Maastricht Treaty in the Shaping and Development of the Common Foreign and Security Policy

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Abstract

For the European Union, in whose framework still dominates the European Community, it discusses how to deliver (great project) European unification, which started on the ground ruined Europe after World War II, in 50 years of the last century. Motivated by the idea that the association of European countries is a far better alternative to the previous mutually confronted Europe, a project called (European Union) in the following decades led to the emergence of a new, unprecedented work on European soil-European Union. European Union, in its present form is the product of more than 50 years of evolution of European integration, which today despite initial six Western European countries including the former main rivals Germany and France includes 27 member countries of the Union, as well as many other countries with candidate status for membership in the European Union. Seen in the development context, the Union is not a preconceived model of the association of European countries, but is the product of a complex multiple decade-long process of integration in which different actors are involved. Within this process, depending on the achieved level of integration, the Union received a different shape. In its present form and name as the European Union it occurs even in the early nineties of the last century, long before it passed through small-scale forms of integration. More decades of European integration is based on the desire of European countries for the mutual integration, based on the firmly expressed mutual interest. The motives for each integrating a variety of security to purely economic and political, more or less pronounced in each Member State of the European Union. Of the many factors that have influenced the emergence and development of the European Communities and their transformation into today's Union to distinguish political and security interests of Member States. Hardly any integration project has had such a long initial period as foreign and security policy of the failure of the European Defense Community, 1954, to the Treaties of Maastricht (1992), Amsterdam (1999) and Nice (2000). Due to political constraints on the sovereignty and political interests of the Union, by the end of the Cold War efforts on building security and defense policy were unsuccessful. Excessive force was Europe's dependence on NATO and U.S. nuclear protection.

Keywords: Security, Integration, EUPolicy, Countries, Agreements.

Introduction

European Union through its decades of development going through multiple forms first appears as a form of closer integration in two major industrial sectors-sectors of coal and steel through the European Coal and Steel Community (ECSC), established in Paris on April 18, 1951, and March 25, 1957 in Rome, European integration expands Atomic Energy sector within the European Atomic Energy Community (EUROATOM) and the same year was upgraded with a more extensive form of economic integration within the European Economic Community (EEC).

Today's European Union is made up of three separate towers which includes:

- 1. European Community
- 2. Common Foreign and Security Policy
- 3. Cooperation in the field of justice and home affairs.

Momentum for integration through the creation of three communities in the 50's is the result of a desire to terminate recurrent habit of bloody conflicts between states, as a feature of European politics in the past, which culminated in the Second World War. In this sense, the political-military elites were forced to seek a new over-national European political structure in which the realization of the national interest was no longer left to be a concern only individual states, in European history proved to be a painful and extremely destructive.¹ For a longer period of duration of the so-called. Cold War in Europe, the initiative and initial assistance from the United States through so-called. Marshall Plan, the integration within the European Communities had a function to create a political and security umbrella for the western European democracies in terms of the former East European liner headed by the former USSR, as a block of integrated members of equivalent traditions and related internal systems. Security dimension of European integration continues after the end of the Cold War and the dissolution of the USSR, aimed at meeting the new challenges and achieving new goals, so that security feature is introduced in the structure of today's European Union as an important segment of the second pillar EU Common Foreign and Security Policy of the EU.

Chronology-development of the Common Foreign and Security Policy of the EU by the Maastricht Treaty

1948, March - UK, France, Belgium, Netherlands and Luxembourg sign Brussels Treaty for mutual defense;

April 1949 - The United States, Canada, and ten Western European countries signed the North Atlantic Treaty;

May 1952 - founding member of the ECSC sign the Treaty on European defense community with a view to establishing a common European army, but in August 1954 the French National Assembly did not approve the contract signed and the project fails;

December 1954 - on the basis of the Brussels Treaty established Western European Union that includes Italy and West Germany. West Germany entered NATO;

December 1969 - The Hague Summit, the Heads of State or Government of the Member

¹ Stephen Weatherill, "Law and Integration in the European Union", Claredon Press Oxford, 1995

States of the Communities borrow foreign ministers to study ways to boost European political integration;

October 1970 - Foreign Ministers of the Member States of the Communities adopt the Luxembourg report that establishes European political cooperation within which ministers meet every six months to coordinate their positions on international issues and to agree on common stock and assists the Committee of Directors General for Political Affairs (Political Committee);

