non-proliferation of nuclear weapons through the implementation of Guidelines for nuclear exports and nuclear related exports" (<http://www.nuclearsuppliersgroup.org/en/>).

Australia Group: "The Australia Group is an informal arrangement which aims to allow exporting or transshipping countries to minimise the risk of assisting chemical and biological weapon (CBW) proliferation" (<http://www.australiagroup.net/en/index.html>).

independent variables in EFP development process. Additionally, since the EEC Treaty (Article 223), the EC is also involved in Dual-Use goods with their twofold nature (civilian and military) as described above. As Cornish notes (1997, p. 82), the Commission became involved in the issue because the Single European Act (1986) set the timeline for the single-market project:

Given the EC members' commitments to the various dual-use export control bodies, especially CoCom, it became apparent that a single market with no internal customs barriers would require a Community-wide policy for the export of sensitive or strategic goods which could not be exempted under Article 223 and which were therefore vulnerable to EC industrial, commercial and competition policies. (Cornish, 1997, p. 82)

The single market project posed the following problems in respect to Dual-Use goods:

If, due to the single market, Dual-Use goods had been able to be traded freely within the EC, there would have been an incentive to export them to the EC state with the weakest extra-EC export controls in order to sell them on the world market. Therefore, the internal market pressed for unified extra-EC export rules (the spillover argument).

At the same time there was concern for the opposite problem:

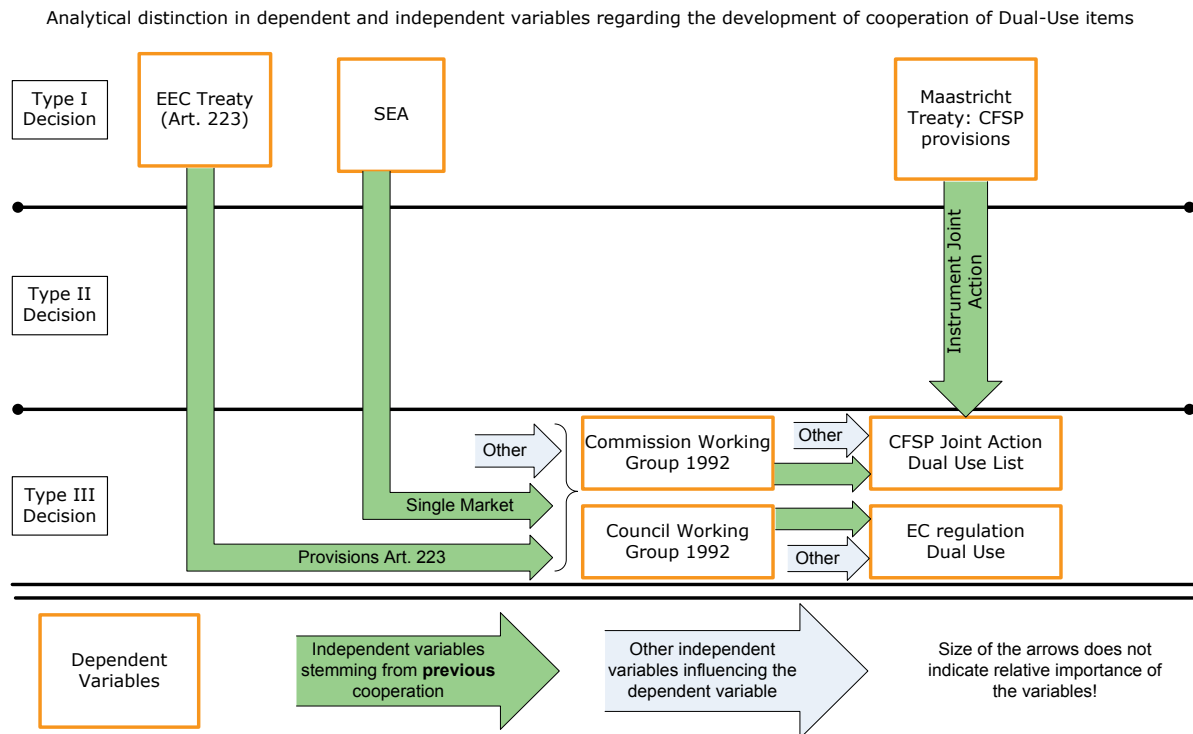
How export policies might affect the internal management of the single market, when a large proportion of internal trade is in goods which could be classified as dual-use. The single market requires there to be no internal barriers or idiosyncratic export control systems which might make way for unfair competitive advantage. However much they accepted EC common commercial policy, if member states were adamant in their wish to control traffic in dual-use technology on grounds of national security, the result could be anti-competitive practices where the civilian use of the technology or commodity was concerned. (Cornish, 1997, p. 83)

This was the legal and technical challenge the EC faced concerning the regulation of Dual-Use goods. However, although already complicated enough, the following point has to be taken into account: "From the earliest days, some member states have been particularly sensitive to the issue of Community competence in areas which, although clearly matters of commerce and competition, also touch on national foreign, defence and security policies" (Cornish, 1997, p. 81). Again, this can be seen as an indicator that not only "rational interest" but also values and attitudes towards the issue have to be taken into account as independent variables. How was this technically, legally, and politically complicated matter solved?

The Commission, as well as the Council of Ministers, approached the problem at the beginning of the 1990s. The Commission started a fact-finding survey comparing the existing national export provisions in 1992 and proposed an EC-wide regulation system (Cornish, 1997, p. 83). The Council of Ministers set up a high-level working group in 1992. Negotiations proved to be extremely difficult. The solution based on a Belgian compromise (1993) looked as follows: There is an EC regulation (decided on in the usual procedure) and there are lists of goods to which the regulation applies. These lists



are, however, decided in the new CFSP context as a Joint Action in the second pillar by the Council of Ministers alone (without significant involvement of the EP and Commission, contrary to the regulation) and unanimously (Cornish, 1997, p. 84).



**Figure 43**—Dependent and independent variables: Development of cooperation in Dual-Use items

How can we capture this remarkable process in analytical terms? The working groups as well as the final twofold solutions are the **DEPENDENT VARIABLES**. Similar to the development in the area of nuclear non-proliferation and conventional weapons non-proliferation, one of the first steps, after the problem had been identified, was to set up a working group. As in the case of conventional weapons non-proliferation discussed previously, we also see two working groups; however, here they were initiated in parallel and, even more importantly, belonged to two different institutions (the Commission and the Council). Also, the solution found was atypical—a twofold solution spanning across pillars (the pillars after the TEU came into force). Furthermore, contrary to the seven criteria in the area of conventional weapons non-proliferation, at least the EC regulation was legally binding.<sup>204</sup> Finally, we saw that the solution was, to a certain extent, prepared by the two working groups; however, a solution was only found with the Belgian initiative for a compromise.

Can the Dual-Use thriller and its development be captured in the five categories of **INDEPENDENT VARIABLES** proposed?

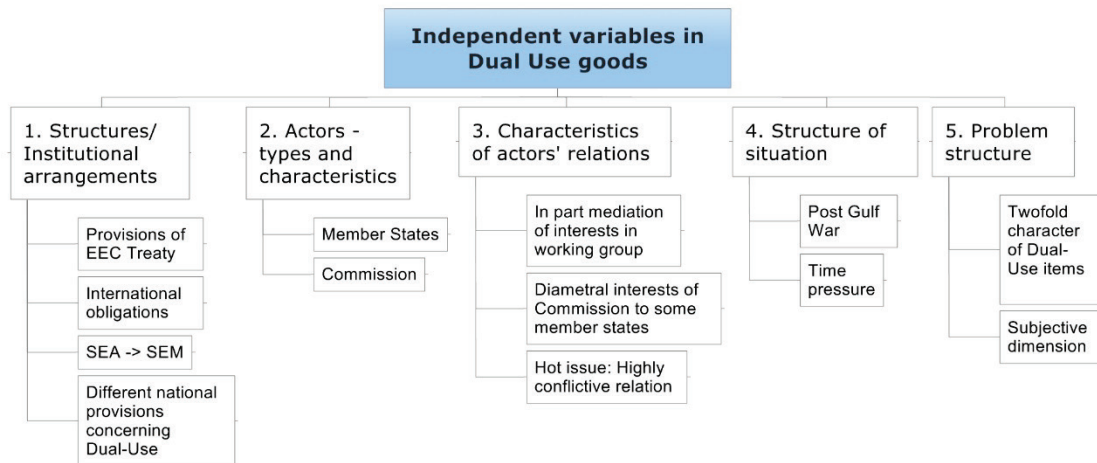
<sup>204</sup> The Joint Action concerning Dual-Use goods should also be binding; however, it does not fall under the jurisdiction of European Court of Justice, i.e., cannot be enforced in the strict legal sense.

Another time we see that the initial problem was rooted in the EEC Treaties and the Single Market project decided with the Single European Act. So far, these two variables act as independent variables of major importance in explaining the establishing of the working groups and the solutions found. Without the looming of the SEM project, and thus the anticipated consequences of further development of cooperation in the EC, there would have been no need to put the issue of Dual-Use items on the agenda. The point, once again, underlines the importance to pay attention to the influence of development in EC cooperation on EPC cooperation.

Additionally, we see the possibility to conceptualise dynamics in development as a change from dependent variable (EEC, SEA) to independent variables (explaining in part the setup of the working groups and the twofold solution). Furthermore, in that way we can conceptualise the relationship of the EC/U development process with the EPC/CFSP development process, as indicated by the two green arrows in Figure 43. The EEC provisions as well as the Single Market project decided with the SEA can be captured in the category "structures" as independent variables. Furthermore, we can locate in that category the obligations of some member states concerning Dual-Use Goods due to international obligations, and also certain provisions concerning handling Dual-Use Goods at the national level. Figure 44 shows the various independent variables in the five categories which influenced the development of cooperation in the area of Dual-Use goods.<sup>205</sup>

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<sup>205</sup> Figure 44 lists all the relevant independent variables that were reduced to the wide green and blue arrows in Figure 43 in order to keep the number of items in that graphic manageable.



**Figure 44**—Independent variables in Dual-Use goods

From my point of view, this example shows in particular the value of the fifth category “problem structure”: The main problem arose from the twofold character of Dual-Use goods with the consequence that the interests of the Commission and Council had to be taken into consideration. If we recall the quote from Cornish, we also see that there is indeed a subjective dimension in problem structure: “From the earliest days, some member states have been particularly sensitive to the issue of Community competence in areas which, although clearly matters of commerce and competition, also touch on national foreign, defence and security policies” (Cornish, 1997, p. 81).

Also, the category “structure of the situation” seems to be beneficial in this case. Two points are striking: First of all, after the Gulf War, Dual-Use goods ranked extremely high on the agenda as it became obvious that Dual-Use goods were delivered from European countries to Iraq, which then tried to produce weapons of mass destruction with them. Furthermore, a solution had to be found soon because the deadline for the Political Union loomed.<sup>206</sup> The impact of both factors becomes obvious when we just ask why a solution was not found earlier (because the problem was quite obvious since 1986 (SEA)) but only at five minutes past twelve.

Concerning the actors involved, we have mainly the Commission and member states via the Council. The quotes made above show that it was a hot, i.e., extremely sensitive,

<sup>206</sup> Cornish (1997, p. 84) shows the problems on the member-state level that came with the late solution concerning Dual-Use goods.

issue leading to highly conflictive relations among the actors (characteristics of actors' relation) as the Commission as well as some member states wanted to get a firm grip on the issue. However, due to different reasons, "member states examined in microscopic detail the various legal, timetable and voting questions raised by the proposed regulation [Researcher's note: EC on Dual-Use goods]" (Cornish, 1997, p. 84). Ultimately, the underlying question is who gains influence in the area:

Some members argued that lists of sensitive technologies, favoured or proscribed destinations and guidelines for making export decisions came too close to foreign and security policy-making to be placed under Community competence and could not therefore form part of a Commission-based regulation and system. (Cornish, 1997, p. 84)

The "actors' relations" seem to have changed slightly in the working groups through learning processes. However, the solution was found at a different place with the Belgian proposal for a compromise. A closer look at the actors' relations also reveals where the power of the two major players came from: the Commission as well as the member states can argue on the legal basis as described above, i.e., part of their power stems from previous legal provisions (structures) in particular due to the EEC Treaty. It seems that with the Single Market project, for the first time the problem could not be left to different interpretations (due to factors mentioned in category "problem structure") between the Commission and member states anymore, but a definite legal solution had to be found. And the urgency about that solution is found in the independent variables mentioned in the category "structure of situation."

In the following, I will briefly assess to what extent the approach proposed in Chapter Two is able to capture the development of cooperation in the area of Dual-Use goods under EPC until Maastricht:

First, it seems viable to CONCEPTUALISE DYNAMICS in development as a change of dependent to independent variable: Indeed, the EEC Treaty and the SEA are the two major independent variables in explaining the Dual-Use solution, and it is worth stressing that major influence of further EC cooperation on EPC development is frequently overlooked. Again, I do not assume a causal logic; however, the original cause for acting in that sphere stems from the provisions of these treaties, and that is, in essence, further development of the European Community. That means that we can interrelate both development processes as proposed in Chapter Two. The threefold division of dependent variables allows us to analyse further variables below the treaty level, which seems a major advantage to a plain "spillover" logic. In this example, but to much more extent in the two previous ones (nuclear and conventional proliferation), we saw that increased cooperation very often occurs and is institutionalised below the treaty level—i.e., we see a bottom-up development rather than a top-down one. This is a crucial finding as it empirically proves the respective claims in the State of the Art section, in particular in respect to the relation between structure and agency (Ginsberg, 1999) as well as regarding the sources of independent variables as discussed by Michael E. Smith (2008, p. 180) who warned us not to prioritise exogenous over endogenous dynamics in EFP.

Second, we saw that apart from the INDEPENDENT VARIABLES, the EEC Treaty, and the SEA, various other factors are at work. I would argue that, in particular, the example of Dual-Use goods shows that a focus on structures, actors, and interests would miss various important independent variables: We saw that this problem was obvious in the aftermath of the SEA; however, it took nearly a decade until the regulation and Joint Action came into force. It seems the time had to be ripe, and it was due to the two factors mentioned in the category "structure of the situation." Furthermore, we saw that the problem, and that is the issue,<sup>207</sup> mattered—it was particularly the twofold nature of Dual-Use goods that caused different actors (the Commission vs. The Council, i.e., member states) to be involved.

#### **3.4.1.4. Conclusion: Development of non-proliferation (nuclear, conventional, Dual-Use) cooperation under EPC**

Before addressing further development in European non-proliferation policy under CFSP in the period after the Treaty of Maastricht, I want to reflect briefly on what the major findings for the period of EPC were and how the approach introduced in Chapter Two could take account of empirical evidence.

It was surprising for me to see that in all three areas (nuclear, conventional, and Dual-Use) developments in cooperation in the economic sphere (EC) were a major independent variable triggering development under EPC. This underlines my claim that EPC development is influenced by the large number of independent variables to be found at a wide range of sources. We saw that my approach is able to take into account the effect of developments in the EC on the development of cooperation under EPC.

In all three cases, we saw the impact of previous interaction on future interaction. As shown, these dynamics in the development can be captured in analytical terms as a change from a (previous) dependent variable to an independent variable proving that the suggestion made by Michael E. Smith (2008, p. 182) to study EFP development as a sequence of IV and DV is feasible.

So far, we see that development of cooperation in the area of European non-proliferation policy took place *below* the treaty level. In other words, a perspective focusing solely on landmark decisions (Type I like the SEA) would totally miss the development of cooperation in the area! On the contrary, in the case of nuclear non-proliferation, we even saw a bottom-up movement: The interaction in the working group (Type III) led, together with other independent variables, to the habit of addressing the question of nuclear proliferation issues in the Presidency Conclusions (Type II), i.e., at a higher level. It has to be seen if this case will be an exception, or if we have to acknowledge that, contrary to the standard image, development of cooperation in EFP works to a significant proportion bottom-up instead of top-down. This would underline the claim made by Ginsberg (1999) that we have to take account of the mutual relation between structure and agency in EFP development, but also the claims made by White (1999) and Michael E. Smith (2008) in respect to the wide range of relevant independent variables beyond the structural ones. In any case, we saw that the

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<sup>207</sup> How issues matter in (European) foreign policy analysis was discussed in Chapter Two (Hill, 2003, p. 4).

threefold division of the dependent variable, as proposed in Chapter Two, just enables us to take account of this process.

We came across a wide range of independent variables stemming from various sources (national, whole European and international level), justifying my claim that we should seek for an approach that does not omit any variables a priori. A look at the three graphics (see Figure 39, Figure 42, and Figure 44) gathering the independent variables for the three areas of non-proliferation under EPC reveals that the three uncommon categories for independent variables (3. characteristics of actors' relations, 4. structure of the situation, 5. problem structure/issue) provide us with further valuable explanatory factors.

### **3.4.2. Development of cooperation in European non-proliferation policy under the Treaty of Maastricht**

#### **3.4.2.1. Landmines**

As already mentioned above, the Union's aims concerning anti-personnel mines (APM) were twofold (Anthony, 2001, p. 612):

1. "development of international norms about the possession and use of such mines";
2. "practical measures aimed at removing and destroying mines that have been put in place in different parts of the world."

The development of cooperation (dependent variable) in this area is most remarkable, as it will be seen shortly, and can be separated into three phases:

1. The first Joint Action (dependent variable, Type III decision) about APMs was decided in 1995 (Council of the European Union, 1995, Decision, 1995/170/CFSP) concerning the joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel mines, and addressed in three points (Article 1):
  - a) "a common moratorium on exports of anti-personnel mines";
  - b) "active preparation of the 1980 Convention Review Conference"; and
  - c) "a contribution by the European Union to international mine clearance."
2. The Union's participation in the so-called Ottawa Process (1996-1997) and the Joint Actions that accompanied that process.
3. After 2001, the issue of APMs was shifted to the Commission and no longer dealt with within the CFSP context.

### **3.4.2.1.1. First actions of the Union in the area of APM**

Two reasons (independent variables) are mentioned in the literature why the EU took first steps in that area and decided upon a Joint Action on landmines (dependent variable):

At a time of increasing concern about the effects of the irresponsible and indiscriminate use of anti-personnel mines (APM) in many parts of the developing world, particularly on civil population endeavouring to re-establish normal life after long periods of conflict, the EU adopted a Joint Action on APM on 12 May 1995. . . . It is significant that the APM initiatives, while taking due account of the legitimate military use of APM by responsible armed forces; were essentially a response to humanitarian, rather than to political, security or commercial concerns. (Van Orden, 1996, p. 25)<sup>208</sup>

The quote underlines the point that the development of cooperation in that area of European non-proliferation cannot easily be captured in terms of traditional realist analysis—neither military nor economic interests were the main driving force for starting cooperation in that area; it was humanitarian concern. That is, however, not really surprising if we consider the Union’s strong commitment in the area of humanitarian and development aid. It is worth recalling that these competencies are, by and large, located in the first pillar, which means mainly within the relevant Commission Directorates-General (GD).<sup>209</sup> So we furthermore see the connection of the two pillars as the issue of APMs cuts across many lines (military, economic, humanitarian aspects), which will be important when we see why after 2001, APMs are dealt with exclusively in the first pillar.

How can these independent variables be captured in the five categories proposed in Chapter Two? The primary humanitarian concern that first triggered cooperation in that area relates to the second category (actors) and shows that, in that case, not primarily interests (military, economic) were dominant but values (humanitarian concern). Furthermore, we see a specific problem structure (category five) as APMs cut across many different issues (security, economy, humanitarian issues); as a consequence, different actors in different pillars (mainly the Commission in pillar one and the Council with member states under CFSP) were involved in the issue.

Furthermore, the Joint Action should promote the review of the “Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects” (CCW),<sup>210</sup> which also deals with APMs. We see that a contingent event outside the EU and its member states was another reason that forced the EU to address the issue of APM, which can be captured in the category “structure of the situation” for independent variables.

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<sup>208</sup> Full text available at <http://www.iss.europa.eu/uploads/media/cp024e.pdf> (documented without page numbers). See also Remacle and Martinelli (2004, pp. 118-120).

<sup>209</sup> This situation changed slightly, after the period of analysis of the case study (1994-2004), with the coming into force of the Treaty of Lisbon, as discussed in Section 1.1.3.4.

<sup>210</sup> See ([https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-2&chapter=26&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-2&chapter=26&lang=en)), (<https://www.armscontrol.org/factsheets/CCW>).

The Joint Action itself refers back to the European Council, Lisbon, 26 and 27 June, 1992, Presidency Conclusions identifying areas “which may be as from the entry into force of the Treaty [Researcher’s note: Maastricht] object of joint actions.”<sup>211</sup> In that context, “the economic aspects of security, in particular control of the transfer of military technology to third countries and control of arms exports” are applicable (European Council, 1992b, Presidency Conclusions, Lisbon, Annex 1, p. 40). So we see that the 1992 Type II decision (Presidency Conclusions) was the basis for further cooperation at a lower level (Joint Action on landmines i.e., Type III decision).

As with the previous examples, we see the dynamic element in the development of cooperation in that area: The previously dependent variable (Type II decision—Lisbon Presidency Conclusions) becomes a major independent variable in explaining the current dependent variable (first Joint Action of the EU on APM). The same is true for the Treaty of Maastricht (Type I decision), which had just introduced CFSP and provided the instrument “Joint Action” that then was used for APM. Apart from these independent variables resulting from previous cooperation in the area of EFP, we see that the humanitarian component gained importance through the measures taken in the first pillar (development assistance, humanitarian aid) and that, as an international event, the forthcoming CCW conference was one of the first possibilities for CFSP to act in international context—both being further independent variables.

The next step in the analysis is the next dependent variable: The following second Joint Action of the Union in the area of APM (Council of the European Union, 1996c, Joint Action 96/588/CFSP), adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel landmines, as the next dependent variable, shows substantial improvement in comparison with the 1995 one (Council of the European Union, 1995, Decision 1995/170/CFSP) discussed above, indicating stronger cooperation and commitment:

Contained in the 1995 Joint Action was a moratorium:

Shall compromise a total ban on exports of non-detectable anti-personnel mines and non-self-destructing anti-personnel mines to all destinations, as well as a ban on exports of all other types of anti-personnel mines to those States which have not yet ratified the 1980 Convention and Protocol 2 thereto. (Council of the European Union, 1995, Decision 1995/170/CFSP, Title I, art. 2)

On the contrary, in the 1996 Joint Action, it is stated: “Member states shall implement a common moratorium on the export of all anti-personnel landmines to all destinations. They shall refrain from issuing new licences for the transfer of technology to enable the manufacture of anti-personnel landmines in third countries” (Title II, art. 5).

Again, we see that the 1995 Joint Action on APM (previously dependent variable) obviously acts as an independent variable when we want to explain the new dependent variable (the 1996 Joint Action on APM (Council of the European Union, 1996c, Joint Action 96/588/CFSP)). The 1995 Joint Action reflects the previous cooperation in that

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<sup>211</sup> Annex I, Domains within the security dimension (para. 35, p. 40, SN 3321/1/92).



area on which the 1996 Joint Action is based and further extends the cooperation in that area.

In essence, the first (1995) Joint Action allowed the export of “smart” APMs (detectable and self-destructing) to states that had signed the 1980 Convention with Protocol 2, whereas the 1996 Joint Action did not allow for *any* exports, including technology transfer. Note, however, that nothing was said yet concerning production, stockpiling, and use of APMs.

To SUMMARISE, we found two dependent variables (the two Joint Actions) that started cooperation in the area of APM under CFSP after the Treaty of Maastricht came into force. We saw that two major independent variables stem from previous interaction in the area (European Council, 1992a, Presidency Conclusions, Lisbon, and the CFSP provisions in the Treaty of Maastricht). I have shown that this dynamic element in the development process can be conceptualised as a change from dependent variable to independent variables by explaining the 1995 and 1996 Joint Actions of the Union on APM. Apart from these two independent variables, we saw the advantage of the five categories for independent variables and the broader focus on the sources of independent variables in this analysis: It was primarily values (humanitarian concern) and not interests that played a role in starting cooperation in that area; further important independent variables that can be subsumed into the categories “situation structure” (forthcoming CCW conference) and “problem structure” (multifaceted issue APM) were found. These could be easily overlooked in an analysis focusing primarily on structures and interests. The examples again empirically prove crucial aspects of theorising EFP development, singled out in the State of the Art section regarding conceptualising the EFP development process (Michael E. Smith, 2008, p. 182), relevant independent variables beyond structures (Ginsberg, 1999; Michael E. Smith, 2008, p. 180; White, 1999) and the mutual relation between structure and agency (Ginsberg, 1999).

#### **3.4.2.1.2. The Ottawa Process**

In the following, I will address the next dependent variable—the 1997 Joint Action of the EU on APM. Again the aim is to show how the approach developed in Chapter Two is able to capture the development process of cooperation in the area of APM. This Joint Action has to be seen against the background of the so-called Ottawa Process, which aimed at a total ban on landmines. The 1997 Joint Action is interesting because it marks a qualitative step in comparison to the previous two Joint Actions discussed above but lags behind the outcome of the Ottawa Process. So the crucial point of this section will be to show which independent variables led to the “in-between” outcome of the 1997 Joint Action and what conclusions we can derive in respect to the development process.

The “Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction” (United Nations, 2002, pp. 211-312), often just called the Ottawa Treaty, was signed in Ottawa, Canada, by 122 governments. It covers the following points (International Campaign to Ban Landmines, n.d.):

- **never use** anti-personnel mines, nor to develop, produce, otherwise acquire, stockpile, retain or transfer them;
- destroy mines in their **stockpiles** within four years;
- **clear** all mined areas in their territory within 10 years;
- in mine-affected countries, conduct **mine risk education** and ensure the exclusion of civilians from mined areas;
- provide assistance for the care and rehabilitation, and social and economic reintegration, of **mine victims**;
- offer assistance to **other States Parties**, for example in providing for survivors or contributing to clearance programs;
- adopt national implementation measures (such as national **legislation**) to ensure that the terms of the treaty are upheld in their territory; and
- **report** annually on progress in implementing the treaty.

