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Aiming at an audience of policy-makers, NGOs, and think tanks as well as academia, articles must be policy-oriented, combining theoretical frameworks and depth of analysis with innovative recommendations and thinking ‘out of the box’.

Articles must not exceed 8000 words, including explanatory and bibliographical footnotes.

Authors will receive 5 hard copies of the issue in which their article is published as well as an electronic version.

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PREFACE

Quite naturally, we devote a special issue to the 50th anniversary of the signing of the Treaty of Rome.

Among the great historic events that have marked the second part of the 20th century, the revolution which the move towards an institutionally unified Europe represents figures prominently.

The victory of 1945 marked the bloody end of Nazi dictatorship, but left Europe bloodless.

Thanks to the strategic vision of inspired statesmen, the Founding Fathers of Europe, and to the support of US President Harry S. Truman, seeking to achieve what Woodrow Wilson had not managed to see through after the end of the First World War, the States of Europe were able to break with their traditions.

A new model was invented and then implemented in the course of these last fifty years.

Guaranteeing peace between States in the habit of fighting each other for centuries, assuring economic development in solidarity to respond to citizens’ needs, building Europe while respecting the fundamental values of liberty, social justice and democracy — those were the challenges.

That aspiration might have seemed overly ambitious, but was indispensable for the creation of that new model.

During those first fifty years, Europe has overcome its fears and, through the creation of a new and innovative multilateral institution, has given birth to a new political, legal, economic, and social reality.

The responsibility to propose policy in the sole interest of the Union is entrusted to the Commission. The States that together make up the Council of Ministers are responsible for decision-making by majority voting — unanimity is the exception. The European Parliament elected through universal suffrage and sharing the legislative function with the Council can send home the Commission that is responsible before it.

In the course of time, the six States that had the audacity to be the founders saw themselves being joined by 21 other European States ready to take on the same commitments.
The path has thus been remarkable. Beyond the crises and deceptions, the overall balance incontestably remains positive.

Of course, public opinion in certain Member States has recently brought to the fore sincere reluctance. It is doubted whether the model invented in 1957 is the most appropriate to tackle the fears of the early 21st century.

But who could seriously believe that the challenges of globalisation, climate change, energy security, immigration, and solidarity could be better dealt with through a nationalist and therefore selfish approach?

Public opinion must be reassured, our leaders must stop blaming ‘Brussels’ for the shortcomings of their own policies. They must, on the contrary, prove that together we have the power and capacity to determine our future.

The Fathers of Europe rejected fatalism and were determined to forge our common destiny.

This anniversary must bring back to memory the basic principle of our common undertaking.

Viscount Étienne Davignon
President, Egmont
INTRODUCTION

GLOBAL EUROPE: A VISION — A POWER?

From its very inception, the process of European integration created a global player. By progressively integrating a number of the world’s strongest economies, the EEC soon even became an effective global economic power. After the ambition to create a European Defence Community was thwarted, it equally soon became clear however that Europe was not ready or willing to also be a military power. In fact, during the Cold War the idea of Europe as a power in the politico-military sphere was largely irrelevant. Not only did Europe not have the capacity to constitute an alternative centre of power, Europe simply did not have the ambition, as in view of the overarching Soviet threat it fundamentally subscribed to NATO strategy and US leadership. Nonetheless, this did not prevent a growing awareness of the fact that US and European views and interests did not always fully coincide. Gradually, alternative views of the concept of power emerged, based on values and principles and focussing on cooperation and partnership rather than confrontation. The idea of Europe as a ‘civilian power’ or ‘puissance tranquille’ started to make headway. Europe thus also became an increasingly attractive model in that third dimension of power, next to the politico-military and economic spheres, i.e. that of norms and values — Europe as a ‘normative power’.

This gradual evolution laid the foundation for a revolution that became possible after the fall of the Berlin wall unfroze the bipolar constellation: the emergence of the European Union as a strategic actor in its own right, in the three dimensions of power. The EU strengthened Europe’s capacity to act as a global power. The forging of a single market and the creation of the euro strengthened Europe’s position as an economic power even further. Reaching out towards the Central and Eastern European countries, leading to a new wave of enlargement, and building a Neighbourhood Policy greatly increased Europe’s attractiveness as a model to be emulated and widened the scope of its normative power. The creation of the Common Foreign and Security Policy, to which was added the European Security and Defence Policy as the EU’s own military arm, enabled Europe to play an autonomous diplomatic and military role.

Perhaps even more importantly, Europe also found the ambition to be a power. For a strategic actor is one that musters the political will to actively influence the world and steer the course of events in order to pursue the strategic objectives that
Introduction — Global Europe: A Vision — A Power?

It has set for itself. The Laeken Declaration adopted by the European Council at the end of the Belgian Presidency in December 2001 contained an unequivocal call for Europe to be a power:

[A] power resolutely doing battle against all violence, all terror and all fanaticism [...] a power wanting to change the course of world affairs in such a way as to benefit not just the rich countries but also the poorest. A power seeking to set globalisation within a moral framework, in other words to anchor it in solidarity and sustainable development.

It took the shock of the Iraq crisis however and the deep rift that it created, in transatlantic relations but more importantly within Europe, for the EU to act on that call and adopt the European Security Strategy (December 2003). For the first time ever, the EU now has a strategy covering all dimensions of foreign policy, across the pillars, outlining the overall long-term objectives to be achieved and the basic categories of instruments to be applied to that end, serving as a reference for day-to-day policy-making, and guiding the development of the means and capabilities. The Strategy unequivocally outlines the global vocation of the EU:

As a union of 27 states with over 450 million people producing a quarter of the world’s Gross National Product (GNP), and with a wide range of instruments at its disposal, the European Union is inevitably a global player.

Yet, the EU is evidently not evolving in a vacuum — the world is changing at the same time. In an increasingly complex, interdependent and rapidly evolving international context, living up to the ambitions of the Security Strategy represents a continuous challenge. In the European Security Strategy, the EU has adopted a very positive foreign policy concept. The emphasis on partnership and prevention, through working jointly for enhanced access to the core ‘global public goods’ to which every individual is entitled — physical security, economic prosperity, human rights and democracy, and social wellbeing — offers an alternative ‘European way’, in contrast to other, more unilateralist and military approaches. The Strategy thus offers both a sound concept and an ambitious agenda. But the EU must become more active in fully and sincerely implementing it. This requires both more political courage and more, as well as better capabilities. Above all, the European Security Strategy can only move from a concept to consistent and resolute action if the EU acts as one. As long as the EU remains divided between ‘Atlanticists’ and ‘Europeanists’, neither the EU nor NATO can be effective actors. Only a united EU has the weight to deal with the challenges of the globalized world and become a consistent and decisive actor, in an equal partnership with the United States. Yet, all too often the Member States are divided and thus incapacitate themselves. The
EU thus continues to swing back and forth between moments of high ambitions and leadership and laps of division and paralysis.

The challenge of forging a truly ‘global Europe’ is the topic of this special issue of Studia Diplomatica — The Brussels Journal of International Relations, published on the occasion of the 50th anniversary of the Treaty of Rome and the 60th anniversary of Egmont — The Royal Institute for International Relations.

A first part deals with the security policies of the EU. Two articles focus on the broad region of the Middle East, a region which undoubtedly is of prime strategic interest to the EU, yet does not always see a very active Union. If the deployment of nearly 8,000 European blue helmets to Lebanon and the leading role in the negotiations with Iran are positive examples of European leadership, at the same time these actions have yet to produce the desired durable results. Costanza Musu assesses EU policy on the Israeli-Palestinian conflict since 9/11, while Ana Echagüe and Richard Youngs analyse the attempts to forge a partnership with the Gulf countries. The latter issue raises the question whether the EU can also act as a normative power beyond its immediate neighbourhood and towards countries to which it has limited economic incentives to offer. Hans Hoebeké addresses the growing EU security presence in Central Africa, which is complementing the long-standing European presence as a development actor. Richard Gowan draws on the experience of recent military operations in Africa to discuss the emergence of what could be described as a ‘European way of war’. Magnus Ekengren links external security to the increasingly important issue of internal security and draws conclusions about the need for an integrated approach.

The second part of the special issue brings in the Community dimension of external action. The EU’s strength, i.e. its possession of a wide range of instruments, across the three dimensions of power, which can be mutually reinforcing, is often also its weakness, for if coordination is lacking EU policy in one field can undercut that in another. Jan Orbie deals with the nexus between trade and development, while Pierre Defraigne assesses the EU’s performance in the WTO negotiations.

An essential element of the EU Strategy is multilateralism: working with partners, relations with a number of which are the subject of the third part. An important development is indeed that simultaneously with the increase in EU ‘actorness’, other, ‘new’ powers are on the rise, the active cooperation of whom is more and more needed in order to effectively address global challenges. Gustaaf Geernaerts and Jonathan Holslag look at the strategic partnership with China, which although very fashionable in academic as well as policy circles, seems to be lacking in substance. Laetitia Spetschinsky addresses relations with Russia, a neighbour which is often
proving to be a difficult partner. Hugo Paemen provides an overview of relations with the closest ally, the US — a closeness which does not always guarantee cordial relations. Thierry Tardy brings in the partnership with another organization, the United Nations, which in the EU view is at the core of the multilateral system.

The final part is more inward-looking and assesses some of the concepts, institutions and capabilities on which the implementation of the EU Strategy is built. John Kotsopoulos analyzes the concept of human security and its potential for the effectiveness of EU policies. Philippe de Schoutbeete and Sami Andoura cover the legal personality of the EU and its impact on policy. To conclude, Nicolas Beger and Philippe Bartholmé assess the EU’s capacity for civilian crisis management and peacebuilding, while the editor writes about the military side of the capabilities issue.

True to the spirit of Studia Diplomatica and Egmont, all of the contributions to this special issue are not just looking back at fifty years of European history. First and foremost, they are looking forward, in a policy-oriented manner, to recommend options for the EU to continue and improve its foreign policy and become a truly global Europe. On behalf of Egmont, I want to express my sincere gratitude to all contributors for their incisive articles, including Viscount Davignon, the institute’s president, for his thought-provoking preface.

Finally, the last words of the introduction to this double anniversary issue cannot be but Happy Birthday!

