Institutional Arrangements of CFSP: Means for the "Soft" Power?

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Abstract

Studies of the Common Foreign and Security Policy have been extensively elaborated in the last years. However most of them have been focused on explaining the CFSP by using theories of International relations or focusing on particular institutions. Besides examining the influence of institutions on the making of CFSP, this paper explores how the consociational features of the EU condition the foreign policy decisions. I argue that because of these particular institutional arrangements the EU tends to exercise the "soft" power in its foreign policy rather than "hard" power. Content analysis was used to test the proposed hypotheses.

The main findings show that there is a causal relationship between the nature of CFSP and institutional arrangements predetermining the decision-making procedures. The shift from unanimity decision-making to QMV-based coincides with the increase of use of "hard" power by EU. The unanimity based on compromises remains to be the main decision-making principle in the sphere of CFSP as well as on the EU level as the whole. This can be explained by the fact the EU structures contain features of a consociational polity required for the inclusion of various interests.

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List of abbreviations

CEEC	Central and Eastern European Countries
CFSP	Common Foreign and Security Policy
COPS	Political and Security Committee
COREPER	Committee of Permanent Representatives
EUPM	European Union Police Mission
EPP-ED	European People's Party and European Democrats
ELDR	European Liberal, Democratic and Reformist Group
EU	European Union
FYROM	Former Yugoslav Republic of Macedonia
KEDO	Korean Peninsula Energy Development Organization
HI	Historical Institutionalism
HR	High Representative
NPT	Non-Proliferation treaty
PSE	Party of European Socialists
QMV	Qualified Majority Voting
RCI	Rational Choice Institutionalism
TEU	Treaty on European Union
TOA	Treaty of Amsterdam

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Introduction

Nowadays European Union is a unique polity combining the characteristic features of an international organization and nation state. The EU has been extensively studied in recent years; a significant number of the researches has been devoted to the development of the EU and its role in international arena (Smith, 2004; Haller, 2008). The latter, however, is rather controversial. On the one hand, it is often defined as an economic superpower (Cameron, 2007:3) which plays an important role in international negotiations. On the other hand, the strong dependence on NATO capabilities in the sphere of security and defense is considered as an inability of the EU to play a role of an influential actor in international relations (Smith, 2004: 4). The other impressive part of the researches has been focused on the development of particular institutions or policies (Judge & Earnshaw, 2003; Hayes-Renshaw & Wallace, 2006).

This thesis is focused on the issue of the development of the Common Foreign and Security Policy. As it had been established the CFSP presented interest for the researchers, and it has been analyzed from different perspectives. A number of inquiries were devoted to explanation how an international environment influenced the CFSP (see Layne, 2008); as well as to the interpretation of CFSP from a realist perspective (Hyde-Price, 2006; Jones, 2007). Nevertheless, little attention was paid to the explanation of it from the institutionalism perspective. Particularly, M. Smith argued (Smith, 2004) that the institutionalization of the EPC/CFSP is connected with the level of the cooperation between member states in the area of CFSP.

This thesis analyzes the CFSP in the post-Maastricht Period, particularly from 1993 till the ratification of Lisbon Treaty, 2009. However, the main focus is devoted to the provisions of two treaties – Maastricht and Amsterdam, while the most important changes according to Nice Treaty will be reflected more briefly. The examination of provisions of the Nice Treaty

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allows tracking whether the process of change in the nature of CFSP (if there were any) had been continued. In addition, reflection of the important changes within the Lisbon Treaty provisions gives an opportunity to make predictions for the development of the CFSP.

I will argue that institutional structures involved in the decision making process determine the way in which the CFSP works. First of all I will proceed with the presentation of the institutional theory which reflects how institutions can influence the decisions to be made. In spite of the fact that application of institutionalism to CFSP was criticized (for details see Winn & Lord, 2001), it is still possible to show that an approach can be used in order to reveal the integral features of the Pillar II within the EU institutions. This theoretical framework will show how institutions can influence and shape the decisions and their implementation. The issue of applicability of the approach is discussed in the Chapter 1.

The next chapter is devoted to an application of criteria of consociationalism to the European Union. The criteria for evaluation of consociationalism elaborated by A. Lijphart (1977) are usually applied to the state, while the European polity is not a state in the full sense. The possibility to apply the criteria is also discussed within the second chapter. As Lijphart argues, the consociational polity presupposes the existence of rather broad range of interests, which should be considered (Lijphart, 1977). At the same time the application of criteria will provide evidence for decentralization of power and increase of institutions involved in EU decision-making. On the one hand, the results are relevant to the EU institutions in general. On the other hand, it was argued that CFSP is an integral part of the whole EU system, and it is influenced by the overall rules (see Cameron, 2007; White, 2001). Moreover the application of criteria contributes to the reflection of underlying decision-making principles fundamental for the consociational polity.

In the Chapter 3, I examine institutions involved in the decision-making process under the Second Pillar and reflecting the main decision-making principle. It covers the provisions

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of the Maastricht Treaty, Amsterdam Treaty and the Treaty of Nice. Based on this I will discuss the influence of consensus-based decision-making on the nature of the decisions. Multilevel decision-making and the certain procedures determined by the provisions of the main Treaties are of paramount importance. They provide certain patterns of decisions acceptable for all members and consequently influence on their nature.

In the next chapter I will present the difference of notions of civilian and military power as well as "soft" and "hard" power. This is of fundamental importance because the criteria determined within this chapter will allow me to qualify the actions under CFSP in a methodical manner. Also, clarifying these concepts will contribute to a proper understanding of the main hypotheses proposed here and consequently to the correct evaluation of policy-making dynamics. The definition by Duchene (Duchene, 1973), Maul (Maul, 1990), and Nye (Nye, 2004) will be used within this chapter.

The last chapter is devoted to the comparison of the theoretical assumptions and empirical evidences. The official documents of the EU, particularly Council Joint Actions, were used in order to reflect the position of Union in the sphere of CFSP. The comparison is divided into three parts according to the period of time under consideration – the period after Maastricht Treaty and Amsterdam Treaty and Treaty of Nice entered into force, respectively. The Actions were classified as civilian or military ones according to the criteria presented in Chapter 4.

In order to carry out this research content analysis was used as the main methodological approach. This allows for reflecting on the basic positions of the EU, as well as the main provisions predetermined existing institutional arrangements. A number of official documents were analyzed, particularly EU Council Joint Actions, and basic treaties.

1. Institutionalism as the theoretical framework

Speaking about the European Union and carrying out the research it is of paramount importance to determine the theoretical approach which would reflect the features of the issue. Institutionalism is one of the most applicable approaches for this research. That is why it is necessary to present the main propositions of it in order to clarify how and why institutions influence.

An influential paper by Peter A. Hall and Rosemary C.R. Taylor (Hall & Taylor, 1996) presents three schools of thought within the framework of new institutionalism: Historical Institutionalism; Rational Choice Institutionalism and Sociological Institutionalism. As authors argue all three approaches have their shortcomings as well as virtues. As for historical institutionalism, it pays les attention to developing of understanding of how institutions affect behavior, thus the reflection of causal chain through which the institutions affect behavior. At the same time, rational choice institutionalism has more developed conception of the relations between institutions and individuals. The instrumentalist way of consideration under this type of institutionalism on the one hand allows seeing the relations between decision-making and outcomes, but on the other hand it simplifies the image of human motivations of action, decisions, preferences and choices. However, a crucial differences between historical institutionalism and rational choice institutionalism was presented by Thelen (Thelen, 1999) who argues that probably the most important difference between two types lies in the way in which the two schools imagine preference formation: endogenous in the case of RCI and exogenous in the case of HI.

Turning to the sociological institutionalism it is important to underline that this approach emphasizes the way in which institutions influence behavior by provision of "cognitive scripts, categories, and models that are indispensible for action…"(Hall & Taylor,

1996). The influence of institutions, following the logic of this approach, is carried out not only by the condition of what one should do, but also by specifying what it is possible to imagine oneself doing in a particular context. In the other words, the relation between individuals and institutions has "highly-interactive and mutually-constitutive character" (Hall & Taylor, 1996). However, there are shortcomings of this approach such as a very broad definition of institutions and the neglect of extent to which the process of institutional creation and reformation cause a clash of power among actors whose interests are competing.

On the other hand, the existing division can not be considered as the perfectly strict and requiring commitment to one particular type of the institutionalism, but on the contrary it shows the necessity to combine the features of all three types in order to build an objective explanation of the role of institutions. The insights of one approach might be used to supplement or strengthen those of another.

In order to apply the theoretical approach it is logical to present the definition of an institution. Nevertheless, there is no single definition. According to March and Olsen an institution is a relatively stable collection or system of rules, organized practices "embedded in structures of meaning and resources that are relatively invariant in a face of turnover of individuals and relatively resilient to idiosyncratic preferences and expectations of individuals and changing external circumstances" (March & Olsen, 1989, 1995). Furthermore, E. Ostrom (Ostrom, 1986), defines institutions as the system of rules that "prescribe; proscribe; and permits". In addition, O. Young defines institution as "identifiable practices consisting of recognized roles linked by clusters of rules" (Young, 1989). Following the logic of these definitions it is possible to argue that institutions create the elements of order and at the same time make room for predictable behavior. They form, constrain, and empower the actors subject to the institutional system by shaping a number of the certain ways of action, the nature of decisions and the character of implementation. Via

enabling or constraining political actor, institutions shape the governing capacities of a political system. Political life is simplified by the institutions ensuring that some of the conditions, things are taken as given (March & Olsen, 2006).