The Union issued a Joint Action in 1997 (Council of the European Union, 1997b, Joint Action 97/817/CFSP), adopted by the Council on the basis of Article J.3 of the Treaty on European Union, on anti-personnel landmines (dependent variable) before the Ottawa meeting. In comparison to the two Joint Actions already described above, the 1997 Joint Action (Council of the European Union, 1997b, Joint Action 97/817/CFSP) also introduces a common moratorium on the production of APMs. However, there were still no restrictions in regard to their use and stockpiling. Contrary to the Ottawa plans, the EU was unable to commit its members to a total ban on APMs due mainly to resistance from Finland. Finland considered the use of APMs as a legitimate means of self-defence (obviously, against neighbours to their east not the west). That seems a perfect case for an intergovernmental realist explanation. However, as Long (2002, p. 430) argues, there has to be more in that story, as there actually was a Joint Action representing even more than the lowest common denominator! The EU and the Ottawa puzzle will be addressed in some detail because this reveals important insights about the driving forces (and obstacles) in the development of cooperation of the Union's non-proliferation activities (dependent variable).

Which independent variables explain this "in-the-middle outcome" (more than the lowest common denominator, less than the outright ban) of the 1997 Joint Action (Council of the European Union, 1997b, Joint Action 97/817/CFSP)? And how far can these factors be captured in the five categories for independent variable proposed in Chapter Two?<sup>212</sup> As Long (2002) shows, there is a broad mixture of variables:

1. Actually, there were quite DIFFERENT INTERESTS at stake in the EU states (Long, 2002, pp. 431-436): Most of the small countries as well as Germany were in favour of a total ban; the UK and Italy, as producers of APMs, had limited interests

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<sup>212</sup> The different independent variables in the various categories are summarised in Figure 45.

in the ban; and in particular Finland<sup>213</sup> and Greece claimed APMs as a source of security (against Russia and Turkey, respectively). Interests belong to the second category of independent variable (actors).

The Ottawa conference had a rather SURPRISING AND UNFORESEEN OUTCOME:

The division among the EU states regarding participation in the Ottawa International Strategy Conference in October 1996 was just the beginning of a major rift. Canadian Foreign Minister Axworthy's statement at the conclusion of the conference surprised almost everyone. As host of the conference, he called the delegates to return to Ottawa to sign a comprehensive ban treaty by the end of 1997, thus beginning the Ottawa Process. The surprise and the call for a fast-track comprehensive ban sharpened and threw into relief the differences among the EU member states. There had been difficulties in agreeing on the October 1996 Joint Action but the surprise announcement shifted the ground from under the EU's feet and made coming to a new agreement harder still. The idea that states should return to Ottawa in little over a year to sign a treaty comprehensively banning APMs completely blew apart what was carefully constructed but already fragile EU consensus on restricting the weapon in more limited ways, specifically an export moratorium. (Long, 2002, p. 433)

Obviously, this variable acts as a contingent unforeseeable factor with major consequences, as seen above. It can therefore be captured in the category "situation structure"—that unforeseeable statement changed the situation and, as Long pointed out, made agreement among the EU member states even harder.

As a consequence of the conference outcomes as quoted above, there were different opinions among the EU members WITHIN WHICH FORUM the APM topic should be dealt with, with three different positions: (1) the UN Conference on Disarmament; (2) the relatively new Ottawa Process; and (3) dual track in (1) and (2) (Long, 2002, p. 433). The underlying reasons differed, ranging from fears "that the Ottawa Process would short-circuit the UN Conference on Disarmament (the CD)" (2002, p. 434) to the desire on the part of the proponents of no outright ban (France, UK, Italy, Spain, Greece, Finland) to avoid the strict obligations that would be the result of signing the Ottawa convention (2002, p. 434). The issue became even hotter when the US launched an initiative for the Conference on Disarmament in January 1997 (2002, p. 435). A time of alliance building in the EU followed; however, still no solution could be found, which led to a stalemate where the EU had no Common Position on the APM issue. A solution was only found when it turned out that APMs did not come on the CD agenda; in addition, changes in the UK and French governments led to two governments in favour of the Ottawa Process (2002, pp. 435-436). The two parallel fora for APM clearly opened the way for strategic action. It was, however, the specific problem structure and the issue (category five) that opened up the way for strategic action, i.e., the fact that there were, actually, two parallel tracks that could potentially be used.

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<sup>213</sup> The situation was similar for Estonia and Latvia for similar reasons. See Remacle and Martinelli (2004, p. 120).

The NEW GOVERNMENTS OF FRANCE AND THE UK followed the Ottawa path at the beginning of 1997, joined by Italy and Spain—i.e., four previously reluctant states changed positions (Long, 2002, p. 436). The new path was further underlined by a joint statement of the Foreign Ministers of France, the UK, and Germany calling for a total ban on APMs (2002, p. 436). The interesting point now, however, was that at the EU level stalemate persisted although the opponents of the Ottawa Process had become fewer and fewer:

Both sides [Researcher's note: pro and contra Ottawa] argued that they were better off with a national position, and did not want any role for the EU in this matter. In the face of this, the Luxembourg Presidency proposed a plan of a new, reinforced Joint Action, and tried to promote the idea that the EU as a political player could not afford to have nothing to say regarding the Ottawa Process. (Long, 2002, p. 436)

Similar to the unforeseeable announcement of the Canadian Foreign Minister mentioned above, changes in the governments of France and the UK acted as major independent variables and can be captured in the category "structure of the situation" for independent variables: They were contingent and unforeseeable factors that had major impact on the further development.

Long shows the impact of the very skilful negotiations conducted by the LUXEMBOURG PRESIDENCY, quoting an official:

Partners knew where we stood. The pro-Ottawa countries saw in us their ally, and tried to understand why we went out of our way to try to accommodate Greece and Finland. Greece and Finland were cautious in the beginning, but realized rather quickly that we never tried to put them under any kind of pressure. (Long, 2002, p. 436)

Finally, the careful negotiations led to the EU's three last-minute Joint Actions: "The text of the Luxembourg's announcement to the Ottawa conference on behalf of the EU was not agreed until the very morning the announcement was to be made" (Long, 2002, p. 437). And "the twists and turns of the text reflected a delicate balance between differing national positions on the landmines ban and on EU competence in this issue" (2002, p. 437). The impact of the skilful Luxembourg Presidency can be captured in category two (actors) and three (actors' relations). Furthermore, we see the impact of time pressure and negotiation skills—i.e., again specific factors that came to bear in the negotiation situation, which can be captured in the category four (structure of the situation).

So, what actually was the outcome of the 1997 Joint Actions (in particular, Council of the European Union, 1997b, Joint Action 97/817/CFSP)? The Joint Action "extended the EU moratorium to transfer and to production of all types of APMs and also further restricted the issuing of licences for technology transfer" (Long, 2002, p. 437). However, stockpiling and the use of landmines were still not prohibited. Which effect did that Joint Action have since all EU states, except Finland and Greece, had signed the whole Ottawa Treaty (imposing a total ban on APMs)? Finland and Greece committed themselves via the Joint Action to stop not only transferring of APMs but also production. Furthermore, contrary to the Ottawa Treaty, the Joint Action was legally binding from the day it was adopted (Long, 2002, p. 437).

Now the main parts of the EU APM puzzle are on the table. The example is most interesting as it draws our attention to two questions: First, although lagging behind the Ottawa provisions, the 1997 Joint Action represents more than a lowest-common-denominator approach—which independent variables caused that result and what can we infer for the development of cooperation in that area? Second, how far is the approach developed in Chapter Two able to capture that process, i.e., dependent and independent variables? In the following, I will first discuss Long’s interpretation of the issue and then show how my approach will deal with the issue.

Long points towards the following factors beyond intergovernmental bargaining:

Intergovernmental bargaining was the framework that shaped the EU’s position on banning landmines. But institutional factors like the role of the Council Presidency, the regular and frequent working group meetings, and the relatively transparent character of the intra-EU negotiations, were the permissive condition for the existence of any agreement at all and determined a good deal of what was finally decided. (Long, 2002, p. 443)

He argues that in the working group CODUN, EUROPEANISATION played a significant role in the outcome (Long, 2002, p. 441). The APM issue frequently came onto the agenda in CODUN whatever the position of the member states was and had to be discussed. However, Long stresses that “Europeanization did not alone create the condition for a particular EU position. Rather it prompts member states to try to reach a consensus of some sort” (2002, p. 441).

The points made underline the findings of the other non-proliferation areas already discussed and are in line with findings of Michael E. Smith (2004, 2008), Ginsberg (1999), and White (1999) as discussed in the State of the Art section (2.1.4 and 2.1.5): A good proportion of the cooperation process can be located at the working-group level (Type III decision):

Most of the important negotiations among member states were worked out and texts agreed in the CODUN Working Group which was responsible for discussing arms control issues. Decisions of the Political Committee and Council were largely formalities, as the differences had already been navigated in the working group. (Long, 2002, p. 432)

In this particular case, we cannot be sure of how far learning processes took place; however, at least pressure was created to find a solution.<sup>214</sup>

Concerning the Council Presidency, Long highlights the impact of the presidencies of Ireland, Netherlands, and Luxembourg (following each other)—all of them were for the total ban on APMs. He supposes that a Presidency less inclined towards a total ban could easily have changed the route to the CD track instead of taking the Ottawa path (Long, 2002, p. 442). He goes on to show why the two previous presidencies failed to reach an agreement: The Irish ran out of time, and the Dutch Presidency was locked up with the

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<sup>214</sup> The impact of Council working group interaction in the European context is analysed in detail by Beyers and Dierickx (1998).

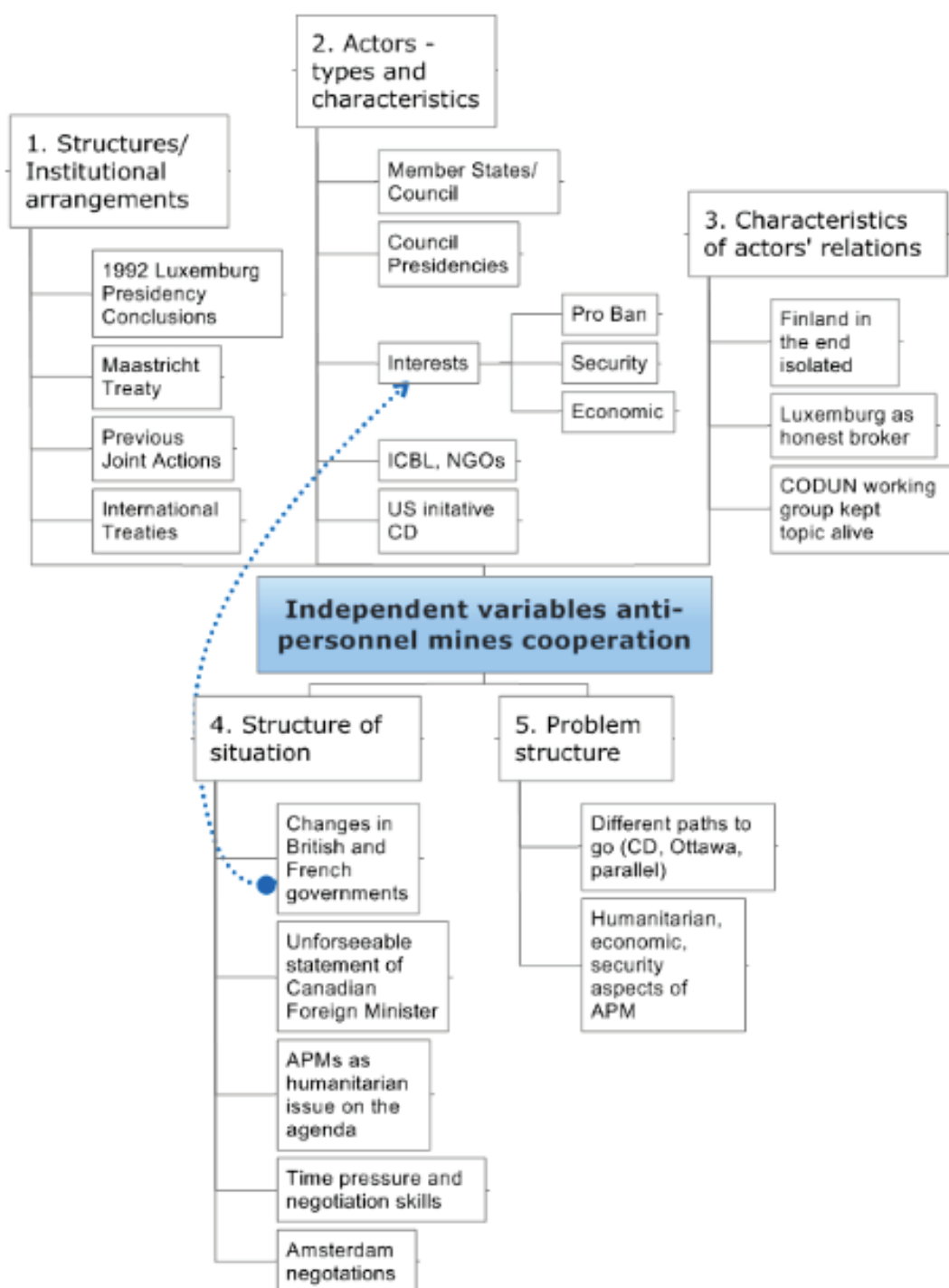
preparations around the Amsterdam Treaty.<sup>215</sup> The latter instance would clearly fall into the category “situation structure” for independent variables—an unusual event shifts the focus away from such minor events as APMs.

Finally, Long (2002, pp. 442-443) points towards the role of the wider global campaign around the Ottawa conference run by the International Campaign to Ban Landmines (ICBL) that benefited from EU decision-making structures. The ICBL received information on positions of the EU states from the CODUN working session and from some EU member states. Therefore, they knew which governments to target. But “the strategy went beyond a national focus as, at the beginning of the Ottawa Process, it aimed to exploit continued divisions within the EU in order that a common position supporting the CD was not achieved” (2002, p. 443).

Figure 45 summarises the various independent variables discussed above in the five categories:

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<sup>215</sup> The situation was similar during the negotiation of the Treaty of Lisbon as discussed in Chapter One (1.1.3.4).

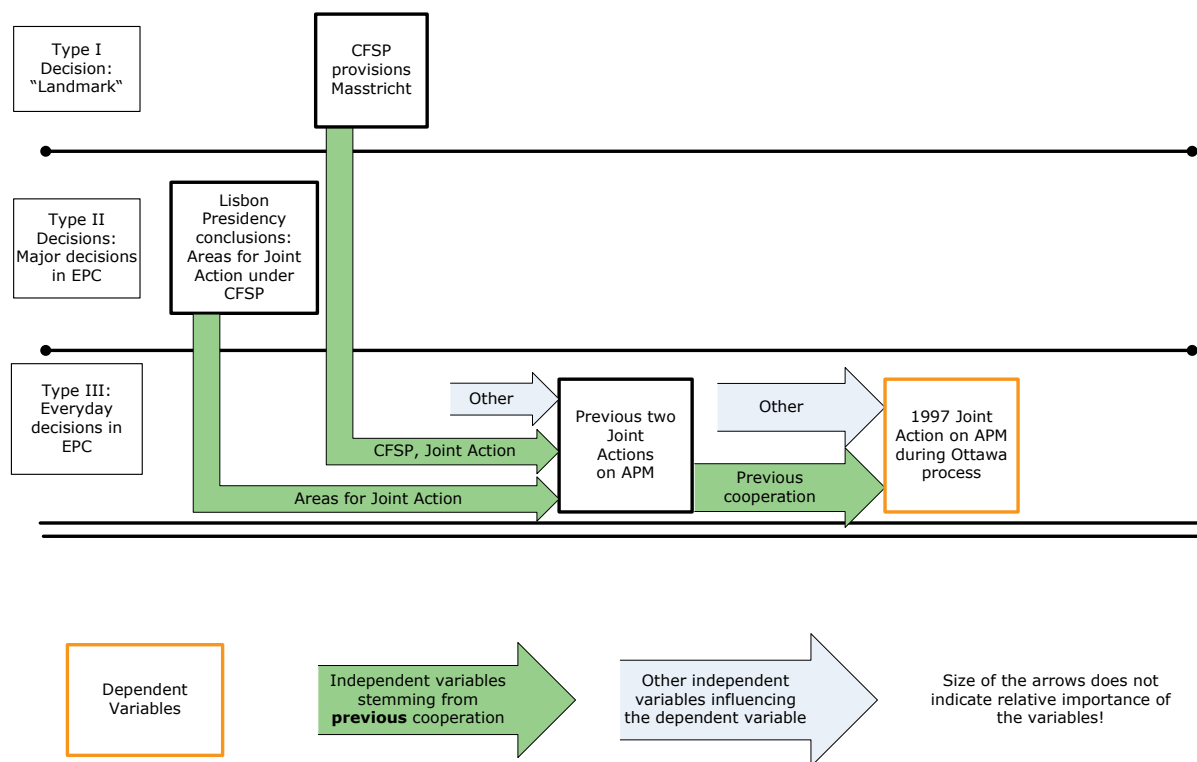


**Figure 45**—Independent variables for closer cooperation on anti-personnel mines

In the following, I will point out how the approach developed in Chapter Two can capture the remarkable development process of cooperation in the area of APM. As with the previous example, three points have to be addressed: the dependent variables, the dynamics in the development, and the independent variables.

Figure 46 illustrates the interplay of dependent and independent variables and the dynamics in the development process. Again we see the impact previous interaction had on the 1997 Joint Action on APM (dependent variable): The conclusions of the Lisbon Council (Type II decisions) identified areas of cooperation under the Joint Action procedure, and the CFSP provisions of Maastricht (Type I decision) just provided the legal framework and instruments for cooperation of the EU under CFSP, the two previous Joint Actions of the EU on APM provided the basis for further cooperation in this area. These three factors work as independent variables in explaining the 1997 Joint Action and represent the impact of previous interaction, as indicated by the green arrows in Figure 46. The example again shows the feasibility of analysing EFP development as suggested by Michael E. Smith (2008, p. 182), with the approach developed in Chapter Two, as a sequence of DV and IV, and underlines the advantage regarding conceptualising the mutual relation of structure and agency (Ginsberg, 1999).

Analytical distinction in dependent and independent variables regarding the development of cooperation in anti-personnel mines under CFSP



**Figure 46**—Dependent and independent variables: European anti-personnel mines non-proliferation cooperation

In addition to the independent variables representing previous interaction, I discussed a vast quantity of other independent variables, which in Figure 46 were reduced to the single blue arrows shown as "Other." These numerous variables were discussed in detail above and summarised in Figure 45 in the five categories for dependent variables. In the following, I will address the question as to how far we see a benefit of my approach in respect to independent variables:



The puzzle set above was that the 1997 Joint Action represents less than the outcome of the Ottawa approach but more than the lowest common denominator, as we could expect if we took a realist perspective. As I pointed out, one major reason was that several independent variables had an important impact that potentially would be overlooked by an analysis rooted in realist thoughts:

We saw the impact of variables subsumed in the category “structure of the situation,” e.g., changes in the UK and French governments, the impact of the unforeseeable statement of the Canadian Foreign Minister during the Ottawa Process, the role of time pressure and negotiations skills during the decision of the Joint Action.

Furthermore, we saw the impact of independent variables subsumed in the category “problem structure,” most importantly the multifaceted issue of APM (security; economic; and, most importantly, humanitarian), which just led to the involvement of different actors. Also, the two different tracks concerning APM (CD and Ottawa) just provided the possibility for strategic action. Furthermore, we saw the impact of the Luxembourg Presidency as an honest broker that was trusted by the different camps, i.e., we saw that it was not only the actors involved, but also the relation among the actors (category three for independent variables) that had major impact on the outcome.

As Long (2002) points out, Europeanisation in the CODUN working group played an important role in the outcome of the 1997 Joint Action. So we see the impact of learning processes through interaction at the working-group level, which can also be captured as a change in “actors’ relations.”

Finally, we saw the impact of the global campaign against landmines, which stresses the importance of incorporating non-state actors and, in that case, non-state transnational actors in the 1997 outcome. Few or none of the independent variables mentioned above would be captured in traditional realist categories of analysis, underlining my claim for a more fine-grained tool to capture independent variables, as provided by my approach.

To SUMMARISE, we see that the Union’s 1997 Joint Action on APM can be analysed with the approach developed in Chapter Two (2.2): We saw how the impact of previous interaction can be conceptualised as a change from previously dependent variables to independent variables and how the relation between structure and agency can be accounted for. Furthermore, we saw the advantage of fine-grained analytical distinctions in respect to independent variables—otherwise, the outcome that represents less than the Ottawa provisions but more than the lowest common denominator could not account for what again fits in the debate regarding relevant independent variables in EFP development (see, in particular, Ginsberg, 1999; Michael E. Smith, 2004, 2008; White, 1999) in the State of the Art section.

#### **3.4.2.1.3. From 2001 onwards: Shift of competencies from second to first pillar?**

The first Joint Action under CFSP on APM was decided in 1995. From 1995 onwards, on average a little more than one Joint Action per year was decided until 2001. Since then, no Joint Actions have been decided. Even more surprising, in July 2001 the two first EC regulations on APM were decided, i.e., it seems decisions are not taken within the CFSP

framework but in the first pillar via the community method. Clearly, this is most surprising when we recall the sensitivity of military and security affairs and the usual image that member states do not want to lose control of these issues. That we had a similar resistance in the area of APM becomes clear in the section on the Ottawa negotiations discussed above. So obviously, the question is why from 2001 onwards the main forum for APM seems to have shifted from the second to the first pillar.

Surprisingly, the literature did not address this point. Remacle and Martinelli (2004, p. 120) state the fact but offer no explanation. Long (2002) also does not address the question, presumably due to the focus of his study on the Ottawa Process, but maybe also due to the fact that his article was published only briefly afterwards. As neither Internet nor various databases elicited any information, I contacted the Commission and the Council to conduct explorative interviews (Vogt, Gardner, & Haeffele, 2012, pp. 31-47). Both interviews were conducted via telephone with senior-level representatives in charge of the issue in 2005 and 2006 and took roughly thirty minutes each. Resting only on a very small sample, the following findings can only provide first insights and a direction for further research. The questions posed to both representatives was the same: "Joint actions on APMs started in 1995 and ended in 2001. We see, however, in 2001 for the first time two EC regulations on the issue. Does that mean that the competencies for the issue were transferred to the first pillar? Why is the issue now dealt with by the Community method and not the intergovernmental CFSP method anymore?"

The answer of the Commission: The main reasons stated were that dealing with landmines is costly and not "sexy." Mine clearance and mine awareness training cost a lot of money, and you need infrastructure at various places in the world. The crucial point is that the Council under CFSP has neither, but the Commission does. The second point is that APM issues are not particularly suitable for gaining reputation. In other words, the Commission's representative supposed that the Council under CFSP concentrated on issues that are more "high profile" and happily gave the costly and "non-sexy" landmines to the Commission, thus providing room for investing the low-level CFSP budget on other issues. The next point mentioned was that it seemed not totally clear who has the legal competency to deal with the issue, in particular in respect to the funding of activities. Finally, the representative suggested that it would not be a surprise if we saw a similar change in respect to competencies in the area of small arms and light weapons in the future (the issue will be addressed later).

Well, the answer seems telling to me and the points made are plausible. However, as mentioned above, it is a single piece of evidence from a certain perspective and therefore has to be afforded due care. Without doubt, further research on the issue should be made as it could reveal insights of the "inner workings" of the system.

The answer of the Council: The answer of the Council was equally surprising. First of all, it took a couple of days to even find a person in charge of the subject. Then that person was not aware that no actions had been made under the CFSP in the area of APM in the previous years. After I suggested that the issue is now dealt with by the Commission, the representative said that this could be true; but if the Council felt like, it still could make Joint Actions in the area of APM. The most important insight was, however, the following: "Well, we rotate frequently in here and the issue is quite old, so I do not know

what has been done before. And although everything is usually documented somewhere, usually you do not find it.”<sup>216</sup>

The part concerning rotation seems interesting if we ask about the inner workings of the “machine.” We saw that most issues addressed so far span over a longer timeline. Frequent rotation in the EU seems not to be uncommon (also among lower-profile jobs). Then the question is how the resulting knowledge management problem is solved—is there sufficient documentation that is easily accessible (that I very much doubt), or is there always enough time to train a successor? The question has significant relevance in my context as we saw the impact of interaction at lower levels on the EFP development process. Then we have to ask how that interaction works if the relevant persons change that often. Again, I can just say that further research on the issue seems promising.<sup>217</sup>

### **3.4.2.2. Developments in the area of Dual-Use since Maastricht**

The complex provisions in the area of Dual-Use goods were already described above. As mentioned, we found a peculiar twofold arrangement spanning across pillars one and two with an EC regulation and a Joint Action. Surprisingly, however, after 2000 we do not see any further Joint Actions in the area of Dual-Use. What happened is that the whole Dual-Use issue was transferred to the first pillar in 2000 (Council of the European Union, 2000, Regulation (EC) No 1334/2000), which set up a Community regime for the control of exports of Dual-Use items and technology (Schmitt, 2001, p. 6). That means that the usual community method is applicable, i.e., there has to be an initiative by the Commission, the regulation is passed by qualified majority, and implementation is done or supervised by the Commission (Schmitt, 2001, p. 8). Obviously, that is also most surprising when we recall the extremely complex negotiations around the first Dual-Use provisions, mainly due to the resistance of some member states to losing control over that issue. Why should member states give away a firm grip on that issue via the second pillar and, even more surprising, accept supranationalisation of a sensitive issue?

