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## **Defending the EU: Towards Europeanisation or Intergovernmentalism within the CFSP Framework?**

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### **Abstract**

Following the Russian full-scale invasion of Ukraine on the 24th of February, 2022, the workings and nature of the EU's Common Foreign and Security Policy (CFSP) has received increased attention, within and outside the union. While the security provided for EU member states through the CFSP framework is often considered as complementary, or inferior, in relation to the NATO-treaty, the ongoing war on Europe's eastern border seems to have made security cooperation within the EU an increasingly attractive option for its members. This essay takes a deeper look into the nature of the security and foreign policy integration within the EU, using the theoretical concepts of Europeanisation and intergovernmentalism, and focusing specifically on the CFSP domains of diplomacy, sanctions, and military cooperation, with an emphasis on the final domain. Drawing upon a constructivist analytical framework, the essay investigates the extent to which these three domains exhibit Europeanisation or remain predominantly intergovernmental. The analysis shows that in all domains instances of Europeanisation are present, particularly in the implementation of ideas of supranationality and institutionalization. Still, based on the analysis, I claim that the CFSP remains largely intergovernmental across the three domains, mainly because of the predominance of the national sovereignty norm in decision-making processes. In terms of its contribution to the discipline of international relations, this essay suggests that, by analyzing the CFSP of the EU from a constructivist perspective, we can gain a better understanding of the contemporary complexities of EU integration in the union's foreign and security policy areas.

## Introduction

The EU's Common Foreign and Security Policy (CFSP) is covered in article 21-46 in the Treaty on European Union.<sup>①</sup> It guides the EU's foreign policy and actions towards third states and actors outside the union and enables it to respond to security challenges and crises within, and outside, its borders. Two key institutions involved in the CFSP are the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP), which is appointed by the European Council to coordinate and implement the CFSP, and the European External Action Service (EEAS), which is the EU's diplomatic service and it is headed by the (HR/VP). Importantly, the Council of the European Union is a central part of the decision-making process for the CFSP.<sup>②</sup> The general guiding principles of the CFSP is clearly stated in the Treaty on European Union:

“The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.”<sup>③</sup>

The EEAS has several instruments at its disposal including sanctions, crisis management operations, and statements.<sup>④</sup> Nonetheless, the Treaty on European Union stipulates that implementation of the CFSP and the use of the instruments mentioned above, requires unanimity among member states.<sup>⑤</sup> The Common Security and Defence Policy (CSDP) is a significant part of the CSFP as it governs the common defence policy of the Union.

The question that I will attempt to answer in this essay is: which domains of the EU's Common Foreign and Security Policy (CFSP) can be considered more “Europeanized” and which ones are still run on an intergovernmental basis? Recent related research includes studies on Europeanisation, de-Europeanisation, and intergovernmentalism in EU foreign policy-making.<sup>⑥</sup> A few articles have also discussed the effects on the EU's foreign and security policy following the watershed moment of the Russian invasion of Ukraine on 24<sup>th</sup> February, 2022.<sup>⑦</sup>

My hypothesis is that the EU's Common Foreign and Security Policy remains largely intergovernmental across the domains of the CFSP. Using a constructivist analytical framework, I will attempt to identify elements of Europeanisation and/or intergovernmentalism in the central domains of the CFSP to prove or disprove my hypothesis. The paper will proceed as follows. I'm going to start by outlining my constructivist analytical framework and my methodology of descriptive typologies, which are informed by a constructivist perspective on European integration. Thereafter, I will apply my analytical tools to three central CFSP domains and argue whether the

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① EUR-Lex, “Treaty on European Union 2012”, p326

② Federal Foreign Office of Germany, “The Common Foreign and Security Policy (CFSP)”

③ EUR-Lex, “Treaty on European Union 2012”

④ Onestini, “A Hybrid Service: Organizing Efficient EU Foreign Policy”, p79

⑤ EUR-Lex, “Treaty on European Union 2012”

⑥ Müller, Pomorska, and Tonra, “The Domestic Challenge to EU Foreign Policy-Making”; Thomas, “The return of intergovernmentalism?”; Borsetti, “Quantifying Foreign Policy Europeanization: A Comprehensive Approach”

⑦ Costa, and Barbé, “A moving target. EU actorness and the Russian invasion of Ukraine”; Fiott, “In every crisis an opportunity?”; Bunde, “Lessons (to be) learned? Germany's Zeitenwende and European security after the Russian invasion of Ukraine”

domains are more or less intergovernmental or Europeanized. Finally, I'll present my conclusions, discuss the limitations of the scope of this paper, and suggest related topics for further research.