Speaking about the influence of the institutions it is important to underline the issue of the historical influence and, the so called, "historical efficiency". March and Olsen determine it as the idea that institutions become in some sense better adapted to the environment. Moreover, with the course of time institutions are able to achieve a "unique optimum solution to the problem of surviving and thriving" (March & Olsen, 2006). In the other words, the evolvement of institutions can be understood as the process of learning from experience. It is logical in this case to consider that experience accumulates over time and actually should lead to almost perfect functioning of the institutional structures which would be able to adjust to particular situation using lessons from the past and producing almost perfectly optimal solution of the appeared problem. It is necessary to underline that looking at the development of the particular institutional structures one may notice that often amendments of the founding treaties, and changes within the structure aimed to the improvement of the performance. Moreover, possible changes within structure would be carried out basing on the past. The changes in the European Union can reflect this idea very well. The brightest evidence may be Post-Maastricht period, when newly established institutional structure has been amended and shaped by necessity.

At the same time, the institutions may create the elements of the "historical inefficiency" (March & Olsen, 2006). In other words, the influence of historical development does not necessary mean that institutions are to change eliminating the inefficient sides of the performance. In fact, the issue of inefficiencies in history brings back the question whether the institutions learn from their experience and in what ways (Etheredge, 1976).

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Another closely related side of theoretical aspect is connected with the issues of order. Institutional thinking emphasizes the role played by institutional structures in imposing elements of order in the world. It is possible to identify several notions of order: Historical Order; Temporal Order; Endogenous Order; Normative; Demographic and Symbolic Order (for details see March & Olsen, 1984). For this particular thesis the notions of order is of paramount importance because each of them underlines different factors influencing the nature of the policy, such as distribution of power, development of interests and preferences or the ways in which organizations adapt through turnover, etc.

Turning to the basis of the approach it is necessary to emphasize that new institutionalism insists on more independent role of political institutions (March & Olsen, 1984). The design of political institutions is not just shaped by the society but also affects the society itself. Taking into account that the notion of preferences of the individual actors and collective interests plays a significant role within the frameworks of the institutional approach, the influence of the existing institutions on the society may shape the development of these preferences. This mutual influence is of crucial value, because it implies that political institutions may be treated as political actors. Moreover, "being a collection of rules, norms, structures and procedures institutions may have autonomous or partly autonomous role in political life" (March & Olsen, 2006).

At the same time, another core assumption of new institutionalism is that "translation of structures into political actions and action into institutional continuity and change are generated by comprehensible and routine processes" (March & Olsen, 2006). Actually, these processes build patterns of organization and modes of action. In other words, the decision-making process within a particular institutional structure would follow certain frameworks and standard operating procedures. The established patterns of the action within institutional structure would shape the nature of the decisions via constrains, rules and determined

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processes of decision-making. However, taking into account the argument that the institutional structure of organization can be understood neither as rational system for coordination nor can be accounted for by the logic of transactional costs, but as the prevailing concept how the work should be organized one may argue that there is no perfect combination of the institutions and operating procedures (Selzwick, 1996). Following this logic it is possible to suggest that any institutional structure will have a number of imperfections, arising from the application of the purely theoretical insights how work should be organized and existing situation, when it is necessary to encompass a number of interests and transform them into coherent actions.

The other side of the theoretical approach used in this paper is connected with the logic of action in the sense of existence and development of institutions. In this dimension it is possible to reveal two views which stress distinct logic of action: Logic of expected consequences and Logic of appropriateness (March & Olsen, 1998). The first one assumes purely instrumentalist approach towards institutional structures. In the other words the institutional design in general or in respect to particular details is not valuable per se, but it is highly valuable as the mean to achieve defined goals. "Institutions not only set constraints to strategic action, but they themselves are the object and outcome of strategic action" (Koenig-Archibugi, 2004). At the same time the second perspective the importance of the institutions is based not on the anticipated capacity to produce well-defined outcomes, but on the entrenched beliefs and normative commitments.

These two perspectives play a crucial role in the analysis of the institutional structures because in fact they present two main logics of the functioning of any institution or organization.

Underlying the very purpose of this paper, to emphasize and reflect the influence of the institutions on the nature of Common Foreign and Security Policy in European Union, it is

necessary to mention that it seems to be that an institutional approach is applicable to the analysis of the CFSP. It includes the features of Intergovernmentalism (unanimity in decision-making, and absence of means to enforce even made decision), transgovernmentalism (formed through the direct contacts between foreign ministers of member states) and supranationalism (this is present in the blurring of pillars one and two through the dependencies of the resources). Following these features the problem arises from the fact that the CFSP almost does not have dedicated office holders, bureaucracy of its own, as well as budget and means of legal enforcement. However turning to the core definition of the institution it is possible to see that it does not require in a strict way any of those features, which were criticized. For example, the definition of the institution by Elinor Ostrom which was presented above allows us to see that the pillarization arrangements for the conduct of CFSP cover all the criteria for the application of the institutional analysis. Under "pillarization" one should understand the idea of organizing principles that lay behind the European Union (See Winn & Lord, 2001). That is why the institutional framework is valid for the analysis of the Common Foreign and Security Policy.

2. Application of consociationalism

In this chapter I will proceed in the following way: first of all I will apply the criteria for evaluation of consociationalism elaborated by Arendt Lijphart to the European Union, in order to look at the way in which power is organized and subsequently to analyze the decision-making process at the European level. Second of all, the application of Lijphart's criteria will be supplemented with principles of consociationalism presented by Ian Lustick.

In order to be able to apply the theory of consociational democracies to the European institutions it is important to start with testing if there is any possibility to do this. However, one should take into account that the criteria were determined by having the state as a

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reference point. Hence, when applying these criteria to the EU, one should consider that there

is a degree of deviation from the classical theory as found in Lijphart's writings. According

to Lijphart's early work a consociational democracy is defined by four main factors: grand

coalitions; segmented authority (each social segment has its' own sphere of authority, either

territory or functionally); mutual veto; proportionality (either in elections or cabinets,

parliament, etc.) (Lijphart, 1977). Following this framework, I will proceed by applying each

of these criteria to the institutional design of the European Union. On the one hand, this will

show the characteristic features of the EU institutional structure as compared to the nation

states, and on the other hand it will allow me to illustrate to which degree they are applicable.

As underlined earlier, because the initial purpose of the analytical framework developed by

Lijphart was to analyze a different set of institutions (e.g the state), my expectation is that EU

institutions will not fit his criteria perfectly. Nevertheless, it will be able to capture the

institutional dynamics under the Second Pillar.

2.1. The Grand Coalitions

The, first criterion is the existence of grand coalitions as opposed to a minimum wining

coalitions which are usually expected in parliamentary democracies. The grand coalitions are

made possible by the existence of an agreement (informal or institutionalized) between

political elites from the various groups. As Taylor (1991) emphasizes, the *cartel of elites* is

"involved in some way in a continuous basis in the process of decision-making".

Furthermore, contrary to a parliamentary democracy, there is no opposition in the decision

making process as all the groups are represented inside the coalition. Moreover, as Taylor

argues, it is not necessary for all actors to be "positively involved in the same way on all

occasions" (Taylor, 1991). The very fact of the existence of agreement between elites is

described in behavioral terms as "will to cooperate", "compromise", etc., (see Lijphart,

1974; Bakvis, 1985) or the so called elite accommodation, which is a very specific process "sufficient to integrate a divided or fragmented society" (Bakvis, 1985). The notion of elite accommodation is of crucial importance, because it is considered as a mechanism which plays a significant role in defusing conflicts at different levels as well as in the degree of integration of diverse units (Bakvis, 1985).

Turning to the criterion of grand coalitions, it is important to underline that the most interesting and clear examples of grand coalition formation can be found in the European Parliament. However, one may argue that coalition formation is a process closely connected with elite accommodation which can be found in all main bodies of the EU, but not only in EP. It is difficult to argue that the EP is the only example, but at the same time it can be considered as the most explicit one.

Amie Kreppel and Simon Hix analyze the competition in the European Parliament, which covers the period of 1994-2002 (Kreppel & Hix, 2003). The authors argue that in this period within EP the process of changing competition occurred. In fact they divide the period into two parts: the first one is from 1994 to 1999 – the pattern of competition of the "grand coalition" of two parties; the second – 1999-2002 presents the shift to the right-left competition (Kreppel & Hix, 2003). Taking into account that this paper is devoted to post-Maastricht period, the analysis by Kreppel and Hix covers the period of time when the Treaty had been already ratified and the provisions had been implemented. However, in spite of the shift to right-left competition, it is possible to identify that grand coalitions were formed but they were more likely to predominate on certain issues of politics in post-1999 period, such as issues relating to integration and external relations (Hix, 2002).

Considering the two post-Maastricht periods, it is important to show what parties have been forming grand coalitions 1994-1999 period was characterized as period of "established 'grand coalition' between Socialists (Party of European Socialists - PSE) and Christian

Democrats" (Judge& Earnshaw, 2003). Under notion of Christian Democrats here European People's Party and European Democrats (EPP-ED) is considered, essentially formed by Christian democratic Parties from six founding member states (for details see Pridham & Pridham, 1981; Judge and Earnshaw, 2003). Actually these are the biggest parties in the European Parliament. Turning to post-1999 period one may see that the situation is different –coalitions are forming, but the main players organize themselves by following a different logic. European Liberal, Democratic and Reformist Group started to play pivotal role. In the first six months of the post-1999 ELDR chose EPP-ED as its voting partner, while in the longer perspective it preferred to align itself with PSE forming from 73.9 to 73.8 per cent of votes (Hix, 2002).

In fact, the existence of a grand coalition can be considered as complying with Lijphart's criterion. However I have to emphasize that at the most recent stage of development, a shift from this pattern occurred. Of course it is possible to explain this change by the development of the European Union, and especially its enlargement which has led to an increase in the diversity of the representatives in the institutions. Yet, even if these changes occurred, the formation of coalitions within the EP remains a reality. At the same time, turning to Lijphart's assumption, the grand coalition is considered to cover a broad range of views as possible. It is interesting that according to the statements of the Members of the European Parliament the building of the coalition in the EP is a process aimed to reflect the broadest range of views of its members and aimed to the finding of the compromise between interests of the representatives (NewEurope, 30.03.2009). In other words, the existence of the grand coalition in the European Parliament is not breaking news even for the MEPs. This fact can be considered as an additional support to the assumption about the compliance of the European Parliament to Lijphart's criteria.