July 1973 - Ministers winning Copenhagen report which promotes the European political cooperation EPS (ministerial meetings at least four times a year, meeting the needs of the Political Committee who help European correspondents and working groups, the Commission contribution stances sessions);

October 1981 - Adoption of London report that provides a mechanism for consultation in crisis (which can be three Foreign Ministers to convene an urgent meeting within 48 hours), in meetings with representatives tretti states, the chair can be accompanied the previous and the next chairman, and the Commission is fully associated to the European political cooperation-EPS;

October 1984 - reactivation of the Western European Union WEU (Ministers of Foreign Affairs and of Defence states that founded the WEU agreed to meet on a regular basis);

February 1986 - signature of the Single European Act-EEA in which that special title 3 is devoted to European Political Cooperation EPS within which can be considered the political and economic aspects of security in order to achieve compliance PSU with external Relations of the European Community;

February 1992 - signature of the Maastricht Treaty that the European political cooperation EPS is replaced by the Common Foreign and Security Policy - CFSP. Council of Ministers decides on common positions and joint actions, the implementation of which, once you reach a qualified majority. The Commission has the right of initiative, the WEU and the EU may require to implement the decisions which have defense implications;

October 1997 - Signing of the Treaty of Amsterdam introduced several reforms established a Common Foreign and Security Policy - CFSP (qualified majority is required for the implementation of joint strategies determined by the European Council, the Member States may refrain from voting, set up a High Representative for CFSP, which replaces the functioningthreesome, who also chairs the session for policy planning and early warning.

Brief Overview of the History and Development of Foreign and Security Policy

Security Policy of the European Union dates back to before the creation of the European unification. After two world wars in the first place was the creation of a European structure of peace through integration. The first step was the establishment of the European Coal and Steel Community (Paris 04/18/1951), the industries of France, Germany, Italy and the Benelux countries (Belgium, Netherlands and Luxembourg) associated with the production and use of coal and steel as a basic raw material arms that are considered as important for leading the war, placed under a high authority. Buoyed by the success of the European Community for Coal and Steel, senior representatives of the Member States undertake to

find forms and methods of deepening and widening integration. Despite initiatives to expand the integration processes have emerged and suggestions for the creation of a military-political union. After the Second World War, Europe ruined lost its leading position in the world and the USSR and the United States because of the military power that manifested in the war and his contribution to the victory over fascism first broke out as a military, political and economic forces. After acknowledging the situation in Europe, the U.S. Secretary of State, offers U.S. aid to the reconstruction and development of Europe, and June 5, 1947 has been accepted for Reconstruction and Development program of Europe known as the Marshall Plan. April 4, 1949 in Washington was established North Atlantic Treaty which was formed a military alliance of the U.S., Canada, UK, France, Italy, Belgium, Netherlands, Luxembourg, Norway, Denmark, Iceland and Portugal. After three years of the Agreement joined Greece and Turkey, and in 1955 joined Germany and Spain. The creation of the North Atlantic or the NATO alliance, led to a new phase in relations between states separated from Europe and the world. Well firstly ensuring peace countries of Europe and the world is taking place within the UN. Afterwards projects European defense community (EO3) and European Political Community (EPO) that fail due to loss of votes in the French National Assembly. In 1953, the French government presented a draft agreement for the establishment of a European defense community with a common army and defense minister. Draft for approval by Parliament of the ECSC, was ratified by more countries members but not the country that proposed the draft, France. Suffered a similar fate and creating draft European political community, or European Union. This Union according to the concept of the proposers should be not only one of the communities, but also the beginning of a real federalization of Europe and she should be sorted ECSC and the European Defense Community. The reasons for the failure of these initiatives are extremely radical and zealots were offering solutions of which were not in line with the realities of what was then Europe. Namely European countries were not ready for such a radical supranational step.