Sven Biscop,
Editor-in-Chief
SECURITY
2:2007
L'espace, un nouveau champ stratégique
Mémoires et réconciliations
Un dialogue transatlantique sur les élargissements

La Russie et le processus de Bologne
THE EU AND THE MIDDLE EAST PEACE PROCESS: A BALANCE

Costanza Musu*

In the year of the 50th Anniversary of the Treaty of Rome which established the European Economic Community (EEC) it is indeed worth analyzing and evaluating the long history of Europe’s involvement with the Middle East Peace Process (MEPP). The Arab-Israeli conflict, and the subsequent peace process, have in fact been among the most strongly debated issues by Member States, not only since the creation of the Common Foreign and Security Policy (CFSP) in 1991, but since the establishment of European Political Cooperation (EPC) in 1970. The peace process has been the subject of innumerable joint declarations and joint actions on the part of the EC/EU, and has always remained a high priority issue on the European foreign policy agenda. Furthermore, it must be noted that the Middle East has often represented a problematic issue in EU-US relations, given on the one hand Europe’s double dependence on the US as a security guarantor and on Middle East oil, and on the other the strategic American interests in the region and the United States’ desire to maintain control over the development of the peace process, which has frequently clashed with Europe’s attempts to cut a role for itself in the negotiations.

The events of the last year and a half (e.g. the election of Hamas in the Palestinian parliamentary elections in January 2006, the Hezbollah-Israel war of summer 2006, the protracted tensions with Iran further complicated by President Ahmadinejad’s aggressive declarations against Israel) have once again underlined the importance of the issue for the European Union, while highlighting all the difficulties that the Member States face when attempting to elaborate a coherent — and effective — policy towards the peace process.

1. BACKGROUND

Despite attempts such as the Fouchet plan (and before that the ill-fated European Defence Community), in the first years of its life the EEC made fairly small progress in the field of political integration. By 1967 economic integration was proceeding

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steadily, while a European common foreign policy remained little more than a project.

In late May 1967, in the midst of an international crisis on the eve of the Six-Day War, an EEC Summit of the Six Heads of State or Government took place in Rome, primarily to discuss the prospect of the UK’s accession to the Community.

The international situation called for a common Community declaration on the Middle East crisis, but positions were so irreconcilable that the Six went nowhere near such an achievement: ‘I felt ashamed at the Rome summit. Just as the war was on the point of breaking out, we could not even agree to talk about it’, were German Chancellor Kiesinger’s words following the summit.[1]

But this failure to reach a common position was only a prelude to what would happen a few days later, when the war broke out. Indeed, the Six achieved the remarkable result of expressing each a different position, following their traditional national policy and privileging what was perceived to be the national interest: attitudes ranged from France’s strong condemnation of Israel and support for the Arabs, to Germany’s support of Israel, disguised behind a formal neutrality.

The Member States’ different traditions and interests in the Middle East, the differing intensity of their ties with Israel and with the Arab world, and the inability to agree on a political role for Western Europe alongside the United States, all contributed to the failure to reach an agreement on that occasion.

The two following years saw hardly any attempt to harmonise the Member States’ policies towards the Middle East conflict; however the inability of the EC to respond adequately and, if not unanimously, at least in harmonious coordination to major world crises, was becoming increasingly evident and was a striking contrast to the increasing economic weight of the Community — especially in view of the likely imminent enlargement of the Community to include the United Kingdom, Denmark and Ireland.

The Six increasingly felt the urgency to promote an enhanced political role for Europe in the world. Arguably their failure to adequately face the Middle East crisis in 1967 was one of the main triggers of the new developments that were to take place shortly thereafter in the process of European integration.

In December 1969, with a few lines unobtrusively located at the end of the official communiqué of the Conference of the Heads of Government held at The Hague — known as The Hague Summit Declaration — the Ministers of Foreign Affairs of the European Community Member States were instructed to “study the best way of achieving progress in the matter of political unification, within the context of enlargement”.\[1\] In turn, the six Foreign Ministers instructed the Belgian Political Director, Vicomte Davignon, to prepare a report which would serve as the basis for the future European Foreign Policy. The report, known as the Davignon or Luxembourg Report, was finally presented and approved at the Luxembourg Conference of Foreign Ministers on 27 October 1970.

The Hague Summit Declaration and the Davignon Report sanctioned the official birth of European Political Cooperation — the nucleus of what more than twenty years later would become the Common Foreign and Security Policy — and defined its initial structure. The rationale behind the creation of EPC was, to use the Luxembourg Report’s words, “to pave the way for a united Europe capable of assuming its responsibilities in the world of tomorrow and of making a contribution commensurate with its traditions and its mission”.\[2\]

The activities of EPC were kept as separate as possible from those of the Commission and of the Parliament. This model of political cooperation basically “relied on the principle of official collegiality to build up the consensus in preparation for Foreign Ministers’ intergovernmental decisions”.\[3\]

The Member States, in other words, were torn between two different aspirations: on the one hand that of responding to international crisis more adequately, trying to project in the international arena the combined political weight of all the Community members through foreign policy coordination; on the other hand, that of retaining national control over crucial foreign policy decisions that were perceived to be of a State’s exclusive competence. After The Hague Summit Communiqué, EPC progressively developed and new instruments of political cooperation were slowly added, mainly in an informal and incremental fashion. In this framework the Middle East was very often used by the Member States as a testing ground for these instruments.


\[3\] See Hill, C. and Smith, K. E., European Foreign Policy: Key Documents (London, Routledge, 2000) p. 75.
The first EPC ministerial meeting took place in Munich in November 1970, and the Middle East conflict and the necessity to harmonise the Six’s policy towards it was one of the topics chosen to be discussed. At the time of the meeting, though, the Member States’ positions were still too divergent and distant from each other for an agreement over a common public document to be reached.

What is of interest here, however, is the fact that since that first meeting in Munich, the Middle East conflict has been an almost permanent feature of EPC discussions, regardless of the very limited success obtained by the EC in dealing with the matter. It can be said that certain principles of today’s European Union Middle East policy took shape as far back as in the years of EPC, and particularly between 1970 and 1980.

Since the Venice Declaration of 1980 in fact, the guidelines of Europe’s policy have been constant: the centrality of the Palestinian question, the need to achieve a two-state solution, the importance attached to UN resolutions and to the principles of international law and the insistence on the need for all the relevant issues to be taken on simultaneously through the convening of an international peace conference where regional actors could meet in a multilateral framework.

These principles (particularly the centrality of the Palestinian question and the goal of achieving a two-state solution of the Israeli-Palestinian dispute) were embraced only years later by Israel and the United States, and it was only in 1991 that the first international conference on the Middle East peace process was convened in Madrid.

What became clear early on, however, were also the limits of European policy coherence, the contradictions of different Member States’ positions and the serious tensions that the development of a European autonomous stance in the Middle East created between Europe and the United States.

2. THE LIMITS TO COHERENCE

European countries are directly implicated in the Arab-Israeli conflict because of their geographic proximity, their dependence on oil and security needs, as well as the historical role played by several of them in the region. Harmonising the EU Member States’ viewpoints on the Arab-Israeli conflict, however, is a task which has always proved difficult.

As a brief overview of some Member States’ approach to the Middle East peace process demonstrates, the specific individual interests of the Member States are
some considerable way apart despite the common interest and common efforts in finding a just and lasting solution to the conflict. It can be argued that very often policy coordination has been obtained not on the basis of policy convergence but rather on the basis of congruence, i.e. of a sufficient compatibility of Member State preferences allowing the elaboration of a common policy.

French policy in the Middle East has privileged France’s relations with the Arab world, even if it has tried at the same time to maintain good relations with Israel. Paris has often promoted an independent French policy in the area, and this independence has mainly implied conducting a policy that is independent from that of the United States. At times, such a policy has gone so far as to cause tensions with other EU Member States, with autonomous French initiatives in the Middle East seemingly taken without any prior consultations with its European allies.[1]

For some European countries, such as Germany and the Netherlands, the sensitivities of relations with Israel are such that their governments have hesitated to criticise Israeli policy. For these countries the possibility of shifting national positions under the guise of a search for a common European position has proven attractive: it has allowed them to initiate a rapprochement to the Arab world while claiming this to be an “unavoidable price” in striving for the superior objective of reaching a unified European position, and at the same time avoiding to upset their own internal public opinions.

Great Britain has tended to go along the lines of American Middle East policy: on the British foreign policy agenda, transatlantic relations are a much higher priority than Middle East policy, in spite of the long historical involvement of the United Kingdom in the area. London has been inclined to favour a policy that secures American approval and avoids direct confrontation with US policy in the name of Europe taking on an independent role in the peace process.

Italy’s policy, on the one hand, has supported a European involvement in the peace process in the framework of a broader “Mediterranean policy” which has to be, from the Italian point of view, one of the top European priorities and must not be neglected in favour of a policy more concentrated on enlargement problems and on the “northern dimension”; on the other hand, Italy’s internal political divisions tended to make its Middle East policy unsteady and unclear.

[1] See for example Mr. Chirac’s 1996 trip to the Occupied Territories.
To summarize, it is fair to say that all EU Member States continue to have their own foreign policy agendas and to set their own priorities within these agendas with regard to their Middle East policy.

3. TRANSATLANTIC RELATIONS

In analysing EU policy towards the Arab-Israeli peace process, one cannot avoid the crucial problem: is EU Middle East policy separable at all from transatlantic relations?

The Middle East has indeed always been a highly controversial issue in transatlantic relations, sparking off some of the harshest instances of confrontation between the United States and Europe. This was the case in 1973 during the oil crisis, when Europe’s Arab policy in response to the oil boycott outraged the American administration, which considered it interference in both its small-steps strategy towards the Arab-Israeli dispute and in its construction of an “oil consumers front” by means of a new International Energy Agency. Contrasts arose again less than ten years later, in 1980, when the EC’s Venice Declaration on the Arab-Israeli conflict caused discontent — to say the least — in Washington, where Europe’s emphasis on the centrality of the Palestinian question and on the legitimacy of the PLO were seen as extremely untimely and potentially damaging to the peace process that had started in Camp David.

