

### 13. Procedural Priming of an EU Common Foreign and Security Policy

*Ramses A. Wessel*

The negotiations at the Intergovernmental Conference on Political Union lasted for more than two years (December 1990 — February 1992), and the ratification process took a year longer than expected, but finally, on 1 November 1993, the Treaty on European Union (TEU, Maastricht Treaty) came into force.<sup>1</sup> The intention of this chapter is to provide some insights into, and clarify, the institutional aspects of 'Maastricht'. The main focus is on one of the new policy areas of the Union: the common foreign and security policy (CFSP). One question is of particular interest: is the EU to be regarded as yet another security organization, to be added to the range of institutions which already exist in this field?

#### EC or EU?

From the moment the Treaty was signed, the complex structure of the European Union gave rise to confusion and misunderstandings. Despite the misleading information in many newspapers and magazines (which is mostly unintentional), it should be noted that the European Union has in no way replaced the three European Communities. The 'old' EEC lives on, albeit in a somewhat modified fashion and under its new confusing name: 'European Community' (EC). The same applies to the other two Communities, the European Coal and Steel Community (ECSC) and Euratom, which have even managed to keep their original names. This means that the abbreviation 'EC' can no longer be used to refer to the three Communities as a whole, as had been common habit. So, where the term 'EC' was used prior to 'Maastricht' to indicate all areas of cooperation between the 'Twelve',

---

1. For a full account of this history, as well as the main documents leading up to the Treaty, see Corbett 1993.

one should now use EU; while EC since 'Maastricht' refers to the former EEC only. Why the state representatives decided on such confusing terminology is unknown, but it does not display evidence of an understanding of public relations.

The Treaty of Maastricht introduced a number of important changes to the original three treaties, including provisions which ultimately led to an Economic and Monetary Union with one European currency, and the realization of extended cooperation in two non-economic areas. The latter was laid down in two separate titles in the Treaty, one which deals with a 'common foreign and security policy' (CFSP) and the other with 'cooperation in the fields of justice and home affairs' (CJHA).

The structure of a European Union emerging from these provisions has frequently been compared to a temple: the Union is based on three pillars; the three Communities form the first pillar, and the CFSP and CJHA constitute the second and third ones. The pillars are connected by a tarpaulin of common and final provisions which are applicable to *all* Union issues. The Treaty stresses this unitary feature by providing that 'the Union shall be served by a single institutional framework which shall ensure the consistency and the continuity of the activities carried out in order to attain its objectives ...' (Art. C, TEU).<sup>2</sup>

Despite this interconnectedness between the separate policy areas within the Union, a clear distinction can be drawn between the Community pillar, and the two other ones. While decisionmaking within the first pillar takes place on the basis of European Community law (with all its special features), cooperation within the second and third pillars is launched from an intergovernmental starting point. Decision-making in these two issue areas conform with the rules of traditional international law, supplemented by some special procedures agreed at Maastricht. The institutions (the Council of Ministers, the Commission, and the European Parliament) exercise their powers under the conditions of the Community treaties, or the provisions in the Maastricht Treaty on the CFSP and CJHA (see Article E, TEU).

#### Beyond European political cooperation?

One of the objectives of the European Union is 'to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common

2. On the structure of the union see, e.g., Curtin 1993, and Heukels and de Zwaan 1994. The text of the Maastricht Treaty can be found in several sources, e.g. Corbett 1993, and Bermann, *et al.* 1993.

defence' (Article B, TEU). A somewhat woolly sentence, no doubt resulting from long discussions. The provisions dealing with this foreign and security policy are found in a special title of the Treaty (Title V), and in four Declarations attached as annexes. The Declarations do not form part of the Treaty, but are nevertheless important for the interpretation of specific Treaty stipulations (on the status of such declarations see, e.g., Toth 1986).