The most important reason for the change (i.e., the main independent variable) was the ruling of the European Court of Justice in 1995 (European Court v. Leifer, Krauskopf, & Holzer, 1995). Schmitt describes the background:

According to the European Court of Justice (ECJ), the legal basis of Regulation 3381/94 was Article 133 EC alone, since it was restricted to matters that fall entirely within the sphere of Community exports and customs policy. In this regard, the fact that export controls were established for reasons of foreign and security policy did not change anything. This judgement, in turn, was incompatible with the fact that the Regulation could not work without Council Decision 94/942/CFSP [Researcher’s note: the previous twofold solution described above]. In fact, it was the Council, i.e.,

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<sup>216</sup> When trying to locate an EU document via the document service during 2015/2016, I experienced something that confirms this statement by the Commission representative. The process of obtaining a document spanned over three months, as documented in Appendix B. While this was a singular event and therefore should not be overestimated, it does, however, indicate that records management is an issue within such a big institution.

<sup>217</sup> Dover (2006) also addresses the issue but does not shed light on the issue of the shift of competencies from pillar two to one. Important in my context is that Dover also stresses the impact of non-state actors during the Ottawa Process (pp. 401-403).

the member states, that decided on the specific lists of items and countries to which the Regulation applied [Researcher's note: via the Joint Action accomplishing the EC regulation on Dual-Use]. This construction did not only devalue the position of the Commission, which normally has the monopoly for initiating Community law, but was also in contradiction to the principles of the EC treaty. The Council Decision, through its integration with the Regulation, came into the jurisdiction of the ECJ (which normally has no say on CFSP matters), thereby raising more legal problems. The only way to overcome these contradictions was to base the whole export control regime exclusively on Article 133. (Schmitt, 2001, p. 5)

The underlying tension becomes obvious and lies in the twofold character of Dual-Use goods, as already described: On the one hand, we talk about goods that can be traded and therefore fall into the EC realm (here mainly common market, commercial policy, custom); on the other hand, these goods may have military application or implications, and member states deemed that they therefore fall into the area of CFSP.

In terms of the categories of the approach developed, we see a very specific problem structure working as an independent variable that leads to different interpretations where the competencies in Dual-Use goods should rest. Presumably, contrary to the wishes of most member states, the ECJ made clear that Dual-Use goods primarily fell within EC competence in accordance with Article 133 EC. Again, we see the very fine line that divides the first and the second pillars. Furthermore, it is obvious that the confusion was only possible because of previous EC cooperation in the area of the common market—i.e., we see the impact of EC development on EPC/CFSP development.

FINALLY, I want to explain why the ECJ actually addressed the issue as this also unveils another decisive independent variable. Three German citizens were accused of violating German export regulations in the area of Dual-Use goods. The case was taken to the Landgericht Darmstadt. A phone interview conducted with one of the lawyers in 2006 revealed the following proceeding: The lawyer requested that it should be checked whether German export regulations on Dual-Use goods were compatible with EC provisions on Dual-Use goods. The Landgericht asked the ECJ for a preliminary ruling, with the result as discussed above. So quite a provisional factor, found in a single member state well below governmental-level politics, together with the competencies of the ECJ, started the whole affair. So, on the one hand, we see a by-chance element (change in situation structure) here having a big impact on the development of cooperation in that area. On the other hand, this by-chance element only became important due to the competencies of the ECJ, which obviously reflects previous developments in the EC and again underlines the nexus between EC and CFSP development.

To SUMMARISE, we saw that due to the twofold character and the sensitive nature of Dual-Use goods, there were different interpretations of where the competencies for them should rest. The ECJ ruled against the previous compromise (EC regulation for pillar one and Joint Action for pillar two) in favour of an EC solution. We saw that it was actually by chance that the ECJ became involved due to a domestic factor. The example clearly shows, first, the fine line between the pillars and, second, the influence of EC

developments on CFSP developments.<sup>218</sup> Furthermore, as shown when analysing the development of cooperation in the area of EFP in Chapter One, the ECJ, although excluded from EPC/CFSP, nevertheless manages to gain influence in certain EFP matters.

### **3.4.2.3. Developments in the area of conventional weapons after Maastricht**

As already discussed, the involvement of European conventional arms transfers emerged mainly in the aftermath of the Gulf War, therefore pressing for further actions in that area. As shown, also in the context of the Single Market Project, i.e., due to EC development, the question of arms export controls had to be addressed. We saw that the member states could not agree on a substantial solution but only on the seven criteria of the Luxembourg Council (June 1991), plus an eighth to be found at the Lisbon Council (June 1992), which were not legally binding and left substantial room for interpretation. It wasn't until 5 June, 1998, that the Council, under CFSP, decided the European Union Code of Conduct on Arms Exports (Council of the European Union, 1998b, Document 8675/2/98) (dependent variable) (Schmitt, 2001, p. 10). In the following, I will briefly go through the content before asking for independent variables and discussing the further development of the CoC.

Schmitt (2001, p. 10) outlines the main features of the CoC:

The Code of Conduct sets common minimum standards for the management and control of conventional arms exports by member states to third countries. Moreover, it establishes an information exchange and consultation mechanism, the first ever applied by any group of states in this field.

The overall objective of the Code is to achieve greater transparency in arms transactions and to lead to a growing convergence of national export policies. It is composed of two parts: (1) guidelines that set out a number of circumstances in which licenses should be denied; and (2) operative provisions that contain a mechanism for consultation on undercutting and an annual review process.

So what actually were the independent variables that triggered further cooperation under CFSP (dependent variable) in that area? Actually, there are different answers to be found in the literature:

There is widespread consensus that the previous criteria (Luxembourg, Lisbon Council) were the basis for the Code of Conduct.<sup>219</sup> Obviously, this is another clear indicator of the consequences of previous interaction, which work as a structure (category one of independent variables) for future decisions. Again, this development can be captured as a change from a previously dependent variable (criteria) to an independent variable in

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<sup>218</sup> Schmitt (2001, p. 5) shows that the twofold solution proved inefficient also in practice. For detailed provisions of the new solution since 2000, see Schmitt (2001, pp. 6-8).

<sup>219</sup> See Schmitt (2001, p. 10), also Remacle and Martinelli (2004, pp. 115-117), Anthony (2001, pp. 609-610), Bauer and Remacle (2004, p. 117), and Dembinski and Schumacher (2005, p. 20).

explaining the Code of Conduct (next dependent variable), which again demonstrates the feasibility and advantage of conceptualising EFP development as a sequence of DV and IV and the need to conceptualise the interplay of structure and agency in EFP, both of which were discussed in the State of the Art section. However, then the question still remains as to why it took six years until the Code was finally decided.

Cornish (1997, p. 81) points towards the role of the EP and NGOs, especially Saferworld (actors—category two). Both became particularly active before the Intergovernmental Conference for the Amsterdam Treaty revisions and launched a European Code of Conduct in May 1995, together with 40 other European NGOs. That would mean that here we have an impact of the EP as a first-pillar actor, but also transnational cooperating NGOs. This would be another indicator for the importance of non-CFSP players at the EC level as well as of actors outside the EU context. However, it is difficult to judge what impact these initiatives actually had. Dembinski and Schumacher (2005, pp. 18-19) acknowledge the EP/Saferworld initiative but identify different main independent variables.

Dembinski and Schumacher (2005, pp. 17-18.) also stress the importance of the Iraq findings with the already familiar results, i.e., the criteria in the 1991/2 Presidency Conclusions and the establishing of the Council COARM working group. However, according to them, only very briefly after the Gulf War did the chances for improved worldwide export controls decrease.<sup>220</sup> The authors (2005, p. 18) show that competing visions, particularly among Germany on one side and France and the UK on the other, made a solution on arms export controls impossible. The authors state that the roots of the CoC lie in a UK initiative that came after the change in the UK government (change of situation structure—category four) and was prompted by domestic pressure due to the involvement of UK companies in arms export to the Iraq (2005, p. 19). They go on showing that the new national UK export regulations reflect the eight criteria, and that the UK government was also able to re-import the national provisions at the EU level (to the CoC) (2005, p. 19).

The independent variables that led to the change of attitude within the French government towards the CoC were twofold: On the one hand, the activities of French arms exporters also became obvious—during the Falkland War a UK ship was sunk by an Exocet rocket of French production; furthermore, involvement in exports to the Hutu regime and the Iraq became public (2005, p. 19). On the other hand, Dembinski and Schumacher (2005) stress another variable already quite familiar from Chapter One: In order to effectively pursue national strategic goals at the international level against American interests (often pursued by selective arms exports), France needed stronger leverage. The only way to gain leverage was seen to be by closer cooperation with European partners (2005, pp. 19-20).

To SUMMARISE, concerning independent variables we see a twofold image:

On the one hand, there is a huge influence of previous cooperation—the eight criteria of the 1992/3 Councils (Type II decisions) worked as a yardstick for the CoC. Again, we see the importance of the working group (here COARM, Type III interaction) that kept

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<sup>220</sup> According to Dembinski and Schumacher (2005, p. 18), mainly due to the export of F-15 jets from the US to Taiwan in summer 1992.

the topic alive between 1993 and 1999, prepared the CoC, and was the main forum for discussing different interests of the member states. As Schmitt puts it (2001, p. 15), "the COARM work and its results often look modest and unspectacular, but they are essential to create a basis for a common policy in this area." As in the previous examples, we can conceptualise the consequences of previous interaction as a change from dependent variable to independent variables: The eight criteria and establishing of and cooperation in the working group (previously dependent variables under EPC) act as independent variables in explaining the CoC (dependent variable).

On the other hand, we see the impact of domestic pressure from national constituencies and NGOs such as Saferworld that prompted the new UK government to act. In particular, Saferworld built an alliance with the EP to create more pressure in the area of arms exports. Obviously, these are examples that show that the EP (i.e., an EC actor usually with very little weight in CFSP issues) as well as actors at the subnational level (the public) can, in certain cases, exert significant pressure. The change in the UK government<sup>221</sup> can be seen as a change of the situation structure (category four of independent variables), which gained its weight due to the unanimity decision making under CFSP. For the case of the French government, it is hard to judge whether the position taken was "pure national interest" or, highly likely, reflected deeply rooted attitudes towards the US, as already discussed in Chapter One.

In the last part of this section, I want to briefly address FURTHER DEVELOPMENT IN RESPECT TO CONVENTIONAL ARMS EXPORT AFTER THE CoC was decided. As it was said, the Code of Conduct is more politically binding and was a less demanding outcome in comparison to other suggestions for stricter export controls. In regard to my research focus, the question is if that legally unbinding low profile result has considerable impact on export controls, or if it is merely paying lip service. As we will see, in regard to my research, further development is illuminating: Significant development took place, and presumably this development was neither foreseen nor intended by the member states: "There are signs that it [Researcher's note: the CoC] has created something like a virtuous circle of pressure for improvements of policy formulation and enforcement, both within the EU and among states preparing themselves for accession" (Bailes, 2004, p. V).

Further development after the CoC was decided upon can be clustered around three topics:

1. A significant increase in the amount and quality of data provided by the member states in respect to their respective national conventional arms exports (in particular, licenses issued).
2. The impact of the CoC on national export provisions. In my context (development of cooperation at the European level), however, even more important is to what extent these changes in national provisions, first prompted by changes at the European level, influence over time the provisions at the European level (i.e., a movement in three steps: 1. CoC at the European level; 2. influence of CoC on

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<sup>221</sup> We already saw the impact of the change in government in the area of APMs and, in particular, concerning the Ottawa Process.

national provisions; and 3. influence of the changes at national level back onto European level).

### 3. Increasing impact of non-CFSP actors, in particular EP and NGOs/Public.

Referring to the first aspect: increase in the amount and quality of data provided by the member states:

As Krahmman (2005, p. 116) puts it: "The impact of the Code of Conduct has not only been the increase of transparency concerning armaments exports from the EU, but also the growing harmonization of national arms export legislation."<sup>222</sup>

A similar assessment can be found in the work of Bauer and Bromley (2004): "The quantity of statistical data in the Annual Report according to Operative Provision 8 of the EU Code of Conduct on Arms Exports has increased over the five reporting years, and the quality of the data has also improved" (p. 5).

The main reason for these developments was the following:

The development of what might be called an EU Code of Conduct regime has been achieved through a process of dialogue, negotiation and review based on practical experience, as national governments have increasingly felt comfortable discussing arms exports control in an EU context and have gained more confidence in the EU Code as a policy tool. (Bauer & Bromley, 2004, p. 4)

It is hard, maybe impossible, to assess exactly what weight the different factors mentioned had. However, it seems possible to make at least the following points:

The CoC was decided after significant negotiations at a higher level, whereas the actual cooperation under the CoC seems to take part at lower levels (in particular, in the COARM working group, as well as information sharing among national bureaucracies). Furthermore, contrary to the bargaining situation concerning the CoC, cooperation under the CoC seems to allow for significant learning processes. In terms of the approach developed in Chapter Two, that would mean:

1. As a dependent variable, the CoC can be seen as a Type II decision (major decision under CFSP), actual cooperation under the CoC as Type III process. In that respect, cooperation under the CoC can be seen as a policy process that over time seems to be able to change the (here informal) rules of the game—member states provide more and more information, although there is no obligation to do so. The advantage of the division into three types of dependent variables becomes obvious here: Agreeing on the CoC was a bargaining situation about rules of the game with certain actors, as described above, where national interests played a

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<sup>222</sup> Krahmman (2005) assesses the impact of the CoC on internationally active private military companies, which in part use loopholes in European regulations and/or regulations of the EU member states.



significant role for the outcome.<sup>223</sup> Cooperation under the CoC is not a bargaining process but more an ongoing process of cooperation, and we can assume that different actors are involved, contrary to the bargaining about the content of the CoC. And it seems that in everyday interaction (Type III), cooperation may extend well beyond what was expectable in the face of the vague CoC provisions (Type II decision).

Regarding independent variables, we again see the role of learning processes in cooperation under the CoC. It seems to be apt to assume that in that context (Type III decisions, i.e., daily interaction at a lower level), a problem-solving approach dominates more than a competitive bargaining approach (Type II decision, i.e., bargaining about provisions of CoC in CFSP context).

With regard to the dependent variable and the specific bargaining situation described, the CoC provisions (Type II decision) were quite vague. However, that does not mean that nothing may develop out of it—on the contrary! We saw that interaction under the CoC (Type III decisions) developed significantly, as indicated by the fact that over time the member states provided much more information than requested. A sound hypothesis is that cooperation under the CoC, contrary to negotiating the CoC, works not in a bargaining style but more in a problem-solving mode. This hypothesis is backed up by the findings of the learning processes, as described above. That would underline my claim, as well as the findings of other researchers as discussed in the State of the Art section (Ginsberg, 1999; in particular, Michael E. Smith, 2004, 2008; and White, 1999), that to a significant extent, the EFP development process (the dependent variable of my research) has to be understood as a bottom-up process rather than a series of history-making deals (top-down image). Furthermore, as we will see, the interaction under CoC (Type III) is more likely to be influenced by non-CFSP actors, obviously contrary to Type II or even Type I decisions where non-CFSP actors usually have little or no influence.

Referring to the second aspect: impact of the CoC on the national level and back onto the EU level:

In particular Dembinski and Schumacher (2005), based on their case study of France, show the impact of the CoC on national provisions concerning conventional arms exports. For my focus, which is on the development of cooperation of EFP, more important is their claim that the changed national provisions were, at least partly, “re-imported” onto the EU level (2005, p. 35). If that is true, it is worth reflecting upon the various stages of that process:

Initially, failures on national export controls led to a carefully designed European approach (CoC); interaction under the CoC led to changes in national provisions; and these changes in national provisions over time led to further changes at the European level. Could this remarkable process be captured by the approach developed in Chapter

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<sup>223</sup> I assumed a three-stage process: (1) Why EU and member states actually decided to start CoC negotiations? Various non-state actors played a significant role in gaining leverage due to concerns of European arms industry involvement in dubious activities. (2) CoC provision negotiations (Type II decision) where UK and French concerns had to be addressed. (3) Actual cooperation (Type III decisions) within CoC and CFSP framework.

Two? Indeed, as, on the one hand, the threefold division of the dependent variables allows to account for EFP development processes well below the treaty level; on the other hand, the dynamic element in that process can be conceptualised as a change from dependent to independent variable—e.g., the changed national provisions concerning arms exports become one independent variable in explaining the next dependent variable (closer cooperation at the European level).

Referring to the third aspect: increased impact of non-CFSP actors:

The CoC is one prominent example underlining my claim that an analysis of EFP development cannot focus solely on the second pillar, but that, at least in part, other actors may influence further cooperation.

Similar to the area of Dual-Use, the ECJ became involved in the CoC. As Bauer and Remacle show,

Heidi Hautala, a Finnish Green Member of the European Parliament, put a written question to the Council on the implementation of the eight EU criteria for arms exports of 1991 and 1992. . . . Subsequently, she requested access to a report on this matter, which had been agreed at the Political Committee level in 1993. . . . Having been refused access to the document, Ms Hautala sued the Council, asking the Court of First Instance to annul the Council decision made at the ministerial level and to order the Council to bear the costs of the case (European Court of Justice 1999, para. 32). The Court ruled positively regarding both aspects. (2004, p. 119)

The issue, however, became further complicated as the Council appealed against that ruling. In essence, two questions arose: whether or not there was access to second pillar documents, and whether or not the decisions actually fall within the competence of the ECJ (Bauer & Remacle, 2004, p. 120). The following result occurred:

The Court argued, as in a similar third pillar case, that the decision on rules governing access to Council documents, as an act based on Article 151(3) of the EC Treaty (now Article 207(3)) applied to all Council documents (European Court of Justice 1999, para. 41). It further held that the Court not having "jurisdiction to assess the lawfulness of acts falling within Title V did not exclude its jurisdiction to rule on public access to those documents" (ibid., para. 42).<sup>224</sup> (Bauer & Remacle, 2004, p. 120)

Two points are relevant for my research: First, we see that, although deliberately excluded from CFSP, the ECJ nevertheless gained significant influence in selected areas of CFSP. That clearly underlines my claim that the first pillar very well may prove to be a source of independent variables in influencing EFP development, as also discussed in the case study in Chapter One. Second, that ruling may have significant impact on

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<sup>224</sup> The Court, however, made a distinction that its jurisdiction applies only to partial access to documents in order to allow secret documents to remain secret, i.e., to leave that competency to the Council (Bauer & Remacle, 2004, p. 120).

future EFP development as it will make more CFSP decisions open to public scrutiny, giving players such as EP and NGOs more leverage.

In the following, I will give a brief overall assessment of the whole development concerning the Code of Conduct. These two points are the most noteworthy:

First, we saw a very broad mixture of independent variables that led to further cooperation in that area.

Second, we saw that after the CoC was decided, rapid and arguably unforeseen dynamics in further development took place.

What does this mean in relation to my approach?

FIRST, we again saw the influence of independent variables probably overlooked in analysis by more structuralist accounts (e.g., the impact of variables stemming from the EC pillar, non-state actors, by chance elements (change in the UK government)) and consequently the need for a fine-grained tool for capturing independent variables.

SECOND, we again saw the impact of previous interaction (which can stem from the EC pillar as well as CFSP pillar) on further development in EFP, here the CoC. The change of previously dependent variable to independent variable allows us to conceptualise this impact and underlines that it is possible to conceptualise and analyse the development of EFP cooperation as a sequence of DV and IV, as suggested for the study of EFP by Michael E. Smith (2008, p. 182).

FURTHERMORE, we saw that the threefold division of the dependent variable also allows us to capture previous interaction at a lower level, e.g., here the COARM working group.

FINALLY, and also most revealingly, we saw that a low-profile, non-legally binding approach (CoC) may result in unforeseeable dynamics—the CoC did not ask for a significant increase in documentation about the member states' arms exports, but that is exactly what happened. The fact that this happened underlines that understanding EFP development has to reflect the processes at work in that area in the sense of daily business and cannot stop by looking at "great bargains." That holds even more for the surprising fact that in the course of time, the CoC influenced national export provisions, and as shown, these are able to change provisions at the European level.

#### **3.4.2.4. Cooperation in the area of small arms and light weapons (SALW), combating the illicit trafficking of arms**

In a time of increasing concern about weapons of mass destruction (WMD), it is often overlooked which weapons really cause mass destruction—small arms and light weapons<sup>225</sup> account for roughly 500,000 victims each year!<sup>226</sup> These weapons are cheap,

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<sup>225</sup> There is no commonly accepted definition of small arms and light weapons. However, Small Arms Survey (n.d.) defines small arms as "revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns and light machine guns" (para 1) and Light Weapons as "heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable

easy to use (for child soldiers), durable, require little training, usually easily available, and, in particular, highly effective.<sup>227</sup> The main questions to be addressed in the following section are: First, why did the EU address that topic in 1997 with a first Joint Action, i.e., why did cooperation start in that area? Second, which independent variables influenced further developments after the initial cooperation had started?

The number of measures in the area of SALW was already listed above where the data of the case study were presented and will not therefore be repeated here. The measures fall into two categories: On the one hand, there are certain measures that address the problem in general. On the other hand, there are specific measures for various countries or areas.<sup>228</sup>

The two initial actions of the Union under CFSP were the European Union Programme for Preventing and Combating Illicit Trafficking in Conventional Weapons (Council of the European Union, 1997a, 9057/97 DG E-CFSP IV)<sup>229</sup> and the Joint Action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons (Council of the European Union, 1999a, Joint Action, 1999/34/CFSP). Above we saw that there was virtually no cooperation in the area of conventional arms controls at the EU level (despite the vague criteria in the 1991/2 Council Conclusions). The uneasy founding of the Code of Conduct was described previously. So, if we take the measures on Illicit Trafficking and SALW as dependent variables (closer cooperation in the area of conventional weapons non-proliferation), which were the independent variables explaining these initiatives? As we will see, there is no straightforward answer: First, literature available discusses in some detail the respective programmes but states few factors that explain *why* the two initial measures (illicit trafficking, SALW) were actually taken. Second, various interviews conducted paint an even more puzzling picture. Both points will be discussed in the following:

The programme for illicit trafficking was promoted under the Dutch Presidency in the first half of 1997 (Greene, 2000, p. 171). Greene states no reasons where the particular interest of the Netherland administration in that issue stemmed from. However, the following points shed some light on independent variables:

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launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems (MANPADS); and mortars of calibres of less than 100 mm" (para 2).

<sup>226</sup> According to Anders (2003a, p. 4), annually there are an estimated 300,000 casualties (most of them civilian) because of SALW in armed conflicts, and another 200,000 because of SALW in homicides and suicides.

<sup>227</sup> Their role in the so-called new wars is described, for example, in Kaldor (2001) and Münkler (2002).

<sup>228</sup> See, for example, the South Eastern Clearinghouse for the Control of Small Arms and Light Weapons (<http://www.seesac.org/>).

For discussion on the various EU activities in SALW, see Anthony (2001, pp. 610-611), Anders (2003b), Greene (2000, pp. 171-175), United Nations Institute for Disarmament Research (2005, pp. 21-32), Quille (2005), and Poitevin (2013). EU Site on SALW: ([http://eeas.europa.eu/non-proliferation-and-disarmament/conventional\\_weapons/salw/index\\_en.htm](http://eeas.europa.eu/non-proliferation-and-disarmament/conventional_weapons/salw/index_en.htm)).

<sup>229</sup> Illicit Trafficking in that context means: "Illicit arms trafficking is understood to cover that international trade in conventional arms, which is contrary to the laws of States and/or international law" (United Nations, 1996, p. 10).

The Netherlands took the lead in establishing the EU Programme, during its Presidency of the EU in the first half of 1997. It was motivated by a concern to develop a comprehensive EU programme to address light weapons proliferation. At the time, however, some EU states were reluctant to agree to a programme which explicitly focused on restraining legal as well as illicit arms accumulations and transfers, and which singled out small arms and light weapons for attention. The Netherlands government thus decided to aim for an EU programme on illicit arms trafficking, recognising that in practice there were close links between the two issue areas. The process by which the initiative was developed displayed similar characteristics to those of all subsequent EU measures in this area. In particular, there was close co-operation between "like-minded" EU governments and some policy research experts and NGOs such as Saferworld. (Greene, 2000, p. 171)

So, although we do not know about the specific motives of the Dutch administration, we know at least that there were some adversaries in the EU, and therefore the initial programme had a narrower scope than initially desired by the Dutch administration. Anders (2003b) explains the Dutch calculus in more detail:

While having restricted focus, the proposed programme would, however, initiate a process of regular practical co-operation of law enforcement agencies, governments and EU bodies. Moreover, it would regularly bring up the issue of conventional arms control on the agenda of, for example, the EU Council of Ministers, and therefore further political momentum toward greater co-operative efforts to combat arms trafficking. (2003b, p. 11)

It seems to be apt to state that the Dutch administration anticipated the effects the closer cooperation on a single issue would have on the whole issue area; insofar that we can assume that learning processes (category three of independent variables) had taken place from previous experiences when regular cooperation started in a certain area and then expanded in breadth over time.

Concerning more reluctant states, we see a quite familiar picture: France as well as the UK were not too keen on restrictive measures in the area of SALW. Anders (2003b, p. 10) shows the reasons: Both states as major arms exporters (category two "actors and their characteristics") did not have an interest in highly restrictive controls in that area, which again shows the entanglement of economic and security topics (category five for independent variables—the specific issue).

Furthermore, already familiar factors discussed in Chapter One played a role:

France expounds a defence philosophy based on national autonomy and independent nuclear capacity. This implies self-sufficiency in weapons production and foreign sales to sustain an industry of the required size. The UK has always seen positive political utility in arms transfers as a means of

enhancing the security of non-EC allies of overseas possessions. (Saferworld, 1992, p. 5,<sup>230</sup> as cited in Anders, 2003b, p. 10<sup>231</sup>)

Similar to the development with the CoC described above, a change at the EU level was made possible with the change in the UK government in 1997, with Labour being in favour of tighter export controls (category four—change in situation structure). After that France was isolated (Anders, 2003b, pp. 11-12). Anders shows further that the UK and Germany used their presidencies to push the issue (2003b, p. 12),<sup>232</sup> which led to the first EU Joint Action on SALW (Council of the European Union, 1999a, Joint Action 1999/34/CFSP).

