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A constitutional leap, The Big Three and the Capability Expectation Gap: theorizing the never-ending story of framing a truly CFSP/CSDP

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Abstract

The Lisbon Treaty (LT) has governed the politics of the EU since 1 December 2009. Among a whole range of innovative provisions that aim at tackling the Union's internal democratic deficit, the Treaty incorporates a set of clauses under its Common Foreign and Security Policy (CFSP) and its Common Security and Defence Policy (CSDP) with the objective of providing the Union with a coherent voice and an effective external representation. The current democratization wave in certain Middle East and North African (MENA) countries that started to unfold in Tunisia and whose extent and possible outcomes are on June 2011 still unknown, has reaffirmed one of the international community's greatest concerns towards the EU: the EU still lacks a common voice to act on the international stage when foreign, security and defence policy issues are at stake. This fact undermines the EU's external representation and its credibility as an international actor. The EU will continue to fail at speaking with one voice until, on the one hand, a bridging element between the institutional rhetoric and the national political will is found, and, on the other hand, the strategic culture of the Big Three acquires a higher degree of convergence. Identities and cultures are what hold the EU together. Nevertheless, they still represent the major constraint for the EU to develop a truly coherent CFSP/CSDP.

key words: European Union, Lisbon Treaty, CFSP/CSDP, Capability Expectation Gap, Libya

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List of Abbreviations

AA:	Association Agreements
ACP:	African Caribbean Pacific
CAP:	Common Agricultural Policy
CEEC:	Central Eastern European Countries
CFSP:	Common Foreign and Security Policy
CSCE:	Conference for Security and Cooperation in Europe
CSDP:	Common Security and defence Policy
CT:	Constitutional Treaty
EA:	Europe Agreements
EDA:	European defence Agency
EEAS:	European External Action Service
EEC:	European Economic Community
ECSC:	European Coal and Steel Community
EDA:	European Defence Agency
EU:	European Union
EURATOM:	European Atomic Energy Community
EMU:	European Monetary Union
ESS:	European Security Strategy
GATT:	General Agreement on Tariffs and Trade
HRUFASP:	High Representative for the Union Foreign Affairs and Security Policy
IMF:	International Monetary Fund
IR:	International Relations
LT:	Lisbon Treaty
MENA:	Middle East North Africa
NATO:	North Atlantic Treaty Organization
SSA:	Stabilization and Association Agreements
TEU:	Treaty on the European Union
TFEU:	Treaty on the Functioning of the European Union
UN:	United Nations
WEU:	Western European Union
WMD:	Weapons of Mass Destruction

1. Introduction

> "We are not starting from scratch. The European Union is a major trading power and the largest donor of development aid in the world; it plays a stabilizing role in its neighbourhood and has in past years launched a number of civil and military crisis management missions. However, we could do more collectively to translate financial and economic clout into political influence" (Van Rompuy, 2010:11).

The end of the Cold War, the 9/11 terrorist attacks and the current democratization wave that is taking place in certain countries of the MENA region have brought to the international scenario an increasing number of new actors and challenges. The EU has emerged as one of the most important global actors whose performance in the international arena will significantly contribute to shape the world in one way or another. Huntington (1999: 35-49) affirmed that the deepening of the European integration process would constitute "the single most important move" raised against American hegemony and "would produce a truly multi-polar 21st century".

The current international state of affairs is facing global challenges of tremendous importance. The unrest and upheaval that is unfolding in some MENA countries, the recovery from the still present economic and financial crisis, climate change, sustainable development and international terrorism are good proof of this.

The EU is committed to tackle these issues. In order to carry out this difficult task, the EU has been engaged in a process of internal reform aimed at improving the way it works – internally and externally – that culminated in the ratification of the LT. The LT has provided the EU with the tools that it was lacking in order to better deal with its internal democratic deficit on the one hand, and to present a clearer and stronger position towards the world on the other. This constitutional leap represents a formidable attempt aimed at reducing the EU's "capability-expectation gap" (Hill, 1993: 315).[1]

The EU has been successfully shaping its internal architecture since its creation. This internal architecture has been forged according to a new global consciousness. Haas (1964) argued that an assumption of the neo-functionalist theory of integration was that "the key issues were not those of high politics, but matters of the satisfaction of welfare

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[1] The conceptualization of the capability expectation gap was articulated by C. Hill, who argued that the tasks that the Community is to perform – regarding internal and external demands – represent a serious challenge to the real capabilities of the EC in terms of "its ability to agree, its resources and the instruments at its disposal".

and material needs" (Quoted in: Rosamon, 2000: 57). The merging of the coal and steel industries of two European arch enemies, the creation of a customs union and the subsequent establishment of a common currency illustrate this fact. This path also follows the rationale of a Republican and Economic Liberalism approach. According to Jackson and Sørensen (2010: 111-88), "peaceful relations between democratic states based on a common moral foundation" can easily lead to "economic cooperation between democracies", thus eventually creating "ties of interdependence".

In the meantime, EU technocrats, whose major concern has been focused on creating a stable peace for Europe, have left aside the traditional geopolitical concerns that, according to realist logic, are the driving forces that shape International Relations (IR). The lack of a European army and the unwillingness to create one as well as the weak and uncoordinated performance of the EU in regional (Yugoslav Wars of 1990's) and international conflicts (Iraq 2003 and Libya 2011) justify this statement. When describing the performance of the EU during the Balkan crisis of the 1990s, neorealist Kagan (2003: 23) supports this last claim by stating that "the real division of labour [during the Yugoslav Wars] consisted of the United States making the dinner and the Europeans doing the dishes".

These new challenges have stimulated the EU to reshape its global performance concerning its foreign, security and defence policies. From Maastricht (1993) to Lisbon (2009), this reshaping has been progressively translated into the innovative provisions that the LT has now incorporated in the realm of CFSP/CSDP. This policy field contains – as already incorporated under the Constitutional Treaty (CT) – almost fifty percent of the modifications on the Treaty on the European Union (TEU) (Alecu de Flers, 2008: 1). Nowadays, it is arguable whether the EU is well equipped or not to deal with the current international state of affairs. Although the EU has achieved some degree of progress – the acquisition of a "super observer status" at the United Nations General Assembly being the most prominent example – the high expectations on this new and complex, though promising, institutional architecture that the LT has created concerning these policy fields are still far from becoming a reality. A gap clearly exists between the political rhetoric and the institutional development. Consequently, the EU still fails to speak with one voice and continues to struggle to coordinate its foreign, security and defence policies. The capability-expectation gap is still present.

The most recent and prominent example that illustrates this fact is the current performance of the EU in the democratization wave that is taking place in certain MENA countries. Once this point has been reached, there are some questions that need to be addressed. Why is it that, although the LT has created a new institutional architecture that theoretically enables the EU to better deal with foreign, security and defence policy issues, the EU still fails to apply a coherent CFSP/CSDP? Is it that this new institutional architecture is incapable at dealing with the present world challenges? Is it possible to close or at least significantly reduce the so-called criticized capability expectation gap?

This paper will provide an answer to these questions by analyzing the institutional framework that the LT has created regarding these policies' fields as well as the attitudes that Member States have shown in relation to the unfolding of events at certain points in time, paying special attention to the situation in Libya.

For this purpose the content of this paper is distributed as follows. Firstly, the historical dynamics covering the period from the creation of the WEU until the end of the Cold War will be analyzed. This analysis will be supported by theoretical political approaches and will pay special attention to some key political personalities and events that have had a strong influence in the framing of a CFSP/CSDP. Since no strict legal basis concerning foreign policy can be found until the SEA was adopted in 1986, it will be from this point onwards that attention will be paid to the evolution of the legal context under which the CFSP had to operate.

Secondly, under the chapter "Limits of a structural foreign policy: lessons to be learnt and subsequent developments", the responses that the EU presented which aim at reshaping and restructuring its internal architecture relating to internal and external circumstances will be analyzed.

Thirdly, special attention will be devoted to how the LT has influenced the internal structure of the CFSP/CSDP aimed at providing the EU with a coherent system under which to carry out the exercising of its foreign policy.

Finally, a case study concerning the EU's response to the upheavals in Libya as well as the attitudes of the Big Three towards the conflict will illustrate the tremendous

difficulty that the EU still faces in presenting a coherent and effective answer to world conflicts when the use of armed force is involved.

2. Historical dynamics

> "For us [USA], war is not inevitable. We do not believe that there are blind tides of history which sweep men one way or another. In our own time we have seen brave men overcome obstacles that seemed insurmountable and forces that seemed overwhelming. Men with courage and vision can still determine their own destiny. They can choose slavery or freedom – war or peace" (Truman, 1948: 934-36).

The outbreak of two World Wars and the collapse of the Soviet Union have reaffirmed that the Westphalian order is outdated. The international scenario has become multicivilizational. The emergence of Regionalism has proofed to be a useful tool to tackle the challenges of a multicivilizational and globalised world. These are pure characteristics of a post-modern understanding of world affairs. It is in the process of transition from a modern to a post-modern logic where the EU constantly redefines its role as an international actor by deepening in its integration process.

The fact that the EU did not seek to materially develop a CFSP and a CSDP until the early 1990s – when the Cold War came to an end and the TEU was drafted – could be explained in connection with the dynamics of the historical context in which the EU has been involved throughout the years. For this purpose, this section of the paper will address some of the most relevant events that took place in the second half of the 20th century and have strongly conditioned the framing of a CFSP. The events that will be thus presented and analyzed, under theoretical political approaches when necessary, do not by any means constitute an exhaustive list. They perfectly illustrate, however, the circumstances, struggles, and the role of influential political personalities which have contributed to the framing of Community foreign policy until the TEU was adopted.

2.1. 1948-1954: Treaty of Brussels, birth of NATO and the European Defence Community.

Immediately after the end of World War II, Belgium, France, Luxembourg, the Netherlands and the UK started to promote the first set of security and defence arrangements aimed at protecting themselves from Soviet threats. These arrangements culminated in the signing of the Treaty of Brussels, which established the WEU, in March 1948. It was conceived as a military alliance based on the principle of mutual defence. However, it also promoted economic, social and cultural cooperation on an

intergovernmental basis. Hill (1987: 26) nevertheless argued that "the WEU was not a truly military community, but a way of hedging Germany military activity".

The USA was committed to rebuilding Europe. From the other side of the Atlantic, it was perceived that the reconstruction of the Old Continent was in American geopolitical and geo-economic interests and it was also a formidable tool to preserve Western Europe from Soviet influence. For this purpose, the US government made available economic assets convened in the Marshall Plan (1947-1951) aimed at recovering Europe from the ashes of war and bringing it back to prosperity. Furthermore, the compromise in terms of defence that the signatory parties of the Brussels Treaty had achieved rapidly prompted the USA and Canada to forge the creation of the North Atlantic Treaty Alliance. The Treaty of Washington which established the Alliance was consequently signed in March 1949 by the members of the WEU, the USA and Canada as well as Denmark, Iceland, Italy, Norway and Portugal. The North Atlantic Treaty Organization (NATO) was also conceived as a collective defence alliance. As inferred by its mutual defence clause enshrined in Art. 5 of the NATO Treaty: "An armed attack against one of the signatories shall be considered an attack against them all".

The first orchestrated attempt to create a European defence system by the six founding members of the ECSC can already be found soon after its creation. Pursuing the integration of West Germany into the European security and defence structures, French technocrats proposed the creation of a European Defence Community (EDC), which had to operate according to the same structure of the already functioning ECSC. Paradoxically, this attempt had to be abandoned in 1954 due to the rejection of this proposal by the French Assembly. The reasons behind it lie mainly in two key issues. Firstly, France considered that pooling sovereignty in the field of defence – similar to the pattern followed in the already functioning ECSC – was a very sensitive issue. It was a huge step of integration that France was not willing to take. Secondly, should the creation of the EDC have occurred, West Germany would have started a process of rearmament. While Americans supported this idea though, Europeans felt quite sceptical about it, if not outright feared it as in the case of France.[2]

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[2] The American willingness to tolerate West Germany rearmament prompted French policy makers to activate the Pleven Plan for an EDC under which German rearmament would take place under the supervision of a supranational authority.

As an alternative, the signatory parties of the Brussels Treaty agreed later on in 1954 that West Germany and Italy could become members of the already existing WEU, thus solving the issue of integrating West Germany under the European security and defence structures. According to Keukeleire and MacNaughtan (2008: 42), since NATO would assume military command over the Atlantic – thus integrating WEU capabilities under its structure – the fact of West Germany becoming a party to the WEU was merely conceived as informally integrating West Germany under the security umbrella of the North Atlantic organization. The following year (1955), West Germany would formally become a member of NATO.

This American support for tolerating German rearmament after having experienced the atrocities of two World Wars was grounded on the American willingness to progressively withdraw troops from the Old Continent, especially from the German/Soviet border. As time passed, this possible eventual withdrawal turned out to be a critical concern for Europeans who, being aware of their already present inability to create an autonomous self-defence system, were eager to count on with the American military presence to preserve the new status-quo on the continent. As shown by the rejection of the proposal on the creation of an EDC by the French Assembly however, it was proof that issues such as defence and security were still too sensitive to be pooled of the national sovereignty of states. This reaction strictly follows the classical realist logic of states as sole actors on the international system. According to Morgenthau (1978: 4-15), the last political arena where security can be guaranteed and exercised is the sole independent state because security cannot simply be found in any other political scenario.

According to the integration theory of Neo-functionalism, EU policy-makers believed that the already functioning ECSC would produce spill-overs regarding other policy fields. Haas (1968: 283-317) explained that "the deepening of the integration process of one economic sector would trigger a spill-over effect for further economic integration". Other policy areas – apart from the management of the coal and steel industries – would thus progressively fall under the so-called community method of supranationalism.

Deutsch (1968: 193-5) suggested that security could be achieved "within a region" via "amalgamated" or "pluralistic communities". Transactionalism relies on the assumption that a "sense of community among states would be a function of mutual transactions".