It may be argued that some of the patterns of US-European interaction in the Middle East began taking shape already at the time of the events mentioned above, with the United States progressively deepening their engagement in the region and becoming the main mediator in the Arab-Israeli conflict, and the EC confined to a subordinated role, constrained and conditioned in its action by internal divisions, institutional inadequacies and a heavy dependence on Middle Eastern oil, but also by American reluctance to share the “driving seat” in the peace process and by the rigid dynamics of the Cold War — of which the Middle East was hostage — which allowed Europe very little leeway, caught as it was in the middle of a confrontation between superpowers.
The end of the Cold War changed the world’s balance of power and security order: the United States emerged as the only surviving superpower, and the new Russia failed to fill the gap left by the Soviet Union.\[1\]

The Middle East was no longer viewed in a Cold War perspective. Global intervention in the Middle East no longer projected bipolar superpower rivalry in the region, and the Gulf War transformed the dynamics of inter-regional relations, creating a window of opportunity for a resolution of the Arab-Israeli dispute and strengthening the role of the US as the only accepted mediator. Post-Cold War global intervention took on a unipolar form, with a dominant US using its influence in the region to protect its interests, which include:

- ensuring the free flow of oil at reasonable prices;
- regional stability and prosperity, which would help protect oil supplies, create a market for American products and reduce the demand for US military involvement in the area;
- the security of the State of Israel;
- the consolidation of the Arab-Israeli peace process, that could guarantee Israel’s security and at the same time contribute to the stability of the entire region.

The end of the Cold War also led to a redefinition of EU interests and foreign policy priorities: the fall of the Berlin Wall marked the dissolution of the political cement of the communist threat, and, following the reunification of Germany, integration became an even more important issue for European stability. With the Maastricht Treaty and the creation of CFSP, the European Union aimed to achieve a common foreign policy able to project onto the international arena the combined power of its Member States, whose weight and influence in international affairs was hoped to be stronger than that exercised by each state individually. The creation of the CFSP marked an acceleration in the process of European political integration and in the transformation of the EU into a global actor, increasing its aspirations — and also its chances — of playing a more relevant role in the Middle East.

In the Middle East, the EU shares many interests with the US: the promotion of the region’s stability and prosperity, as well as the protection of the flow of oil supplies on which it depends heavily. Due to its geographical proximity and strong economic ties with the region, the EU risks being seriously affected by problems

arising in the Middle East, such as an instability spill-over, uncontrolled migration flows, proliferation of weapons of mass destruction, and the spread of terrorism.

The consolidation of the Arab-Israeli peace process is a crucial EU interest, as it aids stability and enhances the chances of resources and efforts being directed to the economic and political development of the region. On the other hand, Europe must balance its support for the search of a just and lasting solution to the conflict between the Arabs and Israel with its interests in the Arab world.

The end of the Cold War and the subsequent collapse of the Soviet Union created a political vacuum in the Middle East that could have represented a political opening for the EU. Theoretically, there was the opportunity to redefine EU-US interaction and the dynamics of burden-sharing in the region, and Europe could potentially increase its role and influence in the Middle East peace process. This opportunity came about over the 1991-1993 period, following the end of the Cold War and the redefinition of the balance of power in the Middle East, the start of the peace process with the Madrid Peace Conference and the redefinition of Europe itself and of its role in the international arena at the Maastricht conference, with the call for a Common Foreign and Security Policy.

The start of the peace process, however, saw the United States as the only accredited mediator (considering the inexorable decline of the Soviet Union) accepted by both the Arabs and the Israelis and able to exert a definite political influence, and Europe as a guest, invited as a normal participant to the Peace Conference and whose potential role as additional mediator was refused by the main actors involved in the process.

Although initially cut out from the core negotiations and diplomatic efforts of the peace process initiated at Madrid, the European Union nevertheless gradually expanded its role at least in its area of comparative advantage, i.e. the economic area. Over the 1990s, the EU’s economic role in the peace process increased progressively, to the point that the EU became the major single aid donor to the Palestinians. The logic of the peace process — in the EU’s view — was that trade and cooperation were to underpin peace, Palestinian economic development being Israel’s best long-term guarantee of security. This assumption was the justification behind the European Union’s massive financial assistance to the consolidation of

[1] While excluded from the bilateral negotiations which were based on direct talks between the parties, the EU played a more relevant role in the multilateral negotiations, as gavel holder of the Regional Economic Development Working Group (REDWG).
the peace process, the underlying logic being that this was a necessary precondition for keeping the peace process on track.\[1\]

Together with direct aid to the Palestinians, the EU also promoted regional dialogue and cooperation through the so-called Barcelona Process — from which the United States were excluded — which saw the EU engaged in a political and economic relationship with 12 Mediterranean states (including Israel) in a context that, at least in the European intentions, was parallel and separated from the peace process itself.

On the other hand Europe’s enhanced economic role in the peace process for many years has not been matched by a similar increase of its political influence: the United States remained the only mediator between the parties and the EU played a diplomatically and politically complementary role to that of the US. In a way, it provided the basic economic foundation of the peace process, but for most of the 1990s it lacked the military instruments and security institutions to make a contribution on the front of security — which remained the domain of the United States — and also lacked that unitary dimension of action that in such negotiations necessarily qualifies an effective mediator.

The American position was ambivalent: on the one hand the US wanted to keep its primary role in the peace process, so as to protect its interests however it saw fit; on the other hand it was happy to delegate a relevant part of the financial assistance to the Palestinians to the EU, as it was not willing to accept a free-riding European Union that exploits the security coverage offered by the US without offering at least the limited assistance it is able to provide (limited diplomatically speaking, but substantial in economic terms). The US was as well aware of the fact that an economic growth of the Palestinian Authority (PA) was a necessary precondition for the consolidation of the peace process, and was willing to recognise a prominent role of the EU in this field, as long as it remained politically in line with US plans.

At a collective level, all EU Member States benefited from the US presence in the region and the security guarantees that stemmed from that presence. The US keeps the Sixth Fleet stationed in the Mediterranean, has substantial military assets in the region and provides enormous military assistance to friendly countries of the region (like Egypt and Israel); all this, while protecting US security interests, guaranteed a security coverage to Europe as well, and at the same time contributed to deferring the problem of a European defence capacity. Member states had come

to realise, especially following the experience of the Gulf War, that the EU was not yet able to guarantee the security either of the region, or of its own territory from the dangers deriving from instability. Under the US security umbrella the EU was able to postpone tackling the potentially highly divisive issue of how Europe should protect itself from dangers deriving from an insecurity spill-over from the Middle East.

Some Member States, like Britain, Germany, the Netherlands and Italy, remained highly aware of the risk that an EU move from a declaratory policy towards active diplomacy would risk a crisis in transatlantic relations. These countries were inclined to favour a low-profile EU policy, complementary to that of the United States and limited mainly to providing economic aid to the region, and particularly to the Palestinian Authority; a contribution that the US itself welcomes for its stabilising effects. Some countries however, in particular France, were not satisfied with a US-dominated peace process and continued to push for a more active EU policy.

4. FROM CAMP DAVID TO THE CREATION OF THE QUARTET: THE MIDDLE EAST IN FLUX

In July 2000 a summit took place in Camp David, involving Arafat, Barak and US President Clinton. During the talks a number of crucial questions were discussed, including highly controversial issues such as the status of Jerusalem and the right of return of Palestinian refugees, but none of them were resolved.

The breaking down of the peace process also influenced the Barcelona Process negatively: Lebanon and Syria refused to attend the fourth Euro-Mediterranean conference of Foreign Ministers in Marseilles in September 2000, and the EU had to drop any attempt to sign a Charter of Peace and Stability for the Mediterranean as the Arab participants were not prepared to discuss the issue and no agreement was possible. Ultimately, economic cooperation could not prove conducive to a political settlement.

After the failure of the Camp David summit the situation between Israel and the Palestinians deteriorated rapidly. In September the Second Intifada — also called Al-Aqsa Intifada — started, and a vicious cycle of Palestinian violence and Israeli retaliation began. In October 2000, in a last attempt to bring peace to the


[2] Author’s interview with Sir Malcolm Rifkind, former British Minister of Defence and Secretary of State for Foreign and Commonwealth Affairs.
region before the end of his mandate, President Clinton convened a peace summit in Sharm-el-Sheikh, where he met with representatives of Israel, the Palestinian National Authority, Egypt, Jordan, the UN and the EU. At the summit the decision was taken to appoint a Fact Finding Commission with the task of proposing recommendations to end the violence, rebuild confidence and resume the negotiations. The Commission was to be chaired by former US Senator George Mitchell and included CFSP High Representative Javier Solana.

The Sharm-el-Sheikh (or Mitchell) Committee presented its report in April 2001 to the new President of the United States, George W. Bush, but the new administration (at least until September 11) was showing relatively little interest in the Middle East and was deliberately disengaging from the previous administration’s detailed involvement as main mediator between Arab states and Israel.

The Bush Administration felt particularly strongly about differentiation on the Middle East, where — from their perspective — Clinton’s overactive diplomacy had demeaned the Presidency without achieving a settlement. They were committed to a much more “selective engagement” in global diplomacy, or what Richard Haass, the new head of policy planning in the State Department, called in July 2001 “à la carte multilateralism.”

In June 2001, after having vetoed a UN Security Council resolution to establish a UN observer mission, Bush dispatched CIA Director George Tenet to the Occupied Territories to negotiate a cease fire plan. Hamas and the Islamic Jihad, however, rejected the plan, arguing that it failed to address the roots of violence.

The terrorist attacks of 11 September 2001 forced a change in American policy. In order to secure the “coalition against terrorism” the US had once again to concentrate on the Arab-Israeli peace process. Bush declared his support for a Palestinian State, and in November 2001 retired Marine Corps General Anthony Zinni was appointed as senior adviser to work towards a cease-fire and to implement the Tenet plan and the Mitchell Committee Report. His mission, however, failed like the previous ones, as violence continued to escalate.