2.2. Segmented authority

The issue of segmented authority is connected with the nature of interrelations among the various groups. To a certain extent, the interests of the groups follow the lines of the main cleavages (ethnical, religious or linguistic) which exist in a society. As a result, they are restricted by the intrinsic characteristics of these groups. By being determined in such a way the interests overlap to the lesser degree with interests of members of other groups within the framework of the same state. (Daalder, 1974) However, there are relatively few cross-cutting cleavages, and actually the authority is segmented in relation to such groups.

Applying these criteria to the EU bodies and the institutional arrangements it is possible to see that it can be used in the relation to European Parliament or Council. However, the European Commission as the main executive body can not be analyzed under this criterion because the Commissionaires do not represent the interests of the national state but they are to represent the interests of the Union as the whole. Conversely, there is an opposite view, that the proposals initiated by Commission reflect some national influence through the efforts of representatives of member states in The Permanent Representatives Committee (COREPER) (Gabel, 1998).

In order to show the compatibility of the criterion of segmented authority it is necessary to reflect the segmentation of the EU polity. The combination of strong national political and social institutions with much less developed cross-national political affiliations demonstrates that within EU, there is social segmentation along national lines (Gabel, 1998). As a result, member states have different interests which are supranationally represented within the EU institutions.

However it is possible to show the segmentation within the EU using the definition of severely segmented societies by Robert Dahl, who argues that in extreme cases the members of subculture "live out of their life in nearly total isolation from non-members", having the most kind of interactions rather among each other then with non-members; and they consist of a separate nation within the country (Dahl, 1989). As Gabel argues (Gabel, 1998) changing the notion of "sub-culture" to "Member-state" one may see the clear coincidence with the European Union. Being segmented and having segmented authority inside, the EU has the level of interaction of the elites – the supranational level. In fact, the supranational level can be considered as the level where interests of segmented authorities overlap and common decisions on issues are reached through bargaining and compromises.

On the one hand, such an approach can be interpreted as being federalist. The reason for this - it is perfectly consistent with the definition of federalism as a system of government in which central, regional and local authorities are linked in mutually interdependent political relations and in this system a balance is maintained so that neither level of government becomes dominant to the extent that it can dictate the decisions of the others but each can influence, bargain with and persuade each other (Wistrich, 1999, p.94). However, there is no contradiction with the notion of consociationalism, because a consociation can be federation "if segmental autonomy is instituted on territorial-federal basis" (Lijphart, 1985 p.5), what is perfectly compatible with the application of definition by Dahl to the EU. In the other words, the segmentation of the authority can be considered feature of federalism as well as consociationalism (Lijphart, 1985).

2.3. A Veto Right

The third criterion – the right of veto, - can be considered as a logical extension of the cartel principle, because if one assumes the existence of political elites with various interests,

the most available institutional way to make the decision making process run efficiently is to use the consensus principle (Taylor, 1991). The right of veto presupposes the ability to disapprove any decision. In other words, the majoritarian principle is shifted in favor of the requirement of consensus among the members of the elite.

Turning to the third criterion for evaluation of consociational democracies – the right of veto – it is possible to apply it to the European Union in two dimensions. First dimension is closely connected with the institutional arrangements and institutional performance of the main EU bodies – Council, Commission and European Parliament. The second dimension is the performance of elites in the unanimous decision-making process.

According to Lijphart, the mutual veto is considered as the ability of all groups to apply brakes on the decision-making process (Lijphart, 1977). This particular issue is of paramount importance, because it may lead to deadlocks in the decision-making as well as to concessions, necessary for achieving an acceptable decision.

The decision-making process in the EU is not determined by one or two institutions. In fact, the European Parliament, Commission and Council are integral parts of the process, and the overlapping in their responsibilities on the on hand increases the possibility of the dead-lock, but on the other hand help to encompass various interests of the member states.

Turning to this interconnected system of veto power in the European institutions it is necessary to track the way of their interactions. The Council's veto power makes it the most influential institution in the process of the decision-making. However this process can be complicated by the Parliament's negative opinion, expressed by letters to the Council. In addition one should take into account the role of different procedures used as well as the role of committees

The EP is one of the most controversial institutions within the framework of the European Union. On the one hand it has a right to approve or disapprove the budget of the

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EU; it has the last word on the issue of expenses of the EU; it participates in the decision-making process with the Council, - thus it has rather wide range of responsibilities as the legislative body (for details see TEU; Amsterdam treaty; Nice Treaty; Judge & Earnshaw, 2003). On the other hand it does not have the right for the legislative initiative as the Commission has. In the other words all three main bodies of the European Union take part in legislative activity. At the same time it worth is mentioning that the EP has a right to veto the Commission's proposals (the example is the first pillar of the EU according to the Maastricht Treaty). Actually, the Parliament exercises the veto on the policy issues of not vital concern, such as internal market, consumer protection, etc. (Gabel, 1998).

It is necessary to underline that the Commission does not have any option to veto decisions of Council and Parliament, because in general it is more executive body. In such a blurred and at the same time complex division of the responsibilities the decisions are taken (of course to elaborate the full decision-making process within the framework of the EU it is necessary to underline the role of the different committees, but this paper concentrates on the main bodies). In this web of the institutional interactions the principle of mutual veto can be applicable only partly. The Council and European Parliament have the direct right of veto, but the third involved side – the Commission – can act only indirectly. Within the framework of the working procedures the Commission can coordinate the content of the legislative initiatives through the negotiations with the representatives of the EP before the submission of the initiative. Usually it is used when the Commission is not confident enough that the initiative will be approved. In fact this procedure can be considered more as the tool for the avoidance of the deadlocks in the decision-making, and to the revelation of the compromise decision.

In addition, one should take into account that the group of elites acting at the level of EU institutions is composed of representatives of the member states. In the other words, the

EU member states maintain "protection against legislation that threatens their autonomy in areas of vital national interests" through these elites (Gabel, 1998). Prior to Single European Act in 1987, there was an implicit national veto right over all legislation of the European Community according to Luxemburg compromise. However, through this veto right the states were not allowed to induce amendments to the basic treaties. Instead, this was a mean for protection of areas of vital importance for every member of the Union. For example, France kept CAP as main area of its interest. In the other words, the elite group can exercise the veto power on the issues of severe controversy among member states (Gabel, 1998). As Taylor has put it, states veto what they do not like (Taylor, 1991).

Having s the reference point the Council of Ministers and the European Council it is possible to argue that "they behave like members of elite cartel in consociational multi-party government" where the process of consensus building is complex and connected with expression of suspicions to initiatives of others' (see Taylor, 1991).

2.4. Proportionality

The notion of proportionality implies that various segments are to be represented proportionately in all major institutions, bureaucracy, legal system, etc. This feature ensures that the rights and interests of all parts of the society are represented and safeguarded. Actually, this mechanism allows the protection of each minority from the dictatorship of the whole (Taylor, 1991).

It is logical to consider that this principle should be referred to the institutions where representation of member states is not equal. Actually, if one turns to the main bodies of the European Union it is possible to see that the proportionality principle, avoid overrepresentation of large nations, is used there. The Council of Ministers is the principal decision-making body, where decisions are made either by unanimity or by qualified

majority voting, but the votes are assign to nations roughly according to size. However, qualified majority voting implies the necessity to achieve 255 votes out of 345 (73.9%) and a majority of member states. The majority representing 62% of population also should be taken into account (for details see TEU).

Examining the composition of the Commission it can be observed that it represents all members of the EU. Each member has equal representation through its commissioner. At the same time, the bureaucratic positions are distributed across nations according to population (Gabel, 1998, p. 468). As a result, two principles dominate the organization of positions within the Commission: *equality* – which accounts for the same number of Commissioners granted to each state and *proportionality* - which is reflected in the distribution of bureaucratic positions

As for the European Parliament, it is the only institution of the European Union elected directly; that is why the relevance of proportionality principle is of paramount importance. Elections take place across several days according to local custom and, besides having to be proportional, the electoral system is chosen by the member-state. This includes allocation of sub-national constituencies; while most members have a national list, some, like the UK and France, divide their allocation between regions. Seats are allocated to member-states according to their population, with no state having more than 99, but no fewer than 5, to maintain proportionality (European Parliament: Electoral procedures, http://www.europarl.europa.eu/RegWeb/application/registre/searchResultDetailed.faces,)

Actually, the principle of proportionality is consistent with the logic of functioning of the main bodies the EU. Of course one may argue that the way how Commission is formed can be interpreted as the proportional due to the fact that countries represented equally without any reference to population size or territory. The counter argument to this is the way of formation of bureaucratic positions within Commission.

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Considering the application of Lijphart's criteria developed in the previous paragraphs, it is obvious that European Union in the post-Maastricht period has features that bring it close to what we can consider to be a consociational polity. In spite of the fact that the criteria were elaborated by having as a reference point the state, they hold also when applied to the European Union.

2.5. Features of consociationalism by. I. Lustick

Simultaneously, in order to broader the analysis, additional features of consociationalism can be added as supplementary arguments. Ian Lustick contrasted elite behavior within consociational arrangements and hegemonic ones and presented several criteria for consociational systems (Lustick, 1979). Following his logic, in consociational systems the allocation of resources is achieved by having a common denominator, and the interests of different segments are articulated by their respective elites. Looking at the European practice in the post-Maastricht period, it is possible to see that the use of the "lowest common denominator" under the second pillar prevails. Actually it can be explained in rather simple terms. The sphere of Foreign and Security Policy is of paramount importance for the nation states, and in order to elaborate the common European position Member-States have to find the compromise option, because there is still a right to veto decision undermining or shaping the sphere of vital importance. Moreover, the lowest common denominator is a mean for preventing system from the deadlocks.