Which were the other independent variables leading to the decisions on SALW and Illicit Trafficking in arms?

Again we can see the IMPACT OF PREVIOUS COOPERATION, which can be conceptualised as a change from dependent to independent variable: Anders (2003b, pp. 11-13) points out the role of already established cooperation at the working-group level (Type III interaction) in COARM, which started, as already shown, in the context of the Presidency Conclusions 1991/2 (criteria for conventional weapons transfer which led to the CoC).

Furthermore, Anders shows that the negotiations on the CoC partly influenced negotiations on the two related topics—SALW and illicit trafficking. Therefore, it seems plausible to state that a large proportion of deepening cooperation has to be seen against the background of closer cooperation that developed over time, again at a low level (working group COARM) and that came to bear when the moment was ripe (change in the UK government). Note that this again represents a bottom-up movement—interaction in the working group (Type III) influenced negotiations on SALW.

This process and its final outcome were further propelled by TWO OTHER INDEPENDENT VARIABLES: First, as Eavis and Benson (1999, p. 90) show, some of the EU applicant states were themselves significant arms producers, and the issue had to be addressed before accession, i.e., we again see the effect of looming EC developments on CFSP development. Second, the issue of SALW was on the agenda of other major international organisations (UN and OSCE) (Anders, 2003b, pp. 4-6, 13-17; Greene, 2000, pp. 173-185), which also created further pressure to address the topic at the EU level.

Anders (2003b) discusses in detail the impact of various policy networks, with various NGOs as key players, on the development of EU activities in SALW and the CoC. In particular, the main effects of NGO activities were:

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<sup>230</sup> Note that the reference to Saferworld (1992, p. 5) is cited in the quotation of Anders (2003b, p. 10) and is therefore not a citation of this thesis; hence, no reference has been listed.

<sup>231</sup> The report is not available on the Saferworld website anymore. Saferworld was contacted in June 2015, but they could not provide the report anymore. Therefore, it could not be verified if the quote taken made by Anders (2003b) was indeed correct.

<sup>232</sup> However, contrary to Anders (2003b, p. 12), the German EU Presidency was first half of 1999, and not 1998 as stated by Anders.

Thus, by identifying issues, raising awareness and mobilising support among governments and civil societies, non-state actors made important contributions to the setting of national and multilateral agendas. Significantly, non-state actors greatly facilitated the building of governmental policy coalitions and, in the process, could convince governmental officials of the importance and viability of certain policy aspects. (2003b p. 19)

This finding underlines my claim that at least in certain areas of CFSP development, non-state actors may exert significant influence on CFSP development—i.e., solely focusing on member states and interests cannot paint an adequate picture of the EFP development process.

As research on the reasons why the EU *initially* (i.e., what was the decisive factor that motivated the Dutch Presidency to address the issue) got involved in SALW revealed no satisfactory results, I again chose to contact people more closely involved in the issue for conducting explorative interviews. The findings paint quite a different—although not incompatible—picture in comparison to the factors mentioned above. One point has to be stressed first: The following findings reflect the personal opinions of a small number<sup>233</sup> of people involved in the issue of SALW, so it is hard to judge whether we can generalise from them. However, as it will be seen shortly, many points that came up in the interviews can be backed up by further empirical evidence.

The first interview was conducted with a senior-rank representative of the Council familiar with the EU SALW activities. First, he did not know, either, why the EU initially had become involved in that issue but stressed the importance of the previous action (1997 as described above) of the EU in the area of “Illicit Trafficking” for initial cooperation in SALW. Second, he pointed out the rivalries between the Commission (to a greater degree) and the EP on one side and the Council on the other in respect to competencies in that area. This underlying fight about competencies also becomes visible in the fight about financing measures. The official mentioned two relevant points here. First, the Commission appealed to the Court of Auditors because of the financing of certain SALW measures under CFSP (to be discussed in detail later). Second, he pointed towards a huge research project (Pilot Project) to be carried out in order to finally determine who (primarily the Commission and the Council, to a minor degree EP) has which competencies in the area of SALW (also to be discussed in detail later).

The second interview was conducted via e-mail with a researcher deeply involved in the area of SALW. The following points were stressed: (1) a severe struggle between the Commission and the Council over competencies in the issue; (2) no coherent thread in EU SALW activities was found; it seems likely that the issue became a “pet interest” of someone presumably in the Council and that informal pressure was put on some people in the Council. Empirical research further revealed that (3) people that took decisions on the issue rotated within certain periods, which led to problems of coherence in action.<sup>234</sup> Another problem (4) with “corporate memory” is that empirical findings also demonstrated that there seems to be confusion about EC/U documents because people

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<sup>233</sup> In total, seven people in the Council, Commission, EP and various NGOs were contacted; however, only two responded.

<sup>234</sup> This point could explain why the Council official did not know, either, why EU activities in SALW started since he also was not involved in the issue from the beginning.

either do not know where documents are stored, or which ones are relevant, or in the worst case both.<sup>235</sup>

The BUDGET ISSUE deserves some attention. As stated above, the budget seems to be a, or, maybe, the central lever of the Commission and the Parliament for gaining influence in CFSP.<sup>236</sup> Formally (i.e., according to the Treaties as discussed in Chapter One), the Commission and the Parliament in particular have very limited influence in the second pillar. However, the financial sources of the second pillar are not only very weak in terms of the total amount but also inflexible. In regard to SALW, in 2005 the following happened:

In the field of small arms and light weapons (SALW), the Council decided to adopt a Joint Action concerning EU support to the Economic Community of the West African States (ECOWAS). According to the Commission, the Joint Action is not eligible under CFSP. Therefore, the Commission made in February 2005 an application to the European Court of Justice for the annulment of the Council Decision in question. While the Court's opinion is awaited, the Commission has agreed to implement the action. (European Commission, 2005, p. 10) (See Appendix B)

In respect to my research question, it seems apt to state that via the budget, the Commission and EP (as it seems, sometimes "using" the ECJ) are able to exert influence on the EFP development process. In terms of the categories of independent variables, we can say that in particular the structures concerning budget competencies, introduced with the Treaty of Maastricht, just laid the ground for involvement of the Commission and Parliament in the area. Clearly, both actors (the Commission and the EP) were interested (category two) in gaining more influence in the area of CFSP.

Monar (1997, pp. 57-72) shows that the conflict started right at the beginning, i.e., with the first Joint Actions, for example, in the case of APM (Monar, 1997, p. 70). Maurer, Kietz, and Völkel (2005) also examine the influence of the EP, in particular, via the so-called Interinstitutional Agreements in CFSP. The point is also underlined by Diedrichs (2004) who addresses the question to what extent the EP can influence CFSP via CFSP financing.

The three papers show in some detail what the respective conflicts are about and what the legal basis for the struggle is (in very short, the coherence problem set up by the pillar structure coming with the Treaty of Maastricht). However, the evidence they give does not allow *generalising* to what extent the Commission and EP could gain influence via carrots and sticks concerning budget questions on the whole EFP development but is restricted to a certain area of CFSP.

A little more light is shed on the issue by the so-called Pilot Project mentioned in the interview with the Council representative involved in SALW. The PILOT PROJECT was mentioned in the context of the struggle about competencies (category three for independent variables—characteristics of actors' relations) between the EP, the

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<sup>235</sup> Similar finding to the one made in the area of anti-personnel mines discussed above.

<sup>236</sup> The mightiness of the "budget lever" has been shown in the changes coming with the Treaty of Lisbon discussed in Chapter One (1.1.3.4).



Commission, and the Council. The aim of that study, according to the representative, was for the Commission and the EP to enhance their position vis-a-vis the Council. The representative could not remember the reference for that study. However, it seems highly likely that it was the UNIDIR Pilot Project European Action on Small Arms and Light Weapons and Explosive Remnants of War.

The study was initiated in 2003 when the European Parliament asked the Commission to carry out two Pilot Projects examining the issues of weapons of mass destruction (WMD), and small arms and light weapons, the latter including an analysis of issues relating to explosive remnants of war. Within the EC-UN Financial and Administrative Framework Agreement, the Commission contracted UNIDIR to conduct research and provide a comprehensive overview of these issues. UNIDIR subsequently launched two research projects. This report presents the results of the research on small arms, light weapons and explosive remnants of war. The findings of the WMD research are contained in a separate report (see United Nations Institute for Disarmament Research, 2006, p. ix).

Problems in the financing and coherence of the EU action are addressed in some detail (United Nations Institute for Disarmament Research, 2006, pp. 33-56), and it seems plausible that the Commission as well as the Parliament could argue on the basis of the scientific evidence given by the report, i.e., their position is enhanced vis-a-vis the Council in respect to SALW issues.

What can we infer in respect to my dependent variable from the Commission's action against the Council in respect to SALW (Court of Auditors), as discussed above, and the fact that the Commission and the EP ordered a pilot study?

First, it seems obvious that the Commission as well as the Parliament managed to gain influence in SALW activities.

Second, the main lever is obviously the budget, which reflects the underlying problems in the structures introduced with the Treaty of Maastricht and still prevailing in the Treaty of Lisbon as discussed in Chapter One.

Third, it seems that the vague provisions concerning financing CFSP actions (introduced with the Treaty of Maastricht) just provide the Commission a lever that—as seen—was actively used by the Commission.

Fourth, the budget issue becomes relevant because the budget is decided in the first pillar, where the ECJ has competencies, contrary to the second pillar. The Commission and the Parliament use these competencies to gain indirect influence over CFSP issues. Therefore, it seems fair to argue that the Commission and the EP actively seek to expand their influence in CFSP issues via their budget competencies. That, however, underlines again the claim made in Chapter One that major independent variables influencing the EFP development process have to be found in the first pillar (here actors and structures) and its development.

IN SUMMARY, the development of EU engagement in SALW reveals a familiar and a less familiar side: Quite familiar seems the initial resistance of mainly France and the UK to closer cooperation in that area, with the change in the UK government opening the

chance for further development. However, the already fertile soil existed because it was prepared by a network of transnational operating NGOs—i.e., we also saw that non-state actors may influence CFSP development.

The interviews with EU insiders revealed a puzzling picture, although the results have to be treated with care as resting on only two interviews: There seemed to be substantial friction within and between EU institutions. In light of the findings concerning budget issues discussed above, it seems apt that in particular after cooperation started in SALW, the Commission and the EP tried to influence further development in that area by using their budget competencies. That, however, underlines my claim that an adequate account of EFP development cannot be conceptualised as a series of major bargains alone but has to take into account the results of ongoing interaction that, in our case, took part in different areas: This interaction also has to take into account players of the first pillar (Commission and EP), which, as seen, stop at nothing, i.e., use the ECJ or invest large sums to gain scientific evidence (pilot study) to enhance their position.

Furthermore, we saw not only the impact of looming enlargement on SALW (also mainly further EC development) but also the consequences of previous cooperation in the second pillar (cooperation in the COARM working group). As shown, this influence can be captured in analytical terms as a change of dependent variable to independent variable over the course of time.

#### **3.4.2.5. Cooperation in the area of EU nuclear non-proliferation (NNP) after the Treaty of Maastricht including missile non-proliferation**

For various reasons already discussed, cooperation in the area of NNP started early under EPC (and the EC), and in particular due to the findings after the Gulf War, NNP ranked high on the agenda during the shift from EPC to CFSP at the beginning of the 1990s. As shown above, against this background, the area of NNP was seen suitable for the new instrument “Joint Action” introduced with the Treaty of Maastricht for the newly established European Common Foreign and Security Policy.

The various measures of the EU (after Maastricht) in the area of NNP fall into two categories:

1. general measures to prevent proliferation;
2. specific measures in certain areas of the world.<sup>237</sup>

The former usually deals with international regimes, in particular the Review Conferences of the NPT; the latter concentrates mainly on North Korea (KEDO), the former Soviet Union, and the Middle East.<sup>238</sup> However, before going into detail, a few remarks have to be made.

The literature (to be discussed) on EU NNP describes various measures taken by the EU under CFSP and assesses their success. The following problem arises:

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<sup>237</sup> For an overview, see Portela (2003).

<sup>238</sup> See Portela for a brief review and assessment of the various regional initiatives (2003, pp. 11-21).

It is extremely difficult to judge what success is, particularly if we want to assess the contribution of the EU to the various international non-proliferation regimes (e.g., in the context of the NPT). I want to stress this point because focusing on the success of EU measures may elude my dependent variable partially—I ask first-hand why cooperation started and/or intensified. Therefore, for example, the decision to launch the KEDO programme is in respect to my dependent variable a success (the EU managed to agree on a new programme under the CFSP framework), although the *impact* of the programme may have been relatively small.<sup>239</sup> This problem also crops up because, quite often, the literature on EU NNP under CFSP suggests three phases in the development:

1. a quite successful start after the Treaty of Maastricht came into force;
2. no significant development in the second half of the 1990s; and
3. rapid development after 11 September, 2001.

Again, it is important to see that the underlying criterion for these phases is success in the sense of impact and not development. Therefore, as with the previous areas of European non-proliferation, I will focus on my dependent variable (development of cooperation and the dynamics in it) and look for the relevant independent variables.

#### **3.4.2.5.1. First phase in European nuclear non-proliferation—The 1995 NPT review process**

As described above, under EPC, cooperation started very early in the area of European nuclear non-proliferation. In particular, due to the increased cooperation in the working group after the Single European Act and the findings around the Gulf War, it became a habit to include statements concerning nuclear non-proliferation in various Presidency Conclusions. Müller and van Dassen (1997) analyse the changes that were introduced with the Treaty of Maastricht in the area of European nuclear non-proliferation, which became particularly visible during the preparation and negotiation of the 1995 Review and Extension of the NPT. The findings concerning my dependent variable are discussed in the following.

The most important finding of Müller and van Dassen concerning my dependent variable is the (positive) impact of the institutional change on further cooperation (1997, p. 59) (here changes coming with the Treaty of Maastricht—i.e., Type I decision) and the already familiar impact of enduring cooperation in the sense of socialisation (pp. 68-69) (mostly as interaction at the working-group level and during conferences, i.e., regular interaction at the third level).

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<sup>239</sup> To be specific: Many researchers of EU NNP take the impact of a measure as success. In respect to my dependent variable, it is more important that the member states under CFSP decided to cooperate in a new area. Obviously, the impact is also important for me to a certain degree—a huge programme announced cannot be seen as an indicator for closer cooperation if it proves to be just lip service. Therefore, I would agree to the suggestion made by Michael E. Smith (2008, p. 179) of how to actually account for changes in the DV—“meaningful political change over time.”

The crucial point around the preparation of the NPT review is that although there was substantial divergence in opinions and interests among the EU member states,<sup>240</sup> a Joint Action was agreed (Council of the European Union, 1994b, Decision, 94/509/CFSP) concerning the Joint Action adopted by the Council on the basis of Article J.3 of the Treaty on European Union regarding preparation for the 1995 Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. As Müller and van Dassen (1997, p. 62) show, the proposal for the Joint Action was made under the Belgian Presidency from the CFSP Committee on Security and was then referred to the already familiar working group on nuclear non-proliferation.<sup>241</sup> As Müller and van Dassen illustrate (1997, p. 62), the Joint Action was not a straightforward activity but had to be pushed further by Greek and German initiatives until it was finally decided at the Corfu summit in 1994 under the Greek Presidency. The details were then worked out by CONUC under the German Presidency (which followed the Greek one). The means to pursue the aims of the Joint Action (for the aims, see Müller & van Dassen, 1997, p. 62) were primarily diplomatic, i.e., “Troika *démarches* and by additional diplomatic efforts by each member state” (Müller & van Dassen, 1997, p. 62). As the authors show, these diplomatic instruments were used extensively and successfully (1997, pp. 63-65), particularly in the preparatory sessions of the review conference.<sup>242</sup>

The impact of the new instrument of Joint Action (and that is the change in EFP that came with the Treaty of Maastricht, i.e., Type I decision) can be summarised in two quotes:

The joint action was an outstanding success, in that it first of all combined the efforts of member states towards a common goal, provoked activities that would otherwise most likely not have been undertaken, and made a discernible, significant contribution to the successful extension outcome . . . . Its strength [Researcher’s note: Joint Action] lies, first, in the way it gives common direction—and permanent process control—to the otherwise diverse diplomatic activities of member states. (Müller & van Dassen, 1997, p. 65)

The second significant aspect here is the strategic dimension of joint action. In our case, it extended through three presidencies. . . . The *ad hoc* nature of six-month presidencies, one of the most serious handicaps of the European institutional system, can certainly be overcome by using the instrument of joint action more extensively. (Müller & van Dassen, 1997, p. 65)

The authors, Müller and van Dassen (1997), very much stress the *process* dimension of the second-pillar cooperation concerning the NPT review. We saw a similar case with the banning of landmines (Ottawa Process)—quite frequently issues under CFSP cannot be solved during one Presidency. As the quote and empirical evidence show, there has to be an element of stability, and, as shown in the example above, this is to a large extent

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<sup>240</sup> See Müller and van Dassen (1997, pp. 60-61) for the various conflict lines among the EU states (mainly the two nuclear weapon states (UK, FR) against the non-nuclear weapon states and user/non-user of atomic energy). On different interests, see Grand (2000, pp. 6, 16-20).

<sup>241</sup> Note that the working group was renamed Committee on Nuclear Affairs (CONUC).

<sup>242</sup> For the conference and preparation, see (<http://www.un.org/en/conf/npt/2005/>).

interaction in working groups, i.e., the third level of dependent variables. The Joint Action itself served as a focal point or guiding line in directing activities of different actors over time.

What are the implications of this early Joint Action in respect to my approach in the area of European nuclear non-proliferation after the Treaty of Maastricht came into force?

We saw the big influence of already existing cooperation and existing structures stemming from EPC cooperation (working group, habit of addressing the issue in Presidency statements), i.e., previous independent variables become explanatory variables. The same holds true for the changes introduced with the Treaty of Maastricht—the new Joint Action procedure. Therefore, the change in structures works as explanatory variables for the NPT review conference. Furthermore, in that example we see that the impact of previous cooperation on the Union's activity in the NPT review conference stems from all three levels: changes in the Treaty of Maastricht bringing the Joint Action procedure used in the NPT review (Type I), various statements in the Presidency Conclusions (Type II), and the interaction at the working-group level (Type III).

The pending NPT review conference, together with the findings of the Gulf War, pressed for action and were two major independent variables found externally of the EU system. The former can be captured in the category "structures" for independent variables, the latter as a change in the "structure of the situation."

The findings of Müller and van Dassen (1997) very much underline the advantages of analysing CFSP (and in particular the development of closer cooperation in that area) from a process perspective, which means, in essence, a longer timeline in analysis. Otherwise, neither of the following could be addressed: the question why that issue was kept alive over three presidencies; the mediating of interests<sup>243</sup> that took part, as described above; or, finally, the fact that "EPC and CFSP processes are also socialization processes" (Müller & van Dassen, 1997, p. 68). These points underline the importance to incorporate the impact of bottom-up developments in EFP development, i.e., in this case, the impact of cooperation in working groups (Type III).

#### **3.4.2.5.2. Second phase in European nuclear non-proliferation—Back to the lowest common denominator?**

Grand (2000, pp. 21-28) describes the Union's activities in the area in the period of analysis:

The Union's activities in the KEDO (Korean peninsula Energy Development Organisation) programme (see Council of the European Union (1996a) Joint Action 5 March 1996) which was adopted by the Council on the basis of Article J.3 of the Treaty on European Union on participation of the European Union in KEDO).

Another Joint Action related to transparency in export controls;

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<sup>243</sup> Grand (2000, p. 17) also describes that interests were mediated to a certain extent through frequent consultations.

A series of Common Positions: some of them addressing regional questions, others preparing the Union's participation in various international conferences (e.g., the preparation of the NPT Review in 2000) (Grand, 2000, p. 22).

Although Grand (2000, pp. 21-22) is not too enthusiastic about the results of the initiatives described above, it is important to keep in mind that I am asking about the development of cooperation in the area of EFP. From that perspective, it is apt to say that the Union developed activities in other areas of NNP rather than just the initial NPT Review Conference. In that respect, it does not matter too much that "the North Korean question has been dealt with almost exclusively by the United States" (Grand, 2000, p. 22), but it has to be seen that the Union managed to agree on a Joint Action regarding KEDO, i.e., increased its initial focus in the area of NNP. Due to the lack of in-depth analysis of the action mentioned above, it is not possible to ask for major independent variables promoting the Union's activities in that area; however, we see again an increase in activity.

The assessment by Grand of the Union's role under CFSP in the 1997, 1998, and 1999 Preparatory Committee (Prepcom) meetings for the 2000 NPT review is also not that enthusiastic:

None the less, and despite these declared aims, when all is said and done the overall results seem very slim. Detailed examination of the last few years reveals a European Union that is not breaking much new ground, sometimes divided in discussion and assembles only to issue declarations that are predictable and have no real impact. (Grand, 2000, pp. 24-25)

Grand suggests some independent variables that, in his point of view, might explain the little progress of the Union in the area after the 1995 NPT review (2000, pp. 29-34), with the following possibly being of major impact: The renewal of French nuclear tests in 1995 and 1996 and "The parallel debate on the advisory role of the ICJ on the legality of the use or threat of use of nuclear weapons also gave rise to deep divisions within the European Union" (Grand, 2000, p. 31).

It is then, however, interesting to see that the Union's performance at the 2000 NPT review conference was actually not that bad:

At the 2000 NPT Review Conference, the EU—introducing three joint working papers—was better prepared than at earlier conferences. The EU delegations met almost daily during the conference. According to John Simpson, the EU was even effective: "The language contained in their common position formed the basis for significant elements of the text of the Final Document. Despite its low profile on the conference floor, the influence of the EU on both the text of the Final Document and the outcome of the conference should therefore not be underestimated." (Sauer, 2003, p. 11)

Again, it is not easy to draw conclusions on such a limited basis of empirical evidence; however, the quote underlines that learning processes took place, and coordination and communication amongst the EU members improved significantly, i.e., we see a significant improvement of cooperation at the third level for dependent variables

(category “change in actors’ relations” for independent variables). If we recall the extremely complex negotiations around the problems of nuclear non-proliferation under EPC, as described above, it seems that after some time, and in particular after the institutional setup was finished, the European foreign policy machinery under CFSP, in respect to nuclear non-proliferation, started running quite smoothly. As for my dependent variable, it seems that rather than a bargaining style of cooperation, a problem-solving approach took over, which is indicated by the better preparation and frequent meetings as stated in the quote above.

So far, we see a mixed picture in respect to my dependent variable:

It may be true that we see no quantum leap or major initiatives of the EU in the area of European nuclear non-proliferation after the quite successful 1995 NPT Review. However, if we recall the Union’s very limited activities in that area under EPC, it seems justified to ask, why should we actually expect them? Maybe, Grand, as many others, expected a major step with the change from EPC to CFSP, a phenomenon for which Hill (1993) coined the term “Capabilities-Expectations gap.” However, in respect to my dependent variable, it seems apt to assert that the Union expanded cooperation in that area (i.e., in particular, started initiatives in other areas of nuclear non-proliferation other than just the NPT, as for example KEDO), and it also seems that the communication and coordination among the members improved, mainly due to learning processes. Regarding my approach, we saw that a long-term perspective is helpful in explaining the development of cooperation in that area and that this perspective can be conceptualised as a change from dependent variables to independent variables in the course of development. Furthermore, again it seems helpful to split the dependent variable into three, as in particular the learning/socialisation processes during daily interaction played a significant role in the development of closer cooperation in the area of nuclear non-proliferation after Maastricht—a perspective focusing solely on the Treaty changes would not be able to account for these independent variables. Finally, we saw that the five categories for independent variables were able to capture the relevant variables.

#### **3.4.2.5.3. A special case in various senses—The cooperation of the Union and the Russian Federation in the area of nuclear non-proliferation**

Cooperation of the EU and Russia in the area of “Cooperative Threat Reduction” (CTR)<sup>244</sup> is for various reasons remarkable in respect to my research question: There is an astonishing division of labour between the first and the second pillar, and the development of the Union’s CRT activities related to Russia represents a top-down as well as a bottom-up process. In the following section, I will again assess if the approach developed in Chapter Two is able to capture the relevant variables of the development of closer cooperation in the area. This section will mainly draw on the case study of Höhl, Müller, and Schaper (2002) because it is the only in-depth case study of the issue of which I am aware.

In their study, Höhl et al. (2002) mainly address measures related to nuclear and chemical weapons in Russia carried out with the assistance of the EU, whereas in the

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<sup>244</sup> CRT is defined by Höhl et al. (2002, p. 1) as an aid for the states of the former Soviet Union for disarmament and non-proliferation of WMD.

following, I will concentrate on the aspects related to the nuclear field.<sup>245</sup> According to Höhl et al. (2002, p. 21), the activities of the EU in that area are aimed at

- disposal of weapon plutonium;
- measures to secure existing sites;
- balancing of nuclear material; and
- civil projects targeting former staff in previous fabrics for nuclear material.

It is important to see how the various measures were financed as this indicates which actors were involved and which decision-making procedures were applicable. This becomes relevant if we keep in mind the fights, addressed previously, concerning the competencies in the area of European foreign policy between the Commission and the Parliament on the one side and the Council on the other. I already discussed that this fight becomes quite visible in budget questions since this provides the Commission and Parliament with leverage. The various measures were financed in three ways (Höhl et al., 2002, p. 21):

- the TACIS programme (Technical Assistance to the Commonwealth of Independent States) under the EC;
- ISTC (International Science and Technology Centre) as a sub-programme of TACIS; and
- via the Joint Action procedure within the second pillar (CFSP).