The State Department decided to pursue a multilateral approach to the peace process, with cooperation with European governments as a key factor. On 10 April 2002, Colin Powell announced the formation of a Madrid “Quartet”, reviving the agenda of the 1991 Madrid conference with the UN Secretary-General, Javier Solana, and the Russian Foreign Minister. The cumbersome structures of EU diplomacy however also squeezed the Commissioner for External Relations and the Foreign Minister of the Member State holding the Council Presidency into the “single”
The EU seat. The focus of this approach was on pursuing a two-state solution to the Israeli-Palestinian conflict, with the active engagement of outside actors.\[1\]

In a Communiqué issued in New York in September 2002, the Quartet announced that it was working with the parties and consulting key regional actors on a three-phase implementation “roadmap” that could achieve a final settlement within three years.\[2\]

In 2001 tensions had arisen between the EU and Israel as the Israeli army, in retaliation for Palestinian terrorist attacks, proceeded to systematic destruction of Palestinian infrastructures, most of which had been paid for by the EU, and due to the fact that Israel continued to export to the EU goods manufactured in the Palestinian Territories (the so-called problem of the “rules of origin”). When Israel halted the payments of tax revenues to the Palestinian Authority, the EU approved a series of replacement loans and, in response to the “rules of origin” problem, it threatened to withdraw the preferential tariffs that Israel enjoys. The threat, however, remained such,\[3\] and in general the EU’s action did not show great incisiveness.

Arguably, the collapse of the peace process left the EU unable to react in a co-ordinated and effective fashion: notwithstanding High Representative Solana’s participation in the October 2000 Sharm-el-Sheikh Peace Summit and in the Mitchell Committee, and the uninterrupted behind-the-scenes diplomatic activity of both the High Representative and his Special Envoy, Moratinos, the EU’s contribution to ending the violence in the area was not particularly effective. In 2002, after a number of clashes among Member States, who were unable to agree on a common strategy for the peace process, and after a failed diplomatic mission during which the CFSP High Representative and the Spanish Presidency were not allowed by Israel to meet Arafat in Ramallah, the EU finally decided to renounce launching an independent peace plan and to back the US peace initiative that led to the creation of the Madrid Quartet. The EU hoped that participation in the

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\[3\] The official Commission Website offers an explanation of EU policy in this respect. In the section “The EU & the Middle East: Position & Background” it states that: “The EU’s policy is based on partnership and cooperation, and not exclusion. It is the EU’s view that maintaining relations with Israel is an important contribution to the Middle East peace process and that suspending the Association Agreement, which is the basis for EU-Israeli trade relations but also the basis for the EU-Israel political dialogue, would not make the Israeli authorities more responsive to EU concerns at this time. It is also a well-known fact that economic sanctions achieve rather little in this respect. Keeping the lines of communication open and trying to convince our interlocutors is hopefully the better way forward.”
Madrid Quartet would gain the EU more visibility and influence in the peace process, and would provide Europe with a tool for influencing American policies as they were formulated.

The Quartet has been praised for its “multilateral” nature that officially brings other actors — but particularly the European Union — into the peace process in addition to the “old” ones, i.e. the Israeli, the Palestinians, and the US as mediator, but it has also been despised for its inability to bring about a breakthrough in the negotiations. Surely the EU had played an increasingly important role in the peace process since the Madrid Conference, but participation in the Quartet arguably gave the European role a higher political relevance and resonance. The EU’s presence was particularly welcomed by the Palestinians, who saw it as a potential counterbalance to an American position which they perceive as permanently biased in favour of Israel. Conversely, the creation of the Quartet met with a less enthusiastic reception in Israel, where multilateralism is seen as a means to impose unwelcome decisions, and the EU is perceived as a less than friendly actor.

In parallel with this multilateral approach the US Administration elaborated new policy guidelines that favoured unilateralism in dealing with perceived threats from the region and from rogues states in light of the 9/11 attacks.

The American approach to the region was set out by President Bush in his “Axis of Evil” speech in January 2002, which linked the efforts of Iraq and Iran (and North Korea) to acquire weapons of mass destruction to their sponsorship of terrorism. Though there was no evidence linking any of these states directly to al-Qaeda, this conceptual framework transmuted the war on terrorism into the pre-existing framework of rogue states and WMD, and thus into a potential war on Iraq. Iranian and Iraqi support for terrorist groups attacking Israel was an important part of their inclusion in this category, indicating how closely the Arab-Israeli conflict and the war on terrorism were linked in American minds. The priority for Western Middle East policy, in this formulation, was regime change in Iraq, combined with continued containment of Iran. The removal of a regime that encouraged Palestinian intransigence would in itself ease the Arab-Israeli conflict. The European allies would be invited to play supporting roles in the “coalition of the willing” assembled to enforce disarmament — and/or regime change — on Iraq, and to pay for subsequent social and economic reconstruction.

European governments, on their part, sympathised with the suffering and felt the outrage that the 9/11 attacks had generated in America. But they placed this new scale of trans-national terrorism within the context of the lower level of trans-national terrorism their countries had suffered in the past. As observers, too, of
American strategy towards the region over previous years, largely without influence over that strategy and often critical of its sweep, there was an unavoidable undercurrent of differentiation: a feeling that the United States and the Muslim world were locked into a confrontation that both jeopardised European security and ignored European views.

In Europe’s eyes, what was needed after 9/11 was a broad diplomatic approach to the region, including an active and concerted attempt to bring the Israel-Palestine conflict back to the negotiating table and a dialogue with “friendly” Arab authoritarian regimes. In terms of power projection and political influence, however, European governments were acutely conscious of their limited capabilities in the face of American regional hegemony.

5. 2002-2007: CRISIS AND OPPORTUNITIES

In 2002 the clash between the European approach to the Middle East, which traditionally favours multilateralism and negotiation, and the increasingly unilateral American approach, became more and more evident, bringing about a deterioration of transatlantic relations and generating mutual distrust.

The following passages, taken respectively from the US National Security Strategy, adopted in September 2002, and from President Bush’s “Axis of Evil” speech of January 2002, while providing American political justification for the adoption of a pre-emptive approach to the war on terror, offer a measure of the United States’ determination in pursuing their chosen strategy regardless of possible disagreements with their allies:

“For centuries, international law recognized that nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack. […] We must adapt the concept of imminent threat to the capabilities and objectives of today’s adversaries. Rogue states and terrorists do not seek to attack us using conventional means. […] The United States has long maintained the option of pre-emptive actions to counter a sufficient threat to our national security.”

[1] See for example Bill Clinton’s 1999 National Security Strategy, pp. iv and 1: “America must be willing to act alone when our interests demand it.” “We will do what we must to defend these interests, including when necessary and appropriate, using our military might unilaterally and decisively.” Available at http://www.dtic.mil/doctrine/jel/other_pubs/nss99.pdf (official website of the Defense Technical Information Center, the central facility for the collection and dissemination of scientific and technical information for the US Department of Defense).
such hostile acts by our adversaries, the United States will, if necessary, act pre-emptively."

“My hope is that all nations will heed our call, and eliminate the terrorist parasites who threaten their countries, and our own. Many nations are acting forcefully […] but some governments will be timid in the face of terror. And make no mistake: If they do not act, America will.”

These words give indeed a measure of the extent to which the United States had moved toward unilateralism, and seem to confirm the view that Europe and America, while sharing the same value systems (i.e. humanitarian, liberal, capitalist systems), are different political cultures, and their preferences render it difficult for them to work together as they once did when it comes to instrumentalizing those values.\(^1\) America’s decision to launch an attack against Iraq in 2003 (and the preceding diplomatic struggles at the UN) highlighted the rift between the transatlantic allies, while at the same time making painfully obvious Europe’s own internal division and the persistence of national agendas that make the elaboration of a common foreign policy strenuous and at times impossible.

With the creation of the Quartet, the EU and US approaches had formally converged, at least on the aspects of Middle East policy related to the peace process. It remained, however, unclear whether the US Administration beyond the State Department was seriously committed to this exercise, or whether national governments within the EU were fully behind their collective representatives.

Since its creation the Quartet has intermittently been seen as a protagonist of the peace process, mainly with the elaboration of the ”Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict”, and given for dead, especially when the bilateral track of negotiations between Israel and the Palestinians — with the US as sole mediator or at least facilitator — seemed to be the only active track, or even more so in the numerous occasions in which violence escalated and the international community seemed unable, or unwilling, to play a constructive role in helping the parties to reach a settlement.\(^2\)

In November 2005 the Quartet has been instrumental in the conclusion of an “Agreement on Movement and Access” between Israel and the Palestinian Author-

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ity, which included agreed principles for the Rafah crossing between Gaza and Egypt. On 21 November 2005, the Council of the EU welcomed the Agreement and agreed that the EU should undertake the Third Party role proposed in the Agreement. It therefore decided to launch the EU Border Assistance Mission at Rafah (EU BAM Rafah), to monitor the operations of this border crossing point. The operational phase of the Mission began on 30 November 2005 and was meant to have a duration of 12 months. On 13 November 2006, the mission’s mandate was extended for 6 months.

This limited initiative, the final success of which is still uncertain, has been unprecedented in nature: for the first time EU military personnel, under the command of an Italian general, supervised an area of security concern for Israel. Only a few months before such a proposal would have been unthinkable: the EU has long voiced its wish to be involved more directly in the security dimension of the peace process but, as already underlined, both Israeli and American opposition had rendered this by and large unfeasible. In the particular circumstances created by Israel’s withdrawal from Gaza however, the EU was better suited to carry out the task of supervising the Rafah crossing, and American assurances contributed to convince Israel to accept the EU’s offer. Arguably, such a development was partly made possible by the EU’s membership of the Quartet, which creates a formal framework for the EU’s role tying it to the US one, thus easing Israel’s deep-seated reservations with regards to the EU’s involvement. It was also rendered possible by the significant changes that have taken place within the EU itself, with the creation of security and military institutions that contribute to reinforce Europe’s credibility as a global actor. Both the EU’s and the member states’ willingness to take part in military operations have undergone a notable transformation in the past few years, rendering the description of Europe as a solely “civilian power” quite obsolete. As Sven Biscop argues in his contribution to this volume: “The military arm of the EU has progressed enormously, certainly when compared with the preceding 50 years. A whole new politico-military dimension has been added to the EU”.

