

The Use of Economic Tools in Support of Foreign Policy Goals : the Linkage between EC and CFSP in the European Union Framework

Discussion Paper prepared for the ECSA's Fifth Biennial International Conference

Seattle, 29 May 1997

Tanguy de WILDE d'ESTMAEL

Unité des Relations internationales
Université catholique de Louvain

Provisional Text

This paper aims at showing how a link has been progressively established between the economic external relations of the European Communities and the decisions taken by the member States in the European political cooperation (EPC) process. EPC has been now transformed into a common foreign and security policy (CFSP) by the treaty on European Union (TEU).

The linkage between economics and politics in the international action of the EC and its member States took time before being effective. But, since the eighties, such a linkage has given rise to the use of economic tools in support of foreign policy goals. At the beginning, it was mainly a reactive process. Economic sanctions were imposed against third States whose behavior had been condemned by the member States. Afterwards, little by little, positive economic measures decided for political reasons have also appeared (e.g. to foster a peace and/or democratic process) as well as preventive and proactive measures (e.g. democratic conditionality of economic aid and trade agreements). And today it is scarcely possible to open a newspaper without finding some new example of this linkage issue. It is sometimes a tricky problem which gives rise, for instance, to the following questions : could the European Union interrupt its so-called critical dialogue with Iran without reducing its economic relations with the mollah's republic ? How effective the economic aid of the EU can be in stabilizing the Balkans ? Why did the preventive EU action obviously fail in Albania ? Why do Europe impose democratic criteria in its

relations with the ACP-countries while its relations with Asian countries only correspond to economic interests ?

However, before discussing the efficiency or the consistency of political conditionality in EC economic external relations, the purpose of this paper is to investigate the political and legal aspects of the building of a link between EC and EPC/CFSP in the international arena. Therefore one has to make some preliminary remarks to recall the origin of CFSP and to grasp the nature of such a « common » policy. We will then move on to the most striking aspect of the EC-EPC/CFSP linkage : the economic sanctions issue. Afterwards, we will point out some consequences of the EC economic sanctions practice (positive economic measures or regulation concerning the export of dual-use goods), and finally, we will try to assess the recurring presence of a kind of democratic conditionality in the economic external relations of the EU.

1. From EPC to CFSP : New Words but Same Intergovernmentalism

- CFSP is coming from the EPC process which had been launched in 1970. EPC was an *ad hoc* process parallel to the Community framework. It was based on political agreements organizing an intergovernmental cooperation in the field of foreign policy¹. Provisions concerning EPC have been introduced in the Single European Act (SEA) in 1986 but their legal form did not mean a binding nature of EPC. Today, the TEU framework is comparable to a Greek temple with three pillars and a fronton. CFSP constitutes the second pillar, next to the Communities pillar which is the most important one including the three existing Communities. The cooperation on justice and home affairs forms the third pillar and the single institutional framework can be considered as the fronton. The distinction between the Community pillar and the intergovernmental second and third pillars is made to illustrate different types of procedures in the EU decision-making

¹ Successively, the Luxembourg or Davignon Report of 1970, the Copenhagen Report of 1973, the London Report of 1981 and the Solemn Declaration of Stuttgart of 1983.

process. The first pillar can be described as an integration process while the two others lay on a cooperation between the governments of the member States (intergovernmental process). The integrative features of the first pillar (monopolistic legislative initiative for the Commission, majority voting rule in the Council, co-decision of the European Parliament (EP), legal control of the Court of justice, ...) are not (yet ?) extended to the second pillar (the role of the Council of Ministers remains central and the unanimity is the general rule to decide).

- The appellation « CFSP » could be source of confusion. In the Communities matters, common policies refer to exclusive competencies devoted to the Communities (common agricultural policy, common commercial policy, for instance). This is not the case for CFSP. « Common » doesn't mean « single » foreign and security policy. What « common » will be is the result of a cooperation between member States. This cooperation is uncertain. It can lead to common actions and common position on specific issues but it can also fail. In providing a CFSP in the TEU, the member States meant to show their ambition in the long run because, except the words used, CFSP was nothing more than a new enhancing of the existing EPC process. The term « security » is also ambiguous. In a first way, security means the aspiration of a peaceful international environment, which is a classical purpose of any foreign policy. Besides, security policy could pertain to the organization of a defense policy which is not the case concerning CFSP. The TEU only evokes a common defense policy and a common defense in prospective terms².
- Despite the limits underlined above (intergovernmentalism and too optimistic appellation), CFSP remains a thoroughly original process in the history of international relations. There is no other example of such an attempt made by sovereign States to harmonize their points of view in the field of foreign affairs. One has to realize that when the (then) six member States launched the EPC process in 1970, they were not at all convinced of the success of their efforts³.

2 See article J.4 § 1 of the TEU : « The common foreign and security policy shall include all questions related to the security of the Union, including the *eventual framing* of a common defense policy, which *might in time lead to* a common defense » (we underline).