Therefore, the path to an "international community" – where war would be thought inconceivable – would require the creation of "networks of mutual transactions" (Deutsch, 1964: 54).

A federalist assumption is that "the federal discourse would not advance through the forward march of rational argument", and opportunities were thus to be taken when they were presented (Rosamon, 2000: 27). According to European federalists' aspirations of building an ever-closer union, a great opportunity was lost by not being able to create an EDC. Therefore, the only possible way to further integrate was to be found through functional economic cooperation (Dinan, 2005: 27).

Beyond the realist thinking and the rationale of integration theories such as Neo-functionalism, Transactionalism and Federalism, the theory of the balance of power and hegemonic stability can offer a different view to explain this fact (Gilpin, 2001: 15). This approach assumes that apart from the mercantilist logic, the theory also incorporates a liberal component. The hegemon, or dominant power, will not seek to manipulate the international environment for its own benefits. Instead, it will provide the means for a world economy grounded on free trade, thus benefiting all participants (Jackson & Sørensen, 2010: 199). As a matter of fact, according to this theory, it could be well understood why the USA was the main advocate for establishing a new world economic regime grounded in the structures of international organizations such as the IMF, the World Bank and the GATT agreement.

On the one hand, Europeans had managed to assure American security commitments towards the continent. These commitments materialized with the establishment of NATO. On the other hand, they found a solution to the issue posed by German rearmament by incorporating West Germany into the WEU, and later on into NATO. It can therefore be stated, as De Vree (1987: 4-17) suggested, that in these early stages of European integration, there was no such unwillingness to develop a common foreign, security and defence policy; however, the hurdle to achieve such a framed policy was to be found in the "power-political structure of the system", namely a bipolar one, and the "uncertainties of the world".

The wide range of attitudes towards security and defence that can be observed in these early years of integration is also the result of a new global understanding of IR. The transition from a modern world to a post-modern one is reflected in the collective and

multilateral structures that the new post-war institutions were incorporating. It could be argued that this transition period therefore presented a clash between realist and liberal/institutionalist rationales. Nowadays, it could be debated whether this clash of ideologies among EU Member States still represents one of the major constraints that the EU faces in order to frame and develop its CFSP/CSDP.

2.2. 1957-1970: Establishment of the EEC, France's withdrawal from NATO and the Luxembourg Compromise.

The establishment of the EEC and EURATOM in 1957 meant a tremendous step forward in the European integration process. Cooper (2004: 26) conceptualizes it as a "successful attempt to go beyond the nation-state". In other words, it could be understood as a formidable tool for paving the transition process from a modern to a post-modern world. What then were the implications concerning European foreign, security and defence polices? Which tools did Europeans have at their disposal in order to frame and develop their foreign, security and defence policies? And what kind of foreign, security and defence policy would the EEC pursue?

As an initial remark, the whole European integration process – whose yardstick had been the creation of the EEC – has been defined by Keukeleire and MacNaughtan (2008: 11-3), as an "instrument of international foreign policy" with a twofold dimension: On the one hand, the internal foreign policy of the EU was aimed at accomplishing its objectives by integrating European States under a regional organization with a supranational character, while on the other hand, the external foreign policy dimension pursues the accomplishments of its objectives by creating a common identity among its Member States. Assuming this statement to be true, the EEC would therefore consequently and progressively become an international actor. Hill (1987: 23) pointed out that modern IR could no longer be conceived of as a zero-sum game. Therefore, the role of power politics would increasingly lose relevance and for this reason, concentrating foreign policy on it would be like taking "a blinkered view of how constructive change is achieved at international level".

The EEC had little room to manoeuvre when it came to developing their own foreign policy in the realms of defence and security due mostly to America's commitment. According to Keukeleire and MacNaughtan (2008: 10), the EEC had no other choice but

"to maximize its potential as a civilian actor". Indeed, the EU has become a "truly civilian world power" since it has at its disposal the whole range of policy instruments to "effectively promote the civilization of international relations" (Börzel and Risse, 2009: 6).

A crucial distinction must be made here in order to establish which kind of foreign policy the EEC would pursue, and which tools it would have at its disposal for this purpose. The fact that the EEC took the role of a civilian actor is determined by the different foreign policy approaches grounded on different perceptions of the world that both the US and the EEC chose to proclaim.

This distinction is to be made, according to Keukeleire and MacNaughtan (2008: 26), between a conventional and a structural foreign policy. On the one hand, a conventional foreign policy is purely based on realist political theory with a very pessimistic vision of world affairs. According to Realism, each sovereign state has the responsibility to guarantee its own well-being and survival. War is not inevitable. Therefore, states need to conduct their foreign policy according to the logic of hard-power instruments in order to preserve their security and well-being. On the other hand, a structural foreign policy is based on liberal/institutional political theory and the theory of Social Constructivism. It is driven by an optimistic view of the world. Pertaining to the realm of Liberalism and Institutionalism, this policy approach relies on the creation of common institutions that can frame legal, political and socio-economic regimes. Regarding the constructivist approach, this conception of foreign policy, according to Wendt (1999:135-6), also devotes attention to the social interaction of new emerging actors and the power of ideas and values.

The tools that the EEC would consequently make use of in order to develop its foreign policy are to be classified within the framework of a soft-power or civilian actor. The Community umbrella embodied the realms of common commercial policy, trade policy and development policies among others. These policy fields were to operate under the Community method, thus making progress achievable. As a matter of fact, in 1963 the EEC started to establish trade relations and development programmes with a vast number of former colonies. Beginning with the Yaoundé Convention (1964) and going through the Lomé Convention (1975) to the Cotonou Agreement (2010), over 70 African, Caribbean and Pacific (ACP) countries have established a contractual relation

focused on trade and development between the then EEC/EC and today's EU. As Nye (2004: 16) pointed out, "soft-power tools" based upon values aimed at creating a stable and peaceful international order – as the intentions of the EEC clearly showed – "had the potential to be perceived as legitimate".

In the early years of its existence, from 1952 until the early 1960s, the European integration process achieved progress at a rapid pace. The reasons why the Community foreign policy was being framed according to a new global consciousness rather than a geopolitical one – structural versus conventional foreign policy – lie in the facts that:

- The competencies for developing external relations with third countries were allocated under the EEC structure. These policy fields were no longer under national state sovereignty, so a common policy in the realm of trade and development towards third countries was feasible. Therefore, the exercise of these policies towards third countries is to be considered as a foreign policy tool.

- The impossibility of creating an autonomous European defence system; and

- America's commitment to incorporating Europe under its security military umbrella.

The unity of the Atlantic military alliance and the European integration process suffered a severe setback in 1963 and 1965, due to France's nationalistic aspirations. France's withdrawal from NATO and the Empty Chair Crisis respectively are the examples that illustrate this fact.

Charles de Gaulle had been proclaimed president of the Fifth Republic in 1958. His commitment to restoring French national pride and his military background, associated with his realist understanding of world politics, played a significant role during his time in office. These events prompted scholars to debate whether, according to neo-functionalist integration theory, cooperation could be hindered once a step forward had been made (Jackson/Sørensen, 2010: 102-3). As a result, Haas (1976: 179) asserted that regional integration had to be analyzed in a wider environment; "theory of regional integration ought to be subordinated to a general theory of interdependence".

De Gaulle's realist understanding of IR was made evident when he decided to withdraw France's navy from NATO military command in 1963 with the aim of pursuing a two-fold intention. On the one hand, he wanted to receive a more equal treatment from the USA as in the case of the UK, while on the other hand, de Gaulle was willing to materialize Roosevelt's idea of Four World Policeman, though he assumed that France would take over the role of the Soviet Union (Kissinger, 1994: 611). As de Gaulle stated:

> "These undertakings in the guise of integration were automatically taking American authority as a postulate. This was the case with regard to the project for a so-called supranational Europe, in which such, France would have disappeared […], to being nothing more than a dependent of that great Western power" (De Gaulle, 1963).

It could be stated that this event was a remarkable moment of tension between Americans and Europeans, although not a critical one. Kissinger did not considered de Gaulle "as anti-American in principle, since he was willing to cooperate whenever, in his view, French and American interests genuinely converged" (Kissinger, 1994: 605).

Neo-realists such as Kissinger (1994: 804-36) argue that foreign policy is defined according to geopolitical interests. Furthermore, Cooper (2004: 127-38) adds that while interests might be a driving force of foreign policies, attitudes are what really prevail at the end of the day. Attitudes define interests. What this example portrays as far as foreign policy is concerned is the tremendous difficulty in forging a common foreign, security and defence policy on such a heterogeneous European basis when interests, identities and attitudes differ so much. Scholars still argue which path towards a common foreign policy should be taken. While Tsakaloyannis (1987: 143-56) asserts that a common foreign policy will lead to a common identity, Baehr (1987: 157-60) argues that it is first necessary to create a common identity and then the development of a common foreign policy will be feasible. It could be stated that nowadays the EU still faces this problem and it clearly contributes to the struggle encountered in trying to forge a truly coherent CFSP/CSDP.

As a culminating remark for this section it is worth mentioning the effects that the Empty Chairs Crisis triggered in the process of European integration. Due to a lack of understanding in the negotiating of the Common Agricultural Policy (CAP), a very

sensitive issue for France due to the size of the French agricultural sector, de Gaulle's ministers stopped attending the negotiating meetings. The solution which de Gaulle demanded came to be known as the Luxembourg Compromise, which as Baldwin and Wyplosz (2009: 22) remarked, "de facto overturned the Treaty of Rome's majority voting provisions whenever a Member State announced that it felt that very important interests were at stake". The cooperative environment experienced during the post war years came to an end, but it did not mean the end of the European integration process. It did however suffer a serious period of stagnation.

This fact illustrates once more the enormous difficulty in merging common interests in order to frame common policies on a European basis. If CAP could not find a common understanding between six members, what about high politics issues? This example also shows how different the conception among Europeans was about the transition process from a modern to a post-modern world. In other words, it portrays the trade-off between following a realist or a liberal/institutionalist rationale. Therefore, the idea of framing a common foreign policy was set aside until 1970 for two reasons. The EEC had no role to play as an international actor due to the bipolar superpower structure. The EEC consequently embarked on conducting a successful structural foreign policy with third countries in terms of trade and development. Additionally, the American presence guaranteeing European security was a de facto reality. However, the constrains and tensions between Americans and Europeans were increasing and the uncertainty that America's willingness was to progressively withdraw troops from the Old Continent forced Europeans to activate the first common mechanism concerning foreign, security and defence policy.

2.3. *1970-1990: EPC, US-EC relations and end of the Cold War*

It was not until 1970 when another timid attempt was made regarding the framing of a CFSP/CSDP. This time, the establishment of a European Political Cooperation (EPC) was possible since it was conceived as a mere informal cooperation body without any legal provision in the Founding Treaties. The Luxembourg Report (1970) laid down the objectives that Member States were intended to achieve by means of this political cooperation. As the Report states:

"Tangible form should be given to the will for a political union which has always been a force for progress of the European Communities […] to bring nearer the day when Europe can speak with one voice […] by harmonizing their views in the field of international politics".

No clear and special mention to defence and security matters can however be found in the Report. Nevertheless, it set the landmark for what two decades later would be conceived as the CFSP of the EU. Due to its merely declaratory character, Member States were not at all legally bound by the Report. They would just gather to discuss issues concerning the field of foreign policy in the wider framework of the three existing communities, namely the ECSC, EURATOM and the EEC. Joint positions and decisions were rarely adopted when sensitive Member States' interests were at stake, as dictated by the Luxembourg Compromise. Each Member would thus prioritize their preferences leaving cooperation aside. This intergovernmental bargaining would constitute the basis for the long framing of a European foreign, security and defence policy where the Big Three would always hinder further cooperation, arguing that their own vital interests were at stake. It can thus be observed that the lack of a strategic culture and a common perception of threats and interests posed a major constraint to the coherent development of a common foreign policy.

This political cooperation perspective could be explained in relation to the theories of Social Constructivism and Historical Institutionalism. While the increasing development of transgovernmental relations between Member States' nationals reflects the former approach, the "development and codification of EPC rules supports the latter". As Smith (1999: 309-10) argues, a transition process from a pure intergovernmental character to a method of supranational governance is observed regarding the development of EPC. This process would lead to "the gradual displacement of instrumental rationality by social rationality". In other words, it could be understood as "the replacement of a bargaining approach by a problem-solving approach" (Smith 2004: 114-22). Or put it in another way: "intergovernmentalism in theory does not erode sovereignty; in practice, over time, it too has ties that bind" (Hill and Wallace, 1996: 11).

Strömvik (2005: 4-8) explains that Member States would undertake a cooperative attitude as "a strategy to balance one specifically powerful actor", namely the USA. It was during periods of disagreements concerning international security management

when cooperation between Member States was exercised in order not to balance "power over resources" – military capabilities – or "power over another actor" – military capabilities together with political means – but "power over events". As a result, the logic of operating under the structure of EPC was to be understood as an attempt to "influence events and outcomes" at an international level vis-à-vis the USA.

The establishment of the EPC is the product of some remarkable historical circumstances which are worth mentioning. Firstly, de Gaulle had concluded his mandate as President of France. His initiatives aimed at undermining both the supranational character that the Community was achieving and the unity of the Atlantic Alliance were no longer present. Secondly, Chancellor Brandt had initiated his *Ostpolitik* [3] aimed at relaxing tensions with the Soviet bloc by recognizing the Democratic Republic of Germany. This event marked the beginning of a relaxation of tensions between the two superpowers. Thirdly, the so-called period of détente made it possible for Europeans and Americans to negotiate without the imminent threat of nuclear attacks between Americans and Soviets. Fourthly, since Americans perceived that their presence in the continent could be reduced due to the relaxation of tensions, the commitment towards preserving their forces in Europe was losing credibility.