Furthermore, the next principle of the consociational systems, considers that segments are linked by some form of political or material exchanges, bargaining, trades, compromises and negotiations (Lustick, 1979). Appling it to the European Union, it can be argued that this principle reflects another side of the interaction between states. The Monetary Union or the Common Market is examples of such interactions. At the same time, looking at the issues of

negotiations and bargaining between segments it is necessary to underline the role of Intergovernmental Conferences within the EU. Taking into account that institutional changes are to be the outcomes of negotiations carried out within the framework of IGC, the Conferences present the political interaction, negotiations and bargaining between states (Judge & Earnshaw, 2003). Moreover, pillar system of the EU introduced by Maastricht Treaty was the result of two Intergovernmental Conferences covering the issues of pillarization and development of the economic and monetary union (EMU).

In addition to the second principle Lustick argues that the fact of hard bargaining between units or segments of consociational system is a necessary fact of political life (Lustick, 1979). Actually looking at the practices within the pillar structure of the EU under Maastricht Treaty, particularly under the second pillar it is possible to see this feature. The decision-making under the second pillar of TEU largely takes form of intergovernmental method, which involves those bodies which defend the national interests of the Member States (see Summaries of EU legislation). Particularly, The Council of European Union formed of Heads of States or Heads of Governments, is the main decision-maker on the issues of Common Foreign and Security Policy. Furthermore, looking at the fact that Member states have a right of veto, and a decision can be made only on the basis of commonly acceptable option.

The next principle elaborated by Lustick implies that normative justification of adopted arrangements in a consociational system is more likely to be couched in terms of general references to the common wellbeing of all units of the system (Lustick, 1979). Looking at the practices in the EU and taking into account that the principle of common lowest denominator is used as the mean for achieving the acceptable decision for all member states of the Union, it is possible to argue that the practices of EU are compatible with Lustick's principle. In the sphere of economy, such terms as "European economy", "Common concerns", etc. open the

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official document (for details see: Reports of The European Council, http://www.consilium.europa.eu/App). Actually the references to overall benefit are the integral attribute of most of the common European Position. On the one hand this fact presents the compatibility with the criteria by Lustick; on the other hand it reflects the continuous efforts to build common legislation at the level of EU, which can be accepted and implemented at the level of member states. In fact this adds to the last principle described by Lustick, implying that the solution of any issue should contribute to the preservation of the whole system while being enforceable at the level of units (Lustick, 1979).

In the other words, the criteria presented by A. Lijphart as well as the principle of consociationalism described by Ian Lustick are applicable to the institutional system of the European Union. This shows that the power sharing, required by consociationalism (for details see Lijphart, 1989) is a characteristic feature of the EU decision-making, which allows the decentralization of power and the increase in number of institutions involved. On the one hand it gives the opportunity to include a broad range of interests; on the other hand, it increases the probability of clash of divergent interests on sensible areas for member states. Thereby, the most common behavior of the member states can be described in terms of compromise, making principle the most suitable for a thorough description of the practices of decision-making within EU.

3. The Second Pillar of the European Union.

In this chapter I will examine the institutions involved in decision-making process under the second Pillar under Maastricht and Amsterdam Treaty. Second Pillar encompasses issues of Common Foreign and Security Policy of European Union. I argue that the institutional arrangements of the EU in the sphere of CFSP in this period had significant impact on the nature of decisions made. Particularly, the decisions made within the

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frameworks of existing institutions were aimed to exercise "soft" rather then "hard" power. The examination of the main institutions allows reflecting the main decision-making principle and thus shows how institutions shape the nature of the policy as the whole.

First of all I will start with scrutiny of the main institutions involved in decision-making under Maastricht Treaty. Second, I will proceed with examination of the changes in decision-making process according to Amsterdam Treaty and Treaty of Nice, one of the aims of which was to improve the imperfections of the CFSP established by Treaty of European Union.

3.1. The Second Pillar of the European Union under Maastricht treaty

As J. Peterson argues, Treaty of European Union appointed Community institutions - Council of Ministers, COREPER (Committee of Permanent Representatives), and Commission - to be jointly responsible for decisions emerging from Pillar I (Community Competence) and Pillar II (Common Foreign and Security Policy) with "a view to encourage more coherence in EU external policy"(Peterson, 1998:7). Of course the role of these institutions is of paramount importance, but one may argue that this list is far from being complete. The decision-making process under Pillar II is very complicated. That is why it is worth starting the examination of responsibilities and rights institutions involved in decision-making process.

Table 1 presents the major provisions of CFSP policy process under Maastricht. Actually this table presents the main bodies involved in the particular stage of the development, adoption, and implementation of the policy under CFSP. However in order to see the interrelations between them in the decision-making process I will proceed with the

brief overview of the responsibilities of the main bodies involved and the main principles of decision-making within them.

According to Maastricht Treaty, The European Council is responsible for "principles and general guidelines for common foreign and security policy, including for matters with defense implications" (TEU, Art.13). Actually this is the main role of the European Council

Table 1. The CFSP policy process under Maastricht[1]

Policy Stage	*Relevant actors*
Agenda-setting: defining general principles/area for the CFSP	European Council of Heads of States/ Governments (includes the member of the Commission)
Decision-making regarding specific CFSP policies	Council of Ministers and Commission (Supported by COREPER; Political Committee; working groups CFSP Secretariat)
Implementing common positions and joint actions (includes external representation)	EU presidency, Council of Ministers, Commission, plus EP. Involves qualified majority voting in some cases
Funding of the CFSP	Member states and the EC (Commission and EP)
Democratic oversight (limited)	European Parliament

in the cobweb. Simultaneously, the European council shall decide on common strategies to be implemented, while The Council of Ministers has to make recommendations on common strategies to European Council and implement them by adopting joint actions and common

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[1] Adjusted from Smith M.E. Europe's Foreign and Security Policy. The institutionalization of Cooperation. United Kingdom, Cambridge University Press. 2004, p.181.

positions. In the other worlds, the role of European Council can be defined as in terms of provision of overall direction and guidelines for CFSP (White, 2001:97).

However, the Council of Ministers has been placed by Maastricht Treaty in the very center of decision-making process under the Pillar II. As B. White (2001:97) argues the intergovernmentalist fiction that the Council acted on foreign policy matters only when named as the meeting of foreign ministers within the frameworks of political cooperation has been removed, and Council became the key decision-maker, where rotating presidency represents the deliberations. However this is only one of the opinion, and rather controversial one, because a number of scientists consider that the CFSP and particularly the activity of Council remained to be intergovernmental (For details see Smith, 2004; F. Cameron, 2007). The responsibilities of Council cover such aspects as:

1. definition and implementation of common foreign and security policy basing on general guidelines

2. production of common strategies and, joint actions, and common positions

3. adoption of all legislative acts

According to Maastricht treaty the main decision-making principle is unanimity (Hayes-Renshaw & Wallace, 2006:23). In the other words, being key decision-maker, the Council of Ministers had to seek for the consensus based decision, satisfactory for all member-states in order to prevent the decision to be vetoed. As White argues, consensus basis for the decision-making leads to the significant implications for the CFSP. Actually, this is rather understandable, because the Council of ministers consists of the representatives of the member states, who are under influence of the domestic policies. Thus there is the necessity to combine preferences of individual member state with the preferences of the EU as the whole; and at the same time prevent domestic politics from being intruded and sharply

distorted by the EU decisions. As Hayes-Renshaw and Wallace (2006:312) argue Council can be considered as the pattern of "serial exceptionalism" according to which governments signal that particular issue is of paramount importance and can not be outvoted. In the other words, the solution for such kind of issue should be based on consensus, in order not to be vetoed.

As for the role of Commission, it is necessary to underline that it has the equal right of initiative with member-states under the Pillar II. Moreover this body is responsible for consistence in all external actions of the EU. These two main activities represent the involvement of Commission in all stages of CFSP, from initiation to implementation. Additional instrument for Commission to influence is the ambassadorial level, where it acts through Troika and becomes involved in advocacy and coordination of CFSP on the ground. However it does not have a right to pass or veto any legislation under the Second Pillar. In the other words, a right of the last words belongs to Council of Ministers.

As it was presented in the Table 1. the Council and Commission are assisted by other agencies. First of all it is necessary to turn to the Committee of Permanent Representatives (COREPER) which consists formally of the heads of the delegation, or permanent representatives that each member state maintains in Brussels (Cameron, 2007:44). As White (2001) described, COREPER was established for reconciling the aims of CFSP with the means available. In fact, the main task of COREPER is to prepare agenda for Council meetings. If the members of Committee were able to reach unanimous agreement on a particular issues the proposal receives "A" category on the Council discussions. It means that proposal will be approved by Council without deliberations and discussions. Then the meeting proceeds in the frames of discussion of contentious items, so called "B" points. Taking into account that members of COREPER have an ambassador status and considered as senior national officials with the confidence in their government, the contentions based on

divergent view on the issues are possible. That is why in order to achieve the unanimous agreement the bargaining process and compromise principle can be considered as the basic at this level of decision-making. Otherwise, the issue goes to the higher level of Council where the representatives can exercise a veto power. In the other words, there is the necessity for consensus decision-making at the lower level under the Pillar II.

The Political Committee of national Political Directors (PoCo) is located under COREPER in the hierarchy. Before Maastricht Treaty was adopted PoCo had been responsible for preparing and coordinating work of foreign ministers and for separate intergovernmental groups established to serve EPC (for details see Smith, 2004). The relation between COREPER and PoCo is a mirror reflection of the relation between Council and COREPER. However, in spite of the subordinate position, such a practice had been evolved that COREPER will normally not change proposals promoted by PoCo particularly if they relate exclusively to the issues under Pillar II practices (White, 2001:99-100). Moreover, the fact that Political Directors are based in national capitals with direct lines to their Foreign Ministers, it is logical to consider that the reflection of national interests is inherent to the activity within PoCo. In addition, the responsibility of Political Directors includes the duty to analyze, shape, and coordinate national foreign policy within EU and towards EU (for details see official site of FRG Ministry of Foreign Affairs, http://www.auswaertiges-amt.de/diplo/en/AAmt/Abteilungen/PolAbteilung2.html). Thus, at this level the influence of national government position is of crucial importance, and possible reflection of national interests implies the tendency to work on the basis of compromise in order to reach the point when the decision would be approved at the highest level. Therefore, one more time it is possible to see the necessity of the compromise principle that will lead to the elaboration of common position and increase the probability of its' being adopted.