3 In this respect, Walter Scheel, West German Foreign Minister at that time, confess : « Though we all shared the view that EPC should be designed to give Western Europe a greater say in international politics, nobody could be certain about the success of such an undertaking given the

Nevertheless, the pragmatic process inaugurated by the Luxembourg Report on 27 October 1970 was the first step of a still evolving dynamic. The EC Foreign Ministries tried at first to develop between them a kind of « information community » and a consultation or even coordination « reflex » to lay the foundations of a « community of view » preparing a « community of action »⁴. The initial function of EPC was to reduce the differences between the member States in order to enable them to talk with one voice vis-à-vis the world. As it was demonstrated by the Middle-East issue⁵, this rather modest purpose was far from being simple in the seventies. However, in the early eighties, it was possible to consider that EPC was generally able to produce common declarations from the member States on international tricky issues. The efficiency of such a declaratory diplomacy most of the time remained symbolic or, at least, limited. Some EPC declarations were very significant because they expressed the European position on critical issues, but the implementation of principles put forward by these declarations appeared to be difficult. EPC could only propose a solution, condemn a situation, hope a change, etc. The Council presidency could also try to make *démarches* to explain the European point of view or even offer its good offices. However, in general there was a lack of persuasion or coercion instruments that EPC could use to convince third States that its numerous declarations were worth more than the paper they were written on. Hence the relevance for EPC to use EC economic instruments to go beyond a declaratory diplomacy and to suit the action to the word. Therefore the interaction between EPC and EC became an important challenge to guarantee a consistency in the international action of the Community and its member States. It was firstly facilitated by the London Report of 1981 which fully associated the Commission with the work carried out by the EPC process. Afterwards, the seek for

priorities and the traditional conduct of foreign policy among the governments involved » (Foreword of A. Pijpers, E. Regelsberger, W. Wessels and G. Edwards (eds.), *European Political Cooperation in the 1980's : a Common Foreign Policy for Western Europe ?*, Dordrecht, Nijhoff, 1988, p. XI)

4 On this « trilogy », see Ph. de Schoutheete, *La Coopération politique européenne*, 2ème édition, Bruxelles, Labor, 1986.

5 See, e.g., D. Allen and A. Pijpers (eds), *European Foreign Policy-Making and the Arab-Israeli Conflict*, The Hague, Nijhoff, 1984 and P. Ifestos, *European Political Cooperation : Towards a Framework of Supranational Diplomacy ?*, Avebury, Aldershot, 1987.

consistency in the European external action has been inscribed in the SEA and the TEU⁶.

2. Economic Sanctions : Paradigm of the Interaction between EC and EPC/CFSP

Economic sanctions can be defined as a political act which uses economic tools to exert a pressure on a third State in order to obtain a change of its behavior. In this case, economic measures are entirely decided in support of a foreign policy goal. In the Community framework, this issue lays precisely at the intersection between EC and EPC/CFSP. This situation gave rise to some legal hesitations concerning the way of acting to impose sanctions. Because the sanctions embodied the link between politics and economics in the external relations of the Community and its member States, it was difficult to determine the competent institution to impose the restrictive measures. According to a teleological interpretation, the purpose of economic sanctions was political, not commercial, and therefore the measures decided by the EPC had to be implemented by each member State individually. But another approach, the instrumental one, considered that the very nature of sanctions was commercial, irrespective to their objective. In consequence, a EC regulation could implement measures dealing with the common commercial policy⁷. Beyond the strictly legal aspect of the question, what was at stake was the nature of the link between EC and EPC. In this respect, there was a « theological » debate between the member States. Some of them, the so-called dogmatic States, were in favor of a strict distinction between EPC and the Communities. They

6 Article C of the TEU provides (§2) : « The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security and development policies. The Council and the Commission shall be responsible for ensuring such consistency. They shall ensure the implementation of these policies, each in accordance with its respective powers ».

7 On this controversy, see the answers given by the Commission and the Council to questions asked by European MP's, *Official Journal of the European Communities (OJ)*, n° L 199, 25 January 1966, n° C 57, 17 July 1973 and n° C 89, 16 April 1976. The legal aspect of the EC economic sanctions is discussed, among others, by P.-J. Kuyper, « European Economic Community » in K.

refused to link political decisions taken in the intergovernmental framework of EPC and matters dealing with the integrative economic process. In contrast with more pragmatist member States, the dogmatic ones refused to implement economic sanctions through community binding acts⁸. A compromise was thus to be found and, since 1982, a practice has been progressively developed according to the following scheme : the decision to impose sanctions belongs to EPC/CFSP while the implementation of the restrictive measures takes the form of a (E)EC regulation or ECSC decision. This procedure has been codified in the TEU⁹. It illustrates the incrementalist evolution of EPC/CFSP and the legal transformation of political solutions convened by the member States. The distinction between decision and implementation of the sanctions has the advantage of preserving the prerogatives of EPC/CFSP and, at the same time, the Community implementation offers a guarantee of uniformity and efficiency.

Since the entry into force of the TEU on 1 November 1993, the interaction between EC and CFSP as regards economic sanctions is thus legally established and no longer likely to be contested. Only one twisting point remains. It concerns the arms and military equipment embargoes. Despite the advice of some legal experts who consider that such a measure do have to be implemented by a Community act¹⁰,

M. Meesen (ed), *International Law of Export Control. Jurisdictional Issues*, London, Graham and Trotman, 1992.

8 In 1980, for instance, during the hostages crisis at the US embassy in Teheran, Denmark and France were opposed to use the EC framework to implement economic sanctions against Iran.

9 Article 228A EC now provides : « Where it is provided, in a common position or in a joint action adopted according to the provisions of the Treaty on European Union relating to the common foreign and security policy, for an action by the Community to interrupt or to reduce, in part or completely, economic relations with one or more third countries, the Council shall take the necessary urgent measures. The Council shall act by a qualified majority on a proposal from the Commission ». See also article 73G EC.