The general objective is described in Title V, but encompasses a broad span:

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its member states in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

Despite the fact that broad objectives are handy, in that they can include future developments, they also raise the question of what the contracting parties have concluded exactly. The provisions boil down to agreement, by the EC member states, to define and implement their foreign and security policy together. The definition of this policy is to take place by means of systematic cooperation. Three aspects are mentioned specifically (Article J.2 of the Maastricht Treaty): 1 member states shall inform and consult one another within the Council on any matter of foreign and security policy of general interest; 2 whenever it deems it necessary, the Council shall define a common position; and 3 member states shall coordinate their action in international organizations and at international conferences. These are clear obligations, which greatly restrict national policies in these traditionally sensitive areas. (The compulsory character of this provision is also treated by Eaton 1994: 219.) Of course, differences of opinion may arise on the question of whether a matter is of 'general interest'.

This systemic cooperation closely resembles the European Political Cooperation (EPC), which was formally introduced by the Single European Act (SEA) of 1987, but began, in practice, from the early 1970s (Pijpers, *et al.* 1988). In the EPC, the ministers of foreign affairs, together with a member of the Commission, gathered at least four times a year to discuss political issues falling outside the scope

of the EC Treaties (Denza 1994; Nuttall 1986). The establishment of the CFSP meant the end of the EPC (Article P.2, TEU).

Cynics will argue that nothing has changed, given recent practices. The EPC has shown that cooperation in the foreign policy area is doomed to fail, because member states are incapable of reaching common positions. The intergovernmental character of the CFSP offers no improvements in this respect. To view the CFSP this way is, however, to dismiss the innovations of the Maastricht Treaty too readily. The CFSP should be regarded as a more extensive form of political cooperation than the EPC. The Treaty provides for more precise procedures for cooperation, which can result in Council declarations or decisions. As was the case with the EPC, declarations are used by the member states to comment on a particular international situation. More important are the two forms of decisions designed to be the main means to achieve the CFSP objectives: common positions (Article J.2, TEU) and joint action (Article J.3, TEU). There are reasons to conclude that both forms of decisions have the capacity to legally bind the member states (Wessel 1995).

The differences between common positions and joint actions are not clarified by the Treaty itself. Experience has shown, however, that only the joint actions are characterized by certain operational aspects. Examples of common positions include the restrictions on economic relations with Libya, former Yugoslavia, and Haiti; the embargo on weapons, munition and military equipment in relation to Sudan; and policy objectives regarding Rwanda and Ukraine. Joint actions undertaken to date have involved some 'action', and include support for convoys of humanitarian aid in Bosnia and Herzegovina; support for the democratic elections in Russia and South Africa; the initiation of the Stability Pact; support for the Middle East peace process; and governance of the city of Mostar (most common positions and joint actions are published by the Council in the *Official Journal of the EC*). Whenever common positions or joint actions call for Community economic or financial measures in relation to external states, their implementation falls outside the scope of the CFSP and takes place on the basis of the EC Treaty (Articles 228A and 73G, EC). A number of CFSP decisions concerning economic sanctions have thus required implementation via the EC regulations.

A further difference between the CFSP and the EPC is apparent from the fact that, for the first time since the attempts in the 1950s and 1960s, binding agreements have been concluded on the basis of a purely European approach to security policy. The CFSP expressly covers 'all areas of foreign and security policy' (Article J.1, TEU); under the EPC the 'High Contracting Parties' only went as far as stating that they were 'ready to coordinate their positions more close-

ly on the political and economic aspects of security' (Article 30, 6a of the SEA; Bermann, *et al.* 1993: 100). The eventual framing of a common *defence* policy will therefore be a major departure from the past. Finally, the use of the word 'common' in CFSP provisions certainly indicates a new starting point compared to the 'coordination' of national policies under the EPC (Eaton 1994: 219).

It cannot be denied that the establishment of the CFSP has only created new *procedures*; the content of a common foreign policy will, no doubt, produce the same problems as ever. The strong diversity of opinions on measures concerning former Yugoslavia is a poignant example of this.