### Analytical framework

I decided that an approach based on constructivist theory was particularly suitable for the topic of this paper as the CFSP is legally connected to a number of values outlined in Article 21 of the Treaty on the European Union. These values consequently inform the foreign policy and external actions of the EU. They are “democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law”.<sup>①</sup>Wessel argues the values presented in the CFSP hold a particularly important position, as the EU’s foreign and security policy, as opposed to many other policy areas, is not regulated by the TFEU, which is considered to be the EU's operational treaty.<sup>②</sup> Consequently, these values have a functional role as guiding principles for the action of the EEAS and other institutions.<sup>③</sup> Importantly, while constructivist theory puts more emphasis on how ideas, values, norms and identities affect integration, it does not ignore the importance of material and organizational structures.<sup>④</sup>

Taking a constructivist approach to EU integration implies that my analysis will be heavily focused on ideas and identities. Ideas shape the integration preferences of individual member states, therefore ideas shared across multiple member states partly determine to what degree integration happens on an international level in the EU. When analyzing ideas in relation to integration it can be useful to distinguish between two different types of ideas. First, instrumental ideas are ideas regarding how a policy goal should be achieved. For the relevance of these could be ideas inspired by Europeanisation or intergovernmentalism. Secondly, principled ideas shape both the policy goals and the constitution of the EU. Such ideas are based on principles and values.<sup>⑤</sup>

In addition to the two types of ideas introduced in the section above, identities also matter when approaching EU integration from a constructivist standpoint. Constructivists see identities as relational, and, consequently, new identities can be formed by actors through a socialization process.<sup>⑥</sup>According to Leffen et al. there are two types of identities, ethnic and civic. While the ethnic conception of identity focuses on the construction of identity through imagined communities based on a perception of common culture and history, the civic identity conception is based on values and norms.<sup>⑦</sup> For the purposes of this paper, I will exclusively use the latter conception in my analysis, as I believe it has greater explanatory potential in relation to the topic.<sup>⑧</sup>

The theoretical background outlined above informs the analytical framework I have chosen for this paper, which relies heavily on the understanding of the two central concepts in relation to EU integration, namely Europeanisation and intergovernmentalism. According to intergovernmentalism the states are the central actors in European integration. Furthermore, it is through multilateral negotiations between states that the centralization and territoriality of the EU are created. Therefore, from an inter-governmentalist perspective, any demand for deeper

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<sup>①</sup> EUR-Lex, “Treaty on European Union 2012”

<sup>②</sup> Wessel, “Integration and constitutionalisation in EU foreign and security policy”

<sup>③</sup> Ibid

<sup>④</sup> Leuffen, Rittberger, and Schimmelfennig, “Integration and differentiation in the European Union”, p120

<sup>⑤</sup> Leuffen, Rittberger, and Schimmelfennig, “Integration and differentiation in the European Union”, p125-126

<sup>⑥</sup> Borsetti, “Quantifying Foreign Policy Europeanization: A Comprehensive Approach”, p78

<sup>⑦</sup> Leuffen, Rittberger and Schimmelfennig, “Integration and differentiation in the European Union”, p126

<sup>⑧</sup> Leuffen, Rittberger and Schimmelfennig, “Integration and differentiation in the European Union”, p125-126

integration within the EU is fundamentally driven by the patterns of interdependence between member states.<sup>①</sup> The second central concept, Europeanisation, is a somewhat contested concept that lacks an established definition. For the purposes of this paper, and in line with the constructivist theoretical framework, I have decided to adhere to the definition by Borsetti, who understands Europeanisation as “the process through which the policy outcomes, institutions, and norms at the European Union level impact the domestic policies, politics, and polities of (European) states”.<sup>②</sup> He understands Europeanization as a top-down process (downloading) in which the norms at the European level affect the member states on the domestic level.<sup>③</sup>

My analysis will be conducted using a method of explanatory typologies through which I operationalize the intergovernmentalism and Europeanisation concepts. Based on the constructivist approach to international integration I will extract constituent attributes from the two concepts.<sup>④</sup> Starting with Europeanisation, it will be understood as based on the principle idea of supranationality, the instrumental idea of institutionalization, and on the identity of a value-based community.<sup>⑤</sup> Intergovernmentalism will be understood as based on the principal ideas of state sovereignty and autonomy, the instrumental ideas of the prominence of national interests and interstate bargaining, and on the identity of the nation state.<sup>⑥</sup> With the help of these typologies and their attributes, I proceed to analyze different domains of the CFSP and suggest whether they are more Europeanized or more intergovernmental.

## Analysis

While the CFSP covers a multitude of policy areas, my analysis will be limited to three particular domains of the CFSP: Diplomatic, Sanctions and Military (CDSP). This delimitation is based on the perception that these domains could be considered particularly important to the EU in the context of the Russo-Ukrainian war that is currently taking place near its eastern borders. For the same reason the part of the analysis focusing on the military domain will be the most extensive of the three.