Throughout these decades the relations between the Community and the USA suffered several setbacks. Towards the end of the 1980s, as Strömvik (2005: 4) puts it, "the transatlantic disunity would serve as a CFSP catalyst". This lack of understanding arose from a set of events that considerably stirred up the international political landscape. These disagreements between the Community and the USA were grounded in their perception and understanding of the world, and thus the subsequent development of one foreign policy or another – namely conventional or structural – would trigger enormous concerns and criticisms on both sides of the Atlantic regarding defence and security issues.

During the oil Arab crisis (1973-1975), disagreements over how to deal with Arab oil producers and ways of approaching the Israeli-Palestinian conflict prompted a tremendous lack of Atlantic coordination towards the issue. The most prominent example was the refusal of NATO members, including the UK, to allow Americans

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[3] Through the establishment of EPC, Western multilateral support was provided for the development of *Ostpolitik*.

operating in their territories with NATO facilities to assist Israel during the Yom Kippur War (Kaplan: 2004: 70).[4] More illustrative examples of transatlantic disagreement can be found in the substance and negotiations of the Camp David Accords in 1978, the Islamic Revolution in Iran in 1979 and the subsequent taking of hostages, the Soviet Union's invasion of Afghanistan in 1979, Israel's invasion of Lebanon in 1982 and the American Strategic Defence Initiative (SDI). As Strömvik (2005: 7) analyses, it is during these periods of strained relations when the EPC took a more active role of cooperation regarding foreign policy issues (see graph 1).

Some remarkable attributable successes that strengthened the credibility within the EPC can be found. Firstly, a large degree of unity at the UN General Assembly level in voting resolutions was observed. Secondly, a common position was reached towards the Arab-Israeli issue. The different attitudes driven by national interests and Member States' linkages with those countries involved were reconsidered. Through the Venice Declaration of 1980, the EC agreed to recognize the right of Palestinians to a homeland. Thirdly, another common position was formulated in the Conference on Security and Cooperation in Europe (CSCE) that ran contrary to US ambitions. From the other side of the Atlantic it was perceived that the Helsinki process initiated in 1975 could trigger the legitimization of Communist regimes in Eastern Europe (Bache et al. 2011: 511-2).

The SEA adopted in 1986 was a linchpin regarding the realm of foreign policy. It set the first legal foundation for issues concerning the development of a "European foreign policy". As Art. 30 stipulates, "the High Contracting parties […] shall endeavour jointly to formulate and implement a European foreign policy". The wording of this clause was by no means randomly chosen; nevertheless, it has to be considered as a milestone in the realm of this policy field. This article clause has to be understood as a very cautious and soft approach that under no circumstances would bind Member States. Should the SEA have incorporated a more committing language – hinting at the pooling of sovereignty by Member States regarding this policy field – it would never have been agreed upon.

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[4] Europe's grievances towards American intervention in the conflict were dominated to a greater extent by political and economic factors rather than the pro-Arab bias. European States had been enjoying a fruitful relationship in terms of energy dependence with some Arab states, namely France and Algeria, Italy and Libya and Greece and Egypt. Therefore, any armed intervention against a neighbour Arab state would be contrary to European geopolitical interests, mainly in the field of energy.

It is interesting however to see how with the ratification of subsequent treaties, namely Maastricht, Amsterdam, Nice and finally Lisbon, the language as well as the instruments regarding the realm of foreign, security and defence policies have been progressively modified until it has acquired a clear scope of application. It can be asserted that the SEA was the true launching of a CFSP. Its incorporation in a legislative act gave it the legal formal character that the EPC of the 1970s was lacking, although its wording was still unclear and vague.

The collapse of the Soviet Union in 1991 was the major geopolitical event that forced Europeans to reshape their institutional framework concerning foreign, security and defence policy. For the first time in history, global politics were to take on a multi-polar and multi-civilizational character. The main attributable difference among individuals would not to be found in relation to ideologies, politics or economies but cultures (Huntington 1996: 21).

Americans had already started to reduce their military presence in the continent. Now however it was clear that with the Soviet threat no longer present, a considerable withdrawal of troops would be carried out, thus leaving Europeans with the necessity of rethinking their concept of foreign policy and the framing of the institutional framework under which it could be developed.

According to Hill (1993: 310-1), the functions that the Community had pursued until then at the international level were the stabilizing of Western Europe, the increasing role in the management of world trade and the voice of developing and underdeveloped countries of the South. Due to the two-bloc superpower structure of the last half of the century, the Community could only exercise a secondary voice in international diplomacy.

The substance of this foreign policy approach clearly follows the logic of a structural foreign policy that the Community had successfully conducted. An assumption of the institutionalist integration theory is that "rather than focusing on actor-generated behaviour, [the theory] provides an explanation of actor behaviour as a function of the international institutions within which actors are located" (White, 2001: 30). Indeed, the EU modifies the normality of IR; therefore, the EU is a "normative power since it can changes norms, standards and prescriptions of world politics away from the bounded expectations of state-centricity" (Manners, 2008: 45). It also reflects a clear liberal logic

since "liberals generally take a positive view of human nature; they thus believe that individuals share many interests and can thus engage in collaborative and cooperative social action, domestically as well as internationally" (Jackson & Sørensen, 2010: 96). However, the power vacuum that followed the disintegration of the Soviet bloc triggered the emergence of the USA, according to Huntington (1999: 1), as the "lonely superpower". As Hill (1993: 312-4) stated, the future achievable roles in the international scenario that the Community would now try to pursue – according to its structural understanding and exercising of foreign policy – would be those of "regional pacifier, global interventor and mediator of conflicts".

3. *Limits of a structural foreign policy: lessons to be learnt and subsequent developments*

The Soviet threat was no longer present in the international scenario. This new geopolitical landscape prompted Europeans to redesign how foreign policy issues should be dealt with at a Community level. It also reaffirmed, at least temporarily, one of the strongest European convictions throughout the past years: the Community would not attempt to develop a foreign policy according to a conventional perspective involving the development of a European army. Furthermore, liberals suggested that the creation of a CFSP and later of an ESDP can be considered as a "mere functional spill-over" of economic and social interaction "with no foreseeable chances" to explore its full potential (Diedrichs and Jopp 2003, pp. 15-30).

As Kagan (2003: 65) argues, "whatever its architects may have intended, European integration has proved to be the enemy of European military power and, indeed of a European global role." Nevertheless, it could be stated that the EU did become a global actor. Only if a strictly realist logic is applied can Kagan's argument be proved valid. The EU has not the means to develop a conventional foreign policy; therefore the EU cannot perform its role as a global actor guided by a realist rationale. By making use of carrots rather than sticks, the EU has become an important global actor following the rationale of a liberal and constructivist logic by carrying out a successful structural foreign policy. However, this approach has its limits. It could be argued that Europe might be not sufficiently well prepared to deal with challenges it had never contemplated. "Its post-modern tools of foreign policy were not designed to address more traditional geopolitical challenges" (Kagan, 2008: 22).

The reasons behind this logic are clear-cut. Firstly, the divergence of identities and attitudes among the Big Three towards the scope of applying foreign, security and defence policies was a stumbling block too difficult to overcome. European Member States were still struggling to make a transition from a modern to a post-modern mentality regarding their understanding of the world. Furthermore, globalization was weakening the traditional forms of identity which had for centuries dominated IR (Baylis et al. 2008: 220). Secondly, the security dilemma had evaporated since the Soviet threat had been removed due to the collapse of the Soviet Union. Moreover, NATO was and still is the umbrella under which the majority of the EU Member States

see their security and defence policies realized. Thirdly, the development of a structural foreign policy – externally and internally – by soft-powers means, based on a long-term view and supported by a strong degree of legitimacy, had proved successful until now.[5] As Hyde-Price (2008: 29) stated however, the pursuit of an "ethical" foreign and security policy has two potential risks: either the EU will not be able to achieve the "shared interests of its member states" due to its poor performance as an international actor, or it will "indulge in quixotic moral crusades".

The unfolding of events of the 1990s and early 2000s however would make Europeans think about the necessity of developing a coherent and truly common foreign, security and defence policies by including parameters of a conventional foreign policy that would transform the Community into a truly credible and reliable international actor. After all, "American Cold War multilateralism was more instrumental than idealistic in its motives" (Kagan, 2003:78). The Yugoslav Wars and the culminating catastrophe of Kosovo made clear that if the Community wanted to perform such a role, it would need to develop or at least provide the means for the eventual framing of a conventional foreign policy.

This section will thus provide an analysis regarding the answers and the instruments that the Community has proposed and subsequently incorporated in order to deal with the international state of affairs in its foreign policy domain. For this purpose, key aspects covering the period from Maastricht until the eve of Lisbon will be presented. These clear-cut examples will provide a comprehensive understanding of the ongoing development and framing of a truly CFSP and CSDP.

3.1. *Birth of CFSP: a benchmark doomed to fail*

The main attributable constraint that the development of a common foreign policy has been faced with is the defence component. The high degree of heterogeneity that characterizes EU Member States' attitudes towards this policy field vary from the

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[5] Internally the EC had succeeded in incorporating into its club three countries that had been ruled by dictatorial regimes; namely Greece, Portugal and Spain. The soft-power tools applied were democratic political stability via economic integration and subsequent membership. This is a clear example of a structural foreign policy with a long-term view. Externally, the EC have had the moral responsibility for integrating former colonies, namely ACP countries, into the world economy. To pursue this objective, it has established a number of contractual relations based on trade and development. The tools applied have been mainly political dialogue, conditionality and co-ownership strategies based on international law. This is also a clear-cut example of this foreign policy approach.

neutral character of some of their members – namely Austria, Finland, Ireland and Sweden – to the interventionist mentality of the UK, highly influenced by the special relationship that it enjoys with the USA.

Another important aspect to be taken into account is that especially in the case of the Big Three, EU foreign policy is not always meant to overrule domestic foreign policy. The fact is that EU foreign policy is understood as a "top-up" to national foreign policy. In other words, it is seen as a complementary structure for furthering national priorities and also an appropriate mechanism to tackle issues that Member States do not want to face by themselves (Nugent, 2010: 380).

The Community was aware of its inability to deepen in the realm of foreign and security policy including defence issues. For instance, neutral Ireland was clearly opposed to the communization of defence policy when the TEU was still being elaborated. Since the aftermath of the Gulf War in 1991, the EU felt the urgent necessity to react accordingly to soften the strong criticism coming from the other side of the Atlantic due to the Community's weak performance in the conflict. This criticism was based on the EC's inability to do much more. As Dinan (2005: 586) puts it, "the EC was a victim of its own success". In other words, the soft-power tools that had allowed the Community to successfully develop a structural foreign policy turned to be a constraint when it came to acting coherently, as the situation in the Gulf War required.

Moreover, the situation became even more complicated when the TEU was still being drafted and the war in Yugoslavia broke out. For this reason, the Maastricht Treaty came up with the alternative of creating the so-called 'pillar structure' incorporating this policy field under the second CFSP pillar; thereby leaving this policy realm to operate under the strict intergovernmental bargaining process where unanimity was the sole decision-making rule. A strong inconsistency is to be found here, though. The foreign policy of the Community had acquired a structural character. The exercising of this policy field was to remain under the first pillar competencies since it was the EC and not the CFSP pillar which had the power to make use of the main foreign policy tools, namely trade and development policy. The CFSP second pillar had mainly two tools at their disposal, namely joint actions and common positions. The instrument of common positions is normally used to define the EU's approach towards third countries or regions "outside the immediate neighbourhood", such as the ACP countries, while joint

actions usually "address relations" with the Balkans, the Middle East and more recently Central Asia and the South Caucasian region (Regelsberger and Jopp 2011: 408; see graph 2).

The TEU represented a "marvel of complexity born of the need to compromise" (White, 2001: 96). This multilevel and cross-pillar decision-making between the first and the second pillar would imply tremendous doubts about the feasibility and effectiveness of this innovative foreign policy approach. Therefore, the EC pillar remained the backbone of the Community foreign policy (Keukeleire & MacNaughtan, 2008: 157-228). Beyond the realist logic, it could however be argued that integration was progressively taking place in the field of political cooperation in terms of foreign policy. This was due to the "form of social integration stemming from the communication processes" that these multilevel and cross-pillar decision-making mechanisms had set up (Glarbo, 1999: 634-651). Contrary to the intergovernmentalist logic, Member States came to define national interests differently "due to the emergence of the *acquis politque*" (Bache et al. 2011: 522). Therefore, the 'Brusselisation' of CFSP issues also contributed to the shaping of national representatives' interests and attitudes in a way which enabled the EU machinery to take a less intergovernmental attitude. "The progressive degree of institutionalization and 'Brusselisation' has reinforced this trend of Europeanising national foreign polices" (Regelsberger and Jopp 2011: 405).

Nevertheless, should the defence component not have been solved in accordance with Ireland's neutral attitude, the final ratification of the TEU would not have been even more difficult to achieve. Member States agreed that establishing the basis of a European defence identity was however highly necessary, therefore the compromise achieved with the Maastricht Treaty resulted in the incorporation of a clause in its Preamble aimed at "the eventual framing of a common defence policy, which might in time lead to a common defence", thus satisfying all the parties.

This issue however generated a strong debate about what line this European defence identity ought to follow. On the one hand, the so-called group of Europeanists – headed by France – had in mind that the EU should develop its own autonomous defence structure in order to counterbalance American influence over NATO. On the other hand, their Atlanticist counterparts – led by the UK – strongly advocated a European defence structure which was subordinate to NATO. According to Dinan (2008: 587), Germany's

attitude was more on the Europeanist side. However, as long as Soviet troops had not completely withdrawn from the eastern part of the country, Germany would fall "pragmatically under the side of the Atlanticists". In other words, America wanted Europeans to spend money on NATO while Americans could still enjoy a high autonomous degree of manoeuvring. Therefore, the solution to the defence issue was to be found by institutionally integrating, not merging, the WEU into the Community. As the Declaration on WEU provides for in the TEU:

> "WEU will be developed as the defence component of the European Union and as a means to strengthen the European pillar of the Atlantic Alliance. To this end, it will formulate common European defence policy and carry forward its concrete implementation through the further development of its own operational role. WEU Member States agree on the need to develop a genuine European security and defence identity and a greater European responsibility on defence matters".