10 P-J. Kuyper, (« Trade Sanctions, Security and Human Rights and Commercial Policy in M. Maresceau (ed.), *The European Community's Commercial Policy after 1992 : the Legal Dimension*, Dordrecht, Nijhoff, 1993, pp. 404-405) asserts in this respect : « Although the Member States, because of Article 223, remain in a position where they can take individual and disparate measures, it would seem that as soon as they take a joint action or a common position (within the meaning of the treaty on a common foreign and security policy) on arms export controls, they will have to carry that out by Community act ; a coordinated intergovernmental implementation is excluded. *The terms of Article 228A do not leave any margin of interpretation here.* Moreover, implementation of intergovernmental policies by intergovernmental measures in cases where such a clear link with Community mechanisms has been established as in Article 228A, would constitute *the beginning of a very dangerous undermining of the Community pillar of the European Union by the intergovernmental pillar* » (we underline).

the member States still consider that arms related measures, even decided by a CFSP common position, remain a matter whose implementation has to be national¹¹.

This brief overview of the legal aspect of economic sanctions within the EC/EU framework had as sole purpose to bring out the technical difficulties against which the linkage between EPC objectives and EC instruments has come up. Meanwhile, however, the opposition between dogmatic and pragmatist States seems to have been solved by the creation of the EU and the CFSP.

From 1982 to 1997, it is possible to identify eight significant EC sanctions episodes against third States where Community trade instruments have been used to implement EPC declarations or CFSP common positions : sanctions against the Soviet Union after the imposition of the martial law in Poland (1982) ; sanctions against Argentina during the Falkland/Malvinas conflict (1982) ; sanctions against South Africa to condemn the apartheid regime(1986) ; sanctions against Iraq after the invasion of Kuwait (1990) ; sanctions against (ex)-Yugoslavia (1991) to put an end to civil wars in Croatia and Bosnia ; sanctions against Libya because of the supposed support of Tripoli to air terrorism (1992) ; sanctions against Haiti to force the military junta to give the power back to elected President Aristide (1993) ; sanctions concerning Angola to force the UNITA to accept a peace and democratization process (1993)¹².

From a political point of view, it is interesting to compare these different cases and to underline the evolution of the EC sanctions practice according to the following criteria : the reaction time of EPC/CFSP and the content of the restrictive measures (quickness and intensity of the sanctions) ; the relevance of economic sanctions in the international context ; the objectives followed by the member States. To determine these objectives, it is useful, as suggested by J. Barber¹³, to make a distinction between the primary objective, the secondary objective and the tertiary objective. The primary objective concerns « the actions and behavior of the state or regime against whom the sanctions are directed ». This purpose is generally easy to

11 See, for instance the common position 94/165/CFSP on 15 March 1994, *O. J.* n° L 75, 17 March 1994 setting up an arms and military equipment embargo against Sudan.

12 For further details on each sanctions episode, see the selective bibliography below.

grasp. However it is scarcely achieved. But even if economic « statecraft » often ‘fails’¹⁴, economic sanctions can follow secondary objectives « relating to the status, behavior and expectations of the government(s) imposing the sanctions ». In the European case, the secondary objective is related to the strengthening of the EPC/CFSP process. The tertiary objective concerns « broader international considerations (...) which are regarded as important by the imposing States ».

In this respect, one can identify three stages in the development of the EC economic sanctions policy :

1. the formative years in the bipolarity context of international relations : sanctions against the Soviet Union, Argentina and South Africa ;
2. the turning point : the Gulf crisis and the Yugoslav disintegration ;
3. the implementation of UN resolutions in the post-cold war era : sanctions against Libya, Haiti and Angola.

2.1. The Formative Years

During the eighties, economic sanctions have been used autonomously by the EC, namely without obligations coming from the UN Security Council. Three cases occurred : the first one corresponds to the East-West tension and turbulence of the period ; the second one appears as a solidarity reflex in favor of a member State which has been victim of an aggression while the last one came at a time where it was no longer possible not to do something together against the apartheid in South Africa.

- Sanctions against the Soviet Union took relative long time to be implemented (three months after the Warsaw coup) and were rather symbolic (only an import reduction on luxury goods coming from USSR). The objective of the sanctions was no evident beyond the punitive aspect of the measures (condemnation of the presumed influence of Moscow in the Polish crisis). One can suppose that the message sent to the Kremlin aimed to deter the Soviets to intervene directly in

13 « Economic Sanctions as a Policy Instrument », *International Affairs*, 1979, pp. 367-384.

14 D. Baldwin (*Economic Statecraft*, Princeton University Press, 1985, p. 130) asserts : « According to conventional wisdom economic statecraft often ‘fails’ ».

Poland. The secondary objective was clearer. EPC had to prove that it was possible for the Ten to go further despite the sudden reluctance of Greece to impose any sanctions to the Soviet Union. Hence the adoption of two EEC regulations. The first one imposed measures directed to USSR. The second one provided an exemption for Greece under a economic pretext which was made up from start to finish. Finally, the tertiary objective was twofold : EPC wanted to show only a minimal solidarity to the strong sanctions policy issued by the United States and, at the same time, to shape vis-à-vis Moscow an attitude which was not the conform copy of the American one.