#### An intergovernmental starting point

Discussions on a CFSP take place in the 'General Affairs Council'. Normally, this council is composed of the ministers of foreign affairs, but joint meetings with the defence ministers are not ruled out. It will not come as a surprise that the adoption of common positions and joint actions by the Council occurs via a unanimous vote. Member states will never be 'bound against their will' (Article J.8, 2). However, according to Declaration No. 27, an annex to the Maastricht Treaty, the parties have agreed to 'avoid preventing a unanimous decision where a qualified majority exists in favour of that decision'. Since this declaration reflects an intention only, when it comes to the crunch, opposing member states may try to ignore its existence.

When it adopts a joint action, and at any stage during its development, the Council is to define matters on which decisions are to be taken by a qualified majority (Article J.3, 2). This decision is taken by a unanimous vote as well, which means that member states take the risk, at that time, that they could be outvoted at a later stage. A reference is made to Article 148 EC, which stipulates that a qualified majority has been reached when a specified number of votes — currently 65 out of 87 — is in favour of a decision. Other exceptions to the unanimity rule are the so-called 'procedural questions' (Article J.8,2) and the situations referred to above in circumstances envisaged by Article 228A, EC. The Treaty gives no clue as to what 'procedural questions' are, so conflicts on this issue will have to be settled by a unanimous decision. It is important to note that even when decisions are taken by a qualified majority, the joint actions commit member states to the positions they adopt, and during the conduct of their activities (Article J.3, 4). A change of circumstances does not permit states to ignore the agreed joint action, nor do difficulties in implementing a joint action justify a retreat to individual national policies. In both cases, solutions are to be sought in the Council (Articles J.3, 3 and 7). Only in cases of 'imperative need

arising from changes in the situation' can an exception can be made, but the member states are to inform the Council immediately of any such national measures (Article J.3, 6).

An institution which is even more intergovernmental in nature, the European Council (the Heads of State or Government of the member states and the President of the Commission) has been granted a leading role by the Maastricht Treaty:

The European Council shall provide the Union with the necessary impetus for its development and shall define the general political guidelines thereof. (Article D, TEU)

In adopting CFSP decisions, the Council of Ministers decides 'on the basis of the general guidelines adopted by the European Council' (Article J.8, 2.; see also Glaesner 1994). This implies that the guidelines will have to provide sufficient room for the Council of Ministers to make decisions, since Article J.8 seems to indicate that no Council decisions are possible without prior guidance from the European Council, and evidently the decisions of the Council may not conflict with the guidelines of the European Council. So far, practice has shown that the Council has been able to develop the guidelines into joint actions or common positions.

The roles granted to the institutions which operate more independently (the European Parliament, the European Commission and the Court of Justice) are, to say the least, marginal. The conflicting views of member states on the desirable degree of centralization are already reflected in the first article of the Maastricht Treaty, which states that 'an ever closer Union among the peoples of Europe' is to be created, but that 'the decisions are taken as closely as possible to the citizen'. Analyzing the CFSP provisions leads to a different conclusion: the decisions in this area are not taken 'closely to the citizen', but rather as closely as possible to the Ministers and Heads of State or Government. The CFSP decisions of the Council of Ministers do not require any ratification procedure involving national parliaments. The member states can nevertheless be legally bound by these decisions (Wessel 1995). This dominant role of the *Herren der Verträge* raises questions concerning democratic control, the role of the Commission and the possibilities for judicial review.

The influence of national parliaments on European foreign and security policy is limited and indirect, and has not been transferred to the European Parliament. The European Parliament is *consulted* by the member state in charge of the Presidency at the time ('the Presidency') and *kept regularly informed* by the Presidency and the Commission (Article J.7). Time will tell how this will turn out in practice.

There is no obligation for the European Council to consult with the European Parliament. This is regrettable because the European Council is the institution which makes the most important policy decisions. National parliaments can question their ministers only after the decision by the Council has already been taken. This is not uncommon in international law, but CFSP decisions may have a binding character, in which case keeping national parliaments out should be uncommon.

Improvements could be made by giving national ministers a stricter mandate before decisions in the Council are taken. For decisionmaking in the third pillar (CJHA) the Dutch Parliament, e.g., claimed the right of approval. If this model were followed by all states for all three pillars, however, it would undermine the ability of the Council to take any decisions at all, which would necessitate the extension of greater powers to the European Parliament. At the moment, in terms of their mutual relations, the European Parliament only has the right to ask questions of, or make recommendations to the Council (Article J.7).