There is no need for the detailed examination of the CFSP working groups and Secretariat, because, in fact their role is limited to the preparation of materials for the higher level. Moreover there are more them thirty working groups under Pillar II and scrutiny of each of them does not play an important role in this particular paper.

On the contrary, there is a necessity to pay attention to the EU Presidency. The six-monthly rotating Presidency chairs CFSP meetings, helps to set an agenda and represents EU to the outside world. On the one hand there is the role of representation of the European Union as the whole; on the other hand there is a concern, "that too often Presidencies set their own national priorities" during the term (Cameron, 2007:47). A lot of concerns about position of EU Presidency were connected with unclear division between the role of Commission and Presidency in representation of the Union (see Smith 2004; Regelsberger & Wessels, 1997).

3.2. Provisions of Amsterdam Treaty.

Turning to the next step of evolution of the Common Foreign and Security Policy in the European Union it is necessary to track the changes in responsibilities of institutions involved, and to see if any changes in the decision-making process had been adopted. On the one hand the adoption of Amsterdam Treaty can not be considered as the radical change; on the other hand it represents the turning point in the development of the CFSP (Neunreither & Wiener, 2000:3).

Amsterdam Treaty enhanced the role of European Council, which became responsible for laying down guidelines for foreign actions, and, more importantly, to adopt strategies, that define in a broad terms the goal to be achieved and means to be used (White, 2001:159-160).

In the case of the Council of Ministers, Amsterdam Treaty has change several arrangements covering the responsibilities of the institution; particularly it became responsible for the adoption of joint actions (Treaty of Amsterdam, Art. J.4). In addition the member-states had to inform the Council if there were major difficulties in implementing joint actions.

Actually the main changes within the Council were connected with the decision-making procedures. As M. Smith argues, the Treaty codified a new doctrine of flexibility (Smith, 2001:227). Treaty of Amsterdam fixed the unanimity based decision-making on the issues of guidelines implementation. However, the innovation was that member states obtained the right to abstain from the voting on the certain issue, without using the veto power, so called "constructive abstention". However, only one third of the members could abstain from voting without blocking the decision. This has become known as action taken by "coalition of the willing"(White, 2001:159).

The other side of flexibility relates to agreed strategies, which may be taken by qualified majority voting (QMV), with the requirement that at least 10 countries will constitute majority. However the vote may be opposed and blocked effectively by any member state "for important and stated reasons of national policy". In this case, the issue is returned to European Council, but the decision there will require unanimity. In addition to this all decisions connected with military implications must be taken unanimously (Peterson & Bomberg, 1999: 230).

It is difficult to argue that the role of Commission was dramatically changed by Treaty of Amsterdam. Specifically, there is no advancement of its role in the activities of the Second Pillar. At the same time, as several authors note, there is the room for the contribution of Commission in the improvement of the consistency of foreign policy actions across three-pillar structure (White, 2001:159). Amendment of the Article C of the Treaty of European

Union reinforced the duty of the Council of Ministers and Commission together to cooperate in order to ensure consistency. A new article enabled Council to request Commission to submit proposals on CFSP to guarantee the implementation of foreign actions (Cameron, 2007:69).

Marked innovation was the introduction of new potentially significant actor - High Representative for CFSP (HR). This post was to be held by Secretary General of Council of Ministers. The responsibilities given to HR were predetermined by long-felt need to give the single voice to the European Union. They cover three related functions:

1. "to assist the Council in matters coming within the scope of the CFSP , in particular through contributing to the formulation, preparation and implementation of policy decisions"

2. to conduct political dialogues with third countries "when appropriate and acting on behalf of Council at the request of the Presidency"

3. to assist the Presidency in representation of the EU abroad and with the respect to implementing CFSP decisions (TOA, Art. 18 & 26)

In TOA the role of High Representative is presented as assisting to the Presidency. As Cameron argues, in practice the role of HR became more significant that it was considered in the beginning (Cameron, 2007:47).

It should be underlined that the system of different committees, in particular COREPER, PoCo, had not been changed. The working procedures established under Maastricht Treaty remained to be the same and reflected the interests of national representatives. The consensus decision-making, bargaining and compromises were an integral part of the decision-making process.

In the other words, in spite of the turning point in the institutional development of the Second Pillar, and introduction of new decision-making principles within the Council of

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Ministers (this is of vital importance because the Council is the main legislative body under Pillar II), the requirement of consensus based decision-making remained to be the main one.

3.3. Provisions of Nice Treaty.

The provisions of the Nice Treaty were design to improve what Amsterdam Treaty failed to address. On the one hand, it is possible to consider this step in the development of the EU as a significant breakthrough; on the other hand, the Treaty did not contain radical changes, and because of this it can be attributed as one of the turning points in development of the integration process as the whole and CFSP as an integral part of it.

The Political and Security Committee, which is also known as COPS according to the French acronym, was established (Council of European Union. Treaty of Nice. Art. 25, http://eur-lex.europa.eu/en/treaties/dat/12001C/pdf/12001C_EN.pdf). The mandate given to new part of hierarchy covered monitoring the international situation in areas of the Pillar II, contributing to the definition of policies delivering opinions to the Council at the request of the latter or on its own initiative (Cameron, 2007:45). Moreover Committee was to exercise political control and strategic direction of crisis-management operations. It consists of the ambassadorial level representatives from the EU member states. In terms of hierarchy, PSC is junior to COREPER. As Cameron argues (Cameron, 2007: 46) the standing of the PSC members was strongly dependent on the position of the national governments. In other words, it is possible to track the influence of member state position on the standing of PSC representative. Actually, the absence of the legislative initiative caused inability to influence dramatically on the decision-making process. Though opinion presented to the Council might have certain impact on the decision made.

The main and the most important changes were connected with the extension of the qualified majority voting as the decision-making principle within the framework of the EU

Council. The decisions on appointing special representatives were to be made by QMV. Moreover, according to Article 24, "when the agreement is envisaged in order to implement a joint action or common position the Council shall act by qualified majority voting" (Council of European Union. Treaty of Nice. Art. 24, http://eur-lex.europa.eu/en/treaties/dat/12001C/pdf/12001C_EN.pdf). At the same time, there is still a right of veto for each member state as well as a right to declare a paramount importance of the issue under consideration in order to use the unanimity rule. Furthermore, the decisions with military and defense implications were to be adopted using unanimity rule. Thus it is possible to argue that in spite of the extension of the QMV as decision-making principle, the veto right and consensus played significant role. However, the broadening of the applicability of the QMV is of crucial importance. It might have a significant impact on the nature of the decisions.

One should take into account that the decision-making has not been changed in other institutional bodies under the Second Pillar except EU Council.

3.4. The influence of the consensus on the nature of decisions

After having tracked the main principle and mail levels of decision-making process under the Second Pillar, it is necessary to turn to the examination of the influence of the consensus principle in decision-making to the nature of the decision.

The Common policy presupposes the existence of consent among the actors involved, in order to have elaborated and satisfactory for alternative all participants. However when one speaks about the sphere of foreign and security policy the notion of national interests and sovereignty becomes of crucial importance. As Hill (1997:95) argues, by definition different states have separate interests in different spheres. The creation of common policy in this sphere implies that the foreign and security policy of the particular state would be defined by

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all other participants. At the same time, the burden of all will be carried by the particular state. The cost of the decision made will be distributed and will affect each state. The elaboration of the commonly acceptable decision requires time for the reaching common ground. Actually it can be explained by the divergent interests of the states and necessity of time for reaching compromise.

At the same time it is possible to highlight the influence of consensus-based decision-making on the nature of the decision-made. As Asle Toje (2008) argues, one of the features of the consensus-based decision-making is that it is rather slow in adopting coercive policies. In fact it is rather easy to explain, because coercive actions and policies imply that their implementation may be a threat to the state. Moreover if one speaks of military means there is the possibility of losses in terms of manpower. In this case taking into account that one of the basic objectives for the state is to provide security, the increase in potential threat to the population implies the decrease in wish of the state to be involved in the activity. One may argue that there are a number of exceptions, and the argument can be build on the basis of analysis of the use of military in the XXth century. However, following the logic, the intention of the state to be involved in such kind of activity should be inversely proportional to the number of potential losses.

Turning to the CFSP activity as the common activity of the number of states, the possibility to reach consensus-based decision for the national states on the issue of being involved in hard power action seems to be very complicated. The characteristics of EU foreign policy is often described as the process less defined by what tools are most likely to meet the certain objective, and more by what tools can be agreed upon (Toje, 2008:13). In other words, it is easy for the member states to agree on the actions which cover the use of civilian means and "soft power".

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Moreover, the indirect argument for this can be revealed from the institutional structure of the Pillar II, and in principle of decision-making. The rules for the application of

QMV existed but they "were so convoluted that it was nearly impossible to apply them quickly, consistently and efficiently" (Smith, 2001:201). While QMV was the most probable mean for adopting decisions predisposed for use of military power, because it left the room for decision not being blocked by veto right. Moreover the QMV is less favors status quo then consensus-based decision-making (Toje, 2008: 18).

4. Criteria for "civilian power" and "soft" power.

In this part I will explain the difference in the notions of "civilian" power and "military" power as well as I will cover the notions of "soft" and "hard" power. The difference between civilian ends and means will be examined as well. This is necessary in order to track the nature of the CSFP and qualify the actions carried out during the period under consideration as civilian or military.