If the creation of EUBAM can be seen as a — albeit limited — success in promoting the EU’s role in the security dimension of the peace process, the difficulties that the EU faces remain enormous. The peace process and the Middle East as a whole pose challenges that the cumbersome structure of the EU27 foreign policy making has great difficulties in facing. Prove of this, arguably, is the tendency developed in the last few years by Member States of attempting to use a variable geometry of “directoires” to address the problems arising from the region.
The EU3 for example, composed by the UK, France and Germany, has been at the forefront of the diplomatic negotiations with Iran over its nuclear programme (a window of opportunity opened partly by the absence of US-Iran diplomatic relations).

In the summer of 2006, on the other hand, while the war between Israel and Hezbollah was raging in Lebanon, France and Italy took a leading role in attempting to resolve the crisis.

In August, Israel accepted (and encouraged) the deployment of a large interposition force to reinforce the existing UN mission to Lebanon (UNIFIL) as a condition for a ceasefire. On 25 August 2006, EU Foreign Ministers met for a so-called troop-generating conference and agreed to deploy a total of almost 7,000 troops to Lebanon as a peace-keeping force. The mission was to continue to be run under the aegis of the UN, but the most significant military presence was going to be European.

France had a central role in helping to negotiate the text of the UN Security Council resolution aimed at ending the conflict. Having initially committed to send up to 5,000 troops to Lebanon as a contribution to UNIFIL, France became however very hesitant when the moment came to put "boots on the ground". Wariness of the unclear rules of engagement resulted in France changing its offer to only 200 troops. Only after several days, and lengthy diplomatic discussions with Italy, did France announce that it would send up to 3,000 troops.

Italy also committed a large number of troops — between 2000 and 3000 — and offered to take over from France the command of the operation in early 2007. This initiative was clearly in line with Italy’s ambition to play an important role in the region, and its efforts to ensure that the Mediterranean remains a high priority on the agenda of the EU’s policy-making.\[1\]

Yet another example of the attempted use of alternative structures to formal EU foreign policy mechanisms was the announcement by France, Italy and Spain, in November 2006, of a new Middle East peace plan. The proposal came after a major Israeli ground offensive in the Gaza Strip which was aimed at ending militant rocket fire into Israel. In the words of Italy’s President Prodi: “Italy, France and Spain — taking their presence in Lebanon as a starting point — intend to develop the operational and concrete aspects of a wider initiative in the Middle

\[1\] At the time of writing France has 2,000 troops ground troops including 13 Leclerc tanks. In addition, French Navy ships with 1,700 men are deployed off Lebanon in Opération Baliste, and assisting in UNIFIL operations. Italy has 2,500 ground troops, and has assumed charge of UNIFIL ground forces in February 2007.
The EU and the Middle East Peace Process: A Balance

East in order to give a real contribution to the pacification of the whole area”. [1] The initiative — which did not have the formal support of the Council — was short-lived and underlined once again the limits of EU coordination.

In the fifty years since the signing of the Treaties of Rome, European foreign policy coordination and presence has gradually, if often unspectacularly, augmented in most areas of the world. Many observers would insist that the North African and Middle Eastern states included within the Euro-Mediterranean Partnership (EMP) could be defined as one area that has witnessed to such positive trends — that despite the manifest shortcomings of the EMP this initiative has slowly facilitated a more coordinated and embedded European strategy towards the southern Mediterranean. However, in the countries of the Gulf Cooperation Council (Saudi Arabia, Kuwait, Bahrain, Qatar, Oman and the United Arab Emirates) the trend over the last half century has been in the opposite direction. The Arabian Peninsula concentrates several pivotal issues of international concern, including energy security, counter-terrorism, Middle Eastern regional security, and debates over Arab democratic reform. But overall European weight in this region has incrementally diminished, and the EU as a collective entity has palpably failed to establish an influential purchase over this crucial part of the Middle East. This failing is explained by two European judgments: first, that the Gulf does not present the kind of acute geopolitical urgency that would merit paying the costs associated with a greater engagement in the region; second, that the EU has negligible capacity to affect social, economic or political change in the Gulf and that its interests are thus best served by stability-oriented caution. Such judgments might contain a healthy dose of realism; but the EU has also paid a price for its passivity in the Gulf.

1. STRATEGIC MISMATCH

European foreign policy towards the countries of the Gulf Cooperation Council (GCC) has been tentative and lacking in the deployment of the kind of comprehensive range of policy instruments seen under the EMP or indeed outside the Middle East. This is true both at the European Union (EU) and member state level, where only the UK and France have maintained any significant geopolitical engagement in the region. Relations between the EU and the states of the GCC remain well below what the latter’s strategic importance would merit, as both internal consensus and
political will have been lacking. Critics charge the EU with having been driven by short-term reactions to external events relating initially to oil shocks (1973, the 1979-80 shocks brought about by the Iranian revolution, oil price fluctuations and the Iran-Iraq war; the 1990-91 Kuwait crisis) through to the security issues that have arisen after 9/11. Even now, no more than a half-hearted attempt has been made at integrating the region within a broader Middle East strategy.

The Arab Gulf states were part of the Euro-Arab Dialogue, launched in 1974, but this initiative folded in 1989 with few achievements to its name. The Gulf states were an important focus of the dialogue given their role in the oil embargo that triggered the creation of the initiative. However, it was only later that a specifically GCC-oriented approach would emerge, in response to gaps in the broader European policies towards the Mediterranean and the Middle East — but even then the GCC was seen as no more than a secondary sub-category of the broader Middle East rather than a region meriting its own distinct approach and set of priorities.

In 1989 the EC and the GCC signed a Cooperation Agreement under which they committed to enter into negotiations on a Free Trade Agreement (FTA) and for the EU and GCC Foreign ministers to meet once a year at a Joint Council/Ministerial Meeting. The Gulf States were interested in access to Europe’s markets, especially for petrochemicals. Europe was interested in regional stability and the creation of a framework for ensuring energy imports from the Gulf. The agreement was not ambitious in scope and from the beginning was not pursued with urgency. Of determinant importance was the EU’s decision to pursue the relationship on an inter-regional basis, which to this day has held back the depth of partnership.

Although the agreement provides for cooperation in fields such as energy, economy and education, all sides agree that the signing of the FTA is a prerequisite for a broader strategic partnership. Negotiations for the FTA remain unresolved after seventeen years. They remain unresolved despite a new impetus in recent years, following the GCC becoming a customs union. Only in 2002 did the EU announce its intention to open a first Commission delegation to the region, in Riyadh. This office opened only in 2004, and until very recently operated as a one-man show.

[3] Ibid.
[4] Ibid.
In the aftermath of the terrorist attacks of 11 September 2001, commitments have been made to inject greater momentum into EU relations with the states of the Arabian Peninsula. At the 2004 EU-GCC Joint Council it was agreed that both parties would “refocus their activities on a limited number of areas” in order to address difficulties encountered in the implementation of the cooperation agreement. Priority areas of cooperation in this supposedly reinforced effort would include business and energy cooperation, while human rights and migration clauses were also later added to the on-going FTA negotiations.

In December 2003, the Commission and the High Representative for the CFSP issued a policy document that stressed the need to broaden and deepen the EU-GCC dialogue, and link the EU-GCC and EU-Mediterranean frameworks, while also tying in Yemen. That same month, the new European Security Strategy made reference to the need for a broader engagement with the Arab world. This was followed in June 2004 by the adoption of the Strategic Partnership with the Mediterranean and the Middle East. This strategy incorporated the Gulf region into an overall Mediterranean and Middle Eastern framework and committed the EU to advance a partnership with the countries of the Arabian Peninsula. It noted how EU relations with countries ‘east of Jordan’ were less developed and how the economic and social characteristics of these countries called for instruments different to those of the Barcelona Process. It also promised that the EU would consider ‘bilateral political engagement’ with individual Gulf states wishing to cooperate on reform issues — a potential shift of emphasis from the regional foundations upon which EU efforts had long been predicated. In this new document the EU also committed itself to investing more resources to support economic and political reform efforts in the Gulf. This was presented as a strategic framework, circumventing what was judged by some governments to have been the ineffectual and overly low-profile, technical approach led by the Commission.

This new strategy was based on an initial Franco-German proposal, forwarded as a response to the initial US proposal for a Greater Middle East Initiative. However, there was no consensus within the EU over what the Strategic Partnership should seek to deliver in practice. Sceptical states were reluctant to adopt any strategy that...


could be identified with the US vision of a regional security framework. Others were eager to protect the supremacy of the Mediterranean within the EU’s ranking of priorities and to avoid burdening the EMP with the complexities inherent to the Gulf as, they claimed, attempts were made to bring Iraq, Yemen and the GCC into the Barcelona Process through the back door. And indeed, reflecting most states’ lack of enthusiasm the Strategic Partnership has achieved little in practice, remaining in the words of one diplomat an essentially ‘hollow framework’. In familiar fashion, the EU has attempted to walk a fine line between assenting to a semblance of transatlantic cooperation, on the one hand, and (what it judges to be) a differentiated approach emphasising participation, cooperation and consultation with the governments involved. It also, unlike the US, has frequently made the point of recognising the importance of addressing the Arab-Israeli conflict as an inseparable part of the overall framework of relations with the region. [1]

Part of the difficulty in strengthening relations on this regional basis stems from the fact that EU member states have historically pursued relations along bilateral lines. GCC countries complain that it is difficult for them to move away from this pattern to a framework of dealing with the EU as a whole. GCC states still insist they are more comfortable dealing with states on an individual basis for specific issues, especially since several member states have better diplomatic representation across the region than the Commission. Matters are further complicated by the lack of a true understanding on the part of the GCC of the nature of the EU and how it functions, particularly given the dual nature of its external relations — it is evident that Gulf states have not been ‘socialised’ into a familiarity with the EU as such in the same way as Arab states within the EMP. GCC states often say they are puzzled at the idea of having technical negotiations on the FTA led by the Commission while the Council and presidency lead on political aspects (such as non-proliferation and human rights clauses). Diplomacy in Gulf countries, where political positions of power are held by the same individual for extended periods of time, is developed on the basis of regularity and personal relationships, a model hindered by the dual structure of relations with the EU and the rotation of EU officials.

