

The management of the EU's external relations: a case of overstretch?

by

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Introduction

The ratification of the Maastricht Treaty on European Union and the adoption of provisions on a Common Foreign and Security Policy (CFSP), all be it as a separate pillar of the treaty, would seem to mark a further move towards a European level foreign policy. The use of the term common foreign and security policy as employed in the Maastricht Treaty, however, is more an aspiration than a common policy in practice. The CFSP, as provided for in Title V of the treaty does, however, move the European Union beyond the provisions of the SEA, although in a way that is still largely intergovernmental and in which work is managed through a system of institutionalised channels.

This paper sets out to trace and exam how the Commission and the Council manage the CFSP, both on a daily basis and in crisis situations. A number of studies have focused on the CFSP in practice over the last eighteen months, particularly in relation to joint actions towards South Africa (e.g. Holland 1994) and Yugoslavia (Nuttall 1993), however, less consideration has been given to looking at the management of the CFSP by the Union's institutions (see Galloway 1994). This paper seeks to look at how the EU has managed to meet the new challenges made on it by the adoption of single institutional framework and how it has utilised that system to meet the demands being made on it by states, regional and international organisations, as well as by events occurring in the international system. How has it coped with these demands, has it been largely reactive towards them or has it developed the capability to formulate longer term policy in relation to EU objectives?¹

The events of 1989-1991 changed the nature of the international system, with the close of the Cold War bringing to an end what had been characterised as the bipolar system, and heralding what was described as new world order and a new era of global relations. The changes occurring during this period altered and added to the status of the European Community as an important regional and international actor. At the time these international changes were underway the Community was itself embarking on a new round of discussions concerned initially with economic and monetary union and then, partly in response to international changes, more broadly political union. The pace and speed with which change occurred in Germany, Central and Eastern Europe and the Soviet Union, as well as the range of corresponding new crises in the Gulf and Yugoslavia, challenged the overall ability of the Community to cope with so many new and diverse challenges,² alongside existing developments, which included the conclusion of the Lomé negotiations and the completion of the Uruguay round of GATT. The collapse of the Cold War system also raised the issue of security on Europe's borders and how to respond to conflicts in the former Yugoslavia and the Soviet republics.

Such challenges brought into sharp focus the very limited treaty powers and ability of the Community to act in international affairs on behalf of its Member States.³ Whereas the Community had developed a relatively comprehensive set of external economic policies, ranging from trade agreements, associational relationships and aid/humanitarian policies, it had not developed a similar set of policies

in the political/security arenas. At best the Community's Member States had agreed to work under a system of political cooperation which sought to ensure broad consultation, cooperation and sometimes coordination with regard to external political problems, whether in the UN, GATT, CSCE or at the state level, and which over time became increasingly regularised and institutionalised. The success of European Political Cooperation, however, was always limited by the nature of the intergovernmental process, the varied interests of the member states and their desire to pursue their own goals in foreign affairs.⁴

It is surprising, therefore, that during the discussions about EMU the Member States agreed to the establishment of a second and parallel intergovernmental conference (IGC) on political union. An initial request to convene a second IGC came from Chancellor Kohl and President Mitterand in a joint letter to the Irish Presidency in April 1990. The reaction from other Member States, especially Britain, was rather mixed with the British government remaining opposed to discussions about political union and a European level foreign policy. It was in the context of the above mentioned international events that Kohl and Mitterand argued that there was a need for the Community to develop and be able to formulate a response to changes in the international system. The Gulf War had shown the Community to be divided, with members taking very different positions and roles⁵ in relation to the conflict⁶, at a time when the Community was confronted with meeting the demands being made on it by the states of Central and Eastern Europe.

The debate within the IGC on Political Union over the development of a common foreign and security policy is particularly illustrative of the divide among the member states over whether the Community should develop a more communitaire approach to international relations. In general, the British, Portuguese, Greeks and Danes opposed the development of a CFSP, except along limited intergovernmentalist lines. On the other side, the French remained strong supporters of an independent European-level foreign policy, particularly in regard to security. The German government also remained a strong supporter of a common foreign and security policy. On the issue of security, the British were particularly opposed to the development of a European-level security policy, an area which they saw as being covered by NATO. They were supported by the Netherlands and Portugal on this issue. By October 1991, however, the British had somewhat relented, and in a joint statement issued with the Italian government, agreed to discuss security matters, provided that it was in context of the EU's relations with the WEU, and that WEU act as the defence arm of the EU, largely in support of NATO (Ross 1994: 181). The issues discussed at this stage of the negotiations illustrate the sensitivities of the Member States and their differing national interests in relation to the adoption of the CFSP.

The paper proceeds by first looking at Title V and the provisions for a CFSP and then focuses on those provisions relating to the management of the EU's external relations, and the division of responsibilities between the institutions: the Commission, Council and European Parliament. The following section focuses on what has happened in practice, how the Community's external relations have been managed over the last eighteen months, what problems have arisen and how they have been resolved in the context of the Maastricht Treaty. In particular, the Union's actions towards South Africa and the former Yugoslavia are examined, as examples of how the EU has managed its external relations. The concluding section looks at the overall nature of the EU's external relations, what lessons might be drawn from recent experiences and how and in what ways they might be better managed.

The Common Foreign and Security Policy

The inclusion within the Treaty on European Union of a title on CFSP marked a victory for those who wanted to see Europe playing a greater role in international affairs. Article B of the TEU's common provisions reinforced this point, suggesting that the EU should, through the CFSP and eventually by means of a common defence policy, seek to assert its identity on the international scene. These sentiments and aspirations, however, were nothing new and there was a great deal of continuity with the past rather than a break from it. The adoption of the pillar system, whereby the CFSP along with

Justice and Home Affairs, existed as separate pillars apart from the main Community pillar, significantly undermined the possibility of the EU playing a more significant role in international affairs. This was reinforced by the provision under Article L, which placed most CFSP matters outside of the preview of the European Court of Justice, excepting in instances where CFSP might infringe on aspects of Community policy (Article M). This division reinforced the existing gap between expectations and capabilities (see Hill 1994), undermining the notion of the EU as an international actor, placing those involved in the process in a difficult situation.