Maastricht Treaty on Eucopean Union - Legal Basis for Establishing the European Common Foreign and Security Policy

The end of the Cold War and the dissolution of the Soviet Union (1990/1991) radically changed the security and political environment and reduce European dependence on American protection. Experiences with the new regional conflicts contribute to setting up an independent European security policy agenda that integrated policy. By the Treaty of Maastricht common foreign and security policy, under the title of European political cooperation, and after it was renamed the European Common Foreign and Security Policy. The name defines its main goal-saving EU foreign policy interests, independence, security and defense policy, ensuring peace, the strengthening of democracy, rule of law, human rights and freedoms, political dialogue, sending peacekeeping forces separation and resolution of crises military hot spots in Europe and in the world. Its activity is particularly increased after the disintegration of the USSR, the Yugoslav Federation and other countries of the Middle East with the process of independence and the creation of independent states, followed by military conflicts. European Union by sending peacekeeping and humanitarian missions and rapid reaction forces neutralized further escalation and spread of hostilities and endeavor to secure peace through political dialogue. Intergovernmental Conference, held in Maastricht on 9 and 10:12 1991 finished by then major reform of the Treaties of Rome. The idea of the European Union has been realized with the Treaty establishing the European Union of 7 February 1992: Community by a predominantly economically integrated institution that is based on political cooperation,

then develops in the Union, with the new EU agreement covering the Common Foreign and Security Policy - CFSP and cooperation in the field of justice and home affairs-DSS. EU countries agree on the introduction of the CFSP as the second pillar of the European Union, with the prospect that it grows into a common defense policy. The Treaty of Maastricht certain basic guidelines and determinations through established permanent cooperation between EU Member States in the field of CFSP and important and sensitive issues is no unanimity on positions taken and decisions and taking joint actions especially in defense and security purposes. In the EU Treaty pays great attention to foreign and security policy, which is one of the pillars of the EU. Founding treaties of the European Economic Community, the right to conduct foreign and security policy was kept in the exclusive competence of the Member States. In such circumstances, the exercise of foreign policy cooperation was provided on the basis of political consensus. Thus went political cooperation in the sphere of foreign policy, having no legal basis and support in the founding treaties. But, with the Single European Act-EEA since 1986, built a new part, under title: Provisions for European cooperation in the field of foreign policy, in chl.30. Member States of the European Union are obliged to strive for joint formation and realization of European foreign policy, i.e undertakes to define and implement a European foreign policy. To this end they undertake on any matter of foreign policy, which is a common interest to be informed and consulted in order to ensure their mutual influence in resolving issues through their joint impact of harmonization and approximation of their views and taking joint measures.²

Legally relevant process on the common foreign and security policy is heading 5 of the Treaty on European Union, which includes provisions that, in addition to external governing and security policy, and that members of J. 1 to J. 11th

Article J. 1 formulates the basic obligations of the Union and its members in the process of defining and achieving the common foreign and security policy, whose main objectives are:

- Protection of common values, fundamental interests and independence of the Union;

- Strengthening the security of the Union and its members in all forms;

- Protecting and maintaining peace and strengthening international security in accordance with the Charter of the United Nations-United Nations and the principles of the Final Act of the Conference on Security and Cooperation in Europe Helsinki and objectives of the Paris Charter;

- Promotion of international cooperation;

- Development and strengthening of democracy and the rule of law and the principle of the rule of law and respect for human rights and fundamental freedoms.³

The means for achieving these goals are defined in Article J. 2 and J. 3 as two types of joint cooperation activities and joint actions. Namely, with these members, the objectives of foreign and security policy is left to the European Council and the Council. The European Council defines the principles and basic guidelines for conducting the common foreign and security policy, i.e it unanimously decides the issues will be the subject of joint action and unanimous decision-making in relation to the objectives and the required duration, resources, implementation procedure and conditions of common stock. Based on the basic guidelines of the European Council, the Council shall adopt the necessary decisions for the definition and implementation of the CFSP. European Council unanimously adopts decisions on matters subject to joint activity, taking into account the

²Art. 30, point1 and point2 of the Single European Act (EEA)

³ Art. J 1, point 1 and point 2 of Treaty on European Union

Union's unity and action. Given the opportunity for the eventual implementation of the decisions relating to common foreign shares with a qualified majority. Legal commitment of the Member States of the Union with decisions for the implementation of joint actions in the process of formulation and implementation of individual national foreign policies⁴, in order to prevent undermining the effectiveness and coherence of harmonized positions with unexpected unilateral actions of individual members. Member States have the option of unilaterally taking foreign policy decisions in emergencies, provided that compliance with the general objectives of the common stock and informing partners about the nature of the assumed act, as well as the opportunity to review the quality of appropriate joint action in case drastic change of circumstances that have influenced its definition⁵ and the possibility of adopting special solutions for certain Member States of the Union encountered serious problems in the implementation process shared mandated activities⁶.