- During the Falkland crisis, the EC reaction was faster (sanctions implemented 14 days after the Argentinean invasion) and stronger (ban on all imports coming from Argentina) than previously. There was in fact more at stake : EPC had to show to the world that the use of force to settle a territorial dispute was unacceptable and that a solidarity existed between the member States to defend such a principle. Nevertheless, when it became obvious that the EC sanctions would not be able to prevent war, the initial solidarity weakened and blew even up. Italy and Ireland were no longer ready to implement measures that could have appeared as a support of the British military effort. Despite this internal dissent appeared after a month, the impact of EC sanctions caused a real shock wave in Latin America. It was also remarkable that after the withdrawal from the sanctions of Italy and Ireland, a solidarity remained between eight member States.
- The EC sanctions against South Africa came into force in September-October 1986. The measures were limited to a ban of some imports (steel materials and gold coins) and a prohibition of new direct investments in South Africa. These sanctions were the result of a difficult compromise between the minimalist member States and the maximalist member States. The first ones wanted to limit the EC action to positive measures in favor of anti-apartheid organizations in South Africa while the second ones asked the imposition of sanctions on a larger scale. The success of EPC consisted thus in achieving a common policy that went beyond the smallest common denominator of the member States positions. Furthermore, the EC sanctions corresponded to an expectation of the European public opinion and of a large fringe of the international community, even if the

limited substance of the measures did not satisfy the black community of South Africa.

2.2. The Turning Point

The EC reaction to the Iraqi invasion of Kuwait appeared as a turning point because, for the first time, EPC could react immediately and strongly. Only two days after the beginning of the crisis, all the member States convened to exert a pressure on Baghdad through economic measures, mainly a ban of the Iraqi and Kuwaiti oil imports. This action was decided even before the UN resolution establishing a general embargo against Iraq. EPC had demonstrated that the Twelve were able to act autonomously and to influence, partly at least, the reaction of the international community. Several weaknesses featuring the EPC action in the former sanctions episodes were no longer present during the Gulf crisis : slow reaction, rather symbolic measures, disagreement between the member States, isolated action in the international community, ... A top had been reached at this opportunity : the economic coercion (general embargo on a universal scale reinforced by a military blockade) could not be stronger. However, for EPC as for the international community, the lesson to draw from the Gulf crisis was the inevitable limits of the economic sanctions to get a withdrawal of Iraq from Kuwait. Besides, the necessity to use the military force underlined the lack of European defense policy. While economic sanctions had been previously always considered as a success of EPC (more than traditional declaratory diplomacy), the Gulf crisis showed for the first time that they could be envisaged as a limit (insufficient tool to achieve a foreign policy goal in the post-cold war era).

The Yugoslav crisis was another turning point for EPC. The Twelve saw directly that they could no longer react only by reducing their economic ties with the conflicting Yugoslav republics. At a time where the discussions concerning CFSP were still in process, EPC ambition was larger. The Community and its member States wanted to demonstrate that, before the entry into force of the provisions establishing a common foreign and security policy, they were already able to play the role of a peace-builder on the Continent. Besides, the passive attitude of the rest of

the world regarding the Yugoslav disintegration reinforced the EPC feeling that, *volens nolens*, it had to grasp this historical opportunity to develop a first significant foreign policy action. Therefore, the imposition of economic sanctions was not a priority. The Twelve tried at first to convince the Yugoslav bodies to settle their disputes by negotiation. To give some weight to its propositions, EPC only waved the threat of restrictive measures. Some minimal measures were also taken in July 1991. At the beginning of the Yugoslav crisis, this combination of diplomatic activism and discrete economic pressure seemed to be successful. The civil war ended in Slovenia. But the Croatian issue remained unsolved, despite several attempts of EPC. When it became obvious for the Twelve, on the one hand, that diplomatic efforts were vanishing and, on the other hand, that any European military intervention remained excluded because of the opposition of some member States, economic sanctions were used to force the Serbian side to accept a negotiated solution. This occurred in November 1991. In this context, economic sanctions appeared as a confession of powerlessness from EPC or, at least, as a desperate attempt to solve a conflict where diplomatic negotiation had become useless and military tools could not be considered. When the Bosnian conflict blew up in Spring 1992, the time of Europe was over and the Community and its member States had only to comply with the UN Security Council resolutions and, in consequence, to implement the international economic sanctions.

2.3. The Post-Cold War era

The revitalization of UN Security Council radically changed the economic sanctions issue as far as EPC/CFSP is concerned. On the one hand, this evolution gave the opportunity to the United Kingdom and France, the member States seating as permanent representative at the UN Security Council, to directly promote economic restrictive measures at the UN level with the permissive consensus of the other EC member States (selective sanctions against Libya). On the other hand, the EC has become a simple regional body in charge of uniformly implementing the sanctions decided by the UN Security Council (sanctions against Haiti and Angola, limited to territories controlled by UNITA and its leader J. Savimbi).

When sanctions are not decided by the UN, the EU remains reluctant to impose them, either because economic interests are prevalent (sanctions against Nigeria in 1995 after the execution of nine opponents were limited to diplomatic ones), or because the EU doesn't accept any « diktat » from Washington. Hence the strong opposition of the European Communities to any *lex Americana* concerning economic sanctions against third States (Helms-Burton Act concerning Cuba ; d'Amato Act concerning Iran and Libya)

3. From sanctions to positive and preventive measures

Step by step, the practice of economic sanctions has shown to the Communities and their member States that economic instruments could also be used in support of foreign policy goals beyond a reactive and negative way of acting against a sole target State. One can even argue that during the eighties the sanctions practice decisively contributed to shape the link between economics and politics in the external relations of the EC. Parallel to the restrictive measures, positive measures, economic aid or advantageous agreements were obviously decided for political reasons. Three examples can illustrate this process :

- the support given to the anti-apartheid organizations and the South African black community was the positive side of the EC policy towards South Africa ; it aimed at testifying the EC willingness to struggle apartheid by other means than light economic sanctions ;
- in 1986, the aid to the Palestinians from Gaza and the West Bank of the Jordan river was a way to deny the sovereignty of Israel on the occupied territories ;
- as for the EC central American policy initiated in 1985, it was mainly a political moving closer to the region. The EC and its member States wanted to support the Contadora peace process through the building of economic ties with the countries of the Isthmus ;

After the fall of the Berlin wall and the collapse of USSR, the whole EC policy towards central and oriental Europe can be summarized as an economic support aiming to stabilize the new democratic order in Europe. In this respect, F. Mitterrand wrote that the informal meeting of the European Council from 18 November 1989 was entirely devoted to « *la victoire de la démocratie, et (...) la nécessité de consolider cette victoire par des aides économiques massives* »¹⁵.