The provisions under Title V, some 11 articles, do provide for some qualitative changes in the way the EU makes and manages its CFSP. They establish the objectives of the CFSP⁷ (Article J.1.2) and provide that these objectives should be achieved through systematic cooperation (Article J.1.3) and joint action (J.1.3, J.3). In essence, systematic cooperation continues practices already established under European Political Cooperation, although the language changes and the requirements are more demanding, there is little new here. In contrast, Article J.3 provides for joint action, not in itself a new measure (Article 30.2, SEA), but one which takes on an added significance as the possibility of majority voting is provided for. Joint actions are significant, as they bind the Member States to a particular position and set of actions; however, whether the European Council would be willing and able to operate such a procedure in practice is a different matter, given the requirement that the European Council must unanimously agree on the joint action.⁸ A further requirement of the joint action is that the Member States distinguish areas in which they have essential interests in common, something that has alluded the Member States in the past. Indeed, there also remains the problem of distinguishing joint actions from common positions, and determining which is the most appropriate action.

Aside from these specific provisions, the Title V also establishes future grounds for a common defence policy. Article J.4 has as its goal the "eventual framing of a common defence policy, which might in time lead to a common defence". The inclusion of this provision, however, was only agreed by the Member States on the proviso that all defence matters be handled in the Western European Union⁹ (WEU). There is, however, within Article J.4, some provision for the future integration of the WEU into the EU. Hence, while the Article J.4 is vague and rather non-committal, understandably in light of the competing views at the time of the IGC negotiations, this provision does mark some forward movement on the issue of defence policy and strengthens the EU's hand in relation to external conflicts. For example, in relation to the former Yugoslavia, the EU did call on the WEU to undertake preparation of technical military planning on its behalf. There is, however, a further opt out clause contained in Article J.4.4, which provides "the policy of the Union ... shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States under the North Atlantic Treaty and be comparable with the common security and defence policy established within that framework." The close association with WEU may also pave the way for the adoption of a fourth pillar on defence at the 1996 IGC.

The provisions outlined in Title V have contributed to the Union's standing as an international actor, defining foreign policy as an objective of the Union, but at the same time limiting the Union's prerogative by depriving it of the constitutional powers (such as war and peace making) and the mechanisms for carrying out policy (a foreign ministry and diplomatic service) that are traditionally associated with the making and conduct of foreign policy. Furthermore, the management of those powers and instruments that do exist and are defined in the Treaty on European Union, are still largely at the prerogative of the Member States, and it is by no means accidental that the CFSP is principally intergovernmental in character. The possibility that the Union might develop a more comprehensive foreign policy has been limited and hampered by the provisions of the Treaty. The Treaty left much unsaid, leading to some initial confusion and problems in attempting to implement the CFSP, and in the longer term probably constrains the Union's ability to act in the international arena.

The management of external relations

The day to day management of the Union's external relations is primarily shared between the Council and the Commission, with the former largely having the legal prerogative at the expense of the latter, although the Commission being in a stronger position in dealing with day to day problems confronting the Union. The European Parliament's role has been far more limited and has had a relatively limited role in this process. It is, then, the Council and Commission that are required to work in cooperation on a day to day basis in making and implementing the CFSP, and whilst the relationship has been far from conflict free, it has perhaps worked better than might have been predicted in light of the Treaty's provisions. The CFSP operates under a unified decision-making system, which to some extent offsets the disadvantage of the separate pillar system which distinguishes between the Community and intergovernmentalist approaches.

The Commission

The Commission's role in the policy process has traditionally been as the initiator of policy¹⁰, a role which was reinforced under the strong leadership of the Commission President, Jacques Delors. He provided much of the dynamic behind the process of European integration in the latter part of the 1980s and early 1990s. Nevertheless, the effectiveness of the Commission also has depended on a number of other factors, such as the unity of the Commission as an actor; the development of expertise and the gathering of information; the Commission's use of the existing principles, norms, rules and procedures; the extent to which it has been able to defend its initiatives in apolitical terms; its ability to facilitate compromises; and attention to the situations in the Member States (Vahl 1992). All these factors contribute to or detract from the overall ability of the Commission to play its role in the policy process, particular in relation to the other institutions.

The development of a CFSP had long been a cherished goal of the Commission and particularly of its President, Jacques Delors. As Ross notes, "From 1989 onwards he [Delors] had been training himself, in inimitable Jansenist ways, in world statesmanship, while seizing every opportunity to advertise the Community as an international player" (1995: 92). By 1991 the Commission was a strong advocate of a CFSP and very much wanted to play a part in developing such a policy. Delors, however, had to accept that a temple structure would be the most likely outcome of the two IGCs, and that by implication the CFSP would be outside the Community pillar and therefore the Commission's role would be limited.¹¹ The Commission argued that it should be included as a part of the process and in particular supported the idea of joint action as the "fulcrum of treaty reform, that which will progressively give a real foreign policy to the Community" (cited in Ross 1995: 184). The Commission was however fighting a rear guard action, in which at best they could hope for the adoption and agreement at the Maastricht European Council of a Treaty which made provision for a CFSP and that might in the longer term aspire to becoming a common foreign policy..

The Commission's expectations were partially met by the provision, under Article J.9, that "the Commission shall be associated with the work carried out in the common foreign and security policy field." This, in essence, reinforced the Commission's position, as established under European Political Cooperation, to be fully involved with the process, although what this meant in practice was left open to interpretation and consequently has had to be worked out by Council and Commission officials. The Commission is also given the non-exclusive right of initiative, as opposed to the sole right of initiative which it had under the Treaty of Rome. For example, under Article J.8.3 "Any Member State or the Commission may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council". In effect, the Commission is the sixteenth member at the table.

Jacques Delors, his Cabinet and Commissioners

The Commission's view on the CFSP was the product of work within the cabinet and by Delors loyalists in DG I. As Ross (1995: 273) notes:

In the Delors Cabinet foreign policy specialists had come and gone more rapidly than anyone else, on an average once a year since 1987. Bernhard Zepter, the current one, was a skilled German diplomat with wide experience and contacts. He had to track a highly divided Commission operation riven by

rivalries and coordinate with at least three "bosses" of his own - Burghardt at EPC, Pascal Lamy, and Delors himself.