However, not only the financial arrangements but also the legal basis for the EU's activities in the area of nuclear non-proliferation in Russia is divided between the first and second pillars. Therefore, we find three different legal foundations for the EU activities in the area of nuclear non-proliferation cooperation with Russia (Höhl et al., 2002, pp. 12-16):

The Partnership and Cooperation Agreement (PCA)<sup>246</sup> (Delegation of the European Union to Russia, n.d., "Legal Framework") as a bilateral treaty signed between the Communities (Economic Community, Coal and Steel Community and Euratom)<sup>247</sup> and the Russian Federation in 1994 and coming into force in 1997 institutionalised dialogue

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<sup>245</sup> For the whole list of measures see Höhl et al. (2002, pp. 45-47).

<sup>246</sup> In addition to the Legal Framework (Delegation of the European Union to Russia, n.d.), see <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralD ata.do?step=0&redirect=true&treatyId=201> for text of the PCA.

<sup>247</sup> Actually, Höhl et al. are imprecise in claiming the PCA is a treaty between the EU and Russia (2002, pp. 10-13). In fact, as the Treaty says, it is between the three European Communities and Russia. That difference is crucial because it actually depicts the already frequently discussed problem – the delicate balance of competencies between EC and CFSP in the area of foreign policy, and that is, in short, community method, i.e., supranational cooperation under EC, ECCS, Euratom and intergovernmental cooperation under CFSP.



at various levels, and spanned across various issue areas including the security issue and CTR as part of it.

The Common Strategy on Russia. As Höhl et al. (2002, p. 13) has pointed out, in the area of CTR the Common Strategy linked together the EU<sup>248</sup> as an international actor represented by the Commission and member states represented by the Council. The Common Strategy is based heavily on the PCA, which was fixed in the Treaty of Amsterdam. The Treaty of Amsterdam had also just introduced the new instrument "Common Strategy." Furthermore, one crucial task of the Common Strategy was to provide a legal basis for activities of the EU in the area of *disarmament* related (Höhl et al., 2002, p. 14) to Russia, since the Commission (and that means the whole first pillar) had no competencies in that area. Common Strategies are implemented via Joint Actions and Common Positions.

The already familiar Joint Action procedure (introduced with the Treaty of Maastricht) is the third legal basis of cooperation of the Union and Russia in the area of CTR.

So far, we see four areas where the EC/U is engaged in CTR activities in the nuclear field in respect to Russia, three channels for financing EC/U activities in the area and also three different legal foundations. Both (financing, legal basis) are divided between the first (EC) and second (CFSP) pillar. In the following, I will briefly discuss how the issue of CTR actually came to be on the agenda before inquiring more closely what we can infer in respect to my research.

Höhl et al. mentioned three major reasons why the issue came on the agenda (2002, pp. 5-9):

The EU sees proliferation of WMD to states as a problem in general (this issue was already discussed above). WMD can be a source of regional instability, which would affect the EU indirectly. The EU could, however, also be affected directly if states acquire not only WMD but also the effective means of transportation, and that means missile technology capable of carrying a significant load for a certain range. Obviously, an enormous amount of WMD and missile technology (and the required know-how) is located in the former Soviet Union. After the collapse of the Soviet Union, the fear was that WMD as well as the know-how could be transferred to non-trustworthy states or regimes.

At the beginning of the 1990s, the EU envisaged a significant increase in illegal trade of radioactive as well as fissionable material with more than 100 cases between 1992 and 1995 (Höhl et al., 2002, pp. 6-7).

Finally, it was feared that terrorists might try to use WMD for their own purposes. This was, and still is, a credible threat as the Tokyo attacks described above showed that terrorists in fact acquired and used WMD. Furthermore, the attacks on New York in September 2001 demonstrated a change in strategies of certain terrorists that now aimed at maximising victims rather than gaining supporters among the public. Again, the fear was that terrorist groups might gain access to WMD and technology in the former Soviet Union.

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<sup>248</sup> Actually, the Communities—see Höhl et al. (2002).

Höhl et al. (2002, pp. 9-10) show the consequences of the twofold character of nuclear technology that was already addressed with regard to Dual-Use:

Particularly the Commission, and within it Euratom, already had in-depth experience in nuclear issues, however, these were usually limited to civilian use. But knowledge, monitoring and balancing systems of nuclear activities acquired within the civilian context were also applicable to non-civilian use of atomic technology. This knowledge allowed the Commission (within pillar one) to make a first step towards CTR, leading to programmes under TACIS that were more directly related to CTR (Höhl et al., 2002, p. 10).

In respect to my dependent variable it is, however, important to see that the competencies for activities within the military area of nuclear technology clearly fell within the scope of CFSP. As Höhl et al. (2002, p. 9) show, the second pillar finally became involved in the issue after the topic of smuggling of nuclear material came on to the agenda of various international organisations (e.g., IAEA, Nuclear Suppliers Group, G8). Cooperation with these international organisations falls within the competencies of CFSP. Within CFSP, the issue, however, was mainly transferred to the Committee on Non-Proliferation (CONOP) (2002, p. 9). This working group is in charge of developing programmes and documents, and, as Höhl et al. (2002, p. 9) show, it even drafted and supervised the Joint Action related to CTR. The same holds for preparations for the Union's participation in various conferences where CTR is on the agenda.

What are now the DEPENDENT VARIABLES in respect to my research in the area of CTR, which promote closer cooperation between the Union and Russia in the nuclear field after Maastricht? As I am focusing on closer cooperation in the second pillar (CFSP), we find the Common Strategy and various Joint Actions on Russia.<sup>249</sup> The PCA in a strict sense—as shown above—relates to the three Communities, and that means not to the second pillar. Therefore, it is not a dependent variable of my research.

Which INDEPENDENT VARIABLES led to further cooperation in that area? First, we saw the three reasons already mentioned above: illegal trade of nuclear material, fears of transfer of nuclear material to certain states, and terrorists with new agendas. In the background, we obviously see the impact of the collapse of the Soviet Union. These facts can be located externally of the Union. As shown, apart from that background, one of the immediate reasons to act for the EU under CFSP was that the issue of illegal trade of atomic material was addressed in various international organisations, and the Union participated in these organisations via CFSP and not EC (Commission).

However, we saw various factors within the Union that shaped further cooperation:

The twofold character of atomic energy (the issue structure in terms of the five categories for independent variables) is also mirrored in the institutional setup of the Union. The Commission/Euratom already had significant expertise and resources in the area, which came to bear in the TACIS programme. We see very clearly that in that area it is impossible to analyse the development under CFSP without taking into account the existing structures of the EC.

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<sup>249</sup> For the whole list of measures, see Höhl et al. (2002, pp. 45-47).

As described above, the PCA as an EC treaty worked as a blueprint for the Common Strategy on Russia, which provided a legal basis for activities in the area of CTR that related to military aspects under CFSP. Once again, we see that the impact of previous cooperation in the EC influences cooperation under CFSP, which underlines not only my claim that important factors of EFP development can be found in EC development, but also that a diachronic perspective in research is necessary. This argument also holds if we recall that the Common Strategy is implemented by various Joint Actions (which were decided after the Common Strategy on Russia). Here we also see the dynamic element in the analysis, when the previously dependent variable (Common Strategy) works as an explanatory variable (among others) explaining the following Joint Actions, i.e., EFP development is studied, as a sequence as discussed in the State of the Art section.

It was just the Treaty of Amsterdam (Type I decision) that provided the new instrument of Common Strategy. Again, we see the impact of EC development on CFSP development and again we can capture that element as a change from dependent variable (changes in CFSP introduced with Amsterdam) to independent variable in explaining the next dependent variable (Common Strategy on Russia). It seems apt to classify the instrument "Common Strategy" as a Type II decision because it represents a major decision in the area of CFSP that, contrary to a Joint Action, is made not by the foreign ministers but by the heads of states and governments, i.e., in a similar fashion as the Presidency Conclusions. If, however, that is true, the Common Strategy (Type II decisions) also explains (among other factors) the following Joint Actions (Type III decisions) implementing the Common Strategy. There is indeed one further remarkable point in the context of the Common Strategy on Russia: As Anthony (2001, p. 607) shows, in at least one case the new rules of the game introduced with the instrument Common Strategy (Joint Actions that implement a Common Strategy do not have to be decided by unanimity) effectively blocked resistance of the member states against a Joint Action, as it was obvious that they had no veto power on that issue anymore.

#### **3.4.2.6. EU activities in missile non-proliferation**

Above I discussed the Union's various activities to prevent nuclear proliferation (or to support existing regimes focusing on the issue). A second line of prevention is to make sure that no effective means for transportation of nuclear weapons can be obtained—acquiring atomic weapons is one thing, bringing them to a target is another. Consequently, initiatives also focus on preventing the spread of missile technology capable of carrying atomic weapons.<sup>250</sup> As we will see, the Union's activities worked mainly indirectly, supporting and enhancing existing regimes.

The only regime, at that time, addressing issues of missile (and missile technology) proliferation was the Missile Technology Control Regime (MTCR)<sup>251</sup> that "focuses on

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<sup>250</sup> There are various technical considerations that are, however, not within the scope of this section. To mention but two: In order to be threatening (i.e., capable of carrying an atomic weapon), a missile must be (1) able to carry a significant load (> 500 kg) and (2) have a relevant range (depending on from where it is launched and the target's location). On the issue see Mark Smith (2003, pp. 12-21).

<sup>251</sup> <http://www.mtcr.info/english/index.html>  
For additional background information, see "The EU and the ballistic missile proliferation" ([http://eeas.europa.eu/non-proliferation-and-disarmament/wmd/missiles/index\\_en.htm](http://eeas.europa.eu/non-proliferation-and-disarmament/wmd/missiles/index_en.htm)).

supply-side controls of relevant goods and technologies” (Ahlström, 2003, p. 750). Two reasons pressed for further action at the end of the 1990s (both Ahlström, 2003, p. 750):

“At the end of the 1990s it became increasingly apparent that a number of technology holders had emerged who remained outside the cooperation in the MTCR.”

“It was also seen as an increasingly anomalous that there were no international norms for responsible behaviour relating to missiles, given that there are such norms for weapons of mass destruction (WMD).”

Further development took no straightforward path;<sup>252</sup> however, finally the so-called International Code of Conduct against Ballistic Missile Proliferation (ICOC) was launched in The Hague, Netherlands, in November 2002, with currently more than 110 subscribing states.<sup>253</sup> The Code is, however, only politically binding, not legally.

Interesting for my research now is in how far the EU under CFSP contributed to the development of the ICOC during that period. Ahlström (2003, pp. 751-752) points out that “the *substance* of the ICOC was worked out within the framework of the MTCR, the *process* of its multilateralization was developed and brought to fruition within the framework of the EU [emphasis in original].”

Ahlström (2003, pp. 751-752) also shows how EU activities in this issue developed: During the Swedish Presidency (first half of 2001), it became obvious that the EU had no common position on the first drafts of the ICOC. It became apparent that coordinated action of the EU members would be beneficial. As a result, the General Affairs Council adopted a conclusion on missile non-proliferation in May 2001.

The next step was a declaration in the European Council (European Council, 2001a, Presidency Conclusions, Göteborg 2001), which was the basis for a Council Common Position (Council of the European Union, 2001b, Common Position 2001/567/CFSP2001) on the fight against ballistic missile proliferation. Apart from the statement in the Presidency Conclusions and the Common Position, some members pushed the issue: France hosted a conference on the draft of the treaty in February 2002; Spain—a follow-up conference during its EU Presidency in June 2002 before the final conference was hosted in the Netherlands in November 2002 (Ahlström, 2003, pp. 752-753).

What conclusions can we derive considering the approach developed in Chapter Two?

The DEPENDENT VARIABLES are quite clear, i.e., the Presidency Conclusions concerning missile proliferation representing a Type II decision, which was followed by the Common Position (Council of the European Union, 2001b, Common Position 2001/567/CFSP) (Type III decision) as discussed above. However, it is difficult to derive further implications because there is virtually no literature discussing the Union’s role during the negotiations apart from what was already quoted above. The first point is that similar to previous examples (e.g., Ottawa Process concerning landmines), the process spanned

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<sup>252</sup> See Ahlström (2003, pp. 750-751). For general debate and development, see Mark Smith (2001, 2002).

<sup>253</sup> <http://www.mtcr.info/english/objectives.html>

roughly three years, and we saw that once the issue came on the EU agenda, it was kept alive and even more actively pushed during various presidencies.

Concerning my dependent variable (development of cooperation in the area of CFSP), at least we can infer from the limited information that CFSP is able to keep issues alive for a longer period, and it is likely that this is done at a lower level, e.g., by working groups. This underlines the importance of focusing on the role of the lower-level interaction in explaining long-term development of cooperation under CFSP. In this case, we saw a top-down movement, i.e., the issue was obviously addressed during (and already before) the Göteborg summit (May 2001) (Type II decision), and then the Common Position (Type III decision) resulted from that principle commitment. Again, we see the impact of previous cooperation on further development, which can be captured due to the threefold division of the dependent variable.

Concerning INDEPENDENT VARIABLES, only a few remarks based on the limited information given can be made. The issue came on the agenda outside the EU mainly in the MTCR (it should be recalled that the issue ranked lower on the agenda because it was before the 11 September, 2001, terrorist attacks); however, most of the EU members are also MTCR members. Insofar as we could say, one independent variable was the obligation arising out of MTCR memberships of most EU states (category structures), the problem, however, occurred due to the specific problem structure: In order to be threatening, nuclear weapons—contrary to many other weapons—have to be transported to their targets by missiles. Furthermore, the technology “monopoly” of the first world countries increasingly eroded, which expanded the market for potential buyers. This just created the need to develop better export controls (be it by increasing membership in the MTCR, or creating the ICOC as a norm-based regime). These two independent variables can be captured in the category “problem structure” (specific means that are needed for using nuclear weapons) and change in “situation structure” (advances in technology eroding the monopoly of the first world in the area).

Finally, in respect to independent variables, I want to stress the point mentioned in the quote from Ahlström (2003, p. 751) where he stresses that concerning the ICOC, in particular “the *process* of its multilateralization was developed and brought to fruition within the framework of the EU.” If we recall the Ottawa Process on the ban on landmines and to a certain extent the NPT review conferences (the ones taking place before the ICOC was launched), as well as the Union’s activities in Russia (securing nuclear leftovers), we see a similar pattern. It seems that the EU has acquired capabilities in multilateralisation of issues in foreign policy. This can be seen as a result of the learning processes (category three for independent variables—change in actors’ relations) that took place over years; and maybe the Union even gained a reputation for that competency.

### **3.4.2.7. European cooperation in the area of biological and chemical weapon non-proliferation**

Similar to the area of nuclear non-proliferation, the activities of the EU in the area of biological and chemical (BC) non-proliferation<sup>254</sup> focus on two areas (Anthony, 2001, pp. 606-608):

1. The support of existing regimes—here the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC).<sup>255</sup>
2. The assistance to Russia in destroying existing chemical weapons.<sup>256</sup>

#### **3.4.2.7.1. Developing cooperation concerning BTWC**

As Feakes (2002) points out, the Union's activities started in the 1980s but were very limited. The role of the EU became more prominent in the middle of the 1990s: "Stretching from 1995 to 2001, the incomplete negotiation of a verification protocol for the BWC offers a convenient model for examining the development of EU activity on BW disarmament and non-proliferation" (Feakes, 2002). The EU under CFSP agreed on two Common Positions: the first one was on 4 March 1998 (Council of the European Union, 1998a, Common Position 98/197/CFSP) and was defined by the Council on the basis of Article J.2 of the Treaty on European Union, relating to progress towards a legally binding Protocol to strengthen compliance with the Biological and Toxin Weapons Convention (BTWC) and the intensification of work in the Ad Hoc Group to that end; and the second one was on 17 May 1999 (Council of the European Union, 1999b, Common Position 1999/346/CFSP) and was adopted by the Council on the basis of Article 15 of the Treaty on European Union, relating to progress towards a legally binding Protocol to strengthen compliance with the Biological and Toxin Weapons Convention (BTWC), and with a view to the successful completion of substantive work in the Ad Hoc Group by the end of 1999<sup>257</sup> in order to prepare the conference that took place in 2001 (Feakes, 2002). If we take the two Common Positions and the Union's fairly concerted action during the negotiations for the verification protocol in and before 2001 as DEPENDENT VARIABLES (closer cooperation under CFSP in the area of BC weapons non-proliferation and destruction), which were the independent variables that led to that development of closer cooperation, although the activities before 1995 were very limited?

Feakes (2002) identifies different INDEPENDENT VARIABLES, and again the question will be as to how they can be captured by the approach developed in Chapter Two:

First, Feakes identifies the evolution of the CFSP as reflected in various treaty revisions (Amsterdam, Nice), which elaborated the initial Maastricht provisions that had already

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<sup>254</sup> For a general threat assessment of BC weapons to Europe, see Lindström (2004).

<sup>255</sup> For more information see (<http://www.opbw.org/>).

<sup>256</sup> See the case study (the German language) by Höhl et al. (2002, pp. 25-28). The measures under CFSP and TACIS (first pillar) are listed in the same article (p. 47). For the English version, see Höhl et al. (2003).

<sup>257</sup> Feakes, however, does not mention the previous Common Position (Council of the European Union, 1996b, Common Position 96/408/CFSP), which prepared the Fourth Review Conference of the BTWC.

brought “disarmament and non-proliferation firmly within the scope of the EU.” Clearly, this independent variable can be categorised as a change in existing structures. Furthermore, Feakes underlines the importance of previous interaction for future cooperation, which underlines my claim for a focus on a process perspective in explaining CFSP development.

Second, Feakes identifies the “quest for visibility” as another driving force, i.e., the desire by the EU and its members to leave behind the already familiar picture of an economic giant who is a political dwarf: “The decision [Researcher’s note: to increase funds for the destruction of chemical weapons in Russia 2001] states that ‘the EU should also be visible in connection with nerve gas destruction’ and that the project will ‘increase European visibility’ by virtue of the EU playing a ‘prominent role in the chemical weapons field.’ ” This independent variable relates to the category “actors” but underlines the importance of extending the analysis of actors beyond their “pure interest” to their value system.

Third, Feakes identifies further independent variables in the internal CFSP decision-making processes. He stresses the importance of the EU presidencies particularly in setting priorities and shows the impact of the various presidencies in charge at the relevant time (1998-2001). So we see the importance of existing structures (the rotating system) and the respective preferences of the actors (Presidency in charge). We should, however, ask how the EU preparation process before the 2001 BTWC conference could be coherent if we had six different presidencies with presumably different agendas and preferences! The answer is quite straightforward and most interesting for my research:

The hub of the EU’s “extensive engagement” on CBW disarmament and non-proliferation is the ministerial-level General Affairs Council (GAC) and, more specifically, two of its preparatory bodies, the Working Group on Global Arms Control and Disarmament and the Working Group on Non-Proliferation. . . . The working groups are serviced by personnel from the non-proliferation and disarmament section of the Council’s General Secretariat, and an official from the Commission’s security policy unit participates in all the meetings. CODUN and CONOP [Researcher’s note: the two working groups] are not decision-making bodies; they serve as a forum in which issues and events can be discussed and in which statements, positions and decisions are drafted for submission of the General Affairs Council. It is usually the case that drafts from the working group are non-contentious and are therefore *rubber-stamped by the ministers without further debate* [emphasis added]. (Feakes, 2002)

What does this mean? We again see where quite a few decisions are actually made—in terms of my dependent variable, which is level III again—and we have empirical proof that a large proportion of EFP development can be attributed to bottom-up processes! Furthermore, it is highly likely that these working groups add the necessary element of stability that we could not expect from presidencies changing every six months. If what was said about the importance of these working groups in EFP development is true, it will also be interesting to see how people interact within these groups. The quote suggests that interaction is dominated by a problem-solving approach where “events are

discussed” and not by a pure bargaining style with fierce fights about the size of the cake.

It is worth recalling that these empirical findings stand in diametric opposition to approaches to CFSP (as discussed in Chapter Two) that model CFSP as a top-down process mainly influenced by the pure self-interest of a limited number of top decision makers. This specific kind of interaction in the working group would be captured by the category “actors’ relations” for independent variables. Finally, note the engagement of the Commission in the—as seen—so important session of the working group. We will see shortly, in the case of supporting Russia to destroy chemical weapons, how fine the line between pillar one and pillar two is, which underlines my claim that EFP development cannot be studied as an independent process based on happenings in just the first pillar.

Finally, Feakes (2002) stresses another point due to the revision of existing CFSP structures introduced with the Treaty of Amsterdam: “The Treaty of Amsterdam states that EU member states ‘shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such fora.’ ” (Feakes, 2002, “The EU, the Biological Weapons Convention,” para. 3). Feakes shows that these provisions were fulfilled in the case of the BC negotiations:

EU positions on major issues in the AHG [Researcher’s note: BWC’s Ad Hoc Working Group] and the Review Conferences were hammered out in the monthly CODUN meetings in Brussels while the practicalities of implementing such positions were organised in coordination meetings in Geneva before and during the AHG or Review Conference sessions. (Feakes, 2002, “The EU, the Biological Weapons Convention,” para. 3)

This finding underlines the importance of considering the effect of previous interaction (here resulting in changed structures) on future interaction. As shown in Chapter Two, this dynamic development can be captured as a change from dependent variable to independent variable, i.e., the changes in the Treaty of Amsterdam work as an explanatory factor for the behaviour of the relevant CFSP actors before and during the negotiation process of the conference.

IN SUMMARY, we see that the initial impulse for further cooperation of the EU under CFSP in the area of BC weapon non-proliferation came from an external event, i.e., from the desire to further develop an international regime in which most of the EU states were members. Concerning the approach developed in Chapter Two, we saw that it is capable of conceptualising this development process: Again we saw the impact of previous interaction on further development, in particular the impact of changing CFSP structures introduced with Maastricht and Amsterdam, which can be conceptualised as a change from dependent to independent variables.

We also saw, however, that most of the actual development worked as a bottom-up process taking place in working groups. This again empirically underlines the point made by various researchers (Ginsberg, 1999; in particular, Michael E. Smith, 2008; and White, 1999) discussed in the State of the Art section that the analysis of EFP (development) has to pay tribute to agency and not only structures. As seen, the threefold division of the dependent variable is suitable because it allows capturing that development. Finally, we saw that the five categories for independent variables allow us



to capture all relevant independent variables—this is particularly important because we saw that the specific kind of interaction in the working group as well as the “quest for visibility” could not be captured in traditional structures and actors categories.

#### **3.4.2.7.2. EU measures to support Russia in reducing the chemical weapons threat**

Apart from strengthening existing regimes, the EU supports Russia in securing and destroying its huge chemical weapons arsenal. This cooperation is, from the viewpoint of my research, illuminating as it shows a peculiar division of labour between the second and first pillar, as well as the impact of changes introduced with the Treaty of Amsterdam on the development of further cooperation under CFSP.

Basis for the cooperation between the EU and Russia is the action (Council of the European Union, 1999c, Joint Action 1999/878/CFSP) that established the European Union Cooperation Programme for Non-proliferation and Disarmament in the Russian Federation. The programme allocated about nine million Euros in 1999-2000 (Anthony, 2001, p. 606), i.e., it was of considerable size. A closer look at the Joint Action shows that it refers back to the Common Strategy on Russia,<sup>258</sup> i.e., can be seen as an action that should implement the Common Strategy. In June 2001 a second Joint Action was decided upon (Council of the European Union, 2001a, Decision 2001/493/CFSP) that aimed at finalising projects initiated under the 1999 Joint Action (Council of the European Union, 1999c, Joint Action 1999/878/CFSP), allocating another six million Euros. In terms of the approach developed in Chapter Two, we have the following DEPENDENT VARIABLES: two Joint Actions (Type III) implementing a Common Strategy (Type II). Furthermore, we saw that the Treaty of Amsterdam (Type I) just provided the instrument of Common Strategy. Again, we see that the impact of previous cooperation can be conceptualised as a change from dependent variable to independent variables: The changes in the Treaty of Amsterdam become an independent variable (among others) in explaining the Common Strategy on Russia; the Common Strategy on Russia becomes an independent variable (among others) in explaining the two Joint Actions.

The amount of literature on the Union’s activities in supporting Russia in tackling the chemical weapons problem during the period under analysis is limited.<sup>259</sup> Virtually non-existent is information for further independent variables that led to the decision on the two Joint Actions. Since the Joint Actions just implement the Common Strategy, it seems likely that the underlying motives are similar to the ones leading to the Common Strategy. The reasons, as already mentioned, stemmed from the unforeseen collapse of the Soviet Union and the increased awareness—raised by various incidents already

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<sup>258</sup> The instrument of Common Strategy was introduced with the Treaty of Amsterdam (Article 13 (2)) and is decided by the European Council, not the Council of Ministers. Common Strategies are implemented by Joint Actions and Common Positions. So far we have three Common Strategies: Russia, Ukraine, and the Middle East. As discussed in Chapter One the instrument was terminated with the Treaty of Lisbon.

<sup>259</sup> Höhl et al. (2002, pp. 25-28) discuss the content and implementation of programmes in Russia. Anthony (2001, pp. 606-607) gives mainly information about the budget. Feakes (2002) also mentions mainly the cornerstones of the programme without giving further information about the decision-making process that led to the Joint Actions. Thornton (2002, p. 141) addresses the US perspective and support of the programme, particularly concerning building a chemical weapons destruction facility in Shchuchye, Russia.

discussed—of WMD proliferation (be it to states or groups), with the former Soviet Union having a huge potential in WMD and the know-how. In the following, I will focus therefore on two instances that shed further light on the dependent variable of my research:

First, as Anthony (2001) shows:

This joint action [Researcher's note: the 1999 one already discussed, (Council of the European Union, 1999c, Joint Action 1999/878/CFSP)] underlined the impact of changes in EU decision-making procedures introduced by the Treaty of Amsterdam. While some EU states objected to the specific plans envisaged for the disposal of Russian plutonium stockpiles<sup>260</sup> [footnote added], the objections of these states could not block the adoption of the joint action because of the possibility of using qualified-majority voting in the Council. (p. 607)

The point is quite remarkable as it shows that the change in decision-making procedures introduced with the instrument (Common Strategy in the Treaty of Amsterdam) actually had an impact. This is worth noting when we remember the fierce debate discussed in Chapter One, where there was no discussion about decision-making procedures for decades (unanimity) and strong efforts to avoid any "supranationalisation" of EFP, meaning a strict separation of EC cooperation and EFP cooperation. Concerning my approach, this instance confirms another time that research on EFP development has to incorporate the impact of previous interaction—here the impact of Type I decision (changes in decision-making under Common Strategy) on the Joint Action (Council of the European Union, 1999c, Joint Action 1999/878/CFSP).