It is logical to ask what is civilian power? What is soft power? The answers to these questions are of paramount importance because they explain the second part of the initial hypothesis of this paper that the EU remained to use the soft power in the Common Foreign Policy.

Most observers tend to agree that there is the difference between civilian and military means. The notion of the civilian power implies the use of non-military instruments and includes economic, diplomatic and cultural instruments while military sphere considers the use of the armed force. At the same time the peacekeeping missions and forces are considered as the civilian power instruments. However, being a civilian power has been often determined not only in terms of means which are used by an actor, but also in terms of ends

pursued. Simultaneously, civilian power may be determined in terms how the means are used and by the process the foreign policy is carried out.

Actually it is possible to reveal three elements characterizing the civilian power: means; ends; and use of persuasion. Taking into account the definition of civilian power by Hanns Maull (Maul, 1990:91-106), it implies:

> 1. the recognition of the necessity of cooperation with others in the pursuit of international objectives;

> 2. the concentration of non-military, primarily economic, means to secure national goals, while military power is left to serve as a residual instrument serving essentially to preserve other means of international interaction;

> 3. willingness to develop supranational structures to address critical issues of international management.

These criteria emphasize the civilian means and inclination to cooperate with others, which shows how these means are used rather what they are used for. There is no specification what kinds of objectives are pursued by civilian power. However the author urges that "transferring solidarity allows the development of rule of law in international relations, which leads to the process of civilizing international politics" (Ibid.). At the same time there is no ultimate rejection of the possession of the military recourses according to Maul, but they are the residual instruments.

The other well known view of "civilian power" was presented by Francois Duchene with the reference to the European Community (Duchene, 1973:1-21). On the one hand Duchene has not offered the explicit definition of the exercise of civilian power or the essence of civilian power (Smith, 2005:4). On the other hand, it was argued that the Community will be a model of "a new stage in political civilizationon" and will have chance to show the influence of large cooperative of states on the exercise of civilian forms of power

(Duchene, 1973). Moreover the Community is considered as the "civilian group of countries long on economic power and relatively short on armed force which has an interest to domesticate relations between states and put international problems in terms of common responsibility and structures of contractual politics" (Smith, 2005:11-12). At the same time, the EC was considered to make most of its opportunities if it remains to its inner characteristics, which are civilian means and ends, and built-in sense of collective action, expressing social values, such as equality, justice and tolerance (Duchene, 1973).

In the other words, "civilian ends" underlined by Maull and Duchene actually can be presented as "milieu goals" because they cover such issues as international cooperation, responsibility for global environment, improvement of rule of law in international relations (Wolfers, 1963). As the counterbalance to the milieu goal the notion of "possession goals" exists and it relates to the national interests, while milieu goal are aimed to shape environment where the state, or in this case integration organization, operates. In spite of the fact that the notion of the goals are rather opposite to each other, it is possible to argue that they serve as the complementary elements for each other. Particularly the milieu goals can be used as the mean for achieving possession goal. Simultaneously, they may be transcending the national interest and widely shared (Smith, 2005: 14).

Other important aspect in the explanation of the notion of civilian power is closely tied with issue how the means are used in order to achieve the ends. It is possible to distinguish six main methods used by an international actor to influence the other one (Holsti, 1995:195-196). They are: persuasion; offering rewards; granting rewards; threatening punishment; inflicting non-violent punishment; and use of force. Christopher Hill (2003) presents for categories of ways to exercise power and influence. It is possible to compel an actor to do something using force or deterrence – the threat of using force. The other option is to sway actor's decision, using persuasion and deference – latent influence (Ibid).

Moreover, looking at the latter method one may turn to the Joseph Nye's conception of "soft power", which co-opts rather then compels people (Nye, 2004). The notion of the soft power is crucial for this particular paper; that is why it is necessary to pay attention to the definition of it and the relation with the notion of civilian power. As Nye argues that any country may achieve the desirable outcomes in world politics because other countries want to follow it admiring its level of prosperity, values, openness, etc. This is the attraction of power which is different from compel or coercion which is referred to the command power (Ibid).

In other words, the logic of stick and carrot seems to be applicable to the differentiation of soft power from hard one as well as to the civilian and military means. However, foreign policy instruments can be used in a different way and it is rather difficult to argue that "the carrot" is just an economic instruments. Economic instruments cover the promise of aid, provision of aid, sanctions, etc. similarly the military instruments vary from actual use of force to the deterrence, training and supporting military troops at the territory of the other states, and defense of national territory form.

Moreover, the fact that the actor has only the civilian means does not implies that it will use those instruments to sway other actors (Smith, 2005). One should remember that the civilian instruments can be used rather coercively. In the other words, the civilian power might use coercion but via only civilian means. On the one hand this assumption is perfectly unsuitable to the Hills idea about "civilian models" that rely on persuasion and negotiation in the relations with the third countries. Turning to the case of the European Union one may argue that the use of diplomatic and economic strength of the Union in pursuing its goals can be considered as coercion.

Though, it is rather difficult to differentiate persuasion and coercion, and it is even more difficult to qualify an action as one of them when the actors are not equal (Smith, 2005:14). Actually the persuasion can be perceived by the actor as well as by the outsiders as

the action containing coercion. The very fact that the nature of the mean used in the particular situation has not been changed by the perception of the action as well as by the perception of the outsiders implies that mean used would be classified as the civilian one due to its initial nature.

4.1. Application of theory to the EU

It is important to present the compatibility of the notion of the civilian power with the nature of the European Union. Treaty on European Union presents the commitment of the member states to the universal values, to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law (for details see Treaty on European Union, 1992, 92/c 191/01). This fact is rather well-matched with Duchene's idea about civilian power, which built-in sense of collective action, expressing social values, such as equality, justice and tolerance (Duchene, 1973). Actually, this may contribute to the perception of the civilian ends of the European Union in the sphere of the foreign policy. At the same time, it is possible to turn to the other fundamental for common Foreign and Security Policy Document, to European Security Strategy. This document reflects the main threats to the EU and its security as well as strategic objectives of the Union. The way of addressing threats can be summarized as strengthening international treaties, and their verification provisions, development of international institutions, such as UN, which are constitutive for existing international order. Besides, the use of the military force is considered as the mean of the last resort (European Council, 2003, ESS, http://ue.eu.int/uedocs/cmsUpload/78367.pdf). An interesting opinion was presented by Philipps that the very involvement of the EU in the multilateral treaties and its membership in international organizations can be interpreted as the binding commitment of the

multilateralism, which can be considered as evidence of the civilian nature of the Union (Philipps, 2005).

In addition, the EU leaders emphasized before the ESS was issued, that nature of the Union is civilian one and it would not be changed by the construction of the EU military power (Larsen, 2002:289-290).

However, as it has been already mentioned being civilian power also considers the presence of the civilian means. In this case one may argue that there is obvious financial underfunding to the sphere of the Common Foreign Policy because only 1% of the EU budget is to be spent for this particular sphere, while it includes both civilian and military means. At this rate, there is underfunding to both civilian and military means (Philipps, 2005).

The existence of the civilian means has been already mentioned in this paper, but it is necessary to underline the issue of the availability of the military means of the EU. Actually the issue of the availability or unavailability of the EU military capabilities which are necessary for use of hard power is a debate of paramount importance. Taking into account that nowadays there is no European Army, and military contingent (ad-hoc peace-keeping missions can not be considered as the existence of the military capabilities due to their status), one can argue that there is no way to consider EU as the real military power nowadays. It is important to see the distinction between the NATO military capabilities and European, because they are not the same in the sense of belonging to the organizational structures.

Considering the peacekeepers as the military contingent and the attribute of the military power (Smith, 2005) it is possible to argue that existence of small military forces can not transform the nature of the EU, because they can contribute to the strengthening of the civilian power in Europe "by design" (Stavridis, 2001). And this view is supportive one to the importance of the civilian ends, rather then means.

Turning to the conventional explanations why the EU follows the way of civilian power, it is possible to reveal several approaches towards the explanations of this feature. From the neorealist perspective such a phenomenon can be understood by making the reference to the EU position in the existing unipolar structure of power, shaped by the Cold War. As Hyde–Price argues, because the lack of comparable military resources, the EU has opt-out for alternative strategies, to increase "the stability of their external milieu"(Hyde-Price, 2006:219). The second possible neo-realist view on the development of the CFSP (including Common Security and Defense Policy), explicitly presented by Seth G. Jones, who argues that there are two possible options for the development of the cooperation in the sphere of the security – traditional alliances, and so called binding strategy, which includes the aim to reduce the possibility of the potential threat from the other state by involvement of this state into the institutions (Jones, 2007). From the constructivist perspective one may explain the civilian nature of the EU foreign policy by using the notion of the view of the world. However these theories more suitable for the international relations, and as one may see more system-oriented, that is why they fail to take into account the role of the internal structures within the Union, institutional design, and the features inherited to it. As Fabbrini and Sicurelli argue the internal structures matter, and defining the European Union as "compound democracy" (the authors define compound democracy as the outcome of the aggregation of distinct and separated states and their citizens) they show that the multiple separation of power may influence the outcome in the sphere foreign and security policy (Fabbrini & Sicureli, 2008).

5. Empirical findings

In this part I will examine the joint actions of the European Union after ratification of Maastricht Treaty and then after Amsterdam Treaty. This examination can give an

opportunity to see that kind of actions have been carried out. I will classify the means used in terms of civilian and military, and in the dimension of soft and hard power. The division in several parts is essential because it helps to reflect the changes in the nature of CFSP after Maastricht, Amsterdam, and Nice Treaty correspondingly.

5.1. Actions in Post-Maastricht Period

The official records show that a total of twenty-nine joint actions were taken between November 1993 and 1997. They were related to: situation in ex-Yugoslavia (12); South Africa; the Stability Pact with Central/Eastern Europe (2); The Middle East peace process (3); preparation for renewal of the Nuclear Non-Proliferation Treaty; observations of Russian elections; actions against anti-personnel landmines (2); The Korean Peninsula Energy Development Organization (KEDO); and control on dual-use technology (5).