It was, however, Gunther Burghardt who was largely responsible for formulating the Commission's contribution to the IGC. It was he who was in charge of the EPC Directorate in the Secretariat-General up until 1993 when the Directorate was moved to DG Ia in 1993. In addition, Pascal Lamy, Chef de Cabinet, and Jacques Delors himself also contributed to the debate. The Delors Cabinet were scornful of the contribution made by the individual Commissioners, and Delors himself was rumoured not to get on well with Frans Andriessen.

At an operational level within the Commission the responsibility for external affairs was divided between a number of Commissioners. This reflected both a political decision and an administrative necessity. Jacques Delors, as President of the Commission, enjoyed and cherished the role of being seen as the Commission's spokesperson on international affairs and was loath to let any one other individual take over this role. Delors also feared that if any one Commissioner was made responsible for external affairs, then that individual would become too powerful. This led Delors during the first Commission to divide the responsibility for DG I (External Affairs) between Frans Andriessen (external relations and trade policy) and Abel Matutes (Mediterranean policy, relations with Latin America and Asia, North-South Relations), while DG VIII (Development) was placed under the control of Manuel Marin. Similarly, at the time of the appointment of the third Commission in 1993, Delors blocked Leon Brittan's ambition to control DG I, despite intense lobbying by Brittan for control of this portfolio and especially Central and eastern Europe. Delors perceived Brittan as becoming too powerful. Hence, DG I was divided between External Economic Affairs (Brittan) and DG Ia External Political Affairs (Hans Van den Broek). Delors was unwilling to relinquish control over this area, and when he did, it was by dividing up the responsibilities. The division of external affairs between several Commissioners also represented an administrative necessity, given the number of Commissioners and the need to share out the work load.

The Santer Commission continued the Delors practice, with DG I being divided between Leon Brittan (North America, Australia, New Zealand, Japan, China, Korea, Hong Kong, Macao, Taiwan; trade policy; OECD and WTO) and Hans van den Broek (Central and East Europe, Mongolia, Turkey, Cyprus, Malta, other European countries, CFSP, human rights, external service), with Manuel Marin responsible for relations with the Mediterranean, Middle and Near East, Latin America and Asia; Joao de Deus Pinheiro responsible for relations with the ACP and S Africa (DG VIII Development) and Emma Bonino in charge of humanitarian aid (ECHO). One of the few positive aspects of this division is that it brought together under one Commissioner trade and political relations with Central and Eastern Europe under Hans van den Broek, although over the opposition of Leon Brittan, who had wanted control over this area. There are, however, too many Commissioners, with the division of portfolios resulting in an atomisation of activities and the adoption of a far too complex structure, which has contributed to a weakening of the role of the Commission in the CFSP.

The Commission has adopted a policy of sending what are termed "mixed communications" to the Council, which integrate Community and CFSP proposals..

The Commission Bureaucracy

Commission officials¹² responsible for the Union's external relations have also been hindered by the division of portfolios and the artificial distinctions created between and within the different Directorates-General. This is, however, a general criticism of the Commission and one that has been made elsewhere. In addition, the overall ability of the Commission to cope with the new tasks that have been assigned to it since the SEA and Maastricht Treaty is also questionable (Metcalf 1992). For example, the division of DG I External Affairs into two halves, with the first focused on external economic relations and the second, known as DG Ia, on external political relations, has little relevance to the problems the DG faces and necessitates increased coordination within the DG. In contrast the culture within DG VIII (Development) is completely different, its officials being largely concerned with the EC's relations with the ACP states and working in relative isolation, given the Commission's hierarchical structure, from colleagues in DG I. Indeed, many of the staff coming into this division

come less from generalist backgrounds than from having direct field experience of development problems, with either the UN, NGOs or their own government.¹³

Up until the Maastricht Treaty much of the work connected with European Political Cooperation was undertaken within the Secretariat-General of the Commission. The Deputy Secretary General represented the Commission on the Political Committee up until 1987, when the Commission's growing involvement in political cooperation led to the appointment of a separate Director responsible for intergovernmental cooperation, and especially EPC. In addition, a further official served as the European Correspondent of the Commission, and was provided with a small support staff. It was these same officials that were transferred from the EPC Directorate in the Secretariat-General to DG Ia when it was created in 1993 (two other directorates responsible for external relations were also moved to DG Ia). In essence their task was to ensure that there was a consistency of activities on both sides, with each being aware of what the other side was doing and broadly taking their interests and views into account (Nuttall 1992: 63-4).

Directorate-General Ia has largely been responsible for external political relations and therefore the CFSP, while DG I has been primarily concerned with existing external economic relations under pillar one (see attached). It is in this context that the Commission has an operational advantage over the Council and its secretariat, in that it has considerably more staff with experience of external relations (figure I). Indeed, while DG I is by no means a foreign ministry, it has developed international expertise and does through its delegations in third countries (of which there are now 121) and international organisations have day to day contact with a range of states and organisations.

Figure 1
Directorate-General Ia: External Political Relations

Secretary-General (Protocol; Administration, Personnel, Budget and Coordination;
Planning and Analysis; External Policy; European Correspondent,
Inspection of Delegations)
Directorate A: Multilateral Political Relations
Directorate B: Political Relations with European Countries and the CIS
Directorate C: Political Relations with North America, Asia, Australia, New
Zealand
Directorate D: Political Relations with Latin America, Africa and the Middle East
Directorate E: Administration of External Missions

Source: European Union, Interinstitutional Directory October 1994

Commission officials do, however, identify a problem which undermines their role and more generally the Union's in external relations. Namely they point to the inadequacy and general lack of forward planning undertaken by the Commission, with a view to formulating objectives, means and ends in the conduct of the CFSP. As one Commission official commented, "There is a need to try and define joint interests from the Commission's point of view".¹⁴ For example, he highlighted the fact that there had to date been no definition of security risks to the Union, whether in Central and Eastern Europe or North Africa. The Commission has only a small central planning and analysis staff, consisting of some five people, which is inadequate to meet the task of planning and forward thinking for the future of the CFSP.