However innovative this solution might seem to be, it failed to provide an effective response to the Community's inability to put an end to the Yugoslav Wars by itself until the USA – acting under NATO – came onto the scene. Member States however could have taken military action by themselves or by means of the WEU invoking Art. J. 4(1) of the Maastricht Treaty. Nevertheless, Member States only committed themselves to support UN humanitarian missions without the use of armed force (Dinan, 2005: 590).

With the new institutional development of incorporating an intergovernmental second pillar to deal with CFSP issues and making WEU available to work as the military arm of the Union, the EU had incorporated the instruments needed to provide a response to international conflicts and enhance the EU's performance on the world stage. These instruments, together with the outcome in the Yugoslav Wars, made it clear that a step forward had been taken but a tremendous amount of work still lay ahead.

The framing of a defence identity was the main constraint facing the development of the CFSP. This lack of common identity and the small room to manoeuvre when forging one were mostly the result of the reluctance of the Big Three towards merging and forging common interests. Therefore the CFSP would not have been more effective should it have been established earlier. The problem was not only to be found in the inappropriate new institutional architecture that had been created, but also – and more influentially — in the complex historical circumstances surrounding each Member State

as well as the severe geopolitical transformation that took place due to the end of the Cold War (Dinan: 2005: 592).

3.2. Launching of ESDP: political will versus lack of capabilities

The launching of the ESDP has its origin in the EU's commitment to preventing future Bosnias from happening. For the first time, the interests of the Big Three concerning the issue of creating a common defence identity seemed to converge. While the UK and France apparently had come to terms regarding the development of military capabilities under a purely EU framework, Germany remained ambivalent. It could be argued that at this point in time the political will could counterbalance the heterogeneity of foreign policy approaches – among the Big Three – and the lack of a strategic culture among the rest of the Member States.

There are however more insights that explain the establishment of the ESDP. One possible explanation is the conflicting nature of EU Member States and NATO. Strong differences over the level of military and diplomatic engagement in the Balkan crises of the early 1990s and the role of NATO in Kosovo would prompt Europeans to launch their ESDP. This explanation suggests that should these disagreements not have taken place, the establishment of the ESDP would not have occurred. Another possible explanation is that the ESDP was aimed at strengthening the transatlantic relation. Europeans will thus attempt "to take on low-level military tasks in their own immediate backyard" while the USA would remain faithful to NATO's Art. 5 (Bono, 2002: 11).

These facts can also be analyzed under different theoretical approaches in which the role of the USA as a hegemonic power concerning European security turns out to be the key issue. On the one hand, according to neo-realists, since Europeans had already envisaged US withdrawal from the continent due to the collapse of the Soviet Union, they would need to seek new security means. On the other hand, neo-functionalists argue that the vitality of the transatlantic alliance was too crucial to let it evaporate. Therefore, the creation of the ESDP can be seen as way of strengthening the institutional framework of the transatlantic alliance (Bono, 2002: 11).

In 1997, Blair started his term in office as British Prime Minister. His strong conviction and his charismatic personality would add a new impetus to strengthening the lack of political will that the EU needed to perform a coherent foreign policy. Since the UK

would not be participating in the European Monetary Union (EMU) project, Blair wanted to strengthen his pro-EU-credentials by advocating the framing and creation of European military capabilities (Dinan, 2005: 598). Two years later, at a major speech on foreign policy at the London Guildhall, Blair described the UK as a "pivotal power at the crux of alliances and international politics which shapes the world and its future" (Quoted in White 2001: 38).

Apart from Blair's pro-EU attitude, other important factors played a crucial role in the establishing of ESDP. The "epistemic community" that had been generated concerning the defence issue triggered the emergence of a "close-knit epistemic community of senior officials in London and Paris". Since these Member States' nationals had been in close contact since the early 1990s, "a common mindset around the necessity and legitimacy of ESDP" had been progressively framed (Howorth, 2003: 175).

Blair's proposal on developing military capabilities would find a strategic partnership with President Chirac who had always been keen on the idea of providing the EU with self-autonomous military capabilities. In 1998 at a French-British summit in St. Malo, Blair and Chirac agreed that in the spirit of preventing future Bosnias, the EU should develop military capabilities. The rules under which this development would take place were however clearly dictated from Washington. Fearing that the creation of an autonomous EU defence structure would undermine NATO, in 1998 at a NATO summit, US Secretary of State Albright stated that the eventual framing and development of EU military capabilities would have to obey the so-called 'three D's conditions', namely: no duplication, no decoupling and no discrimination of NATO.[6]

Blair's affinity to Washington's demands together with the internal constraints posed by Member States did not provide much room to manoeuvre in this new initiative. Consequently, when Milosevic resumed his offensive in Kosovo in 1998, the EU could do nothing but to ask for US intervention to put a final end to the conflict and avoid another human catastrophe.

The drafting of the Amsterdam Treaty was characterized by the harsh criticism that EU leaders had to face for not being able to prevent a conflict on their doorstep. Therefore,

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[6] Duplication meaning increasing of efforts and resources by the USA; decoupling standing for no separation between USA command and NATO, and discrimination accounting for solidarity among NATO allies.

the external pressure as well as the internal commitment to become a credible international actor strengthened the determination of the EU's leaders to provide the means for a true framing of military capabilities. Thus, after a European Council in Cologne in 1999, it was agreed that in order to be able to conduct the so-called Petersburg Tasks[7], the EU should be able to take autonomous action supported by reliable military capabilities. The Kosovo crisis provided the momentum needed. Therefore, EU leaders set the year 2000 as the date by which a European Security and Defence Policy (ESDP) should start to function.

The Laeken Declaration of 2001 declared the ESDP operational. The principle under which the ESDP had to operate was the concept of the Battle Groups. The EU military capabilities were not to be created by permanent EU forces; they would be constituted by Member States' temporary contributions. However, this innovative idea aimed at counterbalancing the trade-off between Atlantic solidarity and European Integration raised serious doubts about its effectiveness (Keukeleire & MacNaughtan, 2008: 179-181).

These criteria for conducting ESDP operations would demonstrate the EU's commitment to effective multilateralism and global governance. Since it was conceived as a positive-sum game by Member States, its development could progressively be materialized. It must be noted that the political dimension of the ESDP rested on two fundamental pillars: firstly, since multilateralism was the mantra adopted, the ESDP enjoyed a high degree of legitimacy, and secondly, it was intended to be guided by strong political leadership (Keukeleire & MacNaughtan, 2008: 189-198).

The first successful autonomous ESDP missions and operations therefore reaffirmed the EU's commitment to making use of a structural foreign policy approach, since the use of direct armed force was not envisaged in the nature of these operations. The limits of such an approach are also revealed in that these operations and missions were preceded by a strong conventional foreign policy conducted by the USA. The replacement of NATO forces by an autonomous EU force in the case of the Balkan conflict, and specifically in the Former Yugoslav Republic of Macedonia and Bosnia in 2003,

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[7] In 1992, the WEU had adopted the so-called Petersberg Tasks with the aim of asserting its role in peacekeeping, humanitarian, and rescue missions.

illustrate this statement (see graph 3 for a complete overview of EU missions and operations).

Another remarkable step forward that demonstrated the commitment to providing the EU with a coherent common foreign, security and defence policy was the appointment of Javier Solana as the first High Representative for the EU's CFSP. This move was aimed at providing the CFSP with a visible face. Nevertheless, the existing institutional framework hindered to a certain extent Solana's duties. On the one hand, the EC competence regarding external relations was allocated under the first pillar. Therefore, Commissioner of External Relations Chris Patten was in charge of orchestrating the EC's external relations portfolio. On the other hand, the Council of Ministers for Foreign Affairs was to be chaired by the corresponding Foreign Affairs Minister of each rotating presidency. Once again the rhetoric and the political will to strengthen the Union's foreign policy personality were hindered by the institutional framework under which it had to operate. Solana's successful past as NATO Secretary General and Spain's Foreign Affairs minister contributed to a high degree of expectations that unfortunately could not be fulfilled as initially intended.

3.3. Bush's pre-emptive doctrine and Solana's declaration: two sides of the coin

The onset of the new millennium would totally change the international security landscape. The collapse of the Soviet Union had prompted liberal scholars such as Fukuyama (1992: xi) to proclaim the "End of History" arguing that history would only progress following the path of liberal democracies since no other ideology could challenge the power of Liberal ideas.

This is one of the main pillars on which Europeans had based their understanding of the post-Cold War world. Since human progress had triumphed by means of liberal ideas, the task now was to lead the convergence of the world around "the shared principles of Enlightenment Liberalism". For this purpose, the duties ahead were to build "a more perfect international system of laws and institutions" (Kagan, 2008: 6).

Since its creation, the EU had positioned itself as a strong advocate in promoting a stable and peaceful world by creating ties of interdependence. This statement reflects perfectly Monnet's visionary and institutionalist intentions since he considered that "the

Communities of today [were] just a project for a more organized world of tomorrow"; and that "nothing is possible without men, nothing is lasting without institutions". It is important to underline though, that the structural foreign policy that the EU had been pursuing was just the product of the initial structural foreign policy with which the USA was determined to reestablish world order after World War II. The attempt of promoting the creation of international institutions such as the UN, the IMF and the World Bank leaded by the USA aimed at establishing international legitimate regimes are clear signs of a structural foreign policy approach.

After the Cold War, the role of the US in the international system was described as a "superpower without a mission" (Baylis et al. 2008: 77). This status-quo however, would dramatically change on 9/11. Europeans showed a decisive attitude from the aftermath of the attack. Relying on NATO's Art. 5, Europeans made themselves available for the operation.

"[European] solidarity was maintained during the subsequent US camping in Afghanistan". Nonetheless the unity that the CFSP pillar was supposed to provide by the articulation of a common position between 15 members was not observed. It was perceived that Britain, France and Germany had the intention of operating outside an EU-orchestrated framework since in its initial meetings neither the High Representative nor the rest of the Member States participated in the deliberations (Bache et al. 2011: 516).

The apparent understanding and commitment reached between Americans and Europeans would progressively dilute as President George W. Bush proclaimed the "war on terror" by identifying the "axis of evil" – composed of Iran, Iraq and North Korea – in his State of the Union address in 2002 on the eve of the US-led invasion of Iraq. The EU's structural foreign policy was once again being reflected in its attempt to bring Iran "into full participation in the international community" and its "policy of functional engagement with North Korea". As for the case of Iraq, the EU limited itself to following UN sanctions addressed against Saddam Hussein's regime (Bache et al. 2011: 516).

In the eve of the US-led invasion, Bush proclaimed his famous pre-emptive doctrine with the objective of finding support in the international community that would provide the degree of legitimacy needed and thus justify American willingness to invade Iraq.

"Legal scholars and international jurists often conditioned the legitimacy of pre-emption on the existence of imminent threat. We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries. The purpose of our actions will always be to eliminate a specific threat to the United States or our allies and friends. The reasons for our actions will be clear, the force measured, and the cause just" (Bush, 2002, 13-6).

Bush's effort at adapting the concept of imminent threat was understood by the international community as an attempt to completely change the doctrine of self-defence since many questions were left open and no clear-cut legal answer could fit into it. For example, how could the concept of imminent threat being adopt taking into account the difficulty of detecting an imminent threat posed by terrorists and/or Weapons of Mass Destructions (WMD)? The conclusion is that it was conceived as a very abstract theory without a convicting legal basis. At the same time, it is not compatible with Art. 51 of the UN Charter. If Bush's doctrine had been adopted it would have changed the traditional philosophy of self-defence which asserts that there is no justification to retaliate by means of armed force until the country has been materially attacked. The principle of self-defence cannot be understood as either an emergency right or as a precautionary measure.

The situation worsened when the US had already gathered some European support by including the UK and other members in its "coalition of the willing". The invasion was planned but a UN Security Council resolution authorizing the use of force against Iraq was lacking. Indeed, it was never taken. Therefore, the operation lacked the degree of legitimacy needed that the international community could bestow by means of a Security Council Resolution. Furthermore, France had publicly made it clear that it would oppose any resolution advocating military intervention in Iraq. It can be observed here how EU Member States can collaborate with Washington when their interests are in line. However, individually, they are too weak to stop Washington from taking initiatives when its national security interests are at stake (Hulsman, 2002: 5).

The explanation of the US effort in trying to gather international support for its intervention lies not of course in the necessity of military resource contributions but in the degree of legitimacy needed to carry out such an intervention. The USA is by far the largest military world superpower and its army does not need any foreign military support. However, the USA tried to gather on its side a coalition of willing members

that would add some degree of legitimacy to the operation. According to international public opinion, the legitimacy needed was never achieved since no Security Council Resolution was adopted.

Through the post-Cold War years, President Clinton had shown a deepening in the US commitment to a liberal foreign policy based on a multilateral and legitimate framework. The old foreign policy of "going it alone" that the Bush administration had embarked on culminated with Europeans' expectations of counting on with Americans to deal with world challenges on a multilateral and legitimate way (Rifkin, 2004: 291). The US National Security Strategy of 2002 would find the other side of the same coin in the European Security Strategy proclaimed by Solana in December 2003. This strategy has to be considered as a benchmark regarding EU foreign, security and defence policy. Scholars characterize it as very remarkable tool of "public diplomacy". For the first time, Member States were able to agree on how the security environment had to be perceived regarding its global challenges and key threats. The strategy identifies a large number of common challenges for and threats to both Americans and Europeans. The means of dealing with them would differ totally.