The structure of the GCC as a regional inter-governmental organisation lacking supranational institutions is also an obstacle, given the fact that the GCC secretariat has no independent supranational negotiating competence comparable with the Commission’s power to negotiate the EU’s external trade agreements. [2] The GCC


secretariat lacks the mandate to negotiate beyond a small set of economic issues and its president does not have the power to speak on behalf of all members, more so given deep seated differences and mistrust existent among its members. This has led to frustration on both sides and has favoured the continuation of political negotiations along a bilateral track with member states, often through local ambassadors. Arguably, despite all its rhetoric of being more sensitive than other actors to the need not to impose models, the EU has been guilty of trying prematurely to shoehorn the Gulf into a mirror image of its own regional integration.

Despite the calls for a more Europeanised policy, in the Gulf a heavy dose of bilateralism persists. Some member states allude to their lack of a historical presence in the region as reason for not wishing the EU to adopt too high a profile. The member states that do have a historical legacy, principally the UK and France, want greater support from EU cooperation but without relinquishing their bilateral, national room for manoeuvre. Where states (the UK, France and Germany) have developed commercial links they tend to favour the status quo, not wanting relations to be disrupted by the pursuit of broader collective relations. Other countries with fewer links, such as Italy, are not willing to upgrade relations until there is a more transparent and open investment climate. Some member states are even suspicious of the Commission, accusing it of wanting to extend its power beyond its technical and financial remit. They would like the Council to foster political relations independently of the FTA. However, at present political issues are only discussed at the yearly Joint Council Ministerial Meetings, the yearly Regional directors meetings and the troika meeting at the margins of the UN Assembly and these forums are not conducive to the negotiation of sensitive political matters — participants admit that dialogue ends up being formalistic and lacking in substance. Some member states proposed the creation of smaller forums for discussions with the GCC but other member states (despite, or perhaps because of, their own reluctance to prioritise the Gulf) were suspicious of fora in which all members were not present.

Within the Council, officials suggest that the Gulf has not generated any really high profile or dramatic policy challenges, sufficient to move EU policy into a higher gear. At the Commission officials refer to EU preoccupations with more pressing issues such as enlargement in explaining a disregard for the region. In short, a lack of political will, differing interests and structural difficulties have all militated against a deeper European involvement in the Gulf. In the last two years policy-makers have frequently suggested that the time is right to attach greater priority to the region. Saudi Arabia’s increasingly assertive role in relation to the Arab-Israeli

conflict (witness the January 2007 Mecca agreement that under Saudi mediation paved the way for a Palestinian national unity government) and other regional issues (Lebanon, Iran, Iraq) has increased the premium on a more structured and strategic European engagement with the kingdom. But for many senior officials and ministers the Gulf still fails to register as a priority. One political activist from the Gulf complained that for Javier Solana, for instance, the region continued to be ‘a black hole’.

In terms of security issues, Europe cannot and would not provide security guarantees along the lines of the US. At best, the EU could do more in the field of confidence building (especially with regards to Iran) and the facilitation of dialogue frameworks. Given the history of antagonistic regional relationships and the existing mutual mistrust among the Gulf countries concerning their security priorities, there is a role to play here. The EU can provide “soft power” and the credibility that the US lacks. The European Security Strategy and other initiatives such as NATO’s Istanbul Cooperation Initiative from 2004 seemed to signal the beginning of a European attempt to define a security role in the Gulf region. Bilaterally, France and the UK have defence agreements in place with several GCC countries. Germany conducts training for Iraqi security personnel with the support and cooperation of the United Arab Emirates. France and Qatar recently signed an accord to cooperate in the areas of judicial cooperation, crisis management, drug smuggling, money laundering and terrorism and have regularly engaged in large-scale military exercises. Some EU member states are also major defence equipment exporters to the region.\[1\] However, against this background, the EU has failed to move beyond the ad hoc bilateral activities of its member states and map out any coherent strategic plan commensurate with the Gulf’s geopolitical importance. One Brussels diplomat acknowledged that despite the post-9/11 efforts, there was ‘still no EU policy’ in the Gulf.

One area where the EU has been particularly circumspect is in its support for political reform and human rights issues in the Gulf. In all states in the region debate over democratic reform has surfaced, and most regimes have allowed at least modest liberalisation measures. The EU and national European governments offer rhetorical support for such reform and a modest collection of governance, women’s rights, media and parliamentary training programs have been supported by the UK, the Netherlands and Germany in Kuwait, Oman and Bahrain. But in private they still fret about the possible consequences of carefully controlled processes of political opening leading to a genuine democratisation that would allow Islamists to assume

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power. GCC states have blocked the creation of a formal human rights dialogue with the European Union; EU civil society initiatives have been discontinued; governance projects have been rejected. Gulf states have resisted offering an opening for the EU to cooperate on and prompt political reform; the EU has by its own admission struggled to find access points to support low key civic projects in the same way as in other regions. There has been little European criticism of reversals to tentative processes of reform. In practice, the promised move away from the regional approach as a means of ‘rewarding’ more reformist states has not materialised. As one diplomat explained, for the EU the unity and stability of the GCC was seen as more important in security terms than the prospect of increasing leverage over reforms in individual states. EU officials are still minded to argue (whether correctly or not) that the US is pushing coercively for regime change in the Gulf, but the EU will at most provide ‘advice’ at the request of incumbent regimes (rather than democratic reformers, apparently), while asserting that economic development will eventually lead to political reform.

2. ECONOMIC HURDLES

Due to all these difficulties, and despite a clear rationale for strengthened relations, any advance for the present remains hamstrung by the FTA negotiations. The GCC sees the signing of the FTA as a basic test of the EU’s willingness to commit to the region. Of course, the oil-rich states of the Gulf do not receive the large amounts of development assistance that help accord the EU some leverage in other parts of the world (although the GCC will benefit from a very small new Commission budget line that will support cooperation in energy, education, science and technology, environment and outreach on EU awareness in industrialised and other high-income countries and territories to the tune of €2 million per year until 2010). This lack of mainstream development aid makes progress on trade more important as a basis for political engagement. Those member states — the UK, Denmark, the Netherlands — pushing for intensified relations express frustration at the Commission’s inability to conclude the agreement. A number of other member states have sought to argue that free trade is not important as a foundation for a deeper geopolitical presence and that a more political engagement should be pursued more directly through the Council; but the GCC states themselves reject what they see as an effort further to postpone the FTA.

In the seventeen years since the EC-GCC Co-operation Agreement came into force, trade between the two blocs has steadily grown, and the EU currently maintains a significant trade surplus with the GCC. Negotiations for the FTA were re-launched in 2002 after the GCC announced its intention to form a Customs Union and the Council issued its new negotiation directives for what was now to be a comprehensive FTA, including issues such as services, investment and public procurement, rather than simply a goods only agreement. The comprehensive nature of the agreement has lengthened the negotiation process. Many of these issues are beyond the kind of liberalisation measures the GCC has dealt with, especially since when negotiations started with the European Union some GCC states were not WTO members. They consequently have found it hard to reach common positions and the GCC secretariat lacks the power to negotiate on behalf of all such new trade questions. EU negotiators complain that agreement can be reached on a certain issue at the political level, but then fails to be implemented from within inchoate Gulf bureaucracies.

Conversely, a common complaint heard from the GCC side is that the EU keeps adding new items to the negotiations. There was tension in 2005 when the requirement was added to sign human rights and migration clauses. Gulf states perceived the EU’s insistence on raising governance and human rights issues as a distraction, despite the issues being part of all the EU’s agreements with third parties. They saw these issues as irrelevant to economic negotiations, especially when one of the first political clauses proposed by the EU was related to illegal labour migration, an aspect not likely to be relevant to the Gulf States.

The more specific stumbling blocks towards the conclusion of the FTA have persisted for many years. The EU has pressed on Gulf States’ differential pricing of gas exports; for European companies’ access to the GCC services sector; the lack of transparency in GCC government procurement regulations; and rules of origin provisions for goods coming through the Gulf region. The GCC accused the EU of protectionism in the petrochemicals sector (which European petrochemical companies in turn argue is warranted to offset GCC ‘subsidisation’ of their domestic industries). Some issues have been resolved, assisted by Saudi Arabia’s December 2005 WTO accession. But obstacles remain on investment, procurement and services. Several moments of optimism have come and gone in recent years, when the FTA’s conclusion was said to be imminent only for agreement to once more prove elusive. As many of its predecessors, the German presidency has set a conclusion of the EU-GCC FTA as one of its foreign policy aims.

While the EU requires the GCC to comply with its governance regulations on transparency and openness, these are delicate issues for the GCC countries to the extent that they touch on the core structure of their political systems and societies. In the GCC state allocations are not usually arrived at through open tenders, but rather result from a consensual, informal process integrally related to the distribution of resources among princes and tribes in a way that seeks to maintain a certain balance of power and stability. In this sense, GCC regimes’ caution on some specifics of the FTA talks is related to their strategies for holding at bay political reform dynamics within their own societies. Bilateral FTA’s signed by Bahrain and Oman with the US have also not helped negotiations, both because these agreements have undermined cooperation within the GCC itself and because the EU refuses to accept any conditions that do not match those offered to the US. Meanwhile, the GCC’s trade with China, India and other Asian states has increased exponentially, leaving the EU looking increasingly marginal. Most observers from the Gulf assert that the EU’s own inflexibility has opened the way for Asian states to increase their role in the region, and that few people today look to the EU as a primary economic partner for the future.

3. NEW CONCERNS OVER ENERGY, OR BUSINESS AS USUAL?

Of course, the policy area that would seem most firmly to place the Gulf on the EU’s geopolitical map is that of energy security. Increases in oil prices after 2003, combined with Russia’s growing assertiveness in the use of its energy-based power, have shot energy security to the top of the EU’s foreign policy agenda. The EU currently gets 22 percent of its oil imports from the Gulf; the latter’s oil has been directed to the East and the US more than have Russia’s energy exports. Oil reserves in the GCC are exploited less intensively than elsewhere so that their share of global production is less than half of their share of global reserves. Saudi Arabia will remain the only state in the world with sufficient surplus capacity to temper global price fluctuations. As oil production from the GCC increases in importance its potential as a source of energy for the EU will increase.[1] Predictions are that Europe’s dependence on Gulf oil is set to deepen during the next two decades. New gas supplies from the Gulf will be important in the objective of diversifying gas supplies away from Russia. Qatar has emerged as the world’s largest LNG exporter, attracting large investments from a number of European companies.