### *Diplomatic*

A core aspect of the CDSP is that it allows the EU to be an actor with diplomatic instruments and institutions.<sup>⑦</sup> The EEAS has a network of EU delegations around the world. These are divided into regional divisions covering Asia and Pacific, Africa, Europe and Central Asia, North Africa and Middle East, the Americas, and also a unit for Global and Multilateral issues.<sup>⑧</sup> Through these delegations the EU promotes central values of the CFSP such as democracy, rule of law, and human rights outside the union. Another concrete way EEAS projects these values is through conducting Electoral Observation Missions worldwide in order to support democratic development.<sup>⑨</sup> It is through the diplomatic work of the EEAS that EU values are institutionalized. Therefore, the value-driven diplomatic action conducted through the EEAS supports the idea of

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① Leuffen, Rittberger and Schimmelfennig, “Integration and differentiation in the European Union”, p75

② Borsetti, “Quantifying Foreign Policy Europeanization: A Comprehensive Approach”, p74

③ Borsetti, “Quantifying Foreign Policy Europeanization: A Comprehensive Approach”, p74-75

④ Elman, “Explanatory typologies in qualitative studies of international politics”, p296

⑤ Leuffen, Rittberger, and Schimmelfennig, “Integration and differentiation in the European Union”, p119-120

⑥ Ibid, p63-63 and p70-76

⑦ Spence and Bátorá, “Introduction: The EEAS as a Catalyst of Diplomatic Innovation”, p1

⑧ Tannous, “The EEAS, EU External Assistance and Development Aid”, p127

⑨ European Union External Action, “European External Action Service: Annual Report 2022”

an EU identity as a value-based community, where the member states trust the EU to represent them in the foreign policy realm.

### *Sanctions*

One of the foreign policy instruments available to the EU is autonomous sanctions, which can be used to influence or pressure third states. The EU historically promotes treaty-based values such as democracy and human rights using sanctions. Cardwell and Moret argue that “sanctions have become a hallmark of EU foreign policy” and point to the fact that they have tripled in the past 30 years.<sup>①</sup> While the EEAS and the HR/VP both participate in the sanction-related work, the power to impose sanctions still lies with the Council. This means that decisions are ultimately made on an intergovernmental basis. Nonetheless, the EU has a good track-record on reaching unanimous intergovernmental decisions on implementing sanctions. This could be seen as a sign of broad support for the legitimacy of the values promoted by the foreign policy of the EU, further suggesting a strong common identity shared by the member states. However, repeatedly reaching a consensus on sanctions does not serve as sufficient proof for a Europeanisation of the sanctions domain. Rather, the EU could be seen as a successful intergovernmental forum for coordination on sanctions that simply serves the national interests of all the member states.<sup>②</sup>

### *Military (CSDP)*

The Russian invasion of Ukraine led to new calls for deeper integration in the EU's military and defense domain, and two months after the invasion the EU Strategic Compass was launched.<sup>③</sup> As the document was largely completed before the invasion, some argued that it was already obsolete upon release,<sup>④</sup> while others claimed that the central themes maintained their relevance.<sup>⑤</sup> The Strategic Compass contains descriptions of common goals on partnerships, investments, and action and commits to the idea of ‘strategic autonomy’ for the EU.<sup>⑥</sup> Therefore, from a constructivist standpoint, the Strategic Compass can be understood as an attempt at Europeanisation through a shared strategic identity. Also, Russia and China are mentioned specifically as threats or rivals and therefore serve as contrasting out-groups that can be used as a contrast to strengthen the notion of a shared in-group identity for the EU member states.<sup>⑦</sup> The attempt at common identity construction in the military domain might suggest a deeper Europeanisation, but as the goals and suggestions outlined in the Strategic Compass are not binding for the EU member states there are no infringements on the principle of sovereignty.<sup>⑧</sup> Therefore, the interests of the nation-states will continue to trump the common goals of the Strategic Compass and, consequently, an intergovernmental approach prevails.

In contrast to the Strategic Compass, the Permanent Structured Cooperation (PESCO) is an instrument or a platform to deepen EU defense cooperation that actually allows for participating member states to undertake binding commitments. It also works as a platform for cooperating with third states as well as with NATO. PESCO could therefore be considered an attempt at voluntary

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<sup>①</sup>Cardwell and Moret, “The EU, sanctions and regional leadership”, p4-5

<sup>②</sup> Cardwell and Moret, “The EU, sanctions and regional leadership”, p1and p6

<sup>③</sup> Borsetti, “Quantifying Foreign Policy Europeanization: A Comprehensive Approach”, p73

<sup>④</sup> Costa and Barbe, “A moving target”, p431

<sup>⑤</sup> Fiott, “In every crisis an opportunity?”, p450

<sup>⑥</sup> Fiott, “In every crisis an opportunity?”, p450; Council of the EU, “*A Strategic Compass For Security And Defence March 2022*”, p23