> "No single country is able to tackle today's complex problems on its own. In an era of globalization, distant threats may be as much a concern as those that are near at hand. The first line of defence will be often abroad. Conflict prevention and threat prevention cannot start too early. Acting together, the European Union and the United States can be a formidable factor for good in the world (Solana, 2003: 1-13).

The strong divergence of attitudes among European Member States towards the Iraq conflict did not break the Union apart; instead Europeans sought once again a way to strengthen their CFSP. As on previous occasions, a moment of crisis and divergences among EU Member States regarding the understanding and conducting of foreign policy provided the momentum needed to further the never-ending task of providing the Union with a suitable mechanism under which a coherent and common foreign policy could be carried out. According to Regeslberger and Jopp (2011: 404), it was needed to establish another "plateau" concerning foreign, security and defence policy that would only be reachable through "legal reform". This process started with the drafting of the CT and culminated in the ratification and final implementation of the LT in 2009.

Before proceeding to the next section it would worthy to devote some attention to the following fact. As the EU intentions clearly show –being the ESS a prominent example – the Union is committed to deal with the challenges of a post-modern world based on the principle of effective multilateralism. Assuming that effective multilateralism could be applied as a meta-theory grounded in the theory of political Liberalism and the integration theory of Institutionalism, it could be stated that the EU has asserted its role as a post-modern actor. The following remarkable example could justify this statement.

The fact that the EU has signed up to the International Criminal Court (ICC) clearly reflects the EU's strong determinism to tackle global challenges on an effective multilateral and legitimate way. The EU-ICC relations are governed by the EU-ICC Cooperation and Assistance Agreement in force since May 1 2006. International law evolves. The emergence of international legal doctrines – as the responsibility to protect principle – and the establishment of the ICC are features of a post-modern world whose international community tries to support via "universal jurisdictions in respect of severe human rights violations". But such a global degree of consensus as indicated might not exist since three out of the five Security Council Members – namely the USA, China and Russia – are not willing to ratify the ICC (Baylis et al. 2008: 519). This example can reaffirm that the EU is successfully completing the transition process from a modern to a post-modern understanding of IR. However, the effective multilateralism that the EU wants to proclaim might clash with neo-isolationist attitudes of other international actors.

4. How has the LT influenced the EU CFSP/CSDP?

The LT is intended to move the EU into a "more solid foundation" and is "bound to mark a milestone in the process of European integration" (Mölling, 2008: 1). The fact that the EU has tremendously advanced in the deepening of its integration process is no longer in doubt. Nowadays though, not all policy areas enjoy the same degree of integration. According to geo-economics logic, it could be stated that tremendous steps forward have been taken throughout the years. Nonetheless, regarding a geopolitical rationale, where CFSP/CSDP comes onto the scene more prominently, national interests still prevail at the end of the day. Therefore, the high degree of heterogeneity among the 27 Member States regarding their attitudes towards CFSP/CSDP still hinders the coherent development of this policy field.

Between the trade-off of supranationalism and intergovernmentalism, the EU tries to move this policy area into the realm of the community method while national governments still feel very reluctant to pool sovereignty concerning this set of sensitive policies. The LT reaffirms that intergovernmentalism is continued. While QMV is applicable to some CFSP matters, it is totally excluded from military or defence issues. Art. 48(7) TEU provides for this: "this Treaty provides for the Council to act by unanimity in a given area or case, the European Council may adopt a decision authorising the Council to act by a qualified majority in that area or in that case. This subparagraph shall not apply to decisions with military implications or those in the area of defence". Furthermore, Art. 4 TEU stipulates that "national security remains the sole responsibility of each Member State".

Two main achievements are expected to take place with the implementation of the LT. On the one hand, "the general harmonization of the overall institutional framework should facilitate relations between the Council and the Commission." On the other hand, "the LT is intended to strengthen European's role in the world" (Mölling, 2008: 1).

The fact that now the EU in its entirety will enjoy a legal personality means that new options for external policies are brought to the table. For example, the EU will be able "to back up its normative approaches, such as effective multilateralism by legalizing

agreements and relationships" (Mölling, 2008: 1). The EU's ratification of the ICC is an excellent example of this statement.

4.1. The role of the High Representative for the Union Foreign Affairs and Security Policy

The remarkable question that former Secretary of State H. Kissinger posed back in the 1970's: "Who do I call when I want to call Europe?" has been theoretically answered with the arrival on the scene of Lady Ashton. The creation of the office of the High Representative for the Union Foreign Affairs and Security Policy (HRUFASP) has provided the EU with a visible head in charge of orchestrating Member States' foreign and security policies and framing a common position when EU interests regarding this policy arena are involved. Unfortunately, the theory is far from the reality. In comparison to previous situations, it could be argued though that some progress regarding certain aspects has been achieved. However, for some reasons that this paper is addressing, the EU still lacks a common voice and is not able to orchestrate its Member States' foreign policies.

One of the main constraints that the EU has been facing can be found in its institutional set-up regarding CFSP. These posts – namely the High Representative, the Commissioner for External Action and the rotating-presidency Foreign Affairs Minister – have had overlapping competencies when exercising their responsibilities regarding the foreign affairs, security and defence portfolios.

When these different three actors, in addition to the President of the Commission and opportunistic, strong and charismatic European leaders, pursue common objectives regarding the same policy field, it can easily be seen that some confusion might arise of the same nature that Kissinger expressed. As years have passed, this confusion has been translated into an ineffective foreign and security policy with a high degree of incoherence.

This complex institutional architecture has been reshaped by the creation of the office of the HRUFASP. As Wessels and Bopp (2008: 21) explain, the "three-hat function" that Lady Ashton wields has been thoroughly designed in order to provide a coherent institutional connection between the Council, the Commission and Member States'

Foreign Affairs offices. As Vice President of the Commission, Lady Ashton's post can be seen as a bridging element between these three different institutional settings. She will have to make good use of her procedural power since she has the competence of setting the agenda. Therefore, the right to make proposals makes her a de facto driving engine of CFSP/CSDP.

In order to create a coherent and legitimate output pertaining to foreign affairs and security issues, it is of crucial importance to firstly create a coherent internal input. Lady Ashton, as provided for by Art. 21(3) TEU, is in charge of performing this role by abetting the Council and the Commission concerning foreign and security policy matters. Furthermore, the HRUFASP is now in charge of chairing the Council for Foreign Affairs. This movement could be seen as a positive breakthrough concerning the coordination of EU foreign and security policy. Nevertheless, its effectiveness and efficiency could be seriously questioned by the EU's response to the events that have taken place in certain countries of the Arab World since February. Since there are significant challenges to assure this inter-institutional coordination, Wessels (2008: 19) questions whether it is "a magic triangle or a tragic mélange?"

The role that the HRUFASP will have to play in this new political landscape that the LT has created will contribute significantly to the success or the failure of this promising new foreign policy approach – aimed at improving its external representation – that the EU is seeking to develop.

4.2. Flexible and innovative tools

The reality is that the EU is not interested in developing a strong CSDP including the creation of a European army, due mostly to the difficulty that this implies. Nevertheless, the thorough elaboration of the LT has incorporated provisions that, on the one hand, establish a framework for Member States to militarily operate when necessary and/or requested, while on the other hand, the LT allows Member States which are willing and capable to develop a CSDP under EU mandate.

Pertaining to the first set of provisions, the LT incorporates two innovative clauses that set out the framework for EU Member States' assistance and defence among themselves. On the one hand, a mutual defence clause is enshrined in Art. 42(7) TEU:

"It compels Member States to offer aid and assistance if one of them is the victim of an armed aggression in its territory." In a nutshell, this clause has the same function as the one envisaged in the NATO mutual defence clause but it does not interfere with national defence policies of neutrality or alliances (Mölling, 2008: 1). On the other hand, there is a solidarity clause that now has been encapsulated in the LT under Art. 222 TFEU[8] which obliges Member States to assist each other should a terrorist attack or natural disasters occur. Now the potential question is, if this mutual defence clause is a bridge to the future, how long will NATO exist? The fact is that a mere though significant Treaty clause cannot be considered as a collective defence system. For this purpose organizational structures are needed in the form of headquarters with a permanent Commander in chief; a permanent deployable and effective army; harmonised capabilities and a Charter setting the constitutional basis.

Relating to the second set of provisions, the LT incorporates two flexible instruments in order to progressively develop a CSDP as intended by and provided for in the Treaty (Dagand, 2008: 5). The first element is the possible designation of a group of Member States with a certain operational task (Art. 42.5 TEU). The second, and most interesting and promising element, is the permanent structured cooperation in defence matters (Art. 42.6 TEU and Protocol No. 10 on Permanent Structured Cooperation). This is a flexibility clause that bases its premises on "voluntary contributions" and "peer pressure" (Missiriolli, 2008: 15). This clause enables Member States which meet a certain criteria set out by the European Defence Agency (EDA) to engage in operations that have military or defence implications without adhering to the rules of unanimity.[9] This new innovation represents a large and rational step forward in the field of CFSP/CSDP as well as in the deepening of the integration process by trying to progressively frame this common security and defence mechanism through an enhanced cooperation of Member States. While some view it as a "potential duplication of NATO

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[8]Initially, following the terrorist attacks in Madrid in 2004, this principle was formulated in a Declaration made by the Council that is now embodied in the LT under Art. 222. After this clause was introduced in the LT, the transferring of tasks and institutions from the WEU to the EU was concluded. The parties subject to the modified Brussels Treaty decided to terminate the Treaty in March 2010 while the WEU will end its activities in July 2011.
[9]The Permanent Structure Cooperation can be triggered applying the mechanism of QMV. However, the decisions involved during the process will have to be taken by unanimity or consensus. Since it is an opt-in process, it is likely that a vast number of Member States join it. This will hinder France's intentions since it wanted to be part of a Permanent Structured Cooperation among a small number of Member States.

endeavours" others claim that it is a "breakthrough towards more and better EU capabilities" (Mölling, 2008: 2).

A possible explanation for the creation of this new internal institutional architecture which seeks to improve the EU external representation in terms of foreign and defence policy follows the path of liberal/institutionalist political rationale. The fact that the EU shows reluctance to develop its own strong CSDP rests upon its reliance on two elements: firstly, on the multilateral, legitimate and institutionalized architecture of international organizations such as the United Nations and NATO. Secondly, it rests on the new threefold institutional arena where the HRUFASP will have to conduct her job. This can be interpreted as an internal strengthened multilateral cooperation environment where her ability to carry out negotiations among the 27 Member States, as well as among its international counterparts, will determine the success or the failure of such a policy approach.

The flexible tools for creating an operational task and the possibility of allowing Member States to create permanent structured cooperation in terms of defence might contradict the assumption that the EU does not have the intention of developing an army. Concerns might nevertheless arise since this flexibility tools could prompt "free-rider behaviour" among Member States (Duke, 2011: 52). However, these tools have to be viewed as merely functional and flexible mechanisms that set a minimum standard for defence and security. Börzel and Risse (2009: 8) add that "the acquisition of military capabilities and the actual use of force do not per se disconfirm a civilian power identity". Instead, problems arise in regard to which "politically strategy military means" are chosen, "how force is used" and whether its use "is legitimized by the international community".

Americans may show their discontent with this foreign policy strategy presented by the EU, especially in terms of defence where the U.S. is, and will remain, the major contributor to NATO.[10] However, it seems that the EU has decided for once and for all to change the conception of tackling international issues. This conception rests on the "different sensibilities about world perception and the vision about the future" (Rifkin, 2004: 283). And it is in this new conception, going from a "modern world" conflict-

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[10] See graph 4 for NATO members' contributions to the Alliance

solving-approach based on hard-power to a "post-modern" one based on soft-power, where the EU defines its role as a global actor.

It could be stated that the LT does not have a big relevance for ESDP. Firstly, since now it is conceived as CSDP, the level of ambition that the LT foresees for this policy field is higher than before. Secondly, the success of CSDP will depend not on the LT provisions but on the political will. Thirdly, the new institutional developments "seem too limited to overcome the structural characteristics of CSDP where the principle of unanimity represents the cornerstone" (Mölling, 2008: 3).

Another remarkable inter-institutional development has been the creation of the European External Action Service. The EEAS works under the direction of the HRUFASP and its task is to assist her by providing information and relevant studies on CFSP/CSDP issues. The question as to whether the service should form an integral or a separate Commission's body has been a much-debated topic due mainly to the allocation of the budget resources. The Treaty stipulates in Art. 27(3) TEU that the EEAS will be composed of "officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States".

The EEAS could become a sort of "functional interface" among all the main institutional actors in CFSP. "For both political and functional reasons, it should not be placed in the Commission or the Council". Instead, it ought to be "*sui generis*, due also to the difficulty of making the legal and professional backgrounds of its components fully compatible and interoperable with one another" (Missiriolli, 2008: 15).

4.3. Theoretical approaches

Before concluding this section, it is worthwhile to briefly summarize the theoretical approaches that help to explain the ongoing process of creating a CFSP/CSDP which started timidly with the establishment of EPC in 1970 and has evolved with the progressive ratification of Treaties. These theoretical assumptions are:

- Neo-functionalism: it takes into account the relevance of policy dynamics. As scholars define it, "forms follow functions". Consequently the spill-over effect

is considered to have a positive impact in the formation and development of this policy field.

- Neo-realism: the emerging of new actors is the focus of attention concerning this approach. The role of the EU as a balancing power in Europe and worldwide together with the new instruments and new dimensions plays a key role in the process of forging a CFSP.

- Intergovernmentalism: the treaty amendments have always been the result of Intergovernmental Conferences (IGC) where the role of the Big Three has turned out to be always decisive in order to adopt one direction or another.

- Institutionalism: the evolution of institutions is a perfect example that reflects this approach. The codification of rules and the institutionalization of new elements have strengthened the character of the EU's CFSP.