Second, related to the point made above, the case of helping Russia to secure its WMDs sheds more light on EFP development—the cooperation of the Commission and the second pillar: As Feakes (2002) shows, the Commission was already involved quite early in the issue (earlier than the second pillar): "Since the mid-1990s, the Commission has been indirectly supporting the demolition of former Soviet chemical weapons production facilities" (Feakes, 2002, "List of Concrete Measures," para. 10). And also

in 1999, the GAC decided to establish an EU Cooperation Programme for Non-Proliferation and Disarmament in Russia [Researcher's note: Joint Action discussed above (Council of the European Union, 1999c, Joint Action 1999/878/CFSP)]. . . . The implementation of the projects [Researcher's note: mainly fabrics to destroy chemical weapons in Gorny and Shchuchye, Russia] is overseen by the European Commission which has experts in Brussels and Moscow, while funds are administered by Germany and the UK which are already involved at Gorny and Shchuchye respectively. (Feakes, 2002, "List of Concrete Measures," para. 10)

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<sup>260</sup> The Joint Action (Council of the European Union, 1999c, Joint Action 1999/878/CFSP) addresses chemical weapons as well as the issue of plutonium transport, storage, and disposition. The issue of plutonium is discussed here (and not in the section on nuclear non-proliferation) because the whole Joint Action and its context is addressed here in more detail.

The point iterates the topic we frequently came across—the involvement of the Commission in the area of European NPP (Dual-Use goods, landmines, small arms and light weapons, atomic weapons). For various reasons mentioned (mainly resources such as money, expertise, staff), the second pillar has to rely on the first pillar in many areas, no matter if the issues are sensitive or not. Obviously the empirical evidence given so far shows that EFP development must take into account the role of the first-pillar actors (here the Commission; also the Parliament in particular cases) as independent variables.

The Commission is one actor among others in that area of CFSP—the fight against supranationalisation of EFP (it is worth recalling the absurd situation under EPC when the same foreign ministers had to meet in different places—in the context of EPC and in the context of external relations under EC) is clearly lost in more and more fields. It seems that decision makers in the second pillar have to face reality: In many areas, an effective CFSP relies on the first pillar resources (and that means to a large extent the Commission resources); furthermore, the budget issue and various ECJ judgements discussed above gradually tear down intergovernmental walls. The consequences of theoretical approaches towards EFP development should be obvious.

**CONCLUSION:** What is the payoff of the approach developed in Chapter Two when applied to the area of the Union's activities in the area of BC non-proliferation (here strengthening existing regimes and support to Russia)?

As Feakes—based on empirical findings—has pointed out, and as became obvious, in the activities of the EU in strengthening existing regimes (BTWC) and assistance to Russia, a process perspective of EFP development allows us to gain major insights. We saw that this perspective can be conceptualised as a change from dependent to independent variables. The following can serve as an example: the changes introduced with the Treaty of Amsterdam (new instrument Common Strategy and the changes in decision making introduced with it) as a Type I decision; the subsequent Common Strategy (Type II decision); and the various Joint Actions (Type III) that implemented the Strategy. Recall also the empirical proof given by Anthony (2001) that the changes in the decision-making procedures made a difference in agreeing on Joint Actions (Council of the European Union, 1999c, Joint Action 1999/878/CFSP), which implemented a part of the Common Strategy. A snapshot perspective focusing on the Joint Action alone would not be able to capture the independent variables arising from the previous development process!

Conceptualising the dependent variable as threefold (Type I-III decisions) allows us to account for changes of the dependent variable below the treaty level (e.g., the setup of a working group) and also for independent variables provided by interaction at "lower" levels, i.e., daily business. Feakes gives empirical proof of the importance of the two working groups CODUN and CONOP—a finding that has already been seen a couple of times in my case study. As shown, it seems that, to a fair proportion, EFP development of cooperation in the area of BC non-proliferation (e.g., my dependent variable) represents a bottom-up rather than a top-down development. The approach developed in Chapter Two not only allows us to capture that frequently overlooked development, but also enables us to relate it to the whole development of cooperation in the area of European non-proliferation policy as a source of independent variables.

The example of BC weapons non-proliferation efforts also underlines the fine dividing line between pillar one and pillar two. The Commission had already been engaged in the issue when CFSP evolved after Maastricht. We saw how heavily CFSP relies on various first pillar (usually Commission-based) resources. Finally, we should remember that a Commission representative attends the—as seen to be so influential—working-group meetings. This underlines the claim that EFP development cannot be analysed without considering the impact of the first pillar developments and actors. In the approach this is done by attributing these independent variables to the relevant five categories of independent variables.

#### **3.4.2.8. After 2001 until 2004: Focusing strands of previous cooperation**

Towards the end of the period under analysis of my case study, after the terrorist attacks of 11 September 2001, we see substantial developments in European non-proliferation activities. With respect to my dependent variable, the changes do not really concern the *structural* level (i.e., we see no significant changes in the rules of the game or institutional changes); however, we see intensified cooperation *within* the structures given, which evolved from previous cooperation (mostly beginning with the Treaty of Maastricht, some was already established under EPC), as already discussed. The following developments can be identified and will be discussed in more detail:

The topic of non-proliferation RANKS MUCH HIGHER on the EU agenda and becomes a top priority. The sheer number of specific measures taken, leading in 2003 to a “Basic Principles for an EU Strategy against the Proliferation of Weapons of Mass Destruction” (Council of the European Union, 2003b, Document 10352/03) represents a holistic approach to the topic rather than a piecemeal-fashion approach divided in various proliferation issues. The priority of the issue is underlined by the fact that Javier Solana appointed a personal representative for the issue of non-proliferation of weapons of mass destruction; in addition, a unit for monitoring the implementation of the Strategy against WMD was installed and a database concerning CBRN threats was set up, i.e., we see minor institutional changes.

We can contest a “mainstreaming” effort, i.e., the focus of EU NPP widens onto all three pillars, and all kinds of EU activities should consider non-proliferation efforts in their measures. For example, trade agreements (first pillar) contain provisions that make them conditional on supporting non-proliferation by the trade partners. Furthermore, the topic of non-proliferation—in particular of WMD—becomes a subtopic of the Union’s efforts to tackle the problem of terrorism. We will see that as a consequence the line between pillar three and pillar two in the area of EU NPP becomes gradually eroded.

Finally, at the TREATY LEVEL, we see that the topic of disarmament—which is closely linked to non-proliferation—is added to the European Constitutional Treaty.

As already indicated, contrary to previous areas of cooperation under EU NPP, we see only minor changes at the structural level but rather the attempt to bring together the different strands of EU NPP efforts, which have developed over roughly a decade into a coherent strategy, and efforts have increased within the given framework. I will proceed in the following steps: (1) Show how the issue of EU NPP became linked to the general topic of “fighting against terrorism” and what consequences followed; (2) Based on the approach developed in Chapter Two, I will analyse the genesis of the EU’s Strategy

against the proliferation of Weapons of Mass Destruction before (3) pointing out how the increased efforts to cooperate across pillars deviate from previous consequences of, in particular, first-pillar development on second-pillar developments. Finally (4), I will address changes concerning EU NPP in the Constitutional Treaty and the Treaty of Lisbon.

#### **3.4.2.8.1. Linking European non-proliferation policy to the EU's efforts to fight terrorism**

As we will see shortly, after 2001 EU NPP—and in particular the issue of NBC proliferation (now labelled as weapons of mass destruction, or WMD)—is increasingly subsumed as one aspect of the Union's activities to fight terrorism. This development can be rooted in the following events and decisions:

1. At the General Affairs Council meeting in Brussels on 10 December 2001, the Council addressed the issue of measures against terrorism (Council of the European Union, 2001c, Document 15078/01). The document stresses the importance of non-proliferation in the fight against terrorism and suggests four cornerstones: multilateral instruments; export controls; international cooperation; and political dialogue. In the text, a strong linkage is made between terrorism and non-proliferation, in particular of WMD, which is contrary to previous statements on non-proliferation when states as well as terrorists were perceived as a threat.<sup>261</sup>

The main INDEPENDENT VARIABLE was obviously the terrorist attacks. It is, however, not so clear how the linkage between terrorism and weapons of mass destruction is established—the 11 September, 2001, attacks caused mass destruction, but in fact by conventional means. During the attacks in Tokyo previously discussed, WMD (chemical weapons) were used, but they did not cause mass destruction. There seems to be a *subjective* dimension in the threat perception concerning terrorists attacks with WMD—this could be captured in the category “problem structure” that allows, as described in Chapter Two, for different (subjective) perceptions of issues. Furthermore, we can say that the dual character of Dual-Use items (military or civil application) has not changed. What has changed, however, seems to be the situation and problem structure after 11 September, 2001, i.e., it became increasingly plausible that there are people possibly willing to use WMD, and the underlying twofold character of Dual-Use goods might be one way for them to acquire WMD.

At the General Affairs Council meeting, Luxembourg 15 April, 2002, (Council of the European Union, 2002a, Document 7705/02) the four points of the 10 December, 2001, meeting were elaborated in more detail. The following quote explains the relation between the two meetings and the urgency attributed to them:

The Council adopted the following conclusions on a list of concrete measures with regard to the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the European Union: “At its

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<sup>261</sup> There is also a linkage between the two, i.e., when states provide, or might provide, terrorists with weapons.

extraordinary meeting on 21 September 2001<sup>262</sup> [footnote added], the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union. In pursuing this priority objective, on 10 December 2001 the foreign ministers of the European Union launched a targeted initiative to respond effectively in the field of non-proliferation, disarmament and arms control to the international threat of terrorism, which focuses on multilateral instruments, export controls, international co-operation and political dialogue. . . ." (Council of the European Union, 2002a, Document 7705/02, p. II)

Three months later, in the PRESIDENCY CONCLUSIONS (European Council, Seville, 21-22 June 2002), the issue is addressed in Annex V (European Council, 2002, Presidency Conclusions, Seville, Annex V, pp. 31-34) under the headline "Draft declaration of the European Council on the contribution of CFSP, including ESDP, in the fight against terrorism." The declaration addressed terrorism in general and subsumed non-proliferation as a part of it:

Under point four (European Council, 2002, Presidency Conclusions, Seville, Annex V, p. 32): "focusing political dialogue with third countries on the fight against terrorism as well as on non-proliferation and arms control."

Under point seven:

Priority action for the European Union, in the fields of the CFSP and the ESDP in particular, in the fight against terrorism should focus on: non-proliferation and arms control, and providing them [third countries] with appropriate international assistance; . . . developing our common evaluation of the terrorist threat against the Member States or the forces deployed under ESDP outside the Union in crisis management operations, including the threat posed by terrorist use of weapons of mass destruction. (European Council, 2002, Presidency Conclusions, Seville, Presidency Conclusions, Annex V, p. 33-34)

The quotes given underline my claim for a shifting focus in EU NPP, as indicated in the introduction to this section: The issue of non-proliferation becomes a priority on the agenda and is increasingly linked to the issue of terrorism and, in that context, also becomes linked to ESDP. We also see that the issue becomes more salient insofar that the issue is addressed not only by the General Affairs Council (as the two previous decisions under point 1 and 2) but also in the context of the European Council (point 3), which indicates a bottom-up movement.

As indicated above, the main reason for linking the issue of NPP to terrorism seems to be the changed situation after the attacks in September 2001: The fear arose, contrary to the previous threat perception, that instead of state actors, it is actually non-state actors that are willing to acquire and use weapons of mass destruction. In terms of the approach developed in Chapter Two, the situation and problem structure, as well as the

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<sup>262</sup> See European Council, 2001b, Conclusions and plan of action 21 September 2001 (SN 140/01).

relevant actors, have changed. The discussion of how adequate that threat perception is, or was, cannot be reflected here. However, the doubts in that respect would only underline my claim that the subjective dimension, i.e., the perception of the threat can be an independent variable, an approach to EFP must be able to be incorporated (in my case covered by the subjective dimension of the problem structure as discussed in Chapter Two). As discussed at the beginning, the linkage of EU NPP with the issue of terrorism is not a structural change. However, it seems plausible to assume that the linkage led to an increased attention towards EU NPP, with an increased concern regarding terrorism. We will shortly see the resulting consequences for my dependent variable.

#### **3.4.2.8.2. A significant acceleration in EU NPP efforts leading to the "European Strategy against the Proliferation of Weapons of Mass Destruction"**

Although the issue of EU NPP was linked to the fight against terrorism in 2001 and 2002 at the rhetorical level, no concrete actions were taken as the vague conclusions of the European Council in Brussels indicate (20/21 March 2003): "We will also intensify work for a comprehensive, coherent and effective multilateral policy of the international community to prevent the proliferation of weapons of mass destruction" (Council of the European Union, 2003d, Document 14997/03, p. 33). However, as Anthony (2004, p. 586) shows, "during 2003 there was a significant acceleration in EU efforts in the field of arms control, disarmament and non-proliferation as a result of a number of internal and external pressures on the EU." The efforts led to the adoption of the "Strategy against the proliferation of weapons of mass destruction" at the Council in Brussels on 12 December, 2003. The Strategy (European Council, 2003b, European Security Strategy) does not indicate a major change in cooperation (my dependent variable) but merely tries to focus already established cooperation in a more coherent way. In the following, I will discuss the steps that led to the Union's strategy against WMD and afterwards ask to what extent this development can be captured by the approach developed in Chapter Two.

#### WMD agenda setting by Swedish Foreign Minister Anna Lindh

On an initiative of Swedish Foreign Minister Anna Lindh, the issue of WMD proliferation was put on the agenda for the GAERC MEETING OF 14 APRIL 2003 (Anthony, 2004, p. 587). It was then dealt with in the Basic Principles for an EU Strategy against the Proliferation of Weapons of Mass Destruction:

On the 14. April 2003 the Council instructed the Secretary General/High Representative, in association with the Commission, and the Political and Security Committee, to pursue work on proliferation of weapons of mass destruction with a view to making proposals for submission to the European Council. (Council of the European Union, 2003b, Document 10352/03)

As Anthony (2006, p. 1) shows, the proposal by Anna Lindh "was quickly picked up and actively promoted by the Greek EU presidency."<sup>263</sup> Anthony identifies the following INDEPENDENT VARIABLES that supported the initiative by Lindh:

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<sup>263</sup> See also Jonter (2013, p. 10) on the role of Sweden in the issue.

At the time Lindh formulated her proposal Europeans were acutely aware of the negative impact of internal divisions over how best to resolve the issue of non-compliance by Iraq with disarmament-related UN Security Council resolutions. Not only did these divisions prevent a collective response during the Iraq crisis (in spite of full agreement over EU objectives in Iraq) they also handicapped individual efforts by European countries to develop national initiatives. At a particular difficult time for trans-Atlantic relations, non-proliferation also offered a framework for cooperation with the United States on an issue of mutual concern. (Anthony, 2006, p. 1)

So it becomes obvious that the Iraq issue, as an external event, had various negative consequences on the EU and its member states. However, at the same time the topic of WMD proliferation posed a chance to overcome tensions between the EU states and the US (and probably also tensions between the EU member states which were also divided in different camps according to their respective position towards the US).

Note, finally, that the Council also instructed the Commission to work together with second-pillar actors to come up with suggestions for further activities in non-proliferation. This is important if we recall the fierce fights about competencies after the Treaty of Maastricht, when the Commission and the Parliament tried to gain influence in the area of non-proliferation. Now, at least, the Commission seems to be an equal partner in the issue, which indicates increasing CROSS-PILLAR COOPERATION. The issue will be dealt with in more detail in the following part on "mainstreaming non-proliferation policy."

#### Action plan/Basic Principles for EU strategy against WMD proliferation

What was the outcome of the initiative made by Lindh and the request by the Council to the Secretary General/High Representative? In June 2003, two major documents were published: (1) The Basic Principles for an EU Strategy against proliferation of WMD (Council of the European Union, 2003b, Document 10352/03) and (2) an Action plan for the implementation of the Basic Principles for an EU strategy against the proliferation of WMD (Council of the European Union, 2003c, Document 10354/1/03).<sup>264</sup> Neither document is discussed in detail here.<sup>265</sup>

The Basic Principles restated the four areas already outlined in the targeted initiative of 10 December, 2001, as discussed above. However, as Anthony (2004) points out, there were some remarkable new points:

The need for policies based on a common assessment of global proliferation threats was underlined. Consequently, the EU Situation Centre prepared a threat assessment 'using all available sources' that was to be maintained and continuously updated. Moreover, the intelligence services of the member

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<sup>264</sup> For an extensive collection of documents on EU non-proliferation, see the Harvard-Sussex program on chemical and biological warfare armament and arms limitation (<http://www.sussex.ac.uk/Units/spru/hsp/Harvard-Sussex-Program-The-EU-and-WMD.htm>).

<sup>265</sup> See Anthony (2004, pp. 589-590).



states were instructed to be (and to remain) engaged in this process.  
(p. 589)

Obviously, we can see that the issue touches a sensitive area of the closer cooperation of intelligence services and establishes a closer link to cooperation between the second and third pillars. Furthermore, the need for effective monitoring and compliance mechanisms for the various multilateral non-proliferation regimes (already discussed above) was underlined. Both innovations mentioned stress the importance that was attached to the issue, as well as learn from previous negative experiences.

The importance that was attributed to the issue is further underlined by the Action Plan that would implement the Basic Principles:

The action plan established a number of measures to be undertaken immediately and others to be elaborated, adopted and under way before the end of the year. The Action Plan identified the resources needed to implement the measures to be taken immediately and put in place a system to monitor implementation. This approach seemed to indicate an entirely new sense of urgency and expanded the range of measures that might be considered necessary as part of an effective strategy to deter and, where possible, reverse WMD programmes of concern worldwide. (Anthony, 2004, p. 589)

What can we infer from both initiatives concerning my dependent variable? I mentioned the reasons that triggered the new dynamics in 2003; however, we also saw that both documents (Basic Principles and the complementary Action Plan) are based on previous interaction (as discussed). This is another instance where EFP development can be studied as a sequence of dependent and independent variables as suggested by Michael E. Smith (2008, p. 182). Furthermore, we see that learning processes among actors took place (category three for independent variables) because an effective compliance and monitoring mechanisms were requested. Finally, we saw a blurring line between pillar two and pillar three as intelligence cooperation was seen necessary to ensure effective non-proliferation. Additionally to the frequently discussed blurring separation between pillar one and pillar two, we can now observe a slowly evolving blurring line between pillar two and pillar three.

#### Solana's "A secure Europe in a better world"—blueprint for European Security Strategy

A further step that received widespread attention was the paper "A secure Europe in a better world" presented by Javier Solana on 20 June, 2003, (European Council, 2003b, European Security Strategy), which was the blueprint for the EUROPEAN SECURITY STRATEGY.<sup>266</sup> Solana identifies three major threats: terrorism, proliferation of WMD and the connection between failed states and organised crime. Solana's paper is more of a general nature. The topic of proliferation is addressed in less detail, in comparison to the Basic Principles and the Action Plan discussed above. Therefore,

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<sup>266</sup> The document was finally adopted by the European Council (12-13 December 2003) as the European Security Strategy. It received widespread attention in scientific literature. For a comprehensive account, see Bailes (2005).

the value is, in my opinion, to express a strong political will to address the topic (as all member states agreed in the Security Strategy at the European Council in December 2003) and underlines the priority given to the issue. Furthermore, it again emphasises the connection between terrorism and proliferation: “The most frightening scenario is one in which terrorist groups acquire weapons of mass destruction. In this event, a small group would be able to inflict damage on a scale previously possible only for States and armies” (European Council, 2003b, European Security Strategy, p. 4).

At the analytical level, it is interesting that all three papers (Action Plan, Basic Principles, Security Strategy) were published during the same month and all address similar topics, yet they do not refer to each other (Action Plan and Basic Principle to Security Strategy). It is not clear how far the preparation of the three documents was coordinated—if it took place in parallel or isolated from each other. In any case, we see that the topic really ranked at the top level in the middle of 2003. In terms of the approach developed in Chapter Two, I would categorise the Security Strategy as a Type II decision and the two others (Basic Principles and Action Plan) as Type III decisions.

#### WMD issues addressed at the Thessaloniki European Council (June 2003)

In the same month, the European Council in Thessaloniki (19-20 June, 2003) made a declaration on non-proliferation of WMD (European Council, 2003a, Presidency Conclusions, Thessaloniki, pp. 37-39) and requested the Council to develop a European Strategy on non-proliferation based on the Basic Principles and the Action Plan by the end of 2003. Therefore, again the urgency of the topic is underlined.

The Presidency Conclusions address one further topic that indicates minor steps towards institutionalising cooperation:

The THREAT POSED BY CBRN (Chemical, Biological, Radiological and Nuclear) substances/weapons in particular to European societies. It is important to note that the efforts are not only paper-based:

The Council took note of the establishment of a database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including CBRN, it being understood that this will be for informative purposes only. (European Council, 2003a, Presidency Conclusions, Thessaloniki, p. 35)

The quote shows an interesting point in respect to my dependent variable: On the one hand, we see moves towards closer cooperation on an institutional basis (“a database has been established by probably a couple of people in charge”), but on the other hand, we still see the sensitivity of the issue (“for information purpose only”). Again, we are faced, as we so frequently were, with the ambiguity between urgency to act and resistance due to the sensitivity of the issue probably because the topic is deemed to touch national sovereignty (here the realm of military and intelligence).

## Agreement on EU strategy against the WMD proliferation

At the Council in Brussels on 12 December, 2003, the "EU strategy against the proliferation of weapons of mass destruction" (European Council, 2003b, European Security Strategy) was finally agreed on. The content of the twelve-page document will not be discussed here.<sup>267</sup> Concerning my dependent variable, the following points are interesting: The Strategy is based on the documents described above (Basic Principles and Action Plan, both July 2003); it refers back to the mandate given by the Thessaloniki Council, the Conclusions of the Council of 10 December, 2001, and the European Security Strategy. This indicates that the Strategy against WMD can be understood as a consequent step in a coherent thread of measures since 2001. In terms of the approach developed in Chapter Two, it would be a Type II decision as a follow-up of the two Type III decisions (the Action Plan and the Basic Principles decided in June 2003). So again, we see the importance of previous cooperation for future developments in CFSP/ESDP, which can be conceptualised as a change from dependent variable to independent variable (the Action Plan and Basic Principles, together with the mandate of the Thessaloniki Council become independent variables among other independent variables, in explaining the Strategy on WMD).

Another issue has to be emphasised concerning my dependent variable: We see that the developments in EU NPP after 2001 leading to the Strategy against Proliferation are also accompanied by minor INSTITUTIONAL CHANGES: (1) Solana made Ms Annalisa Gianella his Personal Representative for the topic of WMD proliferation (based in the Council) (Quille, 2005, p. 1). So the fight against WMD in the second pillar gets a face. (2) Furthermore, the Strategy against WMD introduces a monitoring mechanism that should assess the progress made under the Strategy on WMD via six monthly debates in the External Relations Council.<sup>268</sup> Consequently, a unit is set up where information is gathered and the implementation of the Strategy against WMD is monitored on a permanent basis.<sup>269</sup> (3) Finally, as shown, a database dealing with CBRN issues was created. We can expect, as with previous examples (e.g., the working groups in the area of nuclear non-proliferation), that these steps work towards further institutionalising of cooperation in the area of non-proliferation and that further cooperation will be enhanced.

IN SUMMARY, the Union's various activities in the area of non-proliferation were channelled, together leading to the European Strategy against Proliferation of WMD. We saw that this Type II decision was based on previous cooperation (Basic Principles and Action Plan, both representing Type III decisions) and that it is sound to conceptualise the impact of previous cooperation as a change of dependent to independent variables (both Type III decisions become independent variables in explaining the Type II decision, i.e., the Strategy against WMD). Relevant in respect to my dependent variable, we also saw minor institutional changes with the personal representative for WMD, a

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<sup>267</sup> For discussion, see Anthony (2004, p. 590; 2006). For an assessment one year after the Strategy was adopted, see Quille (2005).

<sup>268</sup> The positive impact of review mechanisms was already shown in the case of the European Union Code of Conduct on Arms Exports (Council of the European Union, 1998b, Document 8675/2/98).

<sup>269</sup> See point D in the Strategy against WMD (Council of the European Union, 2003e, Document 15708/03).

unit set up to monitor the implementation of the strategy, and the database for CBRN issues.

#### **3.4.2.8.3. Mainstreaming non-proliferation policy**

As Anthony (2004) points out,

in November 2003 the EU adopted a policy<sup>270</sup> [footnote in original] regarding the management of non-proliferation in the context of its relationships with third countries. Language for a 'non-proliferation clause' was agreed and was to be included in future agreements with third countries. The agreed language included a commitment to join, ratify, implement and comply with relevant international legal instruments that seek to counter the proliferation of WMD as well as a commitment to establish an effective system of national export controls that apply to both the export and the transit of WMD-related goods. (p. 591)

An interview with Annalisa Gianella (Personal Representative on non-proliferation of WMD to Javier Solana) (Arms Control Association, 2005) shows that the clause is used in trade agreements with Albania, Tajikistan, Syria and also should be included in agreements with countries of the Gulf Cooperation Council, in the Contonou Agreement (Africa, Caribbean, Pacific states) and Mercosur states. The point concerning my dependent variable is that we see an increasing impact of second-pillar non-proliferation activities on all kinds of trade agreements linking even closer the first and the second pillars. Again, this underlines that an analysis of EFP development has to take into account the linkage between pillar one developments and not concentrate only on the second pillar.<sup>271</sup> The qualitative difference now is, however, that this linkage is made explicit and becomes an "official" policy, contrary to the previous examples where the Commission and the Parliament indirectly tried to gain influence in the second pillar.