The Commission, the Council and European Council

The Commission is assured a role in the CFSP process, as detailed above, but its position relative to the Council of Ministers and ultimately the European Council is relatively weak. It is weak, as we shall see below, largely because the CFSP was framed in a way that would ensure that the Member States retained control over the CFSP. For example, while the Commission is to be associated with the CFSP process, it is the Member State in charge of the Presidency that has the ultimate control over the making and implementation of the CFSP. The state holding the Presidency is also dependent on the other Member States to bring their policies into line with that of the Union. On the other hand, the Commission's strength lies in its permanent position as a member of the process, unlike the Presidency which changes every six months, and the Commission is assured a place at the Council table. Also, the Commission has a significantly larger staff than the Council, with much greater expertise in international affairs, both in Brussels and on the ground in the EU's delegations. Thus while the Commission's role relative to the Council is legally weaker, it has certain operational advantages on its side. For example, with regard to Union policy towards South Africa, the Commission has, owing to its control over traditional Community instruments (trade, aid) and through new, innovative measures (election monitoring), been able to exercise considerable influence over Union policy.

In contrast the role of the Council of the European Union and its Secretariat has been enhanced by the provisions of Title V. Under European Political Cooperation, with its separate decision-making system, the Member States' foreign ministers meeting under EPC and the Heads of Government and State at the European Council, operated a system of political cooperation and consultation, which was assisted by the various national foreign ministries and the Political Committee, made up of the Political Directors from the Member States. Under Title V a number of the aspects of this system have been retained, rationalised and incorporated into a single decision-making system, thereby helping to ensure a greater level of consistency between Community policy (external economic relations) and the CFSP (political and security relations) and bringing to an end the artificial distinction between the two. At the same time, however, it ensures the intergovernmental character of the process. This is hardly surprising when account is taken of the Member States differing national interests and views about the CFSP.

The Treaty placed the Council of the European Union and the European Council at the apex of the decision-making system. Article J.2.1 states that "Member States shall inform and consult one another within the Council on any security and foreign policy of general interest in order to ensure that their combined influence is exerted as effectively as possible by means of concerted and convergent action". The Council if it so wishes may also define what is termed a common position (J.2.2) which obliges the Member States to ensure that their national policies conform to that common position and that they uphold it in international organisations and at international conferences. As one Council official suggests "Common positions offer the potential for the Union to define, in a binding act, a policy position covering all aspects of the Union's political and economic relations with a particular third country, imposing on Member States an obligation of compliance, unlike Council political conclusions or guide-lines" (Galloway 1995: 4). The adoption of common positions, however, raises the overall issue as to what extent the Council can bind the Commission to act on its behalf through Community policy in implementing the common position. The European Union has so far adopted common positions on the former Yugoslavia, Ukraine, Haiti, Rwanda, Sudan, Libya and Burundi (see attached list).

The treaty also provides for the adoption of joint actions as a further means by which to implement the CFSP. As with the example of common positions, a joint action binds a Member State to undertake a certain course of action with regard to Union policy. The procedures under which joint actions may be decided upon, however, is somewhat more complex than that of common positions. In the first instance, while the Council decides which issues shall be the subject of joint actions, it does so on the basis of general guide-lines established by the European Council. The proviso that the Council operates under guidelines established by the European Council was designed to maintain the Member States prerogative in ensuring that the Union does not engage in adventurist policies without their consent. This is perhaps understandable in light of the provision in J.3.1 that "Whenever the Council

decides on the principle of joint action, it shall lay down the specific scope, the Union's general and specific objectives in carrying out such action, if necessary, its duration, and the means, procedures, and conditions for its implementation". In this context joint actions would appear to provide the basis on which the EU should act in international affairs and is therefore designed to ensure as much control as possible is retained over the conduct of joint actions. The one particularly innovative feature of Article J.3 is the provision in J.3.2 that the Council may decide to take decisions under qualified majority, assuming unanimity is first agreed in relation to the adoption of qualified majority voting! This has yet to happen.

In practice much of the day to day work within CFSP is undertaken through the Council's own bureaucracy (figure 2), which, while smaller than that of the Commission, has grown in size and expertise in recent years to meet the new demands being made on it. This includes the Council Secretariat, the working groups through which much of the routine work is done, and the Political Committee. Sitting over the institutional machinery and representing the Union in international affairs is the President of the Council, who ultimately is the key figure in determining what the Union does or does not do. The new treaty provisions, by placing much of the burden of responsibility and work on the Council, prompted something of a reorganisation of the way in which the Council works. It has had to develop its own competence and expertise in foreign affairs to both offset the expertise of the Commission while complimenting the national level.

Figure 2
Organisation of the Council of the European Union

The Presidency and the Council
Political Committee and European Correspondents
Working Groups
General Secretariat and Legal Service

Source: Galloway (1995)

The Council Secretariat

In the past a small EPC Secretariat existed to undertake the day to day work of political cooperation. This secretariat, created in 1987, operated from the Council Building in Brussels, and consisted of some six individuals drawn from the national foreign ministries of the Troïstates.¹⁵ They were responsible for an expansive range of geographical and functional areas and were charged with operating the Community's telex system (COREU), as well as administering EPC. In effect, they could offer little counter weight to the expertise of their colleagues in national ministries or the expertise of Commission officials. Under the provisions of the Maastricht Treaty, which required a single decision-making system, it was deemed necessary to merge the EPC Secretariat with that of the General Council Secretariat. This raised concerns among some Member States, who were concerned that national civil servants might be replaced by EU officials, and that as a result European officials would be tackling decisions in place of their national counterparts. A compromise was agreed to whereby seconded national civil servants would work with Council officials. However, as one Council official argued, "placing national civil servants, albeit employed on temporary contracts, within a Secretariat which prides itself on its independence and non-partisan approach was perceived by some as an encroachment on its long-established independence, the fear being that this might represent the thin end of the wedge towards a 're-nationalisation' of an independent European civil service" (Galloway 1995: 16).