- Social constructivism: although the theory of social constructivism is a meta-theory that does not work without an institutional layer, the power of ideas and socialization have determined the final outcome. The EU as an external actor exporting its model illustrates the significance of this approach.

5. *Case Study: EU's response to the call for democracy in Libya*

The unfolding of events that is taking place in certain countries of the MENA region is to a certain extent attributable to the failed international policy approach towards the region. The fact of adopting a post-modern understanding of the world would lead to "the problem of dealing with double standards" (Cooper, 2002: 1).

The EU's international identity is reflected in the EU's external relations as an "aggregate outcome of an on-going process of accommodating the internal legal political diversity while progressively building that distinct Union's identity". The result is that the EU operates as a "laboratory for experimentation" and the final outcome of the whole process is that the EU is determined to learn by experience (Van Vooren 2011: 149).

A post-modern understanding of the world view is reflected in the structural foreign policy approach with a long-term view that the EU has been trying to exercise for decades. The launching of the European Neighbourhood Policy (ENP), aimed at providing for a prosperous environment in which the European Neighbours could develop a higher degree of stability and welfare– namely the Western Balkans, the South-Caucasus countries and the MENA region – has had a two-sided result. The fact that the Central Eastern European countries (CEEC) who were subjects of the Europe Agreements (EA) signed during the 1990s and have now become Members of the EU clearly demonstrates the successful implementation of a structural foreign policy approach. [11] Unfortunately, the same degree of success cannot be attached to the Associations Agreements (AA) established between the EU and some MENA countries. [12] Its failure finds its explanation in the problem of dealing with double standards. Neo-Marxist Amin (2004: 43) describes it as: "the certificate of democratic practice granted in due form as a condition for requesting aid from the rich democracies". The problem arises because this rhetoric is difficult to assimilate when dealing with double standards since "they are implemented in perfect cynicism by means of pure manipulation and betray the actual priority of other unacknowledged objectives".

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[11] These agreements were signed in 1991 with the Visegrad countries; in 1993 with Romania and Bulgaria; in 1995 with the three Baltic States and in 1996 with Slovenia.

[12] Between 1998 and 2005 the EU concluded 7 Euro Mediterranean Association Agreements with Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Algeria.

Since part of the problem has to be allocated to the EU's failed attempt at excising its functions and accomplishing its objectives, it now feels the moral responsibility of directly dealing with the situation of uprisings in the region.

5.1. How did we get here?

The fact that the EU has incorporated 10 CEEC plus Malta and Cyprus, thereby becoming a club of 27 Members States in less than two decades after the dissolution of the Soviet Bloc, is the result of a process that started in 1991 through the contractual relationship established through the EAs. These agreements were considered as an instrumental function in the pre-accession process. When assessing the effectiveness of these processes, White (2001: 103) affirmed that how the CEEC became EU Members is the result of "preventive diplomacy scoring over crisis diplomacy".

The primary objective of the agreements was to provide incentives for bringing stability to the area. These incentives had both an economic and a political dimension. Both of them are clearly interrelated since, in order to gradually gain access to the internal market, these systems had to operate under a certain set of established Community rules. This process of successfully exercising global governance culminated in the accession of these countries to the European Club. The effectiveness of global governance is defined "as to which extent EU rules are effectively transferred to third countries" (Lavenex and Schimmelfenning, 2009: 800).[13] This case illustrates perfectly how a structural foreign policy approach is fully developed to its optimal point. It should not be forgotten however that since the Cold War brought a relatively peaceful end in this area, the use of a conventional foreign policy was not deemed necessary.

A different situation was observed in the Western Balkans. It was not until the conflict first came to an end thanks to NATO intervention that the EU started to launch its programme of Stabilization and Association Agreements in 1996. The content, application and further developments of these agreements were similar to the EAs. Nowadays, some of the countries subject to these agreements have gained the candidate status and their accession negotiations are so advanced that the accession of Croatia is

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[13] According to the authors, this process follows three different steps. Firstly, "rule selection" constitutes "the focus of negotiations and agreements". Secondly, "rule adoption concerns the "incorporation into domestic legal acts". Thirdly, "rule application" implies that the rules are "consistently applied".

envisaged for the near future.[14] It must be remarked though that the structural foreign policy of the EU could not be applied from the beginning of the post-Cold War because the use of a conventional one was required. Since the EU was not equipped to put an end to the conflict, the USA acting under NATO provided the environment under which the EU could start applying its policy.

The MENA region has also been the object of the ENP. The results are far from reaching the successful outcomes that the application of the same policy has had in the CEEC countries and the Western Balkans. The analysis is quite simple. Since these countries lack the key incentive of eventual membership, the EU forgets about its structural approach and concentrates on stability. Preserving stability is the main incentive that these countries have in order to develop their trade relations with the EU. The way the autocratic elite that rule the region promotes stability is far from reaching the standards that the EU sets out concerning the political dialogue, the promotion of democracy and the good governance in these AAs.

The EU chose the right way to address these countries' 'backwardness' by launching its ENP, aimed at fostering trade relations, promoting political dialogue and, last but not least, securing its energy interests. It was the right way for one reason; having witnessed the failed attempt of unilaterally exporting democracy carried out by the USA, the EU took the path of trying to help build democracy from within. However, its failure is to be found in the lack of people-to-people contact. In other words, the EU forgot about civil society and concentrated on its relationship with the autocratic elite.

Two main reasons explain this fact. On the one hand, the EU is one of the biggest energy importer in the world.[15]. In terms of energy security, it seems reasonable that EU leaders have been keen on establishing friendly relations with Arabs autocrats in order to maintain its energy-friendly relationships. In Keukeleie and MacNaughtan view

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[14] At present, six countries are subject of SAAs: Macedonia, Croatia, Albania, Montenegro, Bosnia and Herzegovina and Serbia. The conclusion of accession negotiations for Croatia is envisaged for the end of 2011.

[15] More than two thirds (68.0 %) of EU-27 imports of natural gas in 2008 came from Russia, Norway or Algeria. A similar analysis shows that 52.4 % of EU-27 crude oil imports came from Russia, Norway and Libya, while 51.4 % of hard coal imports were from Russia, South Africa and the United States. Although their import volumes remain relatively small, there was some evidence of new partner countries emerging between 2000 and 2008. This was notably the case for hard coal imports from Indonesia, crude oil imports from Kazakhstan and Azerbaijan, or natural gas imports from Libya, Nigeria and Egypt. Source: Eurostat 2010, European Commission.

(2008: 244), "the EU seems to be determined to prioritize pure strategic interest above value-driven goals". As a result, the high geopolitics of energy contribute to the EU's failure to speak with one voice and at the same time hinders its potential effect of changing rules. On the other hand, since 9/11, the West's main preoccupation in terms of security has been how to deal with Islamic fundamentalism. Fearing that the most radical fundamentalist Islamists could achieve power, the EU and the West in general have been keen to support these autocratic regimes.

Meanwhile, inside the Islamist society something has changed. A new Post-Islamist mentality has emerged and has been gaining traction in the last years. Bayat (2011: 1) explains that "Post-Islamism is not anti-Islamic or secular", instead "it is a movement that dearly upholds religion but also highlights citizens' rights". This scholar goes on to assert that the situation of upheaval that is taking place today in the region "represents a departure from the Arab politics of the mid-1980s and 1990s". Throughout those decades there is direct relationship between increasing urbanization and the demands for rights –something that the economies and politics of these Arab countries could not support. As Bayat (2011: 3) asserts, those decades "saw the expansion of a middle-class poor". In parallel, the traditional Islamism whose more illustrative reflection is Iran started to lose acceptance among the society. Therefore, "the exploitation of Islam as a tool for procuring power and privilege" had to be abandoned. For this purpose, in order to rescue Islam, "these societies began to abandon the Islamic state" and this consequently lead to a focus on the next rational critical issue: democracy and dignity.

5.2. EU's performance in Libya

This section of the paper will analyze the current approach that the EU is developing in response to the unfolding of events in Libya. The situation is a good example to present a case study in which it will be analyzed how the latest developments of the EU's CFSP/CSDP, provided for in the LT, have influenced the EU's action in Libya. It will also be discussed whether, in view of the situation, the constitutional leap that the LT represents is enough to allow the EU to provide coherent and effective answers to the international community.

5.2.1. The USA and the EU

The relationship between the USA and the EU throughout the decades has strongly influenced the CFSP/CSDP of the EU. Europeans' high expectations of President Obama's intentions to move away from a hard-power to a soft-power approach need still to be reaffirmed. After eight years of "visionary authority" based on unilateralism, now the change of direction seems visible with President Obama in office. In Obama's view, the USA has much more to gain with cooperation rather than confrontation, thus making multilateralism a key concept in US foreign policy (Cypel, 2009: 34).

The principle of effective multilateralism is enshrined in Art. 21 of the TEU; "The Union shall promote multilateral solutions to common problems, in particular, in the framework of the United Nations". The problem is that the EU did not acquire a "super observer status"[16] at the UN General Assembly until 3 May 2011, nor can it pronounce a common European voice at the Security Council. This means that the EU's representation in the international community's highest forum is still weak. This could be one of the factors that explain why Washington's first calls to Europe on the eve of the conflict were addressed to London, Paris and Berlin rather than Ashton's office. Washington's was determined to apply the principle of effective multilateralism but at the same time, it was aware of the EU's inability to coordinate a common answer among its Member States.

The situation in Libya shows that the creation of the post of the HRUFASP has not contributed to strengthening the Union's common voice and coordination as was intended. Two reasons lie behind this. The first one is that Lady Ashton has been exercising her duties for a relatively short period of time and it could be argued that, in the long term, the new post that she now occupies will become a point of reference under which the EU's responses towards conflict prevention and crisis management could be orchestrated. The second reason is closely related to the first one; in the eyes of the world community, Lady Ashton does not embody the strong and charismatic personality required to coordinate such an international response vis-à-vis the USA, NATO, China, Russia and other regional organizations.

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[16] "A vote in the 192-nation General Assembly saw 180 countries come out in favour of granting the EU 'super observer' status, which does not give the bloc voting rights but will allow the High Representative to speak on behalf of the European Union". Source: Euractiv 2011.

It can be observed however that in comparison to previous situations – namely the Yugoslav Wars and the Iraq conflict[17] – the EU has this time succeeded in positioning the conflict in the core multilateral world forum that the UN incorporate for discussion. A Resolution was eventually adopted that allowed for intervention in Libya. UN Security Council Resolution 1973 gave the green light to impose a no-flight zone aimed at protecting the civilian population by making use of all necessary means, including the use of armed force.[18]

5.2.2. The Big Three

The *sui generis* character that defines the EU implies that it is neither a member-driven organization nor a fully political union. Therefore, the supranational character of the organization and the manoeuvring room that Member States still enjoy in developing their foreign, security and defence activities poses the main constraint for the EU in the development of a true CFSP/CSDP.

The EU is committed to dealing with the situation in Libya according to the principle of effective multilateralism, and it has found a strategic partnership in Washington due to the arrival of President Obama. The attitudes and reactions of some of its Member States – namely the Big Three – envisage that the wishful rhetoric that the LT incorporates concerning CFSP/CSDP still needs to find its point of connection with Member States. Otherwise, the EU will continue to fail at speaking with one clear voice, as the unfolding of events in Libya show.

The Libya crisis has reaffirmed that the LT's intentions aimed at reducing the capability-expectation gap have experienced a setback. The divergences over the use of military power between Germany on the one side, and France and Britain on the other, hints at Germany's ambitions to hinder the EU's use of hard-power (Speck, 2011: 1). Germany's abstention from the vote on Security Council Resolution 1973 authorising the imposition of no-flight zone has undermined the EU's attempts to become a credible

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[17] NATO intervention during the Yugoslav Wars in Bosnia in 1994 did count on with a Security Council Resolution authorizing the use of force. However, in NATO intervention in Kosovo in 1999, a resolution was lacking but Europeans were determined to avoid an ethnic cleansing on European soil. Therefore, NATO intervention in the conflict was perceived as legitimate among EU Member States.
The US-led invasion of Iraq could not also gather the support necessary to adopt a Security Council Resolution authorizing the use of force, mainly due to the public declaration of France stating that it would oppose any resolution that would authorize the US to conduct military actions in Iraq.
[18] See Security Council Resolution 1973.

global defence player. Germany's concerns were not to be found in the ends however, but in the means of how to deal with the situation.

Since among NATO members there were also some countries which refused to support the military implications, a coalition of the willing was formed between the USA, Canada, Denmark, France and the UK. Soon after the operation started, due to domestic pressure, the USA decided for the first time to cede the command of a NATO operation to its European NATO allies. President Sarkozy took this opportunity to try to place France as commander of the operation, but he soon discovered that he lacked the support of the majority of EU Member States. France's worst expectations of its EU counterparts' reliability were confirmed. "The stated grounds were fraudulent – Libya's civil war was no worse than many others around the globe – but provided a convenient opportunity for Nicolas Sarkozy to climb atop the world stage" (Bandow, 2011:1).

The British attitude towards the conflict presents no surprise since it goes mostly in line with its most recent past of unconditionally staying on the side of the USA. Apart from the strong lobbying that the UK and France had to carry out to get Resolution 1973 adopted, Cameron's administration limited itself to idealistic rhetoric. He considered that the intervention was "necessary, legal" and furthermore, "the right thing to do" (Quoted in Elliot 2011: 1). One possible theoretical explanation for this attitude could be found in relation to a classical Idealistic logic. It must be stated though that the ends that both countries seek by directly committing themselves to tackle the conflict differ substantially.

The idealistic approach finds its explanation in the fact that one of its pillars is based on international law and the role of international organizations. The evolving character of international law has been reaffirmed due to the emerging of the 'responsibility to protect' principle. By this principle, the international community is committed and has the responsibility to act in order to protect populations from "genocide, war crimes, ethnic cleansing and crimes against humanity" (UNGA, 2005, A/RES/60/1, p.30).