Taking into account, the definition of civilian power by Duchene and Maull, and the notion of milieu goals (which cover such issues as international cooperation, responsibility for global environment, and improvement of rule of law), several actions of the EU can be classified as civilian in their means and ends. First of all, actions related to the renewal of NPT, control on dual-use technology, actions against anti-personnel landmines, KEDO activity – represent the activity aimed to the improvement of the international environment, rules and laws. They do not presuppose the use of military means, and can be qualifies as civilian ones.

Moreover these actions, in Philipps (2005) interpretation can be understood as involvement of EU in multilateral treaties and thus are evidences of civilian nature of the EU.

Logical to consider that observation of Russian elections can imply neither military use nor military ends. Actually this action is perfectly suitable to the criterion of milieu goal also,

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because it reflects the cooperation between states. In the other words, it is possible to attribute this action to the civilian one, without deep inquiry.

Turning to the Stability Pact with CEEC (it is also known as Balladur Plan), it is necessary underline several aspects. First of all this is an international pact aimed to the improvement of relations with former communist countries and development of fundamental principles: democracy, rule of law, market economics, and respect to human rights (Smith, 2001:198). Actually this fact describes the nature of ends of the actions. Moreover, as M. Smith argues the Pact created the frameworks for the preventive diplomacy to help head off conflicts over borders and ethnic minorities (Ibid.). Taking into account that diplomacy is one of the basic instruments used implied by the notion of civilian power. However it was argued that the Pact discussed the issues of security in CEEC, particularly the possibility of helping to secure the East without extending formal defense guarantees (Smith, 2001:199). On the one hand, this assumes the use of military means in the sphere of security, on the other hand, it covers the issues of close cooperation in the sphere of economy, culture, environmental problems, etc. Therefore, one may see that the most questions covered by the Pact are related to the sphere of non-military actions (this can be seen as means) aimed to improve the environment the EU operates (this can be interpreted as ends). Thus it is possible to qualify the signing of the Pact as action of civilian character.

Turning to more controversial issue – the joint actions towards the situation in ex-Yugoslavia – it important to underline that the very conflict started before the CFSP was implemented. Hence, it s logical to consider the actions carried out after adoption of Maastricht Treaty. What was actually done through Joint Actions? First of all, CFSP provided aid to Bosnia and Herzegovina and supported the electoral process in the region. Second of all, under CFSP actions the administration of the city of Mostar was took over (Smith, 2004:195). On 23 July 1994 the European Union Administration of Mostar was

established. In fact, the mandate initially given, presupposed the "aim of overcoming the city's ethnic division between Muslims Bosnians and Croats through the process of reconstruction and political and social reunification" (Winn & Lord, p.74). The provision of aid as well as support to electoral process can not be qualifies as the non-civilian means. The establishment of the administration in Mostar, on the one hand may be interpreted as the activity involving the use of force in war affected city. However, there were no Common European contingents, as well as command, thus it is impossible to argue that EU exercised the military means. Taking into account the aim of the mandate – the activity of EU can be classifies as civilian in relation to the ends.

In addition, the CFSP imposed various sanctions and instituted arms embargo through common positions. Both of them are means exercised by the civilian power, and they are considered as the civilian means. This can serve as complementary argument in order to qualify the actions of the EU towards the situation in ex-Yugoslavia. As Smith argues the CFSP primarily was devoted to long-term conflict resolution with diplomatic and economic tools, but not to the quick crisis management using military means (Smith, 2004:196)

As for the actions in South Africa, the efforts there involved a transition from working against apartheid to helping to improve new democratic institutions and economic development (Holland, 1994b). Actually, these are ends of the joint actions. As for means, the EU "implemented a series of positive actions to assist a new government" including assistance with election process (Smith, 1997). In 1994 Council adopted a proposal for stronger relations with South Africa, covering trade, economic cooperation, political dialogue, and development of cooperation. Therefore, one may see that there was no involvement of military means in the series of Joint actions towards South Africa.

The Middle East Peace process is a very complicated issue to examine, because of the duration of the process and a number of actors involved. In 1993 Commission submitted

several proposals to the Council, which were lately adopted within Joint actions. Indentifying the ends of this action it is possible to argue that they were aimed to the peace-keeping process, which were determined as process of civilian nature. The means used can be summarized as negotiations with sides involved in the conflict, and proposals to build the regional cooperation. As S. Keukeleire & J. MacNaughtan argue this attempts "reflected the spirit of Monnet and Schuman" (Keukeleire & MacNaughtan, 2008:285). In fact there is no possibility to qualify the Joint actions of the EU towards Middle East Peace Process as the military one or containing the elements of "hard" power. The main efforts were concentrated on the diplomatic means which are purely civilian.

After having examined the Join Actions of the EU in the period of 1993-1996 it is possible to conclude that absolute majority of them is of civilian nature and determined by the use of soft power in Foreign policy. Taking into account the lack of available official documents covering this period, there is possibility that some of actions which failed to be examined contained the elements of military means or ends. However, looking on the available information which represents the main part of Actions it is possible to argue that after ratification of Maastricht Treaty the nature of CFSP of the EU remained to be civilian one. This allows concluding that the EU exercised the soft power in its foreign policy.

5.2. Actions in post- Amsterdam period

The change in decision-making procedures after ratification of Amsterdam Treaty may lead to change of the nature of the CFSP. In order to test this it is necessary to turn to the joint actions carries out after ratification of Amsterdam Treaty. The Treaty entered into force on 1 May 1999.

In the period of 1999- 2003 the European Union had issues more then 15 joint actions. They cover such issues as: non-proliferation and disarmament (2); spread of small arms and

light weapons (2); technical assistance on issues of military ends-uses (3); trafficking in human beings and sexual exploitation of children (2); South-East Europe (6), etc. At the same time it is necessary to mention that besides joint actions, the common strategies towards Ukraine, Russia and Mediterranean were adopted (Keukeleire & MacNaughtan, 2008:285). In fact they represent the frameworks for interaction, thus can not be considered as the military means or ends.

Turning directly to the Joint actions, it should be underlined that issues of disarmament and non-proliferation, spread of small arms and light weapons, and technical assistance on issues of military ends-uses are aimed to the improvement of rule of law, and to the shape of environment where the EU operates. Thus they can be classified as the actions of civilian ends. Moreover, the actions emphasize the necessity to enhance the cooperation with international organizations, and forums, such as UN and OSCE for coping with these issues (Council Joint Actions of 12 July 2002 (2002/ 589/CFSP); Official Journal of European Communities. 19.07. 2002.; Council Joint Actions of 17 December 1999 (1999/34/CFSP); Official Journal of European Communities. 15.01.2000). Thus they can be determined as the civilian in relation to the means. An issue of trafficking in human being and sexual exploitation of children can be attributed to the human rights sphere. The very notion of human rights contain the preconception of the civilian means and ends. Thus there is no necessity to develop the scrutinized inquiry devoted to the nature of ends. Joint actions in this sphere presuppose improve of legislation protecting persons from this kind of violence using international organizations (Council Joint action 19 July 2002 (2002/629/CFSP). In other words, there is explicit reference to the civilian means. The most complicated and at the same time controversial issue is connected with the South –East Europe. Several Joint Actions towards this region were closely connected with Dayton agreements, and had their purpose democratization and rebuilding of multiethnic community in Bosnia and Herzegovina

(Council Joint Action 98/196/CFSP). Thus obviously the ends were civilian. As for the means, EU assisted in running of local elections and reconstruction, development of free movement of persons, and economic reconstruction and development (Keukeleire & MacNaughtan, 2008:263). Hence, one may see the civilian nature of means used.

Actually, during the period under consideration it is possible to reflect two important actions carried out by the EU, - operation *Concordia* in Former Yugoslav Republic of Macedonia, and EU police mission in Bosnia-Herzegovina.

The EU police mission (EUPM) begun in January 2003, a month before Nice Treaty entered into force that is why it should be analyzed in the context of this paper. The main tasks for the mission was to built a police institutions and improve the rule of law in Bosnia and Herzegovina (Stimson Center, March 2004, http://www.stimson.org/fopo/pdf/Factsheet_EUFieldOperations.pdf). From this point of view, the ends pursued by EU can be classified as civilian ones, because they perfectly suitable to the characteristics of milieu goals. Looking at the responsibilities, EUPM personnel advised on policy transparency and accountability, personnel recruiting, crime recording and analysis, and corruption investigation. In other words, the responsibilities can be summarized as consultations on specific issues (EU Council Joint Action of 27 December 2003 (2003/92/CFSP). Taking into account that there were no elements of threatening using force, or military power, and consultation were used for building the compatible system, it is possible to qualify them as civilian means and element of "soft" power.

Turning to operation *Concordia* in Former Yugoslav Republic of Macedonia, one should remember that it was a follow-on mission to the NATO-led operation *Allied Harmony*. Moreover it was the first EU military operation, which was deployed in March 2003. However, it was initiated before the Nice Treaty entered into force; particularly January 2003 therefore it is to be examined in the frames of this paper (EU Council Joint Action of 27

January 2003 (2003/92/CFSP). The mission of Concordia was to provide significant military presence mainly in the areas of potential instability and ethnic tension. This was aimed to the provision of stability and "confidence building, maintaining the situation awareness for own forces and supporting international community monitors" (Stimson Center, March 2004. http://www.stimson.org/fopo/pdf/Factsheet_EUFieldOperations.pdf).

Speaking about the nature of means and ends in this operation, it is possible to see that the ends can be determined as civilian ones, because of the compatibility of the goals of operation with the milieu goals. As J. Pettifer argues Concordia operation was the stabilization mission (Pettifer, 2004). Hence, the goal of stabilization presents an effort to improve the environment where the polity operates. Nevertheless if one tries to classify the means used the civilian explanation can not be applied. Taking into account that the mission was to provide military presence on the territory of the other state, and it could be used for maintenance of stability, or in the other words the use of force was authorized the means are to attribute to military ones. Putting this in Christopher Hill's terms (2003), the means included the deterrence of use of force and in fact the very use of force.