The Secretariat, which is under the control of the Secretary General, is organised around some eight Directorates-General (DGs) and the Legal Service (see below). Each DG is functionally divided up into a number of Directorates. Directorate-General E is responsible for External Economic Relations and the CFSP. It is divided up into two

Figure 3
General Secretariat of the Council

Secretary General
Legal Service
DG A: Personnel and Administration - Protocol, Organisation, Security and Infrastructures - Translations and document production
DG B: Agriculture - Fisheries
DG C: Internal Market: custom union - Industrial Policy - Approximation of Laws
Right of Establishment and freedom to provide services - Company Law - Intellectual Property
DG D: Research - Energy - Transport - Environment and Consumer Protection
DG E: External Economic Relations - CFSP
DG F: Relations with the European Parliament and the Economic and Social Committee; Institutional Affairs - Budget and Staff Regulations
DG G: Economic, Monetary and Social Affairs
DG H: Justice and Home Affairs

Source: European Union, Interinstitutional Directory October 1994

parts, external economic relations and CFSP matters. The CFSP side of the house is further divided into four directorates under Pierre-Etienne Champenois, who is head of unit. The four directorates are: General Affairs - Planning; Directorate I for Specific World Regions (Eastern Europe and Central Asia, Africa, Asia, Latin America); Directorate II for Specific World Regions (Central Europe, Southern Europe, Former Yugoslavia, Mashreq/Maghreb, Middle East); and the Directorate for Specific Themes/Multilateral Issues (security, non-proliferation, arms exports, disarmament; CSCE - Stability pact; UN, human rights - terrorism - drugs - public international law). Within these four divisions there are a total of only 26 administrative grade staff and a similar number of support staff, and of the 26 officials about half are seconded national civil servants. The limited number of staff and its division in this manner suggests that the CFSP unit has a limited ability and capacity to deal with and manage the complex array of foreign policy issues with which the Council is confronted on a daily basis.

Limited staff resources are also linked to the problem of planning for the future. As Galloway notes, "there is an increased feeling among commentators that one of the weaknesses of CFSP is a lack of adequate and authoritative policy planning and articulation in the Council Secretariat, or indeed in the Council as such. The allocation of these functions and the precise role the Secretariat should assume in CFSP as distinct from that in the Community sphere remains to be addressed." (1995: 16). This appraisal gets to the heart of the matter, namely that the Council has been allotted a task to do under the CFSP, but does not have administrative and management capacity to undertake the task. It is simply stretched beyond its capacity and cannot therefore conceive of planning ahead for the future without more staff and resources with which to do the job. In particular, it lacks the staff and diplomatic contacts that are available in the Commission and the larger Member States. In relation to planning, there are some five people within the General Affairs Directorate - Planning, but only one individual, Paul Clairet, has had direct responsibility for political planning. This again suggests the limited capacity of the Secretariat to provide the Council and the President with the type of support services that might be expected of a national foreign ministry.

Working Groups

At a functional level working groups have been charged with handling the day to day work of the Council. Prior to the Maastricht Treaty a dual system of Council and EPC working groups existed, with groups often focused on the same problems but working separately. Under EPC there around 20 working groups focused on either geographical areas (e.g. Africa, Middle East, Central and Eastern Europe) or functional areas (e.g. CSCE, human rights, etc.) (Nugent 1994: 402-3). The adoption of a

single decision-making system, however, has led to a merger of the working groups although to some extent this is more apparent than real given that agendas are often still divided between Community and CFSP business. The working groups are mostly made up of representatives of national ministries of foreign affairs, unlike existing Council working groups that tended to be made up of officials from the Permanent Representations, and a Commission official.

The working groups engage in a number of tasks, but are principally established to provide a forum for discussion and exchange of information among the representatives of the Member States. In these fora a range of proposals, largely tabled by the Presidency, are discussed including the possible use of *dé**, policy papers or joint actions (Galloway: 1995: 6). On the basis of the discussions in the working groups, the Secretariat prepares reports which are circulated by the Presidency by means of the COREU system to the Member States. It is on information and advice that actions are decided on and undertaken by the Presidency on behalf of the Union, although in practice much day to day work never even reaches that level and its decided at this level (e.g. diplomatic activity).

The system of working groups combined with the use of the COREU system for exchanging information, preparing proposal and reaching agreements can provide a relatively speedy and efficient means for discussion and preliminary agreement of foreign policy matters. It is also an important means by which the groundwork can be prepared in advance of meetings of the Political Committee and the Council. It is nevertheless somewhat dependent on the effective functioning of the Secretariat and in light of the comments made above there is an obvious need to remedy the management deficiencies of the Secretariat.

The Political Committee

The Political Committee which existed under European Political Cooperation has been retained within the current system. It is made up of the Political Directors of the Member States' National Foreign Ministries, and under Article J.8 its task is to "monitor the international situation in the areas covered by common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Council". In effect, then, the Political Committee is charged with monitoring, helping to make and implement the CFSP under the general guidance of the Council. It is assisted in its work by a group of assistants to the Political Directors, otherwise known as the European Correspondents.

At a functional level, much of the preparatory work for the Political Directors is undertaken in the working groups. The Political Committee both advises the working groups on how to proceed and also receives reports from them upon which it then acts. At this stage if no Member State raises any objection within four working days of receipt of a report, then the report is deemed acceptable and may be implemented. This removes much routine work from the Committee and also speeds up the process, ensuring actions are implemented with the minimum of bureaucracy. This is an important consideration given that the Committee only meets once a month in the days preceding the meetings of the General Affairs Council. The Committee also advises the Council on foreign policy matters by means of an opinion which may then serve as the basis on which the Council takes operational decisions. The Political Committee must also work in cooperation with COREPER in the preparation of Council meetings. The two bodies, which are coequal in their relationship, are both charged with preparing the agenda of the Council. In this context, they have to work together, although this is more difficult than it might appear, given COREPER's established role in this area. Some of the earliest difficulties were overcome by the establishment of a working group of CFSP counsellors, whose job it is to resolve in advance problems that might arise between the two bodies and to therefore ensure the smooth functioning of the process. The CFSP group is based within the Permanent Representations in Brussels and therefore provides an important link between the Permanent Representatives in Brussels and the Political Directors in the Member State capitals. There are problems, however, and as one Council Official has suggested, "The criticism still remains that the Political Committee is not as operational as it might be in through putting matters for the Council" (Galloway 1995: 11). It is also prone to the usual problems of having to try to resolve differences between the Member States and if unable to do so must await further discussion at a political level within the General Affairs Council.