France and Britain observe how their relative importance on the world stage is decreasing and at the same time both countries are trying to regain momentum as world powers with "diminishing resources". It is for this reason that, for these countries, "the

use of armed force is not considered as a taboo"; they thus contemplate war "as a last, but legitimate resort to achieve political ends" (Speck, 2011: 2).

The fact that Britain and France are attempting to gain momentum with "diminishing resources" reflects their awareness of their relative declining economic weight on the international scene vis-à-vis other international actors. The world is moving progressively towards a post-modern consciousness where military capabilities, the balance of power and threat of inter-state war are no longer decisive factors. France and Britain's military capabilities are limited but still they preserve the status of nuclear powers and enjoy the veto power on the UN Security Council. The only way for Britain and France to exploit this advantage is if they enjoy the support of the United States.

On the one hand, France – led by Sarkozy's determination to put France back to the front ranks of the international stage – did not hesitate to take part in the issue. Furthermore, it went beyond this by recognizing the transitional council composed of Libyan rebels as the legitimate transitional authority in the country. That goes completely against the EU's principle of not recognizing governments, but states. Behind the idealist logic there is a hidden realist one which finds its explanation in Sarkozy's interest in making the role of France in this conflict an essential one, and thus regain international prestige by the use of military, although limited, might.

On the other hand, Britain still considers itself as a privileged ally of the US. There is also hidden realist logic behind Britain's idealist attitude. London's special relationship with Washington is at the centre of Britain's foreign policy. The emphasis and the vitality of this relationship remain anchored in a modern understanding of the world where military alliances and the balance of power drive national interests.

It is interesting to observe how France and Britain have travelled back to the old days of *Realpolitik* in order to regain importance on the world stage via a pure Idealistic logic. The strategic culture of both countries clashes with Germany's pacifism which has become an object of "national pride". "Since others still make war, we [Germans] have learnt the lessons of history and become a force for peace" (Speck, 2011: 3). It must be stated though that a compromise that would have allowed German participation without military intervention could have been achieved. The Libya crisis has shown the reluctance of German leaders to seek for compromises with the international

community. The conclusion is, as Speck (2011: 1) clearly puts it, that Germany's increasing role in the EU's economy is not leading to a "will to exercise foreign policy leadership".

This attitude can be partly explained according to a neoliberal approach. "Neoliberals share old liberal ideas about the possibility of progress and change, but they repudiate idealism" (Jackson and Sørensen, 2010: 42). The interdependence liberalism logic rests on two pillars. The first one is that "there is an absence of hierarchy among issues". Military force thus no longer stays on top of the agenda and it is no longer seen as a foreign policy instrument (Keohane and Nye 1977: 25). The second pillar is that economic interdependence will thus progressively lead to an intensified cooperation among states. This approach could explain the German attitude in regard to its abstention from voting on Resolution 1973. Idealism and its new responsibility to protect principle are rejected and military force no longer constitutes a foreign policy instrument. The German cooperative attitude is not observed though. A compromise could have been achieved that would have satisfied Germany's unwillingness to apply military intervention and the demands of its European partners in order to present a fully fledged EU response to the international community. Therefore, a new approach that could explain to the fullest extent Germany's attitude needs to be addressed. This is the rational choice theory.

The starting point for the rational choice theory is the individual. According to Jackson and Sørensen (2010: 221), this is known as "methodological individualism". Consequently, individuals are considered "rational and self-interested actors". Therefore, if an explanation is to be found in order to justify what governments do and how they set up their preferences, then rational theory applies. Once this point has been reached, the reluctance of Westerwelle and Merkel to support the intervention in Libya could be explained by examining the close link between their attitudes and the regional election landscape that was taking place in Germany. More precisely, to the elections in Baden-Württemberg which in the end their parties lost. The rational choice theory sustains that politicians and bureaucrats just want to make themselves "better off" and they will therefore be looking for "private benefits such as re-election, promotion or prestige".

Before concluding this section, a conclusion can be drawn concerning the probable attitudes that The Big Three will assert in the coming future. France's leaders have always tried to take advantage of the momentum generated by a crisis in order to further on their idea of developing a strong and autonomous European defence system (Utley, 2001: 146-9). Therefore, France will continue to deploy "pragmatism and flexibility" in order to pursue its own interests as much as possible; may restoring France's international prestige be a hidden one.

As Gordon (2001: 159-67) explained, the UK will remain pragmatic in as much as it can still enjoy a large room of manoeuvre "without sacrificing too much in the way of legitimacy". The idealistic rhetoric and the strong lobbying in the Security Council illustrate this attitude. However, the driving engine concerning UK foreign policy will remain tied to its special relationship with the USA. Until the UK is not forced to choose between the USA and Europe, it will remain caught "between a rock and soft place".

At the end of the 1990's, it was perceived that Germany had successfully largely transformed or "normalised" its foreign and security policies. This is demonstrated by the participation of German air forces in Bosnia as part of NATO operation under UN mandate, and the inclusion of infantry troops as part of NATO intervention in Kosovo (Timmins 2001:180). However, this has changed with "a renewed pacifist drift in German foreign policy" that together with it rising economic weight, it seems that Germany is not likely to contribute to a fully fledge EU foreign policy (Speck: 2011: 1), as long as its aspirations of building a fully federal Union are not fulfilled.

5.3. *The Lisbon Treaty and the capability expectation gap*

The situation in Libya has demonstrated that the institutional developments and the political rhetoric still lack a point of connection with Member States' strategic cultures. It can though be stated that the LT has significantly contributed to narrowing the capability expectation gap. The LT has provided the EU with a coherent set of resources and a political structure that enables it to respond to its external demands. This is reflected in the elimination of the pillar structure, the three-hat bridging function that the HRUFASP wields and the creation of the EEAS. These resources are a good proof that the EU is determined to strengthen its credibility as an international actor.

Concerning the instruments that the EU was lacking in order to respond effectively to international crises, namely military capabilities, the LT has incorporated a set of flexible tools. These tools are to be found under the clauses of "mutual assistance" and "permanent structured cooperation" pertaining to security and defence matters and on the possible designation of a group of Member States with an "operational task". Taking into account that the EU is committed to tackle international conflicts based on the principle of effective multilateralism, it could be stated that these instruments match the military capabilities' aspirations of a *sui generis* non-state actor such as the EU. A very important issue should however be mentioned. EU's Member States do not operate within unified military standards. In other words, defence industries are not incorporated into the internal market, thus provoking a degree of fragmentation. Each Member State develops and invests in military capabilities without any framed programme common to every Member States. This partly explains how ineffective a military operation can be if Member States' capabilities are not compatible with each other. The mission of the EDA is to provide an overview of these different issues aimed at enabling the realization of potential "synergies" between different areas and developing joint proposals. This could not be possible until three main issues are tackled, namely: "Member States' insufficient defence budgets, a fragmented defence market and uncoordinated spending matters" (Keukeleire and MacNaughtan 2008: 192-4).

The main difficulty to overcome in order to narrow the capability expectation gap is still to be found in the Union's ability to agree. The LT has provided the resources and the instruments necessary to effectively deal with international conflicts on a multilateral basis. The principle of unanimity still governs the most delicate issues when military and defence implications are subject to vote. This inability to agree is reflected in Member States' different attitudes towards international crises and their strategic cultures which are clearly connected with their own histories. The most pessimistic view envisages that until the EU transforms itself into fully political union where the supranational principle is applied to all policy fields, including defence and security, the EU will find difficulties in finding agreement on such issues.

However, the socialization factor regarding CFSP/CSDP could help to understand why this policy is mostly governed by the unanimity rule. According to Regelsberger and

Jopp (2011: 404), although the scope of application of QMV in CFSP/CSDP has broadened, "issues require an atmosphere of negotiations in which each participant is taken on board instead of being excluded and outvoted".

6.   Conclusion

The whole process of European integration is still work in progress. This process has suffered severe setbacks prompted by internal and external circumstances and events. What characterizes the philosophy of European policy-makers is the fact of learning by experience. This logic also applies to the realm of CFSP/CSDP. It has been at difficult times when Europeans have acquired the momentum needed to strengthen the political will required in order to further develop the EU's CFSP/CSDP. Since the early attempts of establishing an EPC until the implementation of the LT, it could be asserted that tremendous progress has been made. The capability expectation gap has been significantly narrowed but there is still work to be done. The institutional developments cannot prevent Member States' national interests from contradicting the EU's CFSP/CSDP, as the situation in Libya has shown. Therefore, the capability expectation gap has not been closed yet. This fact clearly undermines the EU's credibility as a coherent international actor.

The EU needs to seek for tools that enable it to overcome internal difficulties. These tools that will be found outside the economic sector may provide "a foundation for cohesion and for European identity". If Monnet were to start again "he would begin with culture". Culture and religion however, "have lost the power to act as the foundation of a community and an identity". Therefore, to "exist as a political entity", the EU needs to revitalize the importance of a common culture meaning that "cultural institutions will take on a new political meaning" (Biedenkopf, 2006: 22-3). After all, the "fecundity and adaptability of European civilisation" is the product of its multicultural composition and its capacity to assimilate new ideas continuously (Bideleux, 2001: 37).

American hardliners see the EU as an "economic superpower" but when global geopolitical issues are at stake, they consider the EU as a "political dwarf" (Rifkin, 2004: 282). The EU is aware of this message and has expressed its willingness to translate this economic weight into more convincing political clout. "Europe's collective weight can matter if it is turned into political will" (Speck, 2011: 6).

Throughout the decades the problem that the EU has been facing has been that "it has lived simultaneously in two different worlds: the everyday world of *Realpolitik* and the

dream of a better world to come" (Rifkin, 2004: 288). This reflects the conflict that poses changing the mentality from a modern understanding of the world into a post-modern one. This fact also causes a tremendous divergence among the EU's Member States' attitudes towards foreign policy.

The EU however must continue to exercise its structural foreign policy approach because that is the correct way to deal with a post-modern world. The issue of developing military capabilities has been correctly tackled with the flexible instruments that the LT has incorporated. Although the situation in Libya has demonstrated that these new instruments are of little relevance, it is still too early to comprehensively assess their effectiveness.

The strong commitment that the EU shows towards the principle of effective multilateralism must remain as a cornerstone regarding the EU's CFSP/CSDP. The EU has well exercised this principle by applying the logic of inclusivity versus exclusivity, since "the European dream itself is about inclusivity and not autonomy" (Rifkin 2004: 294). A post-modern world is not perfect, it needs to be fixed. Therefore, the EU has launched numerous "peace-keeping" operations with very successful results. The success of these operations is not entirely attributable to its development but to its inception. The logic behind this rests once again on the change of mentality from a modern to a post-modern one. Whereas a soldier defends a country applying a modern understanding of IR, a "peace-keeper" works for humanity, thus reflecting the clear commitment of the EU to adopt a post-modern understanding of IR based on the principle of effective multilateralism closely associated with the evolution of international law. The structural foreign policy of the EU seeks to "spread peace" rather than "assume power" (Rifkin 2004: 297-304).

The future of the EU's CFSP/CSDP envisages two possible outcomes. Firstly, as stated above, it could be assumed that the EU will not be able to frame a true CFSP/CSDP until it has transformed itself into a fully political Union where the supranational model is applied to all policy fields. This situation is very unlikely to take place in the next decades. Therefore, the future of a CFSP/CSDP depends on how Member States are able to come to terms regarding this contentious policy field.

As this paper has explained, the problem that the EU had faced since its creation regarding foreign, security and defence policies has been the heterogeneity and divergence of Member States' attitudes, interests and strategic cultures regarding this policy realm. These factors and their link with foreign policy issues remained anchored in a traditional modern understanding of IR. Only if Member States see incentives for exercising a CFSP/CSDP will they assume a post-modern attitude. These incentives are to be found in a true and strong commitment to revitalizing the European Dream that brings so many benefits to the Union's Member States. Europeans have to believe in the EU.

The EU is the post-modern organization that allows its Member States to deal with the challenges of a globalized world. Tradition and cultures are what hold the EU together but at the same time; the EU needs the cooperation and solidarity of its Member States to remain a credible and truly international actor. This cooperation and solidarity is the key factor for revitalizing the European Dream. After all: "a dream that you dream alone is just a dream; however a dream that you dream together is reality" (John Lennon).