Furthermore, we see an increasing linkage of pillar two and pillar three in the area of non-proliferation. As described above, EU NPP efforts became subsumed as one aspect of the fight against terrorism. The point is made explicit in the in EUROPEAN COUNCIL IN THESSALONIKI (19-20 June 2003): The NEED FOR CROSS-PILLAR CO-OPERATION (European Council, 2003a, Presidency Conclusions, Thessaloniki) (between CFSP and JHA, i.e., pillar two and pillar three) is stressed in respect to the fight against terrorism with non-proliferation as a subtopic (European Council, 2003a, Presidency Conclusions, Thessaloniki, p. 34). The resulting need for closer cooperation in the area of intelligence (mainly based in pillar three) has already been discussed.

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<sup>270</sup> "Council of the European Union, 'Fighting against the proliferation of weapons of mass destruction – mainstreaming non-proliferation policies into the EU's wider relations with third countries,' document 14997/03, Brussels, 19 Nov. 2003" (Anthony, 2004, p. 591, footnote 66). In this manuscript, the reference is listed as: Council of the European Union (2003d) Document 14997/03.

<sup>271</sup> Anthony (2006, pp. 8-12) analyses in more detail the various cases where the non-proliferation clause was applied.

#### **3.4.2.8.4. Developments at the treaty level—The topic of non-proliferation in the Constitutional Treaty and the Treaty of Lisbon**

Having already traced the development of cooperation in the area of European non-proliferation policy, I concentrated mainly on the selected period of the case study (1994-2004) but, where relevant, also traced the previous establishing of cooperation under EPC. Treaty changes (Maastricht, Amsterdam, and Nice) worked as focal points. As seen, the topic of non-proliferation did not find direct notice in the respective three treaties. Obviously, it is interesting to see, at the end of the case study and considering the described dynamics and mainstreaming efforts in the aftermath of the 11 September, 2001, terrorist attacks, if non-proliferation finally explicitly found its way into the treaties. I will briefly answer that question as well for the ill-fated Constitutional Treaty<sup>272</sup> and its successful descendant, the Treaty of Lisbon.

As shown above, in neither of the Treaties of Maastricht, Amsterdam, or Nice was non-proliferation directly addressed. We saw, however, that specific provisions in the Treaties worked as independent variables in explaining closer cooperation in the area of EU NPP (top-down argument). Therefore, the question is if the experiences made in the area of non-proliferation since Maastricht and in particular the high priority given to the topic after 2001 were able to create a bottom-up movement bringing the issue of non-proliferation into the Constitutional Treaty or Treaty of Lisbon.

Two points can be made in respect to the question above:

1. As Anthony (2006, p. 5) points out, the changes in actors, competencies and decision making probably increase the coherence in the area of European external relations (i.e., external actions of pillar one and pillar two) significantly—i.e., the problem we frequently came across in the previous analysis (in our context in particular that an effective CFSP relies heavily on resources/leverage based in the first pillar) was addressed, which could be interpreted as a result of learning processes. We saw that the issue was addressed now under the topic “mainstreaming” independently of the Constitutional Treaty. The points made can indeed be interpreted as a bottom-up movement, i.e., problems in European foreign policy processes (not development processes!) led to closer interaction at the third level, working as a trigger to change the institutional framework (first level). Again this is worth underlining because a perspective focusing only on the treaty level would overlook the impact of daily interaction as independent variables for further development.
2. The second point that can be made is actually only two words to be found in Article III-309 (1) (Europäische Union,<sup>273</sup> 2005, p. 144): “gemeinsame Abrüstungsmaßnahmen” (joint disarmament measures). Contrary to the Treaty of Nice, for the first time reference is made to disarmament measures, which are usually seen as a part of non-proliferation measures. It is hard to judge how much importance we should attribute to this point. We can, however, recall (as

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<sup>272</sup> Piris (2010, pp. 238-243) traces the development of the legal provisions of European External affairs including the 2002-3 Convention and the 2003-4 intergovernmental conference (2010, pp. 241-242).

<sup>273</sup> German version of the European Constitution.

discussed above) that in the Luxembourg Council (28-29 June, 1991) under Annex VII "DECLARATION ON NON-PROLIFERATION AND [sic] ARMS EXPORTS" arms control, proliferation and disarmament were identified as areas for future cooperation under the Joint Action procedure (European Council, 1991b, Presidency Conclusions, Luxembourg, Annex VII). The evolution of intensive cooperation over roughly ten years has already been described; therefore, it does not seem implausible that this cooperation acted as one independent variable, bringing disarmament as a topic into the Constitutional Treaty.

Piris (2010, pp. 242-243) shows that the Treaty of Lisbon was in some aspects less ambitious than its predecessor, the Constitution. What role does non-proliferation play in the Treaty of Lisbon? Its role is assessed by Grip (2011):

Although the Lisbon Treaty does not mention the terms "arms control" or "non-proliferation," it does refer to strengthening international security, joint disarmament operations and the promotion of "an international system based on stronger multilateral cooperation and good global governance." In addition, the Lisbon Treaty introduced institutional reforms potentially important for EU WMD non-proliferation policy and its implementation. Rather than maintaining a distinction between "external relations" (i.e., trade and development) and "foreign and security policy" (i.e., CFSP/CSDP), the Lisbon Treaty focuses on EU "external action." It also introduced the potential for a more comprehensive approach to EU foreign and security policy by ending the pillar structure, which had been divisive between the Council of the EU and the Commission. (p. 3)

IN SUMMARY, we see that although non-proliferation is (still) not named explicitly in the Treaties, there are substantial changes that, as underlined by the quote from Grip above, have the potential to further increase the efficiency of non-proliferation as a cross-sectional task. Furthermore, obviously, non-proliferation is closely entangled with the disarmament operation now found in the Treaty of Lisbon. It seems highly plausible that joint disarmament measures are not found by chance as a new point in the Constitution and the Treaty of Lisbon but reflect, at least in part, the previous intensive cooperation in the area. If this conclusion is right, it shows that the development process in the area of European NPP—as discussed in extenso above—in part represents a bottom-up movement, i.e., the evolving cooperation at level III and II is reflected by the changes in the Constitution and the Treaty of Lisbon (Type I). Obviously, the approach developed in Chapter Two can take account of these developments due to the threefold division of the dependent variable. It is also another measure of empirical proof of the need to take structures and agency and the mutual relation between them into account when analysing European foreign policy (development), to which Ginsberg (1999) drew our attention as discussed in the State of the Art section. By taking a process perspective as advocated for by Michael E. Smith (2008, p. 182) and the threefold division for the dependent variable and the five categories for independent variable, the approach developed in Chapter Two (2.2) can therefore take account of that.

#### **3.4.2.8.5. Assessment of developments in European non-proliferation policy after 2001**

As initially stated, contrary to the previous developments in the area of EU NPP already discussed, we do not see any substantial *structural* changes in regard to my dependent variable. It seems more apt to contest that increased attention paid to the issue of EU NPP after the 11 September, 2001, terrorists attacks led to a more focused approach, bringing together previously separated strands of efforts in EU NPP (i.e., the different areas such as NBC, Dual-Use, conventional weapons, etc.). This is most visible in the European Strategy against Proliferation of Weapons of Mass Destruction. There are a few changes that deserve closer attention because they might influence future cooperation in the area:

Most importantly, we saw minor institutional changes introduced with the Strategy against WMD: A personal representative was appointed and a unit for monitoring the implementation of the Strategy against WMD and a database for CBRN threats were set up. We already frequently came across the impact of working groups on the development of cooperation in EU NPP, and it may happen that the two changes will lead to similar results in future. We saw furthermore that the dynamics in the development of the European Strategy against WMD can be conceptualised by my approach and that the independent variables triggering the development can be captured, too.

I have already stressed the impact of first-pillar developments on EFP and EU NPP development. Due to the effort of mainstreaming non-proliferation after 2001, we see a slightly different development: First, contrary to previous empirical evidence, it is not so much that first-pillar actors indirectly try to gain influence in second-pillar issues, but that explicitly conditional clauses in trade agreements (first pillar) should support the non-proliferation efforts made in the second pillar. In fact, that is a logical consequence of a point we already frequently came across—an effective European foreign policy, in many cases, relies on the much bigger resources (in comparison to the CFSP ones) located in the first pillar as seen, e.g., with the case of landmines discussed above.

Developments in the Constitutional Treaty and the Treaty of Lisbon represent a bottom-up movement, i.e., the decade of previous cooperation in EU NPP finally found its way to the top-level decisions (Type I). This underlines my claim that a good proportion of EFP development represents a bottom-up development, rather than a top-down approach, i.e., the changes in the Constitutional Treaty represent previously established cooperation. That finding is also in line with those of other researchers as discussed in the State of the Art section (in particular Michael E. Smith, 2004, 2008).

### **3.5. Conclusion**

As stated at the beginning of this chapter, the purpose of this case study is to apply the approach developed in Chapter Two in order to assess to what extent it is suitable for studying EFP development. Criteria for assessment have been developed; they were stated in Section 3.1.1.1, based on empirical and theoretical considerations made in the two previous chapters. I argued why a qualitative approach in general, and a case study in particular, is suitable for assessing the approach developed in Chapter Two.

Methodological considerations have been discussed in depth. As stated initially, assessment of the approach was done continuously during the case study. Major findings will be discussed against the criteria developed for the assessment. In the next chapter, Conclusion, the complete findings of the thesis are discussed, allowing for reflection upon the outcomes of the case study in the context of the thesis.

The period of data collection in the case study has been deliberately confined (1994-2004), and the choice has been defended. Where necessary, previous developments in European non-proliferation policy under EPC have been discussed. When finalising the thesis, I decided to briefly review the changes relevant to EU NPP coming with the Treaty of Lisbon, obviously, going beyond the initial period confined to 2004. The ill fate of the Constitution was not foreseeable when the major work of the case study was being conducted. Throughout the analysis, the previous treaty revisions (Maastricht, Amsterdam, and Nice) worked as focal points, and addressing the Treaty of Lisbon allows for continuity in that respect. Obviously, for readers it should also be interesting if the newly emerged area of EU NPP, with often very small steps taken over long periods of time, resulted in increasing cooperation, as discussed above, and therefore finally managed to be considered explicitly in the Treaty. It should also be interesting to know what changes the Treaty of Lisbon brought about in regard to NPP; what would actually resemble a bottom-up development of cooperation, given the highly contested views among researchers, discussed in the State of the Art section; and which independent variables are influential in explaining EFP (development). While briefly adding an analysis of the Treaty of Lisbon in regard to EU NPP for the reasons stated, I stuck to the time frame of the case study—i.e., I did not analyse measures taken in the area of European non-proliferation after 2004 when finalising the thesis. The main reason was that the purpose of the case study was to apply, and by that also assess, the approach developed in Chapter Two, not to provide a case study of the whole EU NPP in general. At the beginning of the chapter, I justified why the period chosen<sup>274</sup> is sufficient for testing the approach.

The criteria for assessing the approach developed in Chapter Two, based on the findings of Chapter One and the discussion of the State of the Art section, revolved around a couple of topics. They will be briefly reiterated in the following, and the corresponding findings of the case study will be presented.

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<sup>274</sup> For analyses of recent developments in European Non-Proliferation policy, see The EU Non-Proliferation Consortium (<http://www.nonproliferation.eu/>), which provides in-depth analysis of different areas of EU NPP (see in particular the Non-Proliferation papers <http://www.nonproliferation.eu/activities/online-publishing/non-proliferation-papers>). Sipri also publishes in-depth analysis of various (EU) non-proliferation issues in the section “Arms Control, Disarmament and Non-Proliferation” (<http://www.sipri.org/>). Non-proliferation issues are furthermore addressed by many of the Chaillot Papers of the European Union Institute for Security Studies (<http://www.iss.europa.eu/publications/chaillot-papers/>) in particular for the period prior to 2010.

For the EU’s WMD Strategy, see Kienzle (2013); for EU Dual-Use, see Bauer (2013); for EU arms exports control, see Bromley (2012); for EU activities in small arms and light weapons, see Poitevin (2013). For an overview of recent developments in EU NPP in German, see Rapp (2015).



### 3.5.1. Criteria for studying EFP

One set of criteria related to how we should study the development of cooperation in EFP. As shown in Chapter One, EFP developed over a longer period with early plans actually dating back to the time shortly after the Second World War. If we take the funding of EPC (1970) as a starting point, we still speak about a period of more than four decades. Therefore, it was argued that *a single approach is needed* that is constant over the decades to allow for comparison. This is also desirable, if we recall Michael E. Smith's (2009) justified lament that there has been insufficiently meaningful exchange between scholars approaching EFP in a more theoretical fashion and scholars using empirical approaches often not firmly rooted in theoretical terms (Michael E. Smith, 2009, pp. 15, 18, 24). In the case study, it was proved that the approach suggested for studying EFP development could be applied for the whole period under analysis, which focused on 1994-2004. As developments under EPC were also analysed (e.g., the funding of the working group on nuclear non-proliferation in 1981) and also the changes regarding EU NPP in the Constitution and the Treaty of Lisbon (in force 2009) were considered, the total time interval of analyses spans roughly three decades. Therefore, the approach fulfils the criterion (single approach for whole period of analysis) set.

Another topic was if, in fact, EFP (development) should be *studied as* an independent variable, as the dependent variable, or as *a sequence*, as Michael E. Smith discussed in his research agenda (2008, p. 182), and as it was reviewed in the State of the Art section. The latter was done in my case. Based on the evidence given in the case study, I would argue that studying EFP development as a sequence of IVs and DV actually *just allows us* to capture the development process because in this way the impact of previous cooperation on subsequent one can be conceptualised. This has been proved in numerous instances in the case study. If we recall some of the examples of the case study, we see that the impact of previous cooperation on the future came, grosso modo, in two different flavours: Often we saw that the cooperation in working groups (e.g., in the area of nuclear non-proliferation, the two working groups on conventional weapons non-proliferation. Type III) worked bottom-up leading, for example, to various statements in Presidency Conclusions (Type II) concerning nuclear non-proliferation and the seven criteria in the Luxembourg Council (1991) on conventional arms non-proliferation.

If we consider the whole period under analysis, we see that the founding of non-proliferation-related provisions in the Treaty of Lisbon (Type I) also represents a bottom-up movement, reflecting the vast range of previous cooperation evolving over decades in the whole policy area of European non-proliferation. The second flavour was top-down, where changes, for example in the Treaties (Type I) fostered, or just enabled, further cooperation in the area of non-proliferation (e.g., the Treaty of Maastricht just introduced the Joint Action procedure afterwards frequently used to pursue goals in non-proliferation, or where the Treaty of Amsterdam just introduced the procedure Common Strategy, which was used for pursuing non-proliferation goals in regard to the former Soviet Union, as analysed above).

Against that evidence, it can be easily seen that splitting the dependent variable in three (Type I-III decisions), as argued for and justified<sup>275</sup> in Chapter Two, is a valuable supplement to studying EFP development as a sequence. This three-way split allows us to conceptualise changes on the DV below the Treaty level. The analytical advantage is twofold—on the one hand, we can analyse in a finer way how top-down processes actually effect cooperation below Treaty level. On the other hand, we can analyse and conceptualise the other way, i.e., bottom-up, as shown with the seven criteria related to conventional non-proliferation in the presidency conclusion.

### **3.5.2. The role of structure and agency in EFP development**

In the State of the Art section, I reviewed the *structure-agency debate* in theorising EFP (development). Scholars warn us not to overemphasise the impact of structures, in particular by utilising IR approaches heavily focusing on structures as explanatory variables—i.e., in (structural) realism, in studying EFP. Michael E. Smith (2008) showed that this holds not only for the study of EFP, but in particular for studying the development of cooperation in the area of EFP (2004). As shown, Ginsberg (1999) advanced the debate by drawing our attention towards the mutual relation of structure and agency and the need to account for it, but unfortunately did not proceed to argue how to do that. I would argue that if we study EFP development as a sequence of IV and DV and split the DV threefold, it is possible to conceptualise the relation between structure and agency. The examples given already illustrate the case: Interaction in the working groups (agency) resulted in Presidency Conclusions (in the case of nuclear non-proliferation) and the seven criteria (conventional non-proliferation). Both are decisions that are, to a certain degree, binding, i.e., work as structures for subsequent cooperation. In the examples of Treaty provisions, we see that the opposite constellation—structures, i.e., the provisions in primary law, have an impact on subsequent action under EFP. In the case study, it was also proved, for example, the development of cooperation in the area of conventional weapons non-proliferation, from which you can trace whole causal processes where actions result in structures, which in turn will influence later actions leading, over time, to the refinement in structures and so on. Actually, that is not so surprising when we recall that cooperation in non-proliferation spanned over decades and we saw that, in the example of nuclear non-proliferation, initial provisions in the Treaties (representing structures) can already be found in the EEC/Euratom Treaty, and afterwards we have the SEA, the Treaty of Maastricht, and its, so far, three revisions as potential sources of structures. Also in the case of conventional non-proliferation, structures are found early in the EEC Treaty and the SEA which influenced the subsequent cooperation (agency) in the working groups.

### **3.5.3. The dependent variable in studying EFP**

In the State of the Art section, I addressed that there is limited consensus among scholars as to what the dependent variable in studying EFP actually is. That is hardly surprising because that depends, as shown, on underlying assumptions and theoretical considerations that researchers make. Also, scholars of European integration are constantly faced with the dependent variable problem (Rosamond 2000, p. 11). Therefore, I opted to stick to the suggestion, although a little less rigorous than desired,

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<sup>275</sup> Peterson (2001, pp. 294-310) made a similar argument for studying European integration in order to move beyond a perspective stressing history-making decisions too much.

of Michael E. Smith (2008, p. 179) of how to account for changes in the DV—“meaningful political change over time.” I argued that in my case study the situation is actually favourable insofar as decisions taken in the area of non-proliferation (there are 79 within the period under analysis) can be taken as a good proxy for increased cooperation, although they pose some limitations (quantity not always equals quality). I suggest that one of the important empirical findings of the case study is that much of the “meaningful change” in the development of EU NPP takes part below treaty level. A quick look at the case study reveals that, actually, nearly all of the relevant changes took place below the treaty level because only with the Treaty of Lisbon were some provisions related to non-proliferation policy found in the primary law! Obviously, we have to be careful about how far we can infer from this case study to the whole development of cooperation of EFP. But there is strong evidence (e.g., given by the exhaustive case study of Michael E. Smith, 2004) that much of the development of cooperation of EFP took place below treaty level. My case study supports this finding, and the approach developed allows for accounting for the impact of below-the-treaty-level factors/interaction on cooperation in a single, and for the whole period under analysis in a constant and coherent way.

#### **3.5.4. The independent variables in studying EFP**

Apart from the DV, the approach also had to deal with the huge number of independent variables influencing the development of cooperation in the area of EFP. A requirement was that the categories for IVs should be constant in order to allow for comparison. This was proved in the case study for the whole period under analysis. As already discussed, another finding was that not only structures but also agency is very important to account for the development of EU NPP. With regard to sources of IVs, it was proved that these may stem from various sources beyond EPC/CFSP. Numerous examples in the case study showed the impact of developments in the EC on EPC/CFSP (to mention but a few in the area of nuclear and conventional non-proliferation as well as, if we recall, the development in Dual-Use and APM), although, as shown in Chapter One, member states tried to maintain a very firm grip on the development of EFP. It was also proved that IVs from the member-state level, as well as below the member-state level, were influential (e.g., the lawsuit against three German citizens, discussed above, regarding the violation of export controls); however, actors from the IS (e.g., international non-proliferation regimes as well as transitional NGOs such as Saferworld and the Anti-landmine campaign) also shaped the development of EU NPP. As argued, we are still at a very early stage of theorising, and we should make sure we get a good analytical grip on the phenomenon being studied, rather than omitting variables a priori. In that respect, the approach tested here proposes five categories of independent variables rather than the common two (structures and agency). In the case study, numerous examples given showed how these categories add analytical value (e.g., in the case of the specific problem structure posed by Dual Use goods) and that the division between the categories is actually clear-cut. However, care has to be taken when using the additional three categories to ensure that they do not become fuzzy garbage cans for leftover independent variables.

### 3.5.5. Studying EFP development as a system

Related to the previous points, we recall, in Chapter Two, that many scholars argued we should analyse EFP as a system. Ginsberg (1999) contributed the most elaborate version, drawing on the classical works of Easton on governmental decision making; in addition, White (1999) and Krahmman (2003) contributed significantly. I would argue that the approach I developed conceptualises the development of cooperation under EFP as a system. The split of the DV into three allows for accounting for changes in a more fine-grained fashion, and the five categories for IVs allow for taking into account numerous IVs from all different sources (member-state level, international system, EC/U level), and the diachronic perspective allows to conceptualise the effect of previous cooperation on subsequent ones, which constitutes a systemic perspective.

Based on the criteria developed (the yardstick), I would argue empirical evidence has been given in the case study that the approach developed in Chapter Two is suitable to conceptualise and study the development of EFP. Following the advice of King et al. (1994), an approach (Schumann, 1996) developed originally for the study of European integration has been modified for studying a different phenomenon. Its applicability was tested by using it in a case study, and I would argue successfully so.

Potential limitations have been addressed: First, it is very difficult to operationalise "development of cooperation in EFP." In the case study, measures were taken in the area where a proxy was used, but qualitative differences between the measures were not accounted for exactly. It seems, however, also fair to say that, similar to the study of European integration, researchers will probably never develop an exact (quantifiable) measure. Three, at first sight, unusual categories for independent variables are suggested in the approach. Care has to be taken to maintain correct definitions, not to blur the lines between categories, which would result in garbage cans rather than analytical categories. Not all aspects in the case study could be studied in exhaustive depth. A limited number of interviews was conducted in areas where no other evidence was available. Although it is common to use a qualitative explorative approach in such cases (here interviews), the results, and in particular to what extent we can generalise them, have to be treated with great care. At the beginning of the chapter, I reviewed methodological issues related to using a qualitative approach, and a case study in particular, in depth. I proved, drawing on George and Bennett (2005) in general and for European Union studies (Schimmelfennig, 2015) in particular, that case selection, and that is here on the dependent variable, poses no problem in my research design. The question, however, remains as to how far we can infer from this case study to the whole development process of EFP, i.e., was it proved only that my approach can be applied to the development of EU NPP or to the study of development of EFP in general? I would argue there is no definitive answer. In regard to case studies, George and Bennett (2005, p. 77) state that "most successful studies, in fact, have worked with a well-defined, smaller scope *subclass* of the general phenomenon." I would suggest that "well-defined, smaller scope *subclass* of the general phenomenon" applies to my case. Another argument would be that the case chosen seems to be a hard one, and that the approach should be able to manage easier ones. But what does "hard" mean in my context? Actually, there was significant change on the DV (as shown in the frequency table); the number of measures (79 of them) was fairly substantial; and the time span was considerable. The measures were accounted for and so was the huge number of

related independent variables. The subdivision of the DV in three seems maintainable also for other areas in EFP—if we take the small example used for illustration in Chapter Two, the development of ESDP, we also see that there are provisions in the primary law (Type I), naturally rather few; there are always actions taken (Type III), which can be retrieved from the databases of the EU; and there were also Presidency Conclusions (Type II). Also, the development with ESDP (later CSDP) took a long time, which allowed for the study of the process as a sequence of DV and IVs. However, although intuitive from a more theoretical reasoning, additional case studies using the approach would certainly be desirable for further testing. As stated in Chapter Two, it is beyond the scope of the approach to explain, in a strict sense, the outcomes or to construct theories. This thesis should be seen as an antecedent step to more rigorous theory development. As it will be argued in the Conclusion chapter, the approach developed and tested here seems particularly suitable to be used as a framework for structuring process tracing in order to trace causal mechanisms, which then can flow into theory development (Bennett & Checkel, 2015).

## CHAPTER 4. Conclusion

THE INTENT of this study was to provide—and subsequently test—an analytical model for studying the development of cooperation in EFP among EC, later EU, member states within EPC and later CFSP. Based on empirical considerations (derived in the configurative-ideographic case study of EFP development in Chapter One) and theoretical considerations (review of the pertinent theoretical discussion in Chapter Two), requirements and criteria that an analytical model for studying EFP development should ideally fulfil were derived. The model was subsequently developed in Chapter Two (2.2) using the emergence of cooperation in the area of ESDP for illustration. In Chapter Three, a case study on the development of European Non-Proliferation was conducted for testing the approach developed in Chapter Two. As the outcomes of each chapter have already been discussed,<sup>276</sup> I now want to take a step back and consider from an abstracted perspective, what the major findings of this thesis are and to what extent they contribute to the field, address limitations, and point towards future directions for research.

### 4.1. Major findings

Processes, and their analyses, matter most in the study of EFP development. But how exactly? This can be broken down to the following aspects: In the most basic version, that would mean that for understanding EFP development, but to a certain extent I would also argue specific decisions under EFP (as a dependent variable), **a diachronic perspective**, moving beyond mere snapshot perspectives, which, for example, rational choice approaches would usually take, **is highly beneficial**. The case study of EU NPP showed that in order to explain the emergence and development of that policy area, a long-term (process) perspective is key. Therefore, I fully agree with Michael E. Smith's (2008, p. 182) conclusion regarding theorising EFP, that "it clearly makes sense to analyse the creation of a new *policy space* [emphasis in original] over time rather than single policies or 'one shot' decisions whose impact may be diluted when taken out of their larger context," and a corresponding shortcoming in theorising EFP identified by Jørgensen (2015a, p. 24)—"more research [has been done] on the (ever changing) present than on the long-term past or *longue durée* trajectories."