The Council and the Presidency

At the pinnacle of this new system is the General Affairs Council and the Presidency. In this context, the system has been rationalised whereby foreign ministers no longer meet separately when dealing with Community and CFSP business as they used under EPC but rather they deal with all business under the one agenda. They are advised by the Political Committee on CFSP matters and by COREPER on more general Community business. It is, however, the Presidency that is the focus of much of the activity, especially in relation to CFSP matters, and it is the President who is the spokesperson for the European Union on all international matters. The President speaks for the Union, implements policy on its behalf and maintains the Council's relations with the Commission and European Parliament.

That so much responsibility and authority is placed in the hands of the Presidency is something of a mixed blessing, given the strengths and weaknesses of the Presidency system. In the first instance, it means that much of the driving force and initiative of the Union depends on the ability of one individual who is in office for a relatively short period of time, some six months (or is associated with the Presidency for some eighteen months under the Troika arrangement). The President also has a limited staff at his or her disposal, as our discussion of the General Secretariat demonstrates, and therefore is dependent upon officials from the Troika's national foreign ministries for support in carrying out the tasks and functions of the Presidency. This arrangement is less than satisfactory, given that much depends on support being forthcoming from the national capitals, and that the ability of Member States to support such arrangements vary. For example, when Luxembourg has held the Presidency, it has had to draw upon staff from its neighbouring Benelux states to carry out the range of tasks demanded of it.

Nevertheless, as the next section illustrates, the power of the Presidency has grown in recent times, partially as a consequence of the expectations surrounding it and imposed upon it by external events and third parties, be they governments or international organisations. In addition, as the case of the Former Yugoslavia reveals, the Troika arrangement whereby three states act together, an arrangement which usually ensures a combination of small and large states, has also been particularly effective in adding weight to the Union's role in international affairs. It is against this background that the Council bureaucracy faces the challenge of meeting existing commitments and formulating policy for the longer term. It has, however, yet to meet these expectations as its existing capabilities remain limited in comparison to those of the Member States and the Commission.

The European Parliament

The Maastricht Treaty granted relatively few powers to the European Parliament in contrast to the Council and the Commission. The Treaty provides under Article J.7 that "The Presidency shall consult the European Parliament on the main aspects and basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy". In addition, the Parliament has the right to ask questions of the Council and make recommendations, as well as to hold annual debate on progress in implementing the CFSP. It is however relatively weak in comparison to the other two institutions and has therefore had to make the most of the powers accorded to it. In so doing it has created from the Political Affairs Committee a new Foreign Affairs Committee which with the task of monitoring the debates in the Council, ensuring its views are taken into consideration and for drafting recommendations to the Council (Westlake 1994: 161).¹⁶

In these circumstances, it is hardly surprising to find that the European Parliament's Committee on Foreign Affairs, and particularly its chairperson Baron Crespo, has been highly critical of the manner in which CFSP operates. A recent committee report has urged that the need for unanimity be done away with and that majority voting be adopted. The report also recommends that the protection of human rights and the promotion of democracy should be the EU's overriding concerns in international affairs, and that the EU adopt a more proactive stance in international fora. It also recommends the Union assume the powers of the WEU.¹⁷ Needless to say, the report also advocates greater

democratic control of CFSP and in turn a greater role for the EP and national parliaments in this process.

At an inter-institutional level the EP is likely to be aided by the Commission, its natural ally against the Council, in trying to carve out a greater role for itself in this area. While the Council is most likely to resist this and wish to retain a greater degree of independence from EP scrutiny, the President does however attend the plenary sessions of the EP, as well as attending twice every six months the meetings of the Foreign Affairs Committee. In turn the EP has also been trying to exercise its influence is over budgetary matters. Article J.11 of the Maastricht Treaty provided that administrative expenditures incurred under the CFSP would be charged to the Community budget, whereas the Council may decide whether operational expenditures should be charged to the Community budget or to the Member States. In practice the Council has preferred to retain its independence and has proposed that most operational expenditures be financed by the Member States, while the EP has tried to impose its own control over CFSP budgetary expenditures by making provision for such expenditures in the 1995 budget. The Parliament's resort to this tactic, however, has been perceived as adding to the problems of operating and managing the CFSP, and such budget wrangles are seen as detrimental to overall operational effectiveness of the CFSP.

The Common Foreign and Security Policy in Practice

The functioning of the CFSP in practice has been somewhat problematic and the EU has been accused of continuing to drag its feet in international affairs and with being slow to react to events. Jacques Delors, the former Commission President, has strongly criticised the functioning of the CFSP arguing that "the starting up phase was extremely laborious", that there was a "lack of political will" and a "total improvisation" and that there has been a "lack of coherence between foreign policy and external economic action".¹⁸ At one level, Delors is critical of the mechanisms and structures, while at another level he is concerned at what he sees as a lack of political will on the part of the Member States to operate under this system. Both Delors and Crespo's criticisms reflect the Commission and the Parliament's dissatisfaction with the manner in which CFSP has operated within the Union, and the limited role accorded to the two institutions of which they are or have been representatives. In light of these comments, how has the CFSP functioned in practice with regard to role in international affairs?