<sup>⑦</sup> Leuffen, Rittberger, and Schimmelfennig, “Integration and differentiation in the European Union”, p119

<sup>⑧</sup> Fiott, “In every crisis an opportunity?”, p450

Europeanisation in the military domain of the CSFP through a limited supranational institutionalization of defense cooperation.<sup>①</sup>

NATO works closely with the EU and is very much considered an essential partner on defense and security.<sup>②</sup> Nonetheless, the continuous intergovernmental attitude to the military domain of the CFSP by EU member states can be partly explained by the superior transatlantic alternative that NATO provides. When states join NATO they give up some degree of sovereignty in terms of national defense and security policy to gain the security guarantees of Article 5 in the NATO treaty. The vaguely formulated mutual defense clause in article 42.7 in the Treaty on European Union leaves a lot of room for interpretation and cannot compete with what NATO offers in terms of security guarantees through Article 5.<sup>③</sup> Therefore, there is less incentive for the EU member states to pool their sovereignty into EU's CDSP and move from an intergovernmental approach to the military domain of the CFSP to a more Europeanized supranational approach.

A direct response to the Russian invasion of Ukraine within the military domain was the EU's decision to send military equipment to Ukraine through the European Peace Facility (EPF). Notably, the financing of the EPF is not taken from the EU budget. Instead, it is provided by the EU member states directly, which suggests that the EPF is an intergovernmental tool where the national interests among EU member states in supporting Ukraine converge. The original expectation was actually that EPF resources would be directed towards missions in Africa rather than towards the Eastern Partnership, but the purposeful recalibration of the orientation of the EPF into providing military support for Ukraine signals a geopolitical commitment by the EU to protect democratic values through military means. Therefore, a value-oriented action such as this also hints at deeper Europeanisation.<sup>④</sup>

Finally, the decision to establish the European Defence Fund (EDF) in 2021 can be considered another rare step towards supranationality and Europeanisation in the military and defense domain. The initiative was launched by the Commission (a more Europeanized institution than for example the Council), which allowed for circumventing the legal requirement for unanimity in the CFSP and instead, it passed using qualified majority voting. While formally the EDF is an industrial policy, it is no doubt a collective step towards increased military capability for EU member states and a supranational initiative that suggests a Europeanisation in defense industrial cooperation.<sup>⑤</sup>

## Conclusion

In this paper I have attempted to answer the question of which domains of the EU's CFSP can be considered more Europeanized and which ones are still run on an intergovernmental basis? I choose three domains for my analysis: diplomacy, sanctions and military (CDSP), with an emphasis on the last domain. In my analysis of three of the domains of the CFSP I found a few common themes. Firstly, the national sovereignty norm was often safeguarded through unanimous decision-making in all of the domains. Secondly, all the domains showed instances of being Europeanized, but this was mostly visible in the latter stages of implementation, when the instruments, used by for example the EEAS, integrated values of the CFSP into the execution of the EU foreign policy. Thirdly, in the military domain the equipment sent to Ukraine through the

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<sup>①</sup> EEAS Press Team, "Permanent Structured Cooperation (PESCO) - factsheet, 2023"

<sup>②</sup> Council of the EU, "A Strategic Compass For Security And Defence March 2022"

<sup>③</sup> Clapp, "A comparative analysis of Article 5 Washington Treaty (NATO) and Article 42(7) TEU (EU)"

<sup>④</sup> Fiott, "In every crisis an opportunity?", p451

<sup>⑤</sup> Haroche, "EU defence policy is becoming increasingly supranational"

EPF and the establishment of the EDF followed the same pattern of circumventing the unanimity voting on CFSP-related policies to achieve deeper integration and Europeanisation of the military domain. Finally, in regard to the research question of this essay, I would argue that the CFSP remains largely intergovernmental across the three domains. The principle of national sovereignty is often safeguarded, but there are nonetheless instances of Europeanisation that can be seen in the implementation of ideas of supranationality and institutionalization of the different domains.

### **Scope and limitations**

With regards to the scope of the analysis, I concede that there were more domains I could have enquired about, such as humanitarian aid and development, civilian CDSP etc., but because of the lack of time and the word limit, I had to prioritize. Also, understanding Europeanisation simply as a top-down (downloading) process and ignoring the down-up (uploading) dimension was a decision made based on the complexity that such a definition of the concept, i.e. as a mutually constitutive process, would bring to the operationalization of the concept.<sup>①</sup> Finally, my decision to approach the question of integration from a constructivist perspective allowed me to see past the simple structures of decision-making on CFSP (unanimity) and identify elements of Europeanisation.

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<sup>①</sup> Borsetti, “Quantifying Foreign Policy Europeanization: A Comprehensive Approach”, p75

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