In analytical terms, this was conceptualised **by studying EFP development as a sequence of dependent variable (DV) and independent variables (IVs)**. Numerous instances in the case study (but also in Chapter One and the example of ESDP development used to introduce the approach in Chapter Two) proved the impact of previous interaction on the subsequent. As shown, the threefold division of the dependent variable allows us to capture that effect more precisely, i.e., to differentiate between **top-down** impacts (e.g., impact of provisions in the SEA, the Treaty of Maastricht on the further development of EU NPP) or **bottom-up** impacts (e.g., impact of cooperation in working groups on further development of EU NPP). As shown, for example, in the case of emerging cooperation in conventional arms exports, over time

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<sup>276</sup> For findings of previous chapters, see Chapter One (1.4), Chapter Two (2.1.6 and 2.3), and Chapter Three (3.5).

this can work bottom-up just as well as top-down. A second facet of the benefits a process perspective offers relates to **accounting for the impact of various processes influencing EFP**<sup>277</sup> development. Some of these are located in the EC/U but outside EPC/CFSP, whereas some are inside EPC/CFSP: Concerning the former, one finding proved that in the case study in Chapter One, and also in Chapter Three, there was entanglement of economic and security issues in the EC, later EU. In many cases, it was just the results, implications of the development process in the economic sphere, or with enlargements of the EC/U itself, that worked as independent variables for further development in the security area (EPC/ CFSP). One example given was the larger role that an ever-growing Union (economic giant) should play in world affairs, or the necessity to also address security aspects in the course of OSCE negotiations in the early seventies (1.1.2). Another was the impact of cooperation in civilian use of atomic energy under the Treaties of Rome on nuclear non-proliferation under EPC and later CFSP (3.4.1.1.1). Many issues were also highlighted in the case study of Chapter Three (in particular APM, Dual-Use goods), with striking examples that an analysis of EFP development in most cases cannot ignore; the influence of developments in the EC, later first pillar of the Union, and the Community/Union itself.

If we now shift the view towards the processes within EPC/CFSP, the actual **EF policy processes** come in focus. As already shown, a perspective focusing on history-making decisions would have missed almost all of the development of non-proliferation as a policy field under EPC/CFSP. In a similar fashion, approaches that focus too heavily on structures, e.g., (realist) upshots from International Relation theories, would have probably missed much of the impact of actual policy processes on NPP development under EPC/CFSP. In the approach developed in Chapter Two, the actual policy process in EFP is conceptualised as Type III decisions. In the case study, we saw that most of the 79 decisions (3.3.9) during the period under analysis were actually Type III decisions, and we often saw the impact of (e.g., interaction in working groups/Council bureaucracy) the respective outcomes on future interaction (e.g., the habit of including statements concerning non-proliferation in Presidency Conclusions). The point is the interaction (e.g., working groups) of daily business doesn't seem dominated by bargain-styled interaction—learning processes and socialisation play a significant role. The findings of the case study are in line with those of Michael E. Smith (2004). They also confirm the logic behind the analytical distinction of the dependent variable made by Schumann (1996, p. 198) and Peterson (2001, pp. 294-310) for economic integration of the foreign and security policy area that different games are played on different levels (Type I-III decisions). A crucial finding of the case study of EU NPP is now that the **bulk of the game was played out on the third level** for dependent variables. Consequently, policy processes matter when we want to account for EFP development. However, care is required. So far, these results confine us to the area of non-proliferation and instances revealed in the case study of Chapter One and rely largely on secondary analysis and, to a much smaller extent, upon empirical data collection via interviews. More research would be desirable on the interaction in working groups under EPC/CFSP, although this could prove methodologically challenging as, most probably,

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<sup>277</sup> In particular, White (1999) and Ginsberg (1999) as well as Michael E. Smith (2008) discern the various processes at work in EFP when it is conceptualised more widely, as discussed in Section 2.1.

time-series data<sup>278</sup> would be necessary, and policy making under EFP is usually not publicly accessible, to mention but just two issues.

Therefore, based on the outcomes of the two case studies (Chapter One and Chapter Three in particular), and in light of the theoretical debate, **I conclude that a diachronic perspective that pays tribute to the various internal and external processes influencing EFP (development) significantly adds value to our understanding of EFP itself and its development in particular.** This work therefore bolsters the findings of Michael E. Smith (2008, p. 182), as quoted above, White (1999), and the work of Ginsberg (1999, p. 434) who provided us with one of the most elaborate models of EFP as a system.

In which areas does this thesis contribute to the state of the art? The most important contribution, in my opinion, is **adding a coherent analytical approach to analysing EFP development** that has been **thoroughly tested** within a suitable research design (case study in Chapter Three) against criteria and requirements derived on empirical grounds (Chapter One) and theoretical foundations (Chapter Two). It furthermore extends the state of the art by operationalising the suggestion of Michael E. Smith for **studying EFP as a sequence of DV and IVs** and **empirically proves that this is both viable and adds value** (case study of EU NPP). As shown, a process perspective of EFP development offers multiple advantages; particular analytical added value stems from subdividing the dependent variable into three, as proposed by Schumann (1996) in the original model, as well as by Peterson (2001, pp. 294-310) for the study of European integration. This subdivision facilitates accounting for the impact of **top-down and bottom-up processes** over time within EFP development. The case study confirmed that a huge proportion of EFP development in the area of EU NPP actually worked from the **bottom up rather than top down**—contrary to what is usually predicted by realist brands of International Relations theories.

In the model, and its subsequent application, it was conceptualised and empirically proven for what Ginsberg (1999, p. 433) had asked for in theoretical terms, i.e., to account for **structure and agency** and its *interrelation* in EFP. The added analytical value was demonstrated in various examples in the case study of EU NPP, which showed the impact of structures (Type I decisions) on the development of EU NPP. This is also true the other way around: how results of interaction in working groups and similar (Type III decisions) slowly added/alterd structures (in the Presidency Conclusions representing Type II decisions or with the Treaty provisions regarding disarmament in the Treaty of Lisbon as Type I decisions). A diachronic perspective and conceptualising EFP development as a sequence of DV and IVs also allows for the accounting for some **dynamics** in the development process of EFP. As shown in Chapter One, and also seen in the case study of EU NPP, development takes place at varying speeds, often with long periods of inertia followed by rapid development. This is sometimes labelled “lightning speed,” to reiterate the famous phrase of Javier Solana (as seen, for example, with the ESDP example in Chapter Two not infrequently as a consequence of policy failure). Many instances have been shown where previous development (as dependent variable) becomes an independent variable in contributing subsequent further development of EFP. Considering that there is significant disagreement among scholars as to what the dependent variable in EFP is (2.1.4), and given the early stage of theorising, it is even

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<sup>278</sup> As discussed by Michael E. Smith (2008, p. 182).



less surprising that there is disagreement as to what the important **independent variables** in explaining EFP (development) actually are. As discussed, this work contributes, by reflecting the early stage of theory development, an analytical approach to studying EFP development and is intended to be the groundwork for subsequent causal explanation. Following an inductive approach, as argued for in general for early stages of theorising by Schmitter (2010) and for EFP in particular by Jørgensen (2004), the aim was not to omit independent variables a priori. The original five categories for independent variables identified by Schumann (1996) were adapted for studying EFP (development). The **analytical advantage of the three categories** (characteristics of actors' relations, structure of the situation, the issue/problem), supplementing the more conventional categories structures and actors, has been proved in the case study of EU NPP.

## 4.2. Contribution to the field

I became interested in EFP during my graduate studies in Essex (United Kingdom) back in 1999. When the thesis was almost complete, at the backend of 2015, *The SAGE Handbook of European Foreign Policy* was published. However, with regard to theorising, the situation has not changed that much—it was, and still is (Bergmann & Niemann, 2013; Carlsnaes, 2004; Ginsberg, 1999; Howorth, 2001; Knodt & Princen, 2003; Michael E. Smith, 2009; Tonra & Christiansen, 2004) at an early stage. Jørgensen (2015b, p. 75), one of the editors of *The SAGE Handbook*, comes to a similar conclusion: “However, the field of study at hand—(European) foreign policy—is not exactly known for indulging in theorizing or theory-informed analysis. . . . Some scholars make resistance to theorizing a virtue, arguing that the EU is sui generis and thus not theorizable.”

Isn't it surprising that in roughly 15 years, relatively limited advances in theorising EFP (development) have been made? Seven reasons are suggested (2.1.2) that may explain this slow progress in theorising within this field:

- (1) As a research field, EFP reached a certain maturity quite late (Michael E. Smith, 2009, p. 24);
- (2) EFP is a unique and complex phenomenon beset by substantial controversy about what the dependent variable (DV) to be studied should actually be (2.1.4). Whereas EU member states' foreign policies co-exist, they are not necessarily aligned with EU foreign policy. Furthermore, foreign policy competences on the European level are still de facto distributed between what used to be the first pillar before the Treaty of Lisbon (EC foreign policy) and the second pillar (EU foreign policy) (Blockmans & Spornbauer, 2013, p. 10; Devuyst, 2012, p. 329);
- (3) Given the “sui generis” character of EFP, it is unclear if, and to what extent, theories tailored for other phenomena—of particular relevance to my research area are (comparative) foreign policy analysis, International Relations theories and European integration theories—can be applied to the study of EFP and its development (Bergmann & Niemann, 2013; Michael E. Smith, 2008, 2009; Tonra & Christiansen, 2004, pp. 1-9; White, 1999). Jørgensen (2004, p. 14) gives three further reasons explaining limited progress in theorising EFP (points 4-6);

- (4) "Among foreign policy analysts, the CFSP is widely considered an appendix to national foreign policy and why waste time on theorising an appendix?" (Jørgensen, 2004, p. 14);
- (5) "CFSP is a topic beyond the attention of scholars with an interest in international theory. After all, we are dealing with a regional not a global phenomenon" (Jørgensen, 2004, p. 14);
- (6) "CFSP has been primarily analysed by European scholars and, for some reason, they generally theorise less than their North American colleagues" (Jørgensen, 2004, p. 14);
- (7) A personal hypothesis was that only with the advent of the "security and defence" aspect in EFP, more scholars became attracted to the topic since roughly the end of the 2000s.

Apart from the difficulty of EFP being a complex phenomenon that has attracted limited attention from scholars, one further barrier might be associated with *how* scholars predominately approach theorising EFP. When "Europeans employ theories, they primarily do so by means of the deductive method, meaning that they contribute to the art of testing theories developed elsewhere and sometimes reflecting other experiences and often serving other purposes" (Jørgensen, 2004, p. 14). As Jørgensen (2004) and many others aptly point out, most theories used for deductive application were, in fact, developed for other fields (mainly FPA, IR, EIT), and it is unclear to what degree they would fit the regional "sui generis" phenomenon of European foreign policy. Moreover, considering the early stage of theorising, Schmitter suggested that a logic of discovery would be more appropriate:

There exists a very broad range of social and political topics for which it is possible to conceptualize the variables that may contribute to an explication, but not to assign any sort of provisional "if . . . then . . ." status to their relationship. For these topics, the apposite research logic is one of *discovery* and not of *proof*. (Schmitter, 2010, p. 271)

Against that background, there is a clear lack of *inductive* and *exploratory* theorising of EFP, and of its development in particular. One contribution to the field made by this thesis is to prove that inductive, explorative (pre-)theorising is feasible and can yield results.

Inductive theorising seems particularly relevant for further development of EFP as a field of research when considered along with other related issues hampering the progress of theorising EFP: Various scholars lamented over the vast number of case studies carried out in the area of EFP that simply lack rigorous theoretical foundation. Michael E. Smith highlighted the problem, saying that there was too little fruitful exchange between the vast number of case studies and theory building in EFP (2009, pp. 15, 18, 24). Obviously, data generated in case studies can, and to a greater extent probably should, contribute to theory building. A potential contribution of the thesis, therefore, is the analytical tools provided by the approach that, as proved in the case study on EU NPP, can be maintained constant throughout

the whole period of analysis (roughly three decades, if we include the developments under EPC and the ones following the period of data collection from 1994 to 2004). If used in more case studies, the approach developed in this thesis could support bridging the gap between more empirically orientated researchers and those more interested in theory development/testing. This would enable within- and cross-case analysis allowing for a comparison of independent variables at work, which is a step towards building, testing causal theories.

### **4.3. Limitations**

One of the strengths of this thesis is also a source of weakness. As shown, studying EFP actually comprises three major research fields (EFP, IR, EIT) that have evolved over decades with ramified discussions in each of the fields, and taken into account with the long time frame of Chapter One (since the Second World War). This work benefits from being eclectic, adopting an approach originally developed for the study of European integration. Consequently, however, while benefiting from breadth, it does not account for all the dendritic debates within the theory fields, but focuses on EFP-related theoretical scholarly discourse.

A partly missed opportunity can be found in the data collection and processing via interviews in the case study on EU NPP. Although this data collection was only for heuristic purposes and not for generalizable results, more rigorous collection procedures (development of a more thought-provoking interview guide) and coding would have resulted in more data in an area where data are not so easily accessible and therefore of particular value. This missed opportunity became obvious when conducting a huge number of interviews during a research project using well-defined data collection and coding (Saldaña 2014) procedures.

This thesis is also riddled with the dependent variable problem that has been discussed in Chapter Two. Compared with other works it may fare quite well as a definition of a leading scholar has been adopted, and by collecting primary sources (the 79 legal acts summarised in 3.3.9) of quantitative change, and to a lesser degree qualitative change of the dependent variable, having been accounted for. However, this work also lacks a precise metric measure.

An open question is, to what extent did I manage to unleash the full potential of the much-nuanced definitions, operationalisation of Schumann's five categories for independent variables for the study of EFP? This relates in particular to his original three (characteristics of actors' relations, structure of the situation, the issue/problem). This work was finalised roughly four years after his death in 2011; and so sadly, I did not have the opportunity to discuss the final results with him.

### **4.4. Future research directions**

I carved out my own research agenda after discussing the research agenda of Michael E. Smith (2.1.5), and based on the discussion of the state of the art in theorising EFP. In the following, based on the findings of testing my approach, I will indicate what I see as potential lines for future inquiry.

In reference to the above discussion regarding theory development, in my opinion, the time for empirically driven inductive theorising utilising a longer analysis time frame has never been better. This confidence stems from a second publication that came out briefly before I finished the thesis—*Process Tracing: From Metaphor to Analytic Tool*, edited by Bennett and Checkel (2015). As discussed in Chapter Three (3.1.1.2), Schimmelfennig (2015) showed convincingly why a process-tracing approach is particularly suitable for studying European integration, and I discussed why that also holds true for the study of EFP. The following quote underlines why process tracing should be a valuable method for studying EFP (development) and respective theory development: “Contemporary political science has converged on the view that these puzzles [Researcher’s note: the authors refer to some typical International Relations research topics and the European Union], and many on the scholarly and policy agendas, demand answers that combine social and institutional structure and context with individual agency and decision-making” (Bennett & Checkel, 2015, p. 3). Needless to say, Ginsberg, as discussed above, had already asked for this combination of accounting for structure and agency in the study of EFP roughly 15 years previously, and the contribution of the thesis in that respect has been shown.

So, future research agendas could conduct case studies over a longer time frame, conceptualising the process as a sequence of DV and IVs, with a threefold subdivision of the dependent variable as laid out in this thesis. Additionally, future research could use the five categories for independent variables and then seek for “causal explanation via reference to hypothesized causal mechanisms” (Bennett & Checkel, 2015, p. 3), unravelled by the mature tools provided by process tracing. The results of a couple of case studies carried out in that manner should reveal causal mechanism and, based on a broader empirical basis, then allow either for deductive testing of existing theories, and/or the inductive building of new theories.

One central claim made by Schumann (1996, p. 23) was that the impact of policy processes were neglected in studying European integration. In the case study of European non-proliferation, I proved that policy processes also matter in a certain area of EFP. It would be highly interesting to research in more depth how and to what extent policy processes matter in other issue areas of EFP. The salience of the topic comes from the focus on structures, rather than agency, by many theories applied to the study of EFP; most of them were originally tailored for other phenomena. A subaspect could be to test in another example the analytical value of the three additional categories for independent variables proposed in my approach and by that also to research in other examples of how much the issue matters in EFP. The topic has been raised by Hill (2003, p. 4) and was discussed in Chapter Two (2.2.4.5.2). For that purpose, again, in-depth case studies would be necessary.

A final issue that should deserve more attention, albeit arguably considered less appealing, is how to measure the dependent variable in EFP. As discussed in Chapter Two (2.1.4), there is substantial disagreement regarding what the DV in studying EFP actually is. It is even more unclear how we should observe change on the DV. So, my esteemed colleagues, how do we actually observe that we have more or less EFP? White already warned us back in 1999 (p. 46) that “outputs, of course, are not necessarily the same as outcomes given the vagaries of the implementation process.” In addition, as also already discussed, from outputs we cannot directly infer impact. In short, we

should discuss and research in more depth how we account for change in the DV and/or if/how it matters if we, quite probably, do not come up with any form of acceptable measure. This holds not only for (in EFP much less dominant) quantitative but equally for qualitative approaches. As shown, scholars justifiably complain about shortcomings in theorising EFP, yet, it would seem, limited effort is paid to a prerequisite of theorising in that area—precisely accounting for change of what we actually want to research, i.e., our dependent variable.

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# Appendix A


This is a scanned page of a document no longer accessible, and no longer available in the SIPRI archive (as of 04.10.2015). This therefore represents the reference listed as:

- European Union and Conventional Arms Export Controls (n.d.).

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- The European Union and Conventional Arms Transfers

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## The European Union and Conventional Arms Transfers

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### The European Union and Conventional Arms Export Controls

The European Union as an organization plays no direct role in managing the conventional arms transfers into or out of member states. EU legislation ([article 296 \(EC\)](#)) makes it clear that member states may exempt arms production and arms trade from EU common rules.

Article 296 (at that time known as article 223) was not changed in the Treaty revisions at Maastricht, Amsterdam and Nice. EU Member States want conventional arms transfer policy and practice to be decided nationally. Further information on national arms transfer laws and policies is available [here](#).

Nevertheless, the EU has become an important forum in which member states discuss national policies and multilateral cooperation in areas related to conventional arms transfers. Since the 1990s Member States have:

- agreed criteria that members will take into account in their national decision making. These criteria have been developed into a Code of Conduct that some Member States have incorporated into their national arms export legislation, and published annual reports on the Code's implementation
- Recognized that coherence is desirable in implementing agreed measures, including arms embargoes, and established procedures to facilitate gradual harmonization;
- Produced and circulated national reports on arms export policies and practices;
- Recognized that the industrial and technological base required to maintain a defence industry able to deliver equipment of the latest generation can usefully be discussed in the EU framework;
- Begun to elaborate a programme to combat illicit arms trafficking;
- Enhanced their information sharing, including the circulation of information about national decisions to deny export licences for items subject to the Code of Conduct.
- agreed a number of small arms initiatives
- agreed measures to harmonise and improve brokering controls
- co-operated on arms transfers issues in third fora such as the UN and discussed export controls with third countries (EU-US, EU-Canada, EU-Africa etc.)
- The European Parliament's role in arms export policy has also increased over the years.

Two working groups under the Council of Ministers discuss these issues.

**COARM** -- The working group on conventional arms (COARM) plays the central role in the discussion of arms transfer issues within the EU.

**POLARM** -- The working group on armaments policy (POLARM) has examined whether the trade in military equipment between member states could be simplified. For example, in the framework of cooperative programmes that only involve EU member states could the process of exchanging articles and technologies between members of an industrial project team be made more straightforward? This discussion has examined three aspects of simplified procedures for internal trade in military equipment: the impact on economic policy, on export policy and on procurement policy.

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*CoC.*

[http://www.sipri.org/contents/expcon/eu\\_conventional.html](http://www.sipri.org/contents/expcon/eu_conventional.html)

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## Appendix B

This is an extract from a document no longer available. This appendix therefore represents the reference listed as:

- European Commission (2005). The Implementation of the EU's Common Foreign and Security Policy Actions (CFSP) 23rd report covering the period 01 January to 31 March 2005.

Trying to access the document via the EU document access services resulted in a prolonged process that lasted three months. This process has been documented briefly below. While it might make reader's smile, the reasons to add this story is that it fortifies the findings from an interview with a representative of the Commission RE APM: "Well, we rotate frequently in here and the issue is quite old, so I do not know what has been done before. And although everything is usually documented somewhere, usually you do not find it" (see Section 3.4.2.1.3).

A request for "ACCESS TO DOCUMENTS (AD)" was submitted and receipt was acknowledged by 19 November 2015. On 8 December 2015, via Email, the deadline for finding the document was extended;

Our services are still looking for the requested document. We have contacted the Historical Archives of the European Institutions and we are waiting for they [sic] reply, exceptionally, we need to extend the deadline for reply by [an] additional 15 working days in accordance with Article 7.3 of Regulation 1049/2001.

On 25 January 2016, the following message was received;

The document you request, 'The Implementation of the EU's Common Foreign and Security Policy Actions (CFSP) 23rd report covering the period 1 January—31 March 2005' is more than 10 years old and was unfortunately not migrated to the EEAS registry at the time of transfer...Upon our request the colleagues in the Council Secretariat are searching in their databases, using dates, keywords both in title and text.

As the document was issued by the Commission, another query was submitted on 14 January 2016.

On 9 February 2016, the following answer was received;

We refer to your e-mail dated 14/01/2016 in which you make a request for access to documents, registered on 15/01/2016 under the above mentioned reference number. We enclose a copy the document requested. Regards  
Budg Acces Documents.

However, the document attached was the 65th report on "The Implementation of the EU's Common Foreign and Security Policy Actions (CFSP)" from 2015, and not from 2005 as requested.

I therefore replied, pointing out the mistake. The next day, 10 February 2016, the following answer was received by email;

We refer to your e-mail dated 09/02/2016 in which you make a request for access to documents, registered on 14/01/2016 under the above-mentioned reference number. We have noted that the document requested concerns the calendar year 2005 and not the calendar year 2015. We apologize for this misunderstanding. Please note that your application is currently being handled by the Service of Foreign Policy Instruments of the European Commission. An extended time-limit is needed as your application concerns a document held by different Services which must be consulted in order to retrieve it. Therefore, to complete the handling of your application, we have to extend the time limit with 15 working days in accordance with Article 7(3) of Regulation (EC) No 1049/2001 regarding public access to documents. The new time limit expires on 01/03/2016.

On 11 February 2016, another email was received from Access to Documents;

Today, the Service of Foreign Policy Instruments of the European Commission has been informed by Directorate-General of Budgets of the European Commission as well that the last ones sent you a holding reply on 2/02/2016 informing you of an extension time-limit expiring on 25/02/2016. Please, note that this is indeed the right time-limit (25/02/2016) and not 01/03/2016 which was wrongfully set taking as reference your e-mail of 9/02/2016. We apologise for this inconvenient [sic].

The extract of the document was finally received on 24 February 2016 (Ref. Ares(2016)928489—23/02/2016) and can be seen on the next page:

### **3 Budget 2004**

#### **3.1 General comments**

The CFSP budget for year 2004 is 62.6 million Euros. By the end of December 2004, the commitment rate of this initial budget is 100%. An amount of € 747,336 was received on the budget from recoveries on the relevant budget lines, bringing the final committed budget to 63.35 M€. On 31 March 2005, 23.1 M€ or 36.5% of these commitments had been disbursed.

The Commission adopted on 6 August 2004 a Communication on Specific Rules of Special Advisers entrusted with the implementation of operational CFSP actions (C(2004)2984). It combines within one document a set of rules applicable to the management of CFSP actions by Special Advisers, including EU Special Representatives. The Communication is responding to the specific recommendation of the Court of Auditors to establish clear rules on remuneration and salary related costs for CFSP Special Advisers and EUSRs and their staff. It also takes into account the new EC Staff Regulations and the new EC Financial Regulation. At the initiative of the Commission, the mandates of EU Special Representatives were exceptionally extended for a period of 8 months until 28 February 2005. This alleviates the problem of having a disproportionately large number of CFSP actions adopted at the end of the budget year, with the associated Commission Decisions and contracting involved. In future, mandates should run from 1 March to 31 August and 1 September to 28 February, respectively.

With regard to civilian crisis management operations the two large police missions, EUPM in Bosnia and Herzegovina and EUPOL Proxima in the former Yugoslav Republic of Macedonia, were extended into 2005. This is in principle their final year of operation. Two Joint Actions were adopted for the Democratic Republic of Congo (DRC), both in support of the integrated police unit (IPU) in the DRC. The EU also established a Rule of Law mission in Georgia (EUJUST Themis).

In the field of small arms and light weapons (SALW), the Council decided to adopt a Joint Action concerning EU support to the Economic Community of West African States (ECOWAS). According to the Commission, the Joint Action is not eligible under CFSP. Therefore, the Commission made in February 2005 an application to the European Court of Justice for the annulment of the Council Decision in question. While the Court's opinion is awaited, the Commission has agreed to implement the action.

In the area of weapons of mass destruction (WMD), important projects were launched with the German Government, with the International Atomic Energy Agency (IAEA) and with the Organization for the Prohibition of Chemical Weapons (OPCW).

# Declaration

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An den Promotionsausschuss  
z. H. Herrn Prof. Dr. Peter Zimmermann  
Gausstr. 20  
42097 Wuppertal

Konstanz, den 26.06.2016

## Erklärung

Hiermit erkläre ich, dass ich

1. die von mir eingereichte Dissertation „European foreign policy--A new framework for analysis.“ selbständig und ohne fremde Hilfe verfasst habe,
2. nur die in der Dissertation angegebenen Hilfsmittel benutzt und alle wörtlich oder inhaltlich übernommenen Stellen als solche unter Angabe der Quelle gekennzeichnet habe,
3. die Dissertation in der gegenwärtigen oder einer anderen Fassung noch keinem anderen Fachbereich bzw. keiner wissenschaftlichen Hochschule vorgelegt habe,
4. bislang keinen Promotionsversuch unternommen habe,
5. mit der Anwesenheit von Zuhörern, die nicht Mitglieder der Prüfungskommission sind, einverstanden bin.

Korrektur- oder Bewertungshinweise in meiner Arbeit dürfen nicht zitiert werden.

Konstanz, 26.06.2016

.....  
(Unterschrift)