Europe and the Gulf: Strategic Neglect

Despite this changing context, it is not clear what impact the EU’s new concerns over energy security will have on its policies in the Gulf. The series of EU papers published on energy since late 2005 have focussed overwhelmingly on domestic energy policy (completion of the internal market in energy, the development of renewable energy sources etc.), or on external policy dimensions targeted primarily at the question of how to deal with Russia.[1] The external relations element of EU energy policy is not well defined and in the area of energy policy the EU does not enjoy strong competence over member states. After some internal debate, the EU decided not to reduce its free trade demands in order to progress on energy cooperation — a decision lamented by diplomats charged with an energy remit, who had insufficient locus to ensure priority be attached to a broader geostrategic focus on energy security.

Nevertheless, a nascent ‘energy dialogue’ between the EU and the GCC has gathered pace and small-scale cooperation projects have begun, including the Commission initiative for a technical energy centre in Saudi Arabia. A Memorandum of Understanding on energy was discussed at the 2006 EU-GCC joint council meeting — that should be similar to the bilateral MOUs that have been signed with Ukraine, Azerbaijan and Kazakhstan. These agreements refer to adoption of the EU acquis: transparency, reciprocity and instruments for cooperation — although these remain non-binding political commitments. A meeting of EU and GCC energy experts has been due for some time, but again the GCC has insisted that the FTA be concluded first. The EU’s incipient approach to energy security appears heavily based on incorporating regulatory cooperation within formal contractual agreements. Hence, the Commission has proposed that the EU work towards an ‘Energy Treaty’ between the EU and members of the European Neighbourhood Policy (ENP) that could subsequently be extended to the Gulf and Central Asia.

Some EU officials suggest that the Gulf region has not to date been a priority for energy policy mainly because the nature of that relationship has been unproblematic. The willingness of Gulf suppliers to support stable markets and prices and their eschewal of supply disruptions has — in many policy-makers’ judgement — rendered unnecessary any more formalised or geopolitical approach to energy cooperation with the GCC. Any deeper EU energy relations have been left to ad hoc bilateral or company-to-company arrangements. The Gulf is an important supplier to some member states, but less so to others; German officials, in particular, are keen to point out that their energy imports from the region are negligible. Furthermore, the GCC itself has limited competence on energy matters and exhibits

significant internal differences on this question between its member states. Broader multilateral forums such as the International Energy Forum are judged to provide the crucial and necessary interaction, with sceptical voices in Europe arguing that more targeted energy initiatives at the EU level would not be welcome.

GCC states complain that they are treated by the EU only as sources of energy, when the GCC seeks a broader strategic partnership to offset US power, especially in relation to the Arab-Israeli conflict.\(^1\) The Saudi government, in particular, has pushed for the EU to buy into its regional agenda, for example on Iran, as quid pro quo for deeper energy cooperation. Some European officials complain, conversely, that dialogue is already far too dominated by efforts to coordinate positions on Palestine and that this issue invariably displaces all debate and cooperation on energy. Senior officials admit that so far there has been no debate on how the EU’s new energy strategy would impact on such high political dimensions of European relations with the Gulf monarchies.

The energy imperative is invariably cited as the major factor militating against support for democratic reform. Some experts argue that even the very tentative political openings offered in the Gulf have already forced regimes to bend to popular sentiment to prioritise short term revenues and thus move away from low oil prices.\(^2\) One example often quoted is that of Islamists in Kuwait’s increasingly lively parliament blocking the ruling al Sabah family’s proposals to open the oil sector to foreign direct investment. It is also the case that in the last two years, the Saudi royal family has won external support for its pivotal role in dampening oil price fluctuations. The Saudi government promised to temper any upward pressure on oil prices that resulted from the 2003 Iraq invasion. It was seen by some as robustly defending the kingdom and its oil facilities from Islamist terrorists. The government has spent well over $1 billion to strengthen security at its production facilities after attacks on the latter in 2003. By 2005, Saudi Arabia had provided 30,000 troops to protect oil infrastructure. In some visions, the Saudis have skillfully deflated pressure for democratic reform, through minor tactical changes, preventing any prospect of the Shias dominant in the oil-rich Eastern Province gaining political leverage over supplies. Saudi Arabia helped reduce oil prices from their summer 2006 peak of around $75 a barrel down to around $50 a barrel by early 2007.

Some analysts, however, argue that the ‘oil versus democracy’ relationship is more complex than most commonly assumed, and that Gulf authoritarianism is less

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\(^1\) Gerd NONNEMANN, EU-GCC Relations: Dynamics, Patterns and Perspectives, GRC working paper, June 2006, p. 20.

boon than bane to European energy security. Questioning the standard line that the rentier states of the Gulf are robustly protected from democratic dynamics, it has been suggested that in fact the wealth brought by oil and gas has made the region’s population more confident in pushing for change and more frustrated by their governments’ failure to move beyond oil dependency.[1] The implication is that the stalling of reform, rather than reform itself, could be the most potent trigger of the kind of instability that would threaten European energy interests. Some experts detect this emerging danger especially in Saudi Arabia.[2] While gaining support as reliable energy suppliers, Gulf regimes have also shut out Western investors, in part to shore up their waning domestic support through populist measures. The Saudi regime, for example, reneged on a 2003 upstream gas investment deal with Shell and Total, fearing the political consequences of any significant market opening.[3] And yet, while foreign direct investment in the energy sector is largely blocked, national oil companies in the Gulf have not undertaken the massive investment needed to increase production capacity to meet growing international demand.

However, if such complexity requires careful and detailed deliberation on long-term approaches to energy security, there has been little such strategising guiding EU policy. One well placed senior official observes that only the UK and France are even interested in domestic political developments within the Gulf, other states being ‘happy to just keep buying the oil.’ And the UK’s decision not to investigate kickback allegations on the follow on to its al Yamama defence deal hardly augurs well for improvement of governance standards. Remarkably there has so far been no CFSP discussion on the foreign policy impact of energy challenges related to the Gulf. One critic argues that EU policy sees energy in too compartmentalized a way, separate from broader Gulf security issues; and separate from any effort to understand the way in which Gulf states and societies are changing.[4]

4. CONCLUSION

Half a century on from the Rome Treaty, and with British colonial rule in the region long gone, the Arabian Peninsula is one of the areas of the world where

European foreign policies remain the least Europeanized. Despite the GCC’s importance for energy security and its centrality to post-9/11 counter-terrorism, the EU has attached little priority to the region and has seen its influence gradually marginalised. For nearly two decades, narrow sectoral trade concerns have (on both sides) been allowed to prevent the signing of a free trade accord, which all states recognize would provide the essential first step and fillip to a more geopolitical partnership between the EU and the GCC. The nature of Gulf polities has allowed little scope for the kind of economic and social bottom-up engagement that is the EU’s signature trademark in international relations; and the EU has not known how to respond by successfully designing an alternative strategic approach. Despite a change in rhetoric and a handful of new reform projects, since 9/11 the EU has struggled to gain meaningful traction on economic and political change in the Gulf. Indeed, the Gulf has been the part of the Middle East where EU approaches have changed least from alliance-building with autocratic regimes seen as protection against radical Islam. In short, an analysis of European policy in the Gulf provides a useful, if sobering, antidote to those today celebrating how, fifty years on from Rome, the EU has apparently developed into an influential, normative, post-modern superpower.
THE EU AND “CONFLICT PEACEBUILDING” IN THE DRC

Hans HOEBEKE*

Six months after the installation of the newly elected President Kabila and the national assembly, the political and security situation in the DRC remains a serious cause for concern. Considerable progress has been made in establishing a legitimate political order but this has not resulted in a positive political dynamic. The newly established government, under the leadership of Prime Minister Antoine Gizenga, remains largely passive and inert.

The progress during the course of 2006 has been achieved by a huge financial and physical effort of the international community, in particular by the EU, which since 2002 has developed into the most important donor and has also launched 4 ESDP operations in the country. The UN, through MONUC maintains the biggest peacekeeping operation currently deployed, a mission which is proving ‘innovative’ in the robust use of force against spoilers of the political process. The DRC presents an extremely challenging environment to any form of peace building/peacekeeping exercise. Both the physical environment (the DRC has been described as Western Europe without roads) and pervasive regional instability contribute to this picture. Even though the last war officially ended with the start of the transition in June 2003, conflict has continued unabated in many parts of the country, mainly the Eastern provinces.

As the violence in Kinshasa during and after the elections has demonstrated, the situation in the other regions remains volatile and, more importantly, violence remains very much at the centre of politics in the DRC. The lack of real progress in the fields of DDR,[1] DDRRR[2] and SSR[3] are particularly disturbing. Recent UN and NGO reports[4] have highlighted the state security actors (army, police and intelligence services) as the main security threat to the civilian population. These

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issues, the fraud during the indirect elections\(^1\) and the continuing massive corruption in all sectors of the Congolese economy, in particular the mining industry, are clear indications of the return of a neo-patrimonial state in the DRC.

The elections have nevertheless changed at least part of the playing field. Both the President and the National Assembly have a clear popular legitimacy and can be held accountable by the population and the international community. During the transition period the combination of popular pressure (both towards the national authorities and the international community) and a hands-on position assumed by the international community, through CIAT,\(^2\) drove the Congolese political class towards the elections. For the first time since 1965, the new authorities have democratic legitimacy. The question nevertheless remains: will the concepts of “accountability” and “responsibility” have a real political meaning in the eyes of the newly elected authorities.

This article will, following a brief sketch of the recent evolution in the DRC, focus on the increased role of the EU, in particular in dealing with SSR.

1. THE DRC: A DECADE OF WAR

The history of the DRC, particularly in the last 15 years, has been defined by continuous political instability with two especially destructive wars: 1996-1997 and 1998-2003. Both wars reflected the fundamental political crisis in the DRC as well as the massive regional instability and political competition in the wider Great Lakes Region.\(^3\) They have developed into a complex mix of local, national and regional dynamics. The 1996-1997 war led to the removal of President Mobutu and brought Laurent-Désiré Kabila to power. The war that started in 1998 opposed Kabila to his former regional backers Rwanda and Uganda and quickly developed into what became known as the ‘First African War’.