Council meeting may be convened at the request of a Member State or the Commission, and in emergencies, the President of the Council may convene a session on its own initiative or at the initiative of the Commission or a Member State, within 48 hours or in the shorter term. Committee on Political Affairs, Political Affairs composed of directors constantly monitor international activities in the field of CFSP, participate in defining attitudes by giving opinions and suggestions to the Council, and the care and implementation determined policy, respecting the powers of the president Commission⁷. The EU policy in the field of common foreign and security policy is defined in: common positions and solutions to common stock. In general position determines the relationship of the EU to a particular question and the steps that you take the European Union and the Member States to resolve by defining the general position. Very efficient tool to influence European Union international relations and the politics of other countries, represent solutions for common activities⁸. Decisions on joint activities oblige the Member States, as for building custom views and activity.

From the foregoing, it appears that as well as within the process of European foreign policy co-EPS, and within the process of European common foreign and security policy, the subject of the institute (joint action) is not an entity, a whole (EU), but its constituent Member States of the Union. The same applies in respect of the holders of (joint positions)⁹. The Member States are obliged to inform and consult each other in relation to the relevant foreign policy issues. Common position formulated in the meetings of the European Council, which is responsible for deciding whether to accede to define common positions¹⁰.

The State Party Council is responsible for implementing the common foreign and security policy. The Treaty on European Union specified obligations arising from the common foreign and security policy shall be binding on the Member States of the Union: mutually informed and to inform the Council on any matter that is of common interest to foreign and security policy to coordinate all activities in international organizations and at international

⁴ Art. J. 2 point 4 of Treaty on European Union

⁵Art. J. 3 point 3 of Treaty on European Union

⁶Art. J. 3 point 7 of Treaty on European Union

⁷Art. J. 8 of Treaty on European Union

⁸Art. J. 3 point 4 of Treaty on European Union

⁹Art. J.2 of Treaty on European Union

¹⁰European Council common foreign policy stances determines unanimously, with the exception of procedural issues as cases involving art.J. 3 point 2 of the TEU.

conferences, so they are obliged to act in concert to protect the positions and interests of the European Union, if there are changes in the foreign policy conditions or problems related to the implementation of certain measures arising from EU joint actions and the Member States should adopt measures derogating from the decisions of the EU Member State is obliged to inform the Council that after analysis accepts adequate solution, all member states are required to actively support the EU's foreign and security policy, to refrain from any actions that contradict the interests of the Union or likely to weaken their effectiveness as a unifying force in international relations¹¹.

An important novelty introduced by the Treaty on European Union is the act of inclusion security - security aspects of foreign policy, intending it to lead to the creation of a single European defense policy, which over time could lead to a common European defense¹². Joint defense system with the Agreement does not regulate, but only logs as perspective. Real structure, on which the Union could rely on a common defense policy, would be WEU WEU, which until then existed only in documents without any real activities. In time signing EU Treaty, WEU members (Member States of the European Communities: Germany, France, UK, Italy, the Netherlands, Belgium, Spain, Portugal and Luxembourg. Other three countries: Greece, Denmark and Ireland members European Communities aren't members to the Western Union, which was a formal obstacle to the inclusion of the Western European Union in the structures of the European Communities. Here is the reason that in the Declaration on Western European Union adopted by the Treaty on European Union, the nine member states of the European Communities and the Western European Union, addressed only to those that are members of the European Communities to join Western Union or to gain status monitors. Another problem represents Turkey, Norway and Iceland, who were members of the Western European Union but not in the European Communities. Exit was found in resending these three countries to the status of associate members. Were performed and organizational changes in Western European Union and thus began the transformation of the Western European Union in the defense component of the European Union. However Agreement distinguishes between so-called defense issues so called issues with simple, less important security implications. Latter as painful in terms of individual defensive reliability of each of the Member States are the basis for the formulation of common positions. First and after the entry into force of the Maastricht Treaty, remain sphere of exclusive jurisdiction of each country. Incidentally, joint actions produce implications for the field of defense and security are subject to explanation and implementation of the Western European Union¹³. Treaty refers to the necessary cooperation of the Western European Union and NATO¹⁴, i.e substantial consistency European common foreign and security policy with the obligations arising from the North Atlantic Treaty. Enabling WEU WEU in the structure of the European