The influence of the European Parliament on the CFSP, and with it the largest part of its democratic control, will have to focus on the Presidency. During recent years, the role of the President of the Union has gained importance (Werts 1992: 91; see also O'Nuallain 1985). The Maastricht Treaty has increased this importance, making the Presidency responsible for the implementation of common measures, and for representing the Union in matters concerning CFSP (Article J.5, 1-2). In the latter role, the Troika (consisting of the former, present and coming president) will play an important role as well. An additional power of the Presidency is the option to convene an extraordinary Council meeting within 48 hours or, in an emergency, within a shorter period (Article J.8, 4).

The Commission 'shall be fully associated with the work carried out in the common foreign and security policy field' (Article J.9) and with the tasks of the Troika. The word 'fully' points to an active role for the Commission, but *association* does not give any real guarantees of influence for this institution, which is regarded as the 'supranational' organ in Community law. Apart from this, the Commission's powers relate to the ability to submit proposals to the Council, and to refer any questions related to CFSP to the Council (Article J.8, 3). These proposals are not, however, required to be considered before the Council makes decisions, as is the case in Community law. The Commission may request extraordinary meetings of the Council, but its powers in terms of control over the CFSP are only a shadow of its powers under Community law, and are only minor improvements compared to the EPC system.

Judicial protection is questionable too. The provisions on the

Court of Justice are not applicable to the CFSP (Article L), and its powers in this respect are limited to the monitoring of pillar boundaries (Article M). Control over compliance depends on the politics of the Council. Despite the fact that many decisions will have a political character indeed, questions concerning the interpretation or legally binding nature of CFSP decisions are inevitable. A role for the Court of Justice may prove to be indispensable in this respect, if not structural, and this option should at least be created in the context of certain joint actions.

### The Western European Union

The procedure for adopting joint actions is applicable to both foreign and security policy. As issues approach the defence aspects of security, however, the less willing member states are to integrate their policies. This has resulted in the provision that 'issues having defence implications' cannot be subject to a joint action (Article J.4, 3), which also implies that no qualified majority voting is possible in this area. The distinction between 'security policy' and 'defence policy' will not always be easy to make, but it seems safe to say that security policy encompasses the more political aspects of security, while defence policy contains a clear military, operationally oriented component. At the Lisbon Summit (1992), the European Council identified some 'security related' issues which fall under the umbrella of CFSP, and thereby lack defence implications: the CSCE process, European disarmament and arms control, non-proliferation of nuclear arms and economic aspects of security.

So, what can be done to implement 'issues having defence implications'? An inventive, but nevertheless potentially problematic, solution has found its way into the Maastricht Treaty. The member states decided to ask the Western European Union (WEU) to develop and implement decisions and actions of the Union which have defence implications (Article J.4, 2). The WEU, which only recently awoke from its 'winter sleep', jumped at the opportunity and declared it would do everything in its power to fulfil this task as soon, and as well, as possible (Declaration on Western European Union annexed to the Maastricht Treaty; for this Declaration and the reactivation of the WEU see, Bloed and Wessel 1994).

The Treaty stipulates that the WEU is 'an integral part of the development of the Union' (Article J.4, 2). An interesting detail is that the Brussels Treaty (1948), which forms the basis of WEU, offers the opportunity for it to be denounced in 1998 — according to the majority view. The WEU Assembly argued that denunciation in 1998 will not be possible, because the Brussels Treaty was modified in 1954 in such a way that an entirely new treaty was created. Orig-

inally and formally, the Brussels Treaty Organization was set up to deter possible future aggression by Germany ('to take such steps as may be necessary in the event of renewal by Germany of a policy of aggression'). In 1954, however, part of this former enemy, the Federal Republic of Germany, became a member, which certainly constituted a significant change. The Brussels Treaty Organization was renamed the 'Western European Union', and attention was shifted further East. This gives the WEU Assembly reason to argue that as the WEU is based on the modified Brussels Treaty of 1954 it could only cease to exist in 2004 (according to article XII, the Treaty shall remain in force for fifty years).<sup>3</sup> Despite the strong arguments of the Assembly, the Protocols of 1954 only modify the original Brussels Treaty in relation to its original purpose, and in no way establish an entirely new treaty.