Since the adoption of the Maastricht Treaty on 1 November 1993 the Union has had some eighteen months experience with the CFSP. In the latter part of 1993 the Union adopted a number of joint actions including two concerning humanitarian aid to the former Yugoslavia, the sending of a team of election observers to Russia, support for the transition to democracy in South Africa, support for the stability pact in Central and Eastern Europe and, in 1994, actions on the Middle East peace process, nuclear non-proliferation and the export of dual use products. In addition, the Council adopted common positions on imposing economic and arms embargoes on Serbia and Montenegro and the Bosnian Serbs, the ending of an embargo on Haiti, the establishment of objectives and priorities for Rwanda and the Ukraine, and an embargo on the sale of arms and military equipment to Sudan.¹⁹ Apart from the Council's use of its new instruments, the Union also had a busy year in the context of the Community's existing external commitments with the conclusion of the accession negotiations with Austria, Sweden and Finland. The Essen European Council also established a process for increasing political relations with Cyprus, Malta, Hungary and Poland with a view to their membership of the Union. The European Council also gave a further commitment to the development of the Euro-Mediterranean relationship by means of a customs union with Turkey and a Euro-Mediterranean ministerial conference. The Uruguay Round of the GATT negotiations was completed and the final act signed in Marrakech on 15 April 1994, relations were maintained with Latin America through Rio and San Jose groups, with Asia through ASEAN, and with the ACP states.

It is perhaps difficult at this early stage to assess how effective the CFSP has been in practice, nevertheless, it is possible to make some observations by looking at two of the EU's joint actions: on

South Africa and the former Yugoslavia. In particular, to what extent have the EU's foreign policy decisions been implemented in these two cases and with what effects?²⁰

South Africa

In the case of EU policy towards South Africa, Holland (1984) has undertaken a detailed examination of the impact of EU policy on South Africa, both prior to the Maastricht Treaty and after it. In particular, he has looked at the nature of joint actions as collective decisions, the expectations of the external actors and the impact of EU actions on events within South Africa. His findings are worth considering as they provide some interesting insights into how the policy has worked in practice.

South Africa was the only joint action among the initial EU decisions that was outside the immediate European environment, and therefore represented a symbolically important development for the Union. It was also consistent with past EPC and Community policy towards South Africa.²¹ EU policy included the monitoring of the elections within South Africa, the creation of a new bilateral economic framework, support for South Africa's re inclusion into a number of international organisations, along with renewed EU diplomatic and military relations, and long term development assistance. In many ways the joint action was consistent with these objectives and no new ideas were introduced. The initiatives taken under the joint action covered a range of areas:

- Election monitoring: EU sent 307 observers to monitor the election in South Africa
- Bilateral relations: Cooperation Agreement in October 1994
- Development: 110m ECU per year (1994)
- International contacts: EU supported South Africa in its relations with the World Bank and IMF
- Resumption of diplomatic and military contacts between EU and South Africa

Holland suggests that as a result of the joint action "a comprehensive approach was adopted rather than segregated incrementalism; coordinating the various policy sectors together under a single initiative while difficult and time consuming, has led, by the end of 1994, to a compatible and comprehensive policy mix that was regionally sensitive as well as of direct benefit to South Africa" (1994: 20-21). In some ways, the success of the joint action owes as much to the Community's early work, as to its present policies.

In analysing the decision-making process and the agreement reached on this policy area, Holland points to the role played by the Commission, which he suggests was fully involved in making and implementing the EU's policy towards South Africa. This somewhat contrasts with the image of the Commission discussed above, in so much as Holland provides evidence of quite heavy Commission involvement in the CFSP, although he also acknowledges that problems exist because of the lack of a clear decision-making centre and the very limited parliamentary involvement. He also notes that within the Commission there was considerable competition within Directorate-General I and Ia, between officials in External Economic Relations and External Political Relations. On the other hand, he suggests that such dialogue and conflict may not be a bad thing and that it does stimulate future discussion as to how the process might be rationalised and made more efficient.

It is difficult to generalise from one case study, but nevertheless the case of South Africa is interesting as it does suggest that, while the Council decision-making system is pre-eminent within the Maastricht Treaty and that much power still rests with the individual Member States, the Commission both under the rules governing CFSP and under the Community umbrella remains in a very strong position in the policy-making and implementation process. In this case it reflects the Commission's experience with South Africa and its ability to use the instruments at its disposal under the Community pillar to good effect. It also reflects the political reality that the Council system is quite fragmented and dependent on the Presidency and the Member States to initiate action, which is has been less than forthcoming to date.

Yugoslavia

If the EU has been perceived as having been successful in its policy towards South Africa, then its actions towards Yugoslavia are portrayed as a policy failure by its critiques who argue that the EU has failed as an international actor. This is an unfair assessment, as it fails to consider the nature of the conflict, which in spite of the UN's most recent efforts, still continues unabated.²² It largely ignores what has been happening within the region and fails to grasp the work that the Union has done. The EU's policy has certainly failed to end the war, has at times aggravated the situation, as illustrated by recognition of the various former Yugoslav republics, and has even been inadequate. In the first instance the Community failed to recognise what was going on in the state, partly because it supported the unity of the state and partly because the original EPC process accorded no one individual the task of recognising the problem and proposing a solution to the problem (Nuttall 1994: 4-5). At the early stages of the crisis the EC leaders stated that they were resolved "never to recognise changes of frontiers which have not been brought about by peaceful means and by agreement" (cited in Weller 1992: 575).

Once the crisis broke in June 1991 the Community did pursue an activist policy²³ and certainly responded quickly to the crisis, perhaps less out of concern for what was happening and more because they wanted to be seen to be doing something! In the course of the ensuing conflict a number of actions were taken under the EPC and Community umbrellas. Initially, the Troïof Foreign Ministers visited the region in the hope of brokering a peace and bringing an end to the conflict.²⁴ There then followed a succession of EC actions including:

- Active diplomacy through the Troïof Foreign Ministers
- The establishment of a Conference with an EC chairman, Lord Carrington
- EC economic sanctions and an arms embargo
- Team of EC observers sent to monitor the cease-fire in Slovenia and Croatia²⁵
- Humanitarian assistance
- Troops and resources to UNPROFOR
- EU administration of Mostar
- Contributed through the CSCE process and WEU