¹¹ Art. J. 1, J. 2, J. 3 and J. 5 of Treaty on European Union

¹²Art. J.4 of Treaty on European Union

¹³ The WEU was established by the Brussels Treaty, signed on 17.03.1948 by the UK, France, Belgium, Netherlands and Luxembourg, in order to remove the sense of insecurity Western states security plan before the military expansion of the SSSR (Robertson A.H, Constitutional Developments in the Council of Europe, 1964 pp.111). Brussels Treaty in 1954 was modified and became the legal basis of the so-called Western European Union, designed under its own kappa cover and the Federal Republic of Germany (R.G.H. "Western Union: political origins", The World Today, no. 4/1949, pp.170-183; Robertson A. "The creation of the Western European Union"). Western Union remained of marginal importance to the organization in 1984 when the national parliaments of the Member States of the European Community adopted the draft agreement for the revival of the Western European Union as a European defense forum.

¹⁴ NATO was formed as a defensive organization of a regional type of 04.04.1949 by the States Parties to the Brussels Treaty, Denmark, Ireland, Italy, Norway, Portugal and the United States (Beugel E. H.op.cit.pp.253 et.seq).

Union, do not come to the termination of already close links with NATO. Treaty on European Union, because the EU has not got its own defense- policy instruments, Western Union has been declared an integral part of the development of the European Union. This is an opportunity for the EU to submit a request to the WEU to prepare and implement decisions and actions of the EU concerning security policy, i.e related defense. Council, in accordance with the institutes of the Western European Union was authorized to determine the necessary practical measures for implementation of the identified tasks¹⁵. WEU remains an independent international organization, whose cooperation with the European Union is governed by the Declaration on Western European Union, which is one articles of the Treaty on European Union. According to the Declaration, the WEU will be developed as the defense component of the European Union and as a means to strengthen the European leverage Atlantic alliance¹⁶. purpose of creating optimal conditions for cooperation and coordination of activities between the European Union and the Western Union, the WEU headquarters from London was transferred to Brussels, where the headquarters of the Commission, more remedial authorities and administration of the European Union.

Article J. 5 of the Treaty on European Union establishes the normative basis of the diplomatic representation of the Union as a whole vis-à-vis the outside world. Namely responsible for representing the Union in foreign policy relations in general is the chairman of the Union. The general principle applies to the representation of the Union in international organizations and international conferences. Only exception to this are the international conferences which all states. In such situations, the present member states have an obligation to inform the absent member states. The latter principle applies in relation to the work of the United Nations Security Council. The permanent members are obligated to provide defense of the positions and interests of the Union, without prejudice relative to its responsibility under the Charter of the United Nations. Cooperation of the diplomatic and consular missions of the Member States of the Union with the missions of the Commission of the European Communities as well as the cooperation of the diplomatic missions of the individual Member States, in general and international conferences was legally sanctioned and within the process of European foreign policy cooperation EPS, and the Treaty on European Union introduced an additional opportunity for the establishment of joint missions that share common facilities.

The institutional structure of the European common foreign and security policy is completely identical to that established in the framework of the European foreign policy cooperation. CFSP institutional hierarchy has four levels. At its peak the European Council, which provides directives and is the highest level of decision-making in case of insurmountable differences in the opinions of the lower bodies, he initiated the joint strategy and the reform proposals and is acting as spokesperson common positions in relation to the outer world and defines the principles and formulate general guidelines. Council decisions on defining and implementing the common foreign and security policy and ensures consistency in the Union's activities. Political Committee-PBPK is the official organ of the servicing of the European Common Foreign and Security Policy, COREPER is a regular authority for the preparation of the Council's work. As regards the other bodies, the Commission of the European Communities shall have the right initiatives for CFSP and

¹⁵ Art. J. 4 point 2of Treaty of European Union

¹⁶ Point.2 of Declaration on Western European Union, adopted by the ten member states of the European Union and the Western European Union .

retains the old status, and the European Parliament has the authority to hold annual debates about the progress in the process of European foreign and security policy, making recommendations European Council and the responsibility for answering questions asked by the European Council, as well as reports already agreed CFSP positions and has the ability to influence through rights to give consent for all important agreements European Union with third countries.