The last years of this century will thus be used to investigate a possible merger of the WEU with the European Union — an option strongly supported by the European Parliament, among others.<sup>4</sup> This would certainly increase institutional clarity, but the WEU currently only has ten members, while the European Union is considering increasing its membership from fifteen up to thirty. The EU member states which are not members of WEU (Denmark, Ireland, Sweden, Finland and Austria) are not keen on joining the defence organization, and do not have any obligation in this respect. A somewhat strange situation arises from the fact that the non-member states of WEU do not lose their voting power in the EU Council, even when security issues are discussed. This implies a capacity to veto decisions in this area, e.g., requests to the WEU. Denmark has already promised to hand over the Presidency of the Council, when defence issues are on the agenda, but many more problems are to be expected with the ongoing enlargement of the Union.

From the very start of the Maastricht negotiations it was clear that pursuit of a CFSP would cause many difficulties. For this reason, the relevant provisions in the Treaty aim to establish this policy in a very gradual fashion. On the basis of the Maastricht Treaty, an obligation to inform and consult one another on matters of general interest exists. Simultaneously, the EU and the WEU are brought more close-

3. For the arguments of the WEU Assembly, see the Report *Interpretation of Article XII of the modified Brussels Treaty*, Assemblée of Western European Union (Mr. Goerens), Doc. 1369, 24 May 1993.

4. *Report of the Committee on Institutional Affairs on the Future Relations between the European Union, WEU and the Atlantic Alliance* (Mr. Karel De Gucht), 27 January 1994, adopted by the European Parliament in Resolution A3-0041/94 of 24 February 1994.

ly together in an institutional sense. Intensive contacts between the organs of the respective organizations are established, and the dates and periods of sessions are synchronized. The WEU is also strengthening its operational role.

Relations with NATO are not yet clear. The laborious battle between 'Europeanists' and 'Atlanticists' is reflected in the WEU Declaration, annexed to the Maastricht Treaty:

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. (Declaration on WEU, para. 2; Bloed and Wessel 1994)

The WEU should thus, at the same time, become a part of the European Union and strengthen (the European pillar of) NATO. Clarifications in this area will no doubt depend on political developments in the near future. The moving of the WEU Secretariat from London to Brussels certainly helps in a practical sense. What is clear is that the new policy of the EU does not, in any way, aim for the eventual disappearance of NATO. Europe still needs the protecting arm of the United States and, to a lesser extent, Canada, and as long as the WEU is not able to match the operational capabilities of NATO, the latter is better suited for military operations, such as those in former Yugoslavia.

Short term solutions have been created for NATO/EU members that are not part of the WEU: Iceland, Norway and Turkey have become associate members of WEU, while Denmark, Ireland, Sweden, Finland and Austria join the WEU sessions as observers. Furthermore, new concrete initiatives for military cooperation in Europe have been realized outside the WEU/NATO framework, on a traditional bilateral level: Germany and France formed the so-called Eurocorps (later joined by Belgium and Spain), and the Netherlands and Belgium concluded agreements on naval cooperation. Such closer cooperation between two or more member states on a limited level does not run counter to a CFSP, and is allowed for in the Maastricht Treaty.

The overall situation is not any clearer than previously. On the positive side, a flexible framework has been established, which can (and will) be used pragmatically by the European states, in response to international developments. More negatively, one could also interpret this retention of all the institutional options as a sign of indecisiveness and political weakness on the part of the EU member states, with a resulting bureaucratic jungle of overlapping treaties, declarations, rules and procedures which undermine rather than produce the

very purpose of institutionalization: making international relations more transparent, and facilitating international cooperation.