Furthermore, the use of economic sanctions has had more general consequences on the EC external relations. Preventive measures such as the control on the export of so-called dual-use goods (which can be used for both civil and military purposes) or democratic conditionality featuring the more recent external agreements of the EC can be considered as inspired by the sanctions practice.

As regards the dual-use goods, the link between EC and CFSP is as evident as regarding the economic sanctions : CFSP determines the list of the dual-use goods (security issue) while EC implements the control on the exports. The origin of the dual-use goods regulations goes back to the Iran-Iraq war (sometimes called first Gulf war). EPC was then worried about the use of chemical weapons in the conflict. But in 1984, the member States only decided to coordinate their national legislation to control the export of chemical products likely to be used to produce chemical weapons. Nonetheless, at that time, the Commission had already proposed an EC regulation to organize *erga omnes* (Iran and Iraq were not quoted in the text) a control on chemical products exports. The purpose was to ban the supply of chemical products to the warring countries and, in any case, to control the export of such a dual-use good. It took five years before this proposition was accepted by the Council. In 1989, the member States were concerned by the so-called Imhausen scandal : a West German firm was then suspected to have sold chemical products to a mysterious pharmaceutical factory in Libya. Therefore, the adoption of the EC regulation on chemical products did no longer trigger opposition among the member States. Afterwards, this first regulation will be extended to a long list of other dual-use goods by a CFSP joint action implemented by a EC regulation. This evolution

15 F. Mitterrand, *De l'Allemagne, De la France*, Paris, Odile Jacob, 1996, p. 75 (« The victory of the democracy and (...) the need to reinforce this victory by massive economic aid »).

can be considered as the best example of a reactive policy shifted, ten years afterwards, in a preventive one.

The setting-up of a democratic conditionality within the EU external agreements is also a sign of a preventive policy. More and more, the economic relations between the EU and non member States are linked to the respect by the latter of the rule of law, the parliamentary and pluralist democracy, human rights, etc. The question is whether such clauses are cosmetic or not. How effective could they be ? It is sure that the insert of a democratic conditionality clause in the external agreements presents some advantages. It gives the EU a legal argument to suspend or to denounce an agreement without delay if the situation command so. Democratic conditionality can be a useful threat to prevent any backlash in new democracies. Besides, during the negotiation of their agreement with the EC/EU, some third States asked themselves the inclusion of such a democratic clause. Their purpose was to strengthen the still frail democratic process in their country¹⁶. However, some countries could denounce the two sets of rule of the EU concerning democratic conditionality. It is true that the principle does not apply to the whole external action of the EU. ACP-countries, for instance, are invited to respect human rights to benefit from the Lomé Convention, Asian States or some Arab countries are accepted as commercial partners without any condition because of prevalent economic interests.

Beyond this double standard of acting, the question of the efficiency of democratic conditionality remains. In fact, democratic conditionality seems only to be determinant for accession to EU. It is absolutely certain that accession to EU cannot be envisaged if the applicant country is not a truly democratic State. In other cases, democratic conditionality only indicates the value that the EU wanted to promote outside. It doesn't seem to be likely to trigger automatically a revision of the relations with the third countries. Furthermore, the persuasion force of any political conditionality of economic agreements remains weak to guarantee stability, peace and democracy everywhere. The situation in Albania, Zaire or Nigeria put

16 This was namely the case for Argentina and Bulgaria according to Argentinean and Bulgarian diplomats we have interviewed in Brussels and in Sofia.

forward the limits of a political conditionality of the economic external relations of the EU ...