One may argue that it is impossible to qualify means used in EU military mission, because mission relied on the capabilities and military assets of NATO. However, taking into account that the mission was deployed as European and included personnel from 13 EU countries, it is possible to examine it as activity under CFSP (Stimson Center, March 2003, http://www.stimson.org/fopo/pdf/Factsheet_EUFieldOperations.pdf).

After having examined Joint actions of the EU after adoption of Amsterdam Treaty, it is possible to argue that most of them are of civilian nature. On the one hand, the fact that EU was able to carry out military operation can be considered as the important point in the development of the CFSP. One the one hand, this can be interpreted as the impact of the changed institutional procedures and shift of decision-making process.

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5.3. Joint Actions in post-Nice period.

The next step in the development of EU and particularly the Second Pillar was Treaty of Nice. As well as Amsterdam Treaty, it caused the changes in the institutional arrangements, which might give an impetus for the changes in the sphere of Common Foreign and Security Policy. However, the main focus of this paper is on the influence of Maastricht and Amsterdam Treaty that is why in this part I will present the most important developments and changes in the Nature of CFSP.

It is logical to examine the period after Treaty of Nice entered into force, particularly from February 2003 and until the Lisbon Treaty entered into force – December 2009. During the period under consideration, more then forty Joint Actions were issued by the Council. All of them can be classified according to the region and area they were aimed. Particularly, Joint actions were issued in relation to: Disarmament and nuclear non-proliferation (3); region of South Caucasus (7); situations in Africa (10); Balkan states (11); Moldova and Ukraine (3).

The issues of disarmament and no-proliferation, as it was mentioned above can be attributed to the civilian ones in their means and ends according to the notion of milieu goals (Wolfers, 1963). The Joint Actions aimed to the regions of South Caucasus; Moldova and Ukraine can be classified as civilian in their nature because the presuppose the monitoring activity and promoting the cooperation among countries in the particular region and establishment of Rule of law missions (for details see Joint Action 2004/523/CSFP; 2005/776/CFSP).

Actions towards Balkan states were carried out in relation to situation in Kosovo, Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia (FYROM). Turning to

the issues of Kosovo, it is necessary to underline that all actions since 2006 until 2009 contained only civilian ends - establishment of Rule of Law mission and Planning Team (see Joint Action 2008/124/CFSP and 2006/304/CFSP respectively). Moreover the means used presupposed the use of logistical support, analysis of situation, support of the institutions (Ibid.). In other words, the Actions can be qualifies as civilian ones.

In FYROM the EU carried out a police mission named *Proxima*. Actually, the means and ends of the police mission are to be qualified as being of civilian nature (as it was shown on the example of Police mission in Bosnia and Herzegovina). Neither ends nor means of the *Proxima* mission contained a military element (for details see joint Action 2003/681/CFSP; 2004/789/CFSP). Thus I attribute these Joint Actions to civilian ones.

The EU action Bosnia and Herzegovina is defined as a military operation (see Joint Action 2004/570/CSFP). Speaking about ends, the provision of safe and secure environment was considered as the main objective of the mission. On the one hand, this gives an opportunity to determine them as civilian; on the other hand the means used presuppose the use of deterrence and direct use of military force, thus they are to be qualified as military means. Therefore, considering the definition of the operation and type of means used it is possible to qualify it as military one.

Turning to the Actions carried out in relation to African continent, it is worth starting with the mission in Democratic Republic of Congo (DRC). Seven out of ten Joint actions in region were aimed to DRC. Actually, they can be divided into two periods: 2003-2006 and 2007-2009. The Actions issued during first period presupposed military operation with use of temporary stabilization force (Joint Action 2003/432/CFSP). At the same time the ends were aimed to improve of humanitarian situation and to stabilize of security in the country. Thus they can be defined as milieu goals what let qualify ends as civilian ones. However the status of the operation was military one. During the second period, EU conducted police mission in

DRC (see Joint Action 2007/405/CFSP), which can be classified as civilian one in means and ends.

The second country covered by EU Joint Actions was Sudan, and particularly the Darfur region. The actions presupposed the conduction of civilian-military action in support of African Union (Joint Action, 2005/557/CFSP). An objective of the action was determined as the supportive to the enhancement of ceasefire agreement (AMIS II). In fact, this lead to the attribution of the ends to civilian ones, because the efforts on implementation of international agreement are considered as milieu goals (Wolfers, 1963). However, the use of military force without the status of peacekeepers can not be qualified as civilian. At the same time, the civilian component in the means exists – the coordination and consultation of the officials were stipulated by the Joint Action (see Joint Action, 2005/557/CFSP, Art. 1). Thus one can reveal the military component of the action conducted as well as civilian.

After having examined the Joint Actions carried out after the Treaty of Nice entered into force, it is possible to notice that most of them is of civilian nature. However comparing with the previous periods under consideration a number of military actions increased. It is possible to underline the coincidence of changes in institutional structure and decision-making procedures with the raise of number of military operations.

One should consider that before the change of decision-making principle the EU faced the international crises (Balkan wars for example). However, it was not able to cope with them using military means. Therefore it is possible to argue that there is the causal link between the nature of CFSP and institutional arrangements determining the decision-making procedures.

Concluding Remarks

Summing up, the development and implementation of the Common Foreign and Security Policy still faces some structural problems, which need to be considered as they are of vital importance for the European Union.

As I underlined in the previous chapters, the EU contains features of consociationalism such as power sharing, decentralization of power, and the splitting of the decision making process between various institutions. In addition, this pattern of decision making operates in an environment where a broad range of interests exist and need to be considered. This institutional eclecticism increases the probability of conflict of interest in areas such as CFSP. That is why, in order to avoid institutional deadlocks and respond to the policy needs, decision making by compromise became the dominant practice.

After having examined the development of the CFSP, it is clear that there is a causal relationship between the institutional arrangements and the nature of the Policy. The influence of the institutions in the decision-making process is inevitable. They shape and contribute to the implementation of decisions by ascribing them a certain degree of predictability.

I presented the definitions and characteristics of civilian power and "soft" power in order to be able to classify the actions of the European Union during the certain periods under consideration. The application of the characteristics to the EU illustrated that in spite of the ongoing debates, the EU has remained a civilian nature polity. However I proceeded by classification of the Joint Actions carried out under Maastricht, Amsterdam and Nice Treaty. This gave an opportunity to qualify the empirical evidences as being of military or civilian nature.

Based on the empirical findings of this paper, it can be agreed that the more extended qualified majority voting in the sphere of CFSP the more cases where European Union was

able to exercise military actions, while the civilian actions were the predominant ones (see the table in Appendix 1). The extension of the QMV as decision-making principle has been shown by examination of the institutions involved as well as main decision-making principles within them. Using only civilian means in the CFSP after ratification of the Maastricht Treaty, the European Union gradually became able to conduct military operations in the Darfur region of Sudan, Bosnia and Herzegovina, and Democratic Republic of Congo after adoption of the Treaty of Nice (see also Appendix 1). Thus the shift in decision-making procedures led to a shift in nature of decisions made. In other words, the institutional arrangements determining the decision-making process do influence the nature of the Common Foreign and Security Policy of the Union. The priority of the unanimity rule predetermined the nature of the CFSP.

The development of both institutional provisions and decision-making procedures coincide with the shift and changes in the instruments and nature of the CFSP. Taking into account that neither the Amsterdam treaty nor the Treaty of Nice was considered as a dramatic and radical change, but as turning points, there was no expectation pointing towards a radical shift in the nature of CFSP. The slight increase of the military operation after amendments of the TEU can reflect the applicability of this expectation.

Considering the findings of this research the expectation is that the provisions of the Lisbon Treaty, extending the application of the QMV and changing the institutional structure involved in the decision-making, will lead to a shift in the nature of the CFSP. Particularly, it may lead to an increase in the use of "hard" power in the foreign and security policy of the European Union. As I argued in this thesis, the QMV based decision-making favors less the status quo and increases the opportunity to react more quickly to crisis situations while reflecting the interests of majority of the member states. Generally, I anticipate that the European Union will be more involved in crisis situations by using military means.

Appendix 1. Classification of EU Joint Actions.

Treaty	Region/Area	Number	Classification
Maastricht Treaty	Ex-Yugoslavia	12	Civilian in ends and means
	South Africa	1	Civilian in ends and means
	Middle East Peace Process	3	Civilian in ends and means
	Non-Proliferation and disarmament	3	Civilian in ends and means
	KEDO	1	Civilian in ends and means (included consultations on related issues)
	Observation of elections in Russia	1	Civilian in ends and means
	Control on dual-use technology	5	Civilian in ends and means (included the improve of control over transporting and proliferation via new agreement and consultations)
	Stability Pact with CEEC	2	Civilian in ends and means
Amsterdam Treaty	non-proliferation and disarmament	4	Civilian in ends and means
	technical assistance on issues of military ends-uses	3	Civilian in ends and means
	trafficking in human beings and sexual exploitation of children	2	Civilian in ends and means
	South-East Europe	6	-EU Police mission - Civilian in ends and means -Operation *Concordia:* ends – civilian Means – military

Treaty	Region/Area	Number	Classification
Nice Treaty	Disarmament and nuclear non-proliferation	3	Civilian in ends and means
	region of South Caucasus	7	Civilian in ends and means
	situations in Africa	10	DRC(2003-2006): ends-civilian means - military DRC (2007-2009): civilian in ends and means Sudan: ends – civilian means- military
	Balkan states	11	Bosnia and Herzegovina: ends – civilian; means – military; Operation *Proxima* (FYROM): civilian in means and ends; Mission in Kosovo: civilian in means and ends
	Moldova and Ukraine	3	Civilian in ends and means

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