The Yugoslav case, however, was somewhat different from that of South Africa in that the issues involved tended to divide the Member States amongst themselves, thereby making it more difficult to agree on policy. In the South African case, the UK government had at an early stage jumped the gun by lifting prohibition on investment in South Africa and also had disagreed with, but had failed to oppose, the use of a joint action to broadly cover all EU policy on South Africa. In the Yugoslav case, there was considerable discord among the EU Member States.²⁶ Germany, supported by Belgium and Denmark, argued for recognition of the former republics of Slovenia and Croatia, while the UK and France remained opposed. Germany by dint of its weight and working under the rule of consensus managed to convince the other states to recognise Slovenia and Croatia, which the Community did on 15 January 1992. On 6 April the EU also recognised Bosnia-Herzegovina. As Nuttall notes,

"Political Cooperation suffered not so much from the inhibiting effects of the rule of consensus as from the lack of a capacity to make an independent analysis of the Community's interests and of any institutionalised responsibility for putting proposals on the table. The result was that the deliberations of the Council became those of a diplomatic conference mediating among the domestic interests of the participants, rather than of a body working out and implementing a common foreign and security policy reflecting the joint interest of the Community." (1994: 21)

In addition to the use of the above instruments, the use of military force was proposed by the French in July 1991 and discussed by the Community, but this was strongly opposed by the British, who feared being dragged into a conflict that might not be easily resolved and in which it would be expected to make a large contribution. This option, however, was turned down on the grounds that no such force existed and that there was no consensus among the Member States on the sending of such a force (Nuttall 1994: 18). In the end, of course, a number of the states did end up contributing to a peacekeeping force, but through the WEU and NATO, and not under the auspices of the Community.

Where the Union did employ the use of joint action was with regard to humanitarian aid. Yet, as a recent Commission report suggests, "the humanitarian aid operation for Bosnia-Herzegovina last winter [1993] is particularly dismaying. Approved within weeks, without any proper study of conditions in the field, bogged down in the minutiae of budgetary wrangles about which the public, fortunately, remained in ignorance, it was not finally implemented until the winter was over - too late" (Commission: 1994: 3). While this case may not be a fair representation of the Union's overall response to the crisis, it does point to many of the problems that CFSP appears to be prone to. Namely, that there is a lack of inter-institutional consensus about how that system should operate and that as a result there is insufficient cooperation among the institutions. The budget wrangles and other bureaucratic disagreements seem to support this view. In addition, there is a lack of clear policy, definition of objectives and a sense of what the Union should be doing. The Yugoslav case, then, is quite different from that of South Africa and suggests that the process only works when the objectives are clear and defined, that consensus is reached among all the participants and cooperation ensured between the institutional partners in the implementation of the policy.

Conclusions: Problems and Prospects

Many observers and participants who have been active in watching and working under the new CFSP arrangements created by the Maastricht Treaty have expressed dissatisfaction with its operation in practice and are openly critical of the current managerial arrangements. As one Commission official suggested, it has been "a disappointment - does not live up to expectations" and that in "the last two years we have tackled problems that could have been dealt with under the EPC process. We have not tried to be more adventurous". Similarly, a report produced for the Commission by a group of high level experts pointedly commented:

"There is no denying that activity has been stepped up in the short period since the entry into force of the Maastricht Treaty and the start -up of the CFSP in November 1993. Hardly a day goes by without a meeting of a specialist working party in Brussels; Coreper usually has at least one CFSP item on its weekly agenda; the Political Directors consult at least once a fortnight in the Political Committee; and the Foreign Ministers of the Twelve meet practically every month." (Commission Report 1994: 3)

The report goes on to argue that those joint actions adopted by the European Council have turned out "to be poorly planned, hard to implement and disappointing both in scope and in terms of their meagre results" (1994: 3). It recommends the setting up a central analysis and evaluation capacity under a special Counsellor designated by the European Council designed to involve the Council, Commission and WEU. As well as placing the CFSP on a more stable financial base by funding it from the Community budget and with a contingency fund to deal with unexpected problems. The report also advocates the establishment of common military resources to be placed at the disposal of the EU in the conduct of CFSP, as well as a move to collective defence. Finally, it advocates a reform of the decision-making process (the introduction of qualified majority voting on all non-military matters) and the designation of a high profile senior person as representing the Union in CFSP.

Other officials in the Council Secretariat while less critical of the overall functioning of the CFSP have also expressed concern at the manner in which the CFSP has worked in practice. In particular, they point to the initial problems of achieving consensus in the Council and the time it takes to arrive at conclusions. This is by no means a new problem in the Community and one that is only likely to be overcome by a move to majority voting, but this would first require the agreement of the Member States, which is unlikely to be forthcoming. The problems of reaching consensus have been highlighted by the Yugoslav case study, and by the experiences of the Member States under European Political Cooperation. The more functional problems, such as the need to create a forward planning facility, are largely supported by the Commission and the Council Secretariat, and should be more achievable. Other functional issues, such as the budget issue, are less likely to be readily resolved, given the opposition of states such as Britain to move from a mixture of Member State and Community funding to one of largely funding from the Community budget

A general reform of the decision-making system has also been proposed whereby the Community method would be applied to the CFSP pillar. It is, however, unlikely that the Member States would agree to such a proposal, as it would considerably alter their own ability to exercise their prerogative in foreign affairs. Again, a further rationalisation of the process may be more likely with the Commission and Council reconsidering their own internal structures and means for ensuring cooperation between the two bodies. For example, a further reorganisation of DG I and DG Ia might be appropriate and the designation of two commissioners, one for the CFSP and one for Development, might also make the process more coherent. Similarly greater internal coherence and the appointment of more staff within the Council system might speed up the process and ensure greater cooperation with the Commission.

The issue of defence, which is likely to occupy much time at the IGC, is also unlikely to be fully resolved in the near future. While some in the Commission argue the Union must forge ahead in this area, and should be in a position to act militarily, the lesson they suggest that should be learnt from Yugoslavia, it is again unlikely that Member States such as Britain, the Netherlands and Portugal would go along with the development of such a role, or more generally the development of a defence policy. Similarly, it may prove as difficult to agree on the possible integration of the WEU into the EU when the WEU Treaty expires in 1998. These are issues that cut to the very heart of national sovereignty and in which the Member States remain reluctant to move on ahead in the near future.

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