Selective Bibliography

- ALLEN D., RUMMEL R. et WESSELS W. (eds), *European Political Cooperation : Towards a Foreign Policy for Western Europe*, London, Butterworth scientific, 1982.
- BALDWIN D., *Economic Statecraft*, Princeton University Press, 1985.
- BARBER J., « Economic Sanctions as a Policy Instrument », *International Affairs*, 1979, pp. 367-384.
- BOHR S., « Sanctions by the United Nations Security Council and the European Community », *European Journal of International Law/Journal européen de droit international (E.J.I.L./J.E.D.I.)*, 1993, vol. 4, pp. 256-268.
- BOZO F. et PAOLINI J., « L'Europe entre elle-même et le Golfe », *Politique Etrangère*, 1991, vol. 56, pp. 179-192.
- BRUHA T., « Handelsembargo gegen Argentinien durch EWG - Verordnung ? », *Deutsches Verwaltungsblatt*, 1982, p. 674 et s.
- BRYDE B.O., « Die Intervention mit Wirtschaftlichen Mitteln » in *Staatsrecht - Völkerrecht - Europarecht*, Festschrift für H.J. SCHOLSCHAUER, Berlin/New York, de Gruyter, 1984, pp. 227-245.
- BUCHAN D., *Europe : l'étrange superpuissance*, Rennes, Apogée, 1993.
- CARLSNAES W. and SMITH S., *European Foreign Policy. The EC and the Changing Foreign Policy Perspectives in Europe*, London, SAGE publications, 1994.
- CLESSE A. et VERNON R. (eds), *The European Community after 1992 : a New Role in World Politics*, Nomos Verlagsgesellschaft, Baden-Baden, 1991.
- CLOOS J., REINESCH G., VIGNES D. et WEYLAND J., *Le traité de Maastricht. Genèse, analyse et commentaires*, Bruxelles, Bruylant, 1993.
- CLOSA C., « The Gulf Crisis : a Case Study of National Constraints on Community Action », *Revue d'intégration européenne*, 1991-1992, vol. XV, pp. 47-67.
- COELMONT J., « Evaluatie van crisisbeheersing rondom voormalig Yoegoslavië. Lessen voor de Europese Unie », *Internationale Spectator*, 1994, pp. 184-189.
- CORTRIGHT D. and LOPEZ G. A. (eds), *Economic Sanctions. Panacea or Peace-Building in a Post-Cold War ?*, Boulder (Co), Westview, 1995.
- COVILLERS C., *Y a-t-il une politique extérieure des Communautés européennes ?*, Paris, P.U.F., 1987.
- DAJANI M. S. et DAOUDI M. S., *Economic Sanctions. Ideals and Experience*, London, Routledge and Kegan Paul, 1983.
- DANET D., « L'arme économique et la guerre des Malouines », *Défense Nationale*, 1987-10, pp. 101-114.
- DAVID D., « La Communauté entre la paix et la guerre », *Politique Etrangère*, 1993, vol. 58, pp. 78-91.
- DAVID E., « Les sanctions économiques prises contre l'Argentine dans l'affaire des Malouines », *Revue belge de droit international (R.B.D.I.)*, 1984-1985, pp. 150-165.
- de la SERRE F., « La Communauté, acteur international ? », *Pouvoirs*, n° 69, pp. 95-116.
- de SCHOUTHEETE de TERVARENT P., *La coopération politique européenne*, Paris, Nathan, 2^{ème} édition, 1986.

- de WILDE d'ESTMAEL T. « La politique étrangère et de sécurité commune de l'Union européenne. Essai d'évaluation au-delà du syndrome yougoslave », in *Annales d'Etudes européennes de l'U.C.L.*, Bruylant, Bruxelles, 1996 et in *Revue Politique* 1996-3, pp. 17-47
- de WILDE d'ESTMAEL T. « La Coopération politique européenne face au conflit israélo-palestinien », in A. Aït-Chaalal, B. Khader, C. Roosens et T. de Wilde d'Estmael, *Conflits et processus de paix au Proche-Orient. Analyses et documents*, Louvain-La-Neuve, Académia-Bruylant, 1996, pp. 231-273.
- DEHOUSSE F. et GHEMAR K., « Le traité de Maastricht et les relations extérieures de la Communauté européenne », *E.J.I.L./J.E.D.I.*, 1994, vol. 5, pp. 151-172.
- DEHOUSSE R. (ed), *Une politique étrangère pour l'Europe*, rapport du groupe de travail sur la réforme de la coopération politique, Florence, IUE, Working Paper EPU, 91/8, 1991.
- DEMARET P. (ed.), *Relations extérieures de la Communauté européenne et marché intérieur : aspects juridiques et fonctionnels*, colloque 1986, Collège de l'Europe n° 45, Story-Scientia, 1988.
- DEWOST J.-L., « La Communauté, les Dix et les « sanctions » économiques : de la crise iranienne à la crise des Malouines », *Annuaire français de droit international (A.F.D.I.)*, 1982, pp. 215-232.
- DUPUY P.-M., « Observations sur la pratique récente des 'sanctions' de l'illicite », *Revue générale de Droit international public*, 1983, pp. 505-548.
- EDWARDS G., « Europe and the Falkland Crisis 1982 », *Journal of Common Market Studies (J.C.M.S.)*, 1984, vol. XII, pp. 295-314.
- EHLERMANN C.-D., « Communautés européennes et sanctions internationales - une réponse à J. Verhoeven », *R.B.D.I.*, 1984-1985, pp. 96-112.
- ELLIOTT K.A., « Sanctions : les armes de la paix », *Politique Internationale*, 1992, n° 57, pp. 151-160.
- FINK-HOOIJER F., « The Common Foreign and Security Policy of the European Union », *E.J.I.L./J.E.D.I.*, 1994, vol. 5, pp. 173-198.
- FLAESCH-MOUGIN C., « Le traité de Maastricht et les compétences externes de la Communauté européenne : à la recherche d'une politique externe de l'union », *Cahiers de droit européen (Cah. dr. eur.)*, 1993, pp. 351-398.
- GARCIMARTIN ALFEREZ F., « Las consecuencias contractuales de las sanciones economicas comunitarias : un modelo de analisis », *Gaceta Juridica de la CE*, 1992, n° 110, pp. 221-260.
- GAUTIER X., *L'Europe à l'épreuve des Balkans*, Paris, Jacques Bertoin, 1992.
- GAUTRON J.-C. (éd.), *Les relations Communauté européenne - Europe de l'Est*, Paris, Economica, 1991.
- GILSDORF P., « Les réserves de sécurité du traité CEE, à la lumière du traité sur l'Union européenne », *Revue du marché commun et de l'Union européenne (R.M.C.U.E.)*, 1994, pp. 17-25.
- GINSBERG R., *Foreign Policy Actions of the European Community. The Politics of Scale*, Boulder Co, Lynne Rienner Publishers, 1989.
- GNESOTTO N. et ROPER J., *L'Europe occidentale et le Golfe*, Paris, Institut d'Etudes de sécurité de l'Union de l'Europe occidentale, 1992.
- GUICHERD C., *L'heure de l'Europe. Premières leçons du conflit yougoslave*, Paris, CRESS, Ecole Polytechnique, 1993.
- HANSON P., *Western Economic Statecraft in East-West Relations : Embargoes, Sanctions, Linkage, Economic Warfare and Detente*, London, Routledge and Kegan Paul, 1988.
- HILL C. (ed.), *The Actors in Europe's Foreign Policy*, London, Routledge, 1996.