In the wake of the signature of the Lusaka cease-fire agreement in 1999, the war evolved into a military and political stalemate in 2000. None of the coalitions had the necessary political or military capacity to force victory as the rebel front rapidly disintegrated. The assassination of Laurent Désiré Kabila in January 2001 was the fundamental turning point. From that moment on, following the take-over by his

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\(^1\) Senate and Provincial governors.

\(^2\) Comité International pour l’Appui à la Transition.

\(^3\) The Civil wars in Angola, Congo Brazzaville, the Central African Republic, Uganda, Burundi and the genocide in Rwanda.
son Joseph Kabila, the rebel movements and their external backers were on the
defensive. 2002 witnessed the signature of a number of decisive agreements at
the regional and national level. International efforts (including the EU) resulted
in the ‘Pretoria All Inclusive Political Agreement’ signed on 17 December 2002.
During the first months of 2003 further negotiations based on this agreement paved
the way for the Transition period, which officially started on 30 June 2003. The
Transition was supposed to last 2 years, with possibly two 6-month extensions. The
political framework, allowed for maximum inclusion of the political and military
actors, creating the ‘espace présidentiel’ composed of the President accompanied
by 4 vice-presidents (the so-called 1+4).

The relatively short DRC Transition process had to deal with a number of crucial
challenges including: unification of the national territory, the establishment of a
national army and basic security, and the preparation of national, democratic elec-
tions. The international community created CIAT to ‘accompany’ this process.
This organ managed to occupy a central political position — not always appreci-
ated by the transition government, increasingly sensitive on issues of national sove-
reignty. The international support to the transition also included a regional focus
with the International Conference on the Great Lakes Region and the revival of
the CEPGL.[2]

From the start, the Congolese peace process has known several near fatal crises,
mainly in the East (Ituri in 2003, Bukavu and Gatumba in 2004, Kanyabayonga,
etc.) but also two coup attempts in Kinshasa. During these crises the role of the
international community — the EU and some member states as well as South
Africa — has been of crucial importance to save the transition process and avoid
a return to open conflict.

During the Transition period, the presence of MONUC in the DRC was gradu-
ally augmented from about 5,000 troops in 2003 to the current number of 17,030
troops.[3] The majority of these forces have been deployed in the unstable Eastern
provinces, with the creation of an ‘Eastern Division’. The UN mandate has also
been strengthened through a robust interpretation of Chapter VII in order to
support the Transition authorities and contribute to the establishment of the

[1] Pretoria Agreement (Rwanda — DRC) and Luanda Agreement (Uganda — DRC) and the Inter-congolesa
Dialogue.
1756 (2007)] with an authorized strength of: 17,030 military personnel, 760 military observers, 391 police trainers and
750 personnel of formed police units.
necessary security conditions throughout the country. The Council’s authorization to use military force in order to “ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence”\(^{[1]}\) has been a key instrument. Since 2004, MONUC has somewhat developed into a testing ground for robust-peacekeeping, including active cordon and search operations involving the use of attack helicopters.\(^{[2]}\)

These crises reflected the lack of political will of the different Congolese factions in the transition to move the process forward. Despite the reinforced presence of MONUC and some progress in DDR and SSR, basic insecurity in the Eastern provinces, especially North and South Kivu and Ituri, has continued very much unabated. These areas continue to harbour a number of foreign and national armed groups. Worsening the situation, the Congolese security services, in particular the FARDC\(^{[3]}\) have developed into the main source of insecurity for the civilian population. The East is still very much in conflict. As such, the international activities undertaken thus far could very well be described as: ‘conflict peacebuilding’.

2. THE ELECTIONS

The first democratic elections in the DRC since 1965 represented a fundamental challenge in different aspects, both practical and political. The registration of the electorate, during 2005, has been the first major challenge. Despite the size of the country, the lack of civilian administration and the almost complete non-existence of infrastructure, this challenge has been met successfully, with almost 25 million registered voters. The Constitutional referendum in December 2005 was the first real test for the electoral machinery and proved largely satisfactory.

The population participated massively in the 2 rounds of elections (30 June and 29 October 2006). As was generally expected Joseph Kabila was victorious in the second round, where he was opposed by MLC leader and former Vice President Jean-Pierre Bemba. In the national assembly, the AMP\(^{[4]}\) (the political platform created around the presidential party PPRD\(^{[5]}\)) gained a clear majority. Bemba’s

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\(^{[2]}\) For an analysis of MONUC and the use of force: ZEEBROEK, X., Protection des populations et operations robustes en République Démocratique du Congo: Mais que fait la MONUC ?, Note d’Analyse, GRIP, 4 April 2007 (http://grip.org/bdg/g1076.html).

\(^{[3]}\) Forces Armées de la République Démocratique du Congo.

\(^{[4]}\) Alliance pour la Majorité Présidentielle.

\(^{[5]}\) Parti du Peuple pour la Reconstruction et le Développement.
UN[1] became the second political force. The elections went smoothly, tensions did rise when the results of both tours were to be announced. This resulted in violent confrontations in Kinshasa between troops loyal to Kabila and armed elements belonging to the Bemba camp. In both cases intervention of international forces — MONUC and the EU’s dissuasion force, EUFOR RDC — were necessary to prevent the confrontations from spiraling out of control.

For the second tour of the elections President Kabila assured the support of Antoine Gizenga, who obtained the third position in the first round. Gizenga was to be rewarded with the position of Prime Minister. The transitions officially ended when Kabila took the oath of office on 6 December 2006 and the DRC started the ‘third republic’. The unexpected election in May 2007 of former Prime Minister Kengo Wa Dondo as President of the Senate[2] and a number of actions by members of the parliament seem to indicate that the political groupings, created for electoral purposes lack internal coherence and may be falling apart.

3. THE EU AND THE DRC

The EU has been heavily involved in the DRC since the resumption of its aid relationship in 2002. Along with a number of EU member countries (Belgium, France, the UK and the Netherlands), the EU has become much more than the main donor to the country. As Marta Martinelli stated in her recent study on EUPOL,[3] the variety of instruments available to the Union allows it to play a significant role throughout the life cycle of a crisis: before the crisis, with conflict-prevention; during a crisis, through its crisis-management tools, such as military deployments, diplomatic pressure and humanitarian intervention; and after the crisis with long-term development and peace-building policies.

The EU has played an increasingly political role, including innovative steps in the development of ESDP. Since 2003, the DRC has witnessed no less than 4 ESDP operations, 2 military (ARTEMIS in 2003 and EUFOR RD Congo in 2006) and 2 civilian missions (EUPOL and EUSEC). These last two missions are still operational and are destined to assume a fundamental role in the continued implementation of SSR in the DRC.

[1] Union pour la Nation.
[2] The opposing candidate, Léonard Shé Okitundu, the former director of the Cabinet of President Kabila, did not get the support of an adequate number of senators from the AMP, the political alliance built around the President, demonstrating increasing divergences within this alliance.
Direct EC cooperation with the DRC (then Zaïre) was suspended in 1992, as the consequence of the lack of progress in the democratization process and the high degree of corruption. Humanitarian and emergency aid delivered through ECHO has been continued and currently the DRC is the biggest recipient of humanitarian aid through the EU. Cooperation with the DRC government was restarted on 21 January 2002, when the National Indicative Program (EDF 8) was signed. This was continued on 2 September 2003 when a second National Indicative Program was signed. Since 2002, a total of about 800 million Euro has been allocated to programs in the DRC, making the EU, together with its member states, the biggest donor in the country.

The EU’s priorities have included: poverty reduction, institution building (including support to the democratization process) and macro-economic support. Following the signature of the Pretoria Agreement, support to the electoral process became the main priority of the EU involvement in the DRC as confirmed by a decision by the GAERC of January 2003. The EU directly spent a total of 165 million Euro in support of the elections. The member states together spent an additional 100 million Euro. During the elections the EU sent the biggest electoral observation mission so far deployed in Africa. A considerable amount of the support delivered through the Commission has been invested in SSR and DDR; through the training of the Unité de Police Intégrée (UPI) and the contribution to the MDRP[1] programme.

On the diplomatic front the EU has been highly involved in the peace process since the appointment in 1996 of an EUSR[2] for the African Great Lakes Region.

Both military ESDP operations in the DRC, Artemis and EUFOR RDC, although limited in scope, have been of crucial importance to keep the political process on track. Artemis has been especially important as it demonstrated the EU’s determination to invest considerably in supporting the start of the transition process by avoiding deterioration of the security situation in Ituri. It also saved the UN’s credibility in the peace process by allowing MONUC some breathing space to reinforce its presence on the ground. EUFOR RDC has been more controversial since it did not respond to an urgent crisis. Nevertheless EUFOR can be considered a ‘tactical success’ since the operation achieved its operational goals and, in spite of initial negative attitudes by the population in Kinshasa, it considerably improved its standing following its first intervention in August 2006.

The deployment of EUFOR was necessitated by the lack of concrete results in the DDR and SSR processes. Out of the 18 programmed integrated brigades for the FARDC that were calculated as needed for the security of the elections, only 14 had been formed. Furthermore, the general situation of these brigades was very worrisome as was to be demonstrated by the Kinshasa incidents.

The missions, especially ARTEMIS, were innovative, because they were out of theatre operations and were deployed without the support of NATO, thereby demonstrating the capacity of the EU to develop as a meaningful international and security actor. A further element of importance concerns the linkage between both military ESDP operations and the UN. Both were launched following an official request from DPKO.[1]

A fundamental difference between ARTEMIS and EUFOR RD Congo is that ARTEMIS was deployed as an ‘Interim Emergency Multinational Force’ to relieve the pressure on the small MONUC contingent in Ituri, North-Eastern DRC, whereas EUFOR RDC was a deterrent force, serving as a back-up for MONUC. Furthermore, a considerable part of EUFOR was deployed in Gabon as an over the horizon intervention capacity. A second, less publicized mission for EUFOR RD Congo was to serve as an evacuation force for foreign nationals in the worst case scenario.

4. THE EU AND SSR IN THE DRC

4.1. SSR in the DRC: an assessment

During the transition period, the efforts in support of the DRC’s security actors (army, police) were mainly oriented towards ensuring minimal security conditions for the elections to take place