7. Annexes

7.1. Graphs

Graph 1: Geographical Regions in EPC/CFSP statements
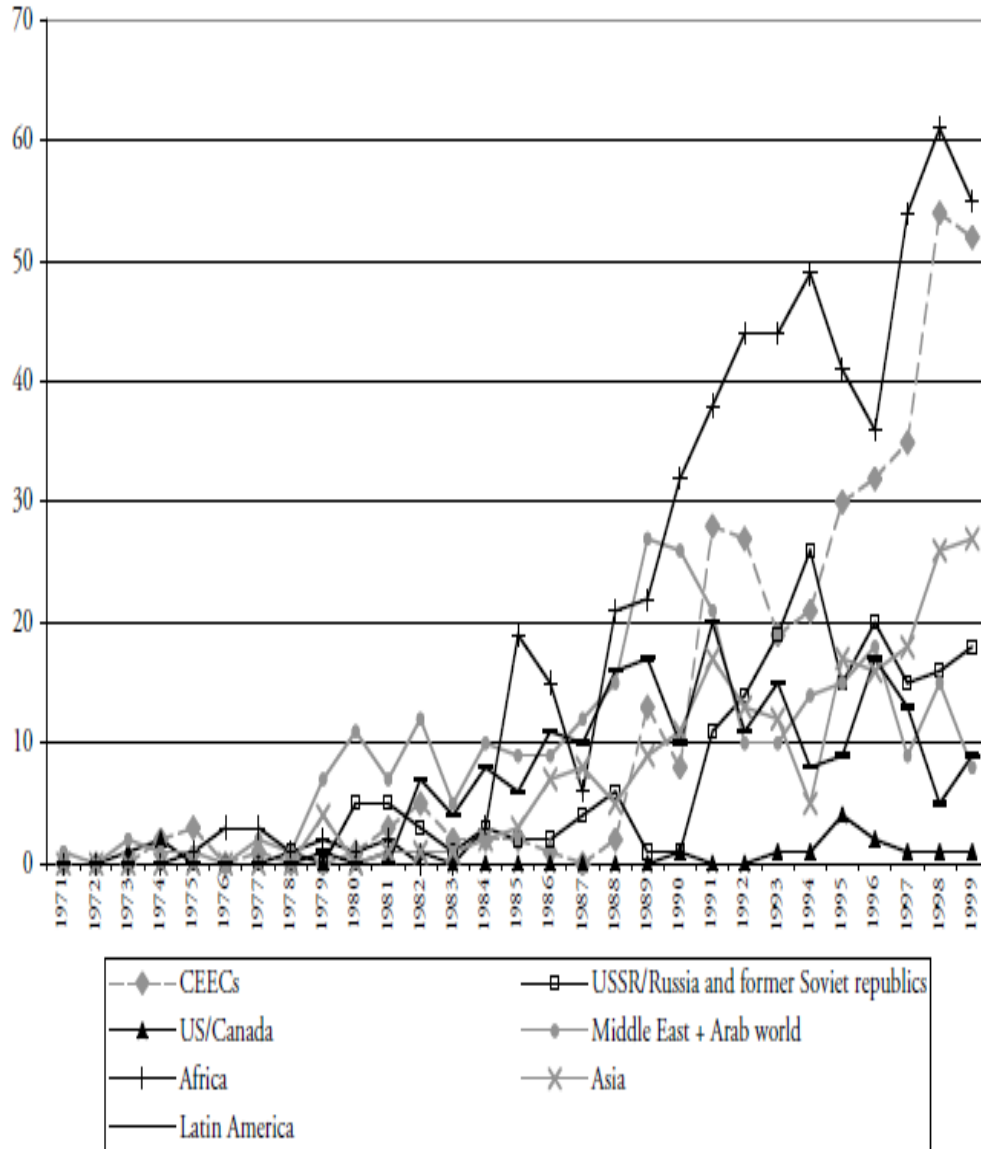
Source: Strömvik, 2005:37.

Graph 2: Legislative acts in CFSP
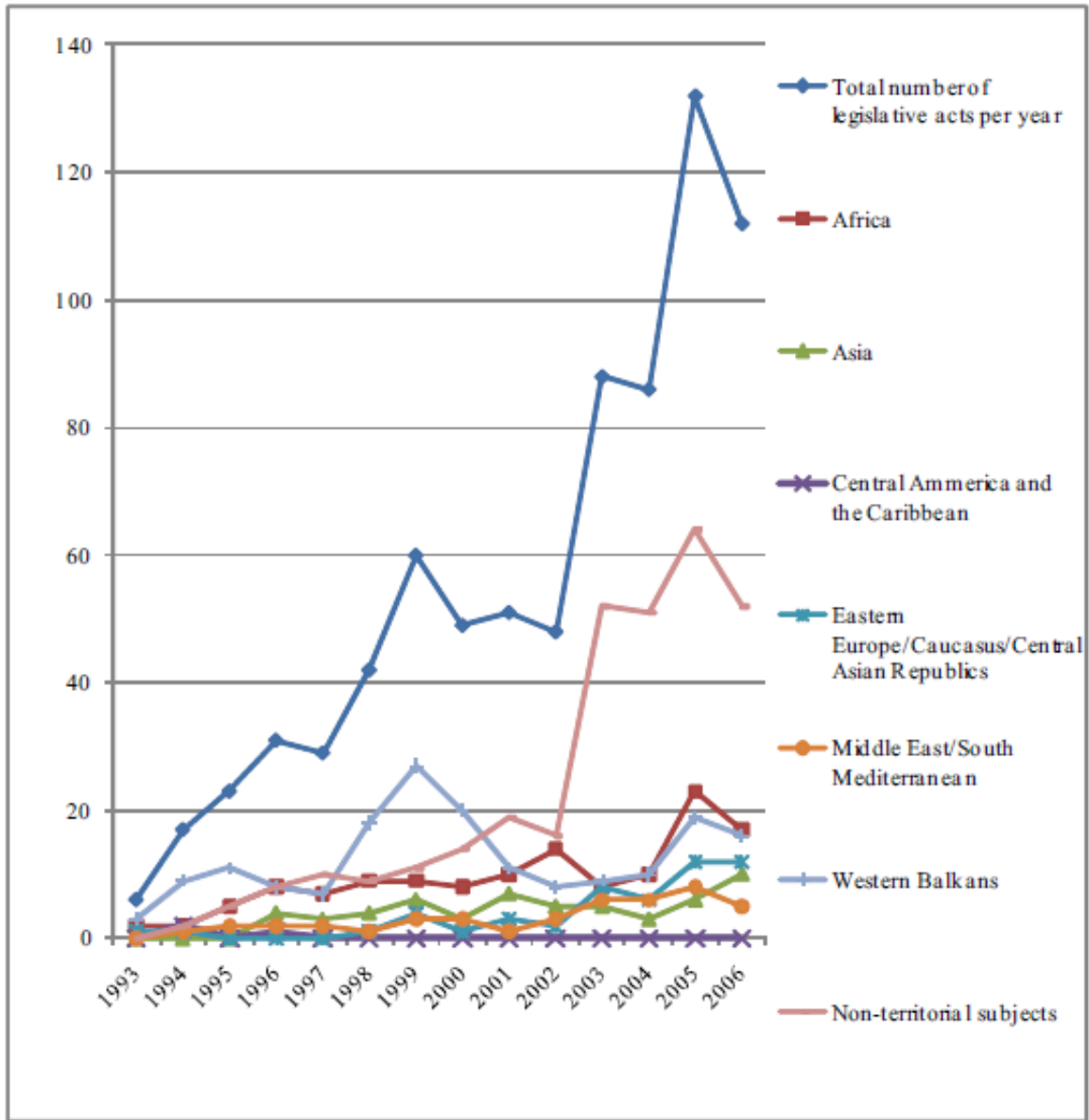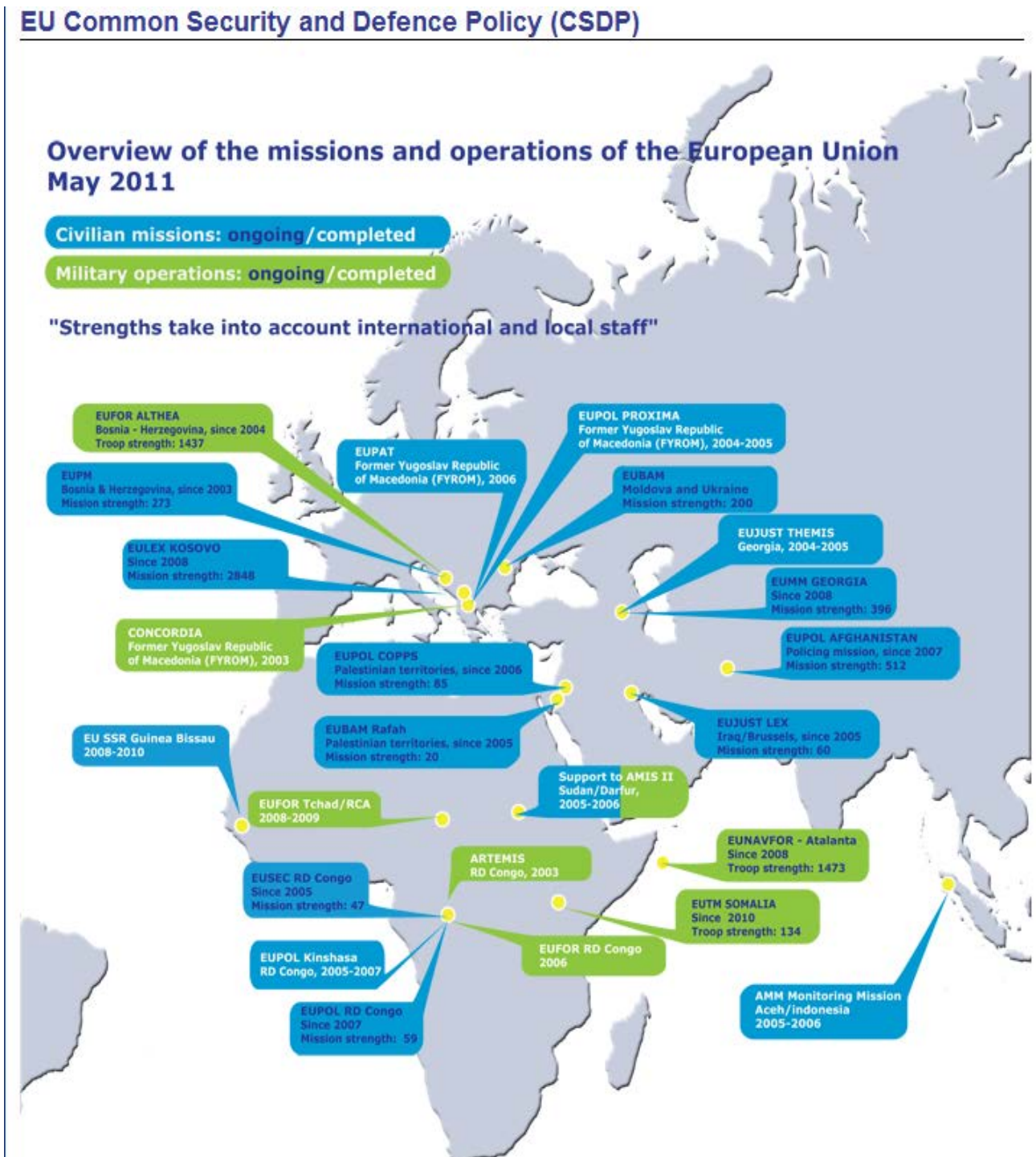

Source: Regelsberger and Jopp 2011: 408.

Graph 3: Overview of the missions and operations of the EU

EU Common Security and Defence Policy (CSDP)

Overview of the missions and operations of the European Union May 2011

Civilian missions: ongoing/completed

Military operations: ongoing/completed

"Strengths take into account international and local staff"

EUFOR ALTHEA
Bosnia - Herzegovina, since 2004
Troop strength: 1437

EUPM
Bosnia & Herzegovina, since 2003
Mission strength: 273

EUPAT
Former Yugoslav Republic
of Macedonia (FYROM), 2006

EUPOL PROXIMA
Former Yugoslav Republic
of Macedonia (FYROM), 2004-2005

EUBAM
Moldova and Ukraine
Mission strength: 200

EULEX KOSOVO
Since 2008
Mission strength: 2848

EUJUST THEMIS
Georgia, 2004-2005

EUMM GEORGIA
Since 2008
Mission strength: 396

CONCORDIA
Former Yugoslav Republic
of Macedonia (FYROM), 2003

EUPOL COPPS
Palestinian territories, since 2006
Mission strength: 85

EUPOL AFGHANISTAN
Policing mission, since 2007
Mission strength: 512

EU SSR Guinea Bissau
2008-2010

EUBAM Rafah
Palestinian territories, since 2005
Mission strength: 20

EUJUST LEX
Iraq/Brussels, since 2005
Mission strength: 60

Support to AMIS II
Sudan/Darfur,
2005-2006

EUFOR Tchad/RCA
2008-2009

EUNAVFOR - Atalanta
Since 2008
Troop strength: 1473

EUSEC RD Congo
Since 2005
Mission strength: 47

ARTEMIS
RD Congo, 2003

EUTM SOMALIA
Since 2010
Troop strength: 134

EUPOL Kinshasa
RD Congo, 2005-2007

EUFOR RD Congo
2006

EUPOL RD Congo
Since 2007
Mission strength: 59

AMM Monitoring Mission
Aceh/Indonesia
2005-2006

Source: European External Action Service (2011).

Graph 4: NATO Members' contribution

NATO COMMON-FUNDED BUDGETS & PROGRAMMES

COST SHARE ARRANGEMENTS VALID FROM 1/1/2010 to 31/12/2011

Nation	Civil Budget at "28"	Military Budget at "28"	NSIP at "28"
Albania	0.0763	0.0763	0.0763
Belgium	2.1413	2.2904	2.2904
Bulgaria	0.3055	0.3055	0.3055
Canada	5.9532	5.5000	5.5000
Croatia	0.2686	0.2686	0.2686
Czech Republic	0.9010	0.9010	0.9010
Denmark	1.2619	1.5020	1.5020
Estonia	0.1014	0.1014	0.1014
France	11.9201	11.6200	11.6200
Germany	14.8411	15.5360	15.5360
Greece	0.8000	0.8000	1.1029
Hungary	0.6850	0.6850	0.6850
Iceland	0.0658	0.0658	0.0450
Italy	8.5000	8.6467	9.0189
Latvia	0.1367	0.1367	0.1367
Lithuania	0.2048	0.2048	0.2048
Luxembourg	0.1534	0.1534	0.1534
Netherlands	3.3271	3.3516	3.3516
Norway	1.4282	1.5180	1.5180
Poland	2.3284	2.3284	2.3284
Portugal	0.9000	0.7500	0.7500
Romania	0.9651	0.9651	0.9651
Slovakia	0.4068	0.4068	0.4068
Slovenia	0.2376	0.2376	0.2376
Spain	4.6195	4.5595	4.5595
Turkey	3.1374	3.1374	3.1374
United Kingdom	12.5944	11.5478	11.5478
United States	21.7394	22.4042	21.7499
	100.0000	100.0000	100.0000

Source: NATO calculations (2010).

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