- HILL C. (ed), *National Foreign Policies and European Political Cooperation*, London, Allen and Unwin, 1983.
- HILL C. and MAYALL J., *The Sanctions Problem : International and European Perspectives*, Florence, IUE, Working Paper n° 59, 1983.
- HILL C., « The Capability-Expectations Gap, or Conceptualizing Europe's International Role », in *J.C.M.S.*, 1993, pp. 305-328 and in S. BULMER and A. SCOTT (eds), *Economic and Political Integration in Europe. Internal Dynamics and global Context*, Oxford, Blackwell Publishers, 1994, pp. 103-126.
- HILL C., « The Foreign Policy of the European Community. Dream or Reality? » in R.C. MACRIDIS (ed.), *Foreign Policy in World Politics*, New Jersey, Englewood Cliffs, 1992, pp. 108-142.
- HOLLAND M.(ed), *The Future of European Political Cooperation : Essays on Theory and Practice*, London, McMillan, 1991.
- HOLLAND M., *European Union Common Foreign Policy. From EPC to CFSP Joint Action and South Africa*, New York, Basingstoke, St Martin's Press, MacMillan, 1995.
- HOLLAND M., *The Community and South Africa : European Political Co-operation under Strain*, London, Pinter Publishers, 1988.
- HUFBAUER G.C., SCHOTT J.J., ELLIOT K.A., *Economic Sanctions Reconsidered : History and Current Policy*, Washington, Institute for international economics, 1985, 2d edition 1990.
- IFESTOS P., *European Political Cooperation : Towards a Framework of Supranational Diplomacy ?*, Avebury, Aldershot, 1987.
- INSTITUT D'ETUDES EUROPEENNES, *Un défi pour la Communauté européenne : les changements à l'Est et au centre du continent*, Editions de l'Université de Bruxelles, 1991.
- JANNUZZI G., « Political and Economic Aspects of European Security », *The International Spectator*, 1988, vol. XXIII, n° 1, pp. 3-6.
- KAMMINGA M., « Human Rights and the Lomé Conventions », *Netherlands Quarterly of Human Rights*, 1989, vol. 7, pp.28-35.
- KISSSLER K.-P., *Die Zulässigkeit von Wirtschaftssanktionen der Europäischen Gemeinschaft gegenüber Drittstaaten*, Frankfurt am Main, Peter Lang, 1984.
- KUYPER P.J., « Community Sanctions against Argentina : Lawfulness under Community and International Law » in D. O'KEEFFE et H. SCHERMERS, *Essays in European Law and Integration*, Deventer, Kluwer, 1983, pp. 141-166.
- LABBE M.-H., *L'arme économique dans les relations internationales*, Paris, P.U.F., coll. Que sais-je ?, 1994.
- LAK J., « Interaction Between European Political Cooperation and the European Community (external) - Existing Rules and Challenges », *Common Market Law Review*, 1989, pp. 281-297.
- LAULAN Y., « L'Occident peut-il utiliser l'arme économique et financière ? L'exemple polonais », *Commentaire*, printemps 1982, pp. 38-43.
- LAUWAARS R.H., DE VREE J.K. and COFFEY P., *Towards a European Foreign Policy*, Dordrecht, Nijhoff, 1987.
- LINDSAY J., « Trade Sanctions as Policy Instruments : A Re-examination », *International Studies Quarterly*, 1986, vol. 30, pp. 153-173.
- LISTER M., *The European Community and the Developing World. The Role of the Lomé Convention*, Avebury, Aldershot, 1988.
- LUCRON C.-P., « L'Europe devant la crise yougoslave : mesures restrictives et mesures positives », *R.M.C.U.E.*, 1992, pp. 7-16.