Treaty of Amsterdam for Reform of the European Union - Modification of the CFSPEstablished By the Maastricht Treaty

Amsterdam Treaty to reform the European Union contains a unique title 5 composed of members of J. 1 to J. 18 whose totality completely replaces title 5 of the Maastricht Treaty. Most of the members contained in Maastricht 2 i.e Amsterdam Treaty are identical with those included in Maastricht 1 i.e Maastricht treaty. So changes that brings the Amsterdam Treaty in the field of CFSP process is neither broad in scope, nor deep its radicalism. Totality changes you can enter the Amsterdam Treaty can be divided into several groups: - Despite the common positions and joint action is introduced and institute a common strategy of the Member States of the Union. Common strategies sets Council European Council proposal, in areas in which the Member States have very important common interests. Common strategies to define their own objectives, duration and the means must be made available by the Union and its members;

- In the sphere of application of the common shares, the agreement provides a legal obligation for Member States to address the Council and to inform about the difficulties which come in the process of their implementation and the Council an obligation to consider the problems and seek appropriate solutions will not be detrimental to the achievement of the objectives of the common shares, i.e their performance;

- For the first time in the sphere of foreign policy, announced an opportunity for majority decision-making in the Council, through abstention from voting to appropriate state officials is not an obstacle to conquer foreign policy decisions. If it comes to refraining from voting, it must be done with the presentation of a formal declaration calling for treaty article which allows such an opportunity. Well, so the decision does not oblige restrained Member State, but it must be accepted that despite the fact that no decision was taken unanimously, however obliges the Union as a whole, i.e obliges States to act in accordance with the principle of mutual solidarity, not to interfere with the implementation of the decision by the Union. But if the number of abstention votes of more than one-third of the vote, the decision cannot be made. Determined that the qualified majority voting is possible in the following situations: adopting joint actions, common positions or other decisions based on a common strategy; adoption decisions that open military or defense implications; adoption decisions regarding procedural matters by a majority vote.

- Treaty of Amsterdam provides novelty enhanced cooperation between the WEU which gives more weight as an integral part of the development of the Union and the European Union, which remains a separate organization. Enhanced co-operation should be made in support of the Western European Union addressed to the European Union in the framing of the defense aspects of CFSP and conversely, the European Union will accordingly encourage the establishment of closer institutional relations with the WEU with ambitions to integrate the WEU into the European Union, if the European Council decided in this direction. Innovations is an opportunity for "ad hoc" joint participation of all member states, regardless of the fact whether they are both members of the Western European Union or not, in certain military actions with limited effect. Namely things interventions in Western European Union called tasks Petersburg, although the Amsterdam Treaty does not use this term but by name lists: humanitarian and rescue actions, peacekeeping operations imposing peace in crisis situations and actions establish peace.

- A special group of novelties include the establishment of new bodies process the common foreign and security policy of the European Union. It works for EU High Representative responsible for issues of foreign and security policy with the rank of Secretary General of the Council of the EU Council authorized to assist the Union in matters of foreign and security policy, especially in the process of formulating preparation and implementation of policy decisions and, where appropriate, to act on behalf of the Council at the request of the Chairman of the Union through conducting political dialogue with the treat by a separate analytical unit for planning and forecast international situation.

Conclusion

The analysis of the normative model of the European common foreign and security policy established by the Maastricht Treaty, as amended by the Amsterdam and accompanying agreements, leads to the conclusion that it was designed in an important political moment, with huge ambitions for radical step forward in the field of political integration of Western Europe, when overwhelmed feeling that something drastic must be done in order to be overcome current stage of European foreign policy cooperation. In the middle of the reform debates that came to the fore in the Maastricht Treaty and the Treaty of Amsterdam, were under the comprehensive authority of the CFSP, more efficient decision-making structures and greater transparency of the external representation of the EU Member States.

The European Union is developing a unique institution in the world which covers an entire range of possibilities for civilian and military interventions in the event of crises. With that she is on the road to more operational foreign and security policy, which would be better projected external stability and contribute to international security. Common foreign and security policy has reached a significant level of differentiation and maturity. Well, if there is a general will of the participating governments and if we keep up the momentum ENBP, then Member States in a position targeted, timely and operationally to respond to international challenges.

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