In spite of these obvious difficulties, the Treaty clearly aims to move beyond the short term agreements made in Maastricht. 'Eventually' a *common defence policy* will be established, 'in time' leading to a *common defence* (Article J.4, 1). Extremely careful stipulations, which indicate a direction, and do not establish fixed obligations. While it may yet be put on ice, the Intergovernmental Conference (IGC), planned for 1996, will probably be used to investigate, at least, the prospects for a common defence policy.

The achievement of a *common defence* is thus foreseen as a possible final stage in this process. Apart from a defence policy, this must imply the (partial) integration of the national standing forces, in other words: a European army. Obviously many problems will have to be resolved before the EU arrives at that destination. Apart from the necessity for an unambiguous division of powers with other relevant organizations and cooperation frameworks (NATO and OSCE), enlarging the Union with states that have a tradition of neutrality will in no way ease the struggle for a common defence. The transfer of sovereign economic powers is already quite a step for these states; traditionally, security issues are even more sensitive (see both chapters by Mouritzen). The 'deepening' and 'broadening' of the EU are clearly working against each other; this will force the IGC to consider options which don't involve the integration of all states at the same pace, or which simply do not involve all states (multiple speed, concentric circles, hard-core group, variable geometry or 'Europe á la carte'; see Curtin 1995).

#### The European Union as a new security organization?

The desire to establish an independent European defence policy has surfaced from time to time since the Second World War. The most far-reaching proposals concerned the establishment of a European Defence Community (EDC) in the 1950s. This EDC has never seen the light of day, but the pressure for a West European defence organization remained, latently, and sometimes manifestly. Given the earlier attempts, will the Fifteen (or more) in the European Union be able to establish a common defence policy this time? The present situation suggests a negative answer, but there are reasons which make increasing cooperation in this field more likely (see also Pijpers 1993).

Firstly, the European Union aims for cooperation across different issue areas concurrently. In the 1970s, the EPC was created because decisions in the social-economic area demanded the coordination of political matters. Issues are more and more linked, and it may be

impossible in the future to make decisions on foreign and security questions without translating their consequences to a common defence policy. EU requests of the WEU which concern the implementation of issues with defence implications, in fact, already imply a partial common defence policy.

Secondly, the international arena is completely different now than it was in past decades. The revolutions in Central and Eastern Europe led to a number of new developments which strengthened the arguments in favour of a West European security organization. The end of the Cold War tilted the balance in the 'after US hegemony' debate of the early 1980s, and resulted in a substantial decrease in the number of American forces in Europe. American public opinion, and with it the American Administration, seems less willing to interfere in conflicts beyond areas of direct interest, now that the 'communist threat' has disappeared. It is likely that the role of the United States in the Atlantic Alliance will be diminished to that of protector of last resort, meaning that the United States will only act in circumstances of major potential shifts in power. On the other hand, the revolutions in Central and Eastern Europe created tremendous instability in the region. The wars in former Yugoslavia underline the need for an effective military capacity. Finally, for some states (France in particular) German reunification reinforces the need to carefully pull German defence policy into a European framework.

An institutional structure should always be capable of sufficiently supporting new developments. Building a CFSP in a European Union of fifteen, twenty or even thirty members will become increasingly difficult — if not impossible. While, in the current system, majority voting seems out of reach for years to come, revoking this rule will be the only way to prevent paralyzation of the Union in this area. One solution could be to modify the decisionmaking procedure such that decisions are only binding for those member states who voted in favour of a specific decision. While this would not be very effective for some decisions (e.g. sanctions), this option should receive serious attention for others such as peacekeeping operations. Further, a greater role for the External Political Relations Directorate (DG 1A) of the Commission, in researching and monitoring the international situation, would result in more coherent proposals. In the longer run, the Commission should be the pivot of a CFSP, and it should therefore make the most of the possibilities it has under the Maastricht Treaty. When intensifying and centralizing a CFSP, efficient democratic control and options for judicial settlement become even more pressing.

The obligations under the CFSP are a faint reflection of the compelling power of Community law. The provisions are clear, but of a

procedural nature only. While the establishment of a better regulated *common* policy will be an improvement compared to *coordination* under the EPC, everything (including the creation of a new European security organization) will depend on the willingness of present and future members of the European Union. History gives no cause for optimism in this respect. Nevertheless, the establishment of a CFSP should be seen as an important stage in the ongoing process of intensified European cooperation. Whether this will also lead to further *integration* remains to be seen, but it is clear that the separation of social-economic and foreign policy matters is increasingly difficult. The horizontal links between the pillars of the Union (Krenzler and Schneider 1994; Wessel 1995) will help facilitate (or even bring about) an entanglement of the different policy areas of the Union. A successful CFSP is certainly a necessary prerequisite for 'creating an ever closer union' (Article A, TEU). The Foreign Ministers and Heads of State or Government will have to shape this policy, subject to the agreed obligations, but, above all, by using the opportunities offered by the Treaty of Maastricht to paint a heavy weather resistant CFSP, coat by coat.

#### References

- Bermann, G.A., R.J. Goebel, *et al.* (eds.), *European Community Law: Selected Documents*, St. Paul, Minn.: West Publishing Co., 1993.
- Bloed, Arie and Ramses A. Wessel (eds.), *The Changing Functions of the Western European Union (WEU): Introduction and Basic Documents*, Dordrecht: Martinus Nijhoff, 1994.
- Corbett, Richard, *The Treaty of Maastricht: From Conception to Ratification: A Comprehensive Reference Guide*, London: Longman, 1993.
- Curtin, Deirdre, 'The Constitutional Structure of the Union: A Europe of Bits and Pieces', *Common Market Law Review*, vol 30, 1993, pp 17-69
- Curtin, Deirdre and Ton Heukels (eds.), *Institutional Dynamics of European Integration. Liber Amicorum for Henry G. Schermers*, Dordrecht: Martinus Nijhoff, 1994.
- Curtin, Deirdre, 'The Shaping of a European Constitution and the 1996 IGC: 'Flexibility' as a Key Paradigm', *Aussenwirtschaft*, vol 50, 1995, no 1, pp 237-252.
- Denza, Eileen, 'Groping Towards Europe's Foreign Policy' in Curtin and Heukels, 1994, pp 575-594.
- Eaton, M.R., 'Common Foreign and Security Policy' in David O'Keefe and Patrick M. Twomey (eds.), *Legal Issues of the Maastricht Treaty*, London, etc.: Chancery, 1994.
- Glaesner, H.-J., 'The European Council' in Curtin and Heukels, 1994, pp 101-116.
- Heukels, Ton and Jaap de Zwaan, 'The Configuration of the European Union: Community Dimensions of Institutional Interaction', in Curtin and

- Heukels, 1994, pp 195-228.
- Krenzler, Horst G. and Henning C. Schneider, 'Die Gemeinsame Außen- und Sicherheitspolitik der Europäischen Union: Zur Frage der Kohärenz', *Europarecht*, Heft 2, 1994, pp 144-161.
- Nuttall, Simon, 'European Political Co-operation and the Single European Act', *Yearbook of European Law*, 1986, pp 203-217.
- O'Nuallain, C. (ed.), *The Presidency of the European Council of Ministers: Impacts and Implications for National Governments*, London: Croom Helm, 1985.
- Pijpers, A.E., E. Regelsberger and W. Wessels (eds.), *European Political Cooperation in the 1980s: A Common Foreign Policy for Western Europe?*, Dordrecht: Martinus Nijhoff, 1988.
- Pijpers, A.E., 'De veiligheidsproblematiek van de Europese Unie' in A. van Staden (ed.), *Tussen orde en chaos: de organisatie van de veiligheid in het nieuwe Europa*, Leiden: DSWO Press, 1993, pp 137-174
- Toth, A.G., 'The Legal Status of the Declarations Annexed to the Single European Act', *Common Market Law Review*, vol 23, 1986, pp 812-830.
- Werts, Jan, *The European Council*, Amsterdam: North-Holland, 1992.
- Wessel, Ramses A., 'De "tweede pijler" van de Europese Unie: een vreemde eend in de bijt?', *Sociaal-Economische Wetgeving*, 1995.