- MACQUEEN N., « The Expedience of Tradition : Ireland, International Organization and the Falklands Crisis », *Political Studies*, 1985, vol. XXXIII, pp. 38-58.
- MARESCEAU M. (ed.), *The European Community's Commercial Policy after 1992 : the Legal Dimension*, Dordrecht, Nijhoff, 1993.
- MARESCEAU M., SARRE F. et VAN DEN BOSSCHE A.-M., *The Political and Legal Framework of the Trade Relations between the European Community and Eastern Europe*, Dordrecht, Nijhoff, 1989.
- MARTIN L. L., « Institutions and Cooperation. Sanctions during the Falkland Island Conflict », *International Security*, Spring 1992, vol. XVI, n° 4, p. 159.
- MARTIN L., « Credibility, Costs, and Institutions : Cooperation on Economic Sanctions », *World Politics*, 1992-1993, vol. 45, pp. 406-432.
- MAYALL J., « The Sanctions Problem in International Economic Relations : Reflections in the Light of Recent Experience », *International Affairs*, 1984, pp. 631-642.
- MEESSEN K. M. (ed), *International Law of Export Control. Jurisdictional Issues*, London, Graham and Trotman, 1992.
- MENG W., « Die Kompetenz der EWG zur Verhängung von Wirtschaftssanktionen gegen Drittländer », *ZaöRV*, 1982, pp. 780-803.
- MOREAU DEFARGES P., « Les organisations internationales et la crise yougoslave », *Politique Etrangère*, 1992, vol. 57, pp. 359-368.
- NUTTAL S., *European Political Co-operation*, Oxford, Clarendon Press, 1992.
- OESTREICH G., *Menschenrechte als Elemente der dritten AKP-EWG-Konvention von Lomé. Sanktioninstrument oder Zielvorgabe einer Entwicklungszusammenarbeit im Dienste des Menschen ?*, Berlin, Duncker und Humboldt, 1990.
- PEREZ-PRAT DURBAN L., « Sanciones economicas comunitarias. Dos casos paradigmaticos : las crisis yugoslava y libia », *Gaceta Juridica de la CE*, 1992, n° 110, pp. 167-219.
- PERRAKIS S., « L'incidence de l'Acte unique européen sur la coopération des Douze en matière de politique étrangère », *A.F.D.I.*, 1988, pp. 807-822.
- PERRAKIS S., « Les relations extérieures de la Communauté européenne après l'Acte unique européen », *Revue du marché commun (R.M.C.)*, 1989, pp. 488-495.
- PERTEK J., « Les sanctions politiques à objet économique prises par la C.E.E. à l'encontre d'Etats tiers », *R.M.C.*, 1983, pp. 205-216.
- PETERSMAN U., « Internationale Wirtschaftssanktionen als Problem des Völkerrechts und des Europarechts », *ZvergRW*, 1981, pp. 1-28.
- PIJPERS A., REGELSBERGER E., WESSELS W. and EDWARDS G. (eds), *European Political Cooperation in the 1980's : a Common Foreign Policy for Western Europe ?*, Dordrecht, Nijhoff, 1988.
- PORTES R., « La crise polonaise et les relations économiques Est-Ouest », *Politique Etrangère*, 1982, pp. 75-88.
- RAUX J., « Les sanctions de la Communauté européenne et des Etats membres contre l'Afrique du Sud pour cause d'apartheid », *R.M.C.*, 1989, pp. 33-44.
- REGELSBERGER E., de SCHOUTHEETE P., NUTTAL S. and EDWARDS G., *The External Relations of European Political Cooperation and the Future of EPC*, Florence, IUE, Working Paper EPU, n° 172, 1985.
- REMACLE E., *La politique étrangère européenne : de Maastricht à la Yougoslavie*, Bruxelles, dossier du GRIP n° 167, 1992.
- REMACLE E., *Les négociations sur la politique étrangère et de sécurité commune de la Communauté européenne*, Bruxelles, dossier du GRIP n° 156, 1991.

- ROZEMOND S.(ed.), *Economische sancties*, Nederlands Instituut voor Internationale Betrekkingen « Clingendael », 's-Gravenhage, 1988.
- RUMMEL R.(ed), *Toward Political Union : Planning a Common Foreign and Security Policy in the European Community*, Baden-Baden, Nomos, 1992.
- RYBA B. C., « La politique étrangère et de sécurité commune (PESC). Mode d'emploi et bilan d'une année d'application (Fin 1993-1994) », *R.M.C.U.E.*, 1995, pp. 14-35.
- SALMON T., « Testing Times for European Political Cooperation : the Gulf and Yugoslavia, 1990-1992 », *International Affairs*, 1992, pp. 233-253.
- SCHRODER M., « Wirtschaftssanktionen der Europäischen Gemeinschaften gegenüber Drittstaaten, dargestellt am Beispiel des Iranembargos », *German Yearbook of International Law*, vol. 23, 1980, pp. 111-125.
- SIDJANSKI D., *Union ou désunion de l'Europe ? La Communauté européenne à l'épreuve de la crise yougoslave et des mutations en Europe de l'Est*, Dossiers de l'Institut universitaire d'études européennes, Genève, 1991.
- SIMIC P., « After the Cold War : Europe, the Balkans and Yugoslavia », *The International Spectator*, 1992, vol. XVII, n° 4, pp. 59-80.
- SMITH H., *European Union Foreign Policy and Central America*, Basingstoke, MacMillan, 1995.
- STEIN E., « European Political Cooperation (EPC) as a Component of the European Foreign Affairs System », *ZaöRV*, 1983, pp. 49-69.
- STURMA P., « La participation de la Communauté européenne à des 'sanctions' internationales », , *R.M.C.U.E.*, 1993, pp. 250-263.
- VAN BERGELIJK P.A.G.,, *Economic diplomacy, trade and commercial policy : positive and negative sanctions in a new world order*, Aldershot, Elgar, 1994.
- VAUCHER M., « L'évolution récente de la pratique des sanctions communautaires à l'encontre des Etats tiers », *Revue trimestrielle de droit européen.*, 1993, pp. 39-59.
- VERHOEVEN J., « Communautés européennes et sanctions internationales », *R.B.D.I.*, 1984-1985, pp. 79-95.
- VERHOEVEN J., « Sanctions internationales et Communautés européennes. A propos de l'affaire des îles Falkland (Malvinas) », *Cah. dr. eur.*, 1984, pp. 259-290.
- WALLACE W., « Political Cooperation : Integration through Intergovernmentalism », in WALLACE H., WALLACE W. and WEBB C. (eds), *Policy-Making in the European Community*, Chichester, John Wiley and sons, 2d edition, 1983, pp. 373-402.
- WEILER J., *The Evolutions of Mechanisms and Institutions for a European Foreign Policy : Reflections on the interaction of Law and Politics*, Florence, IUE, Working Paper EPU, n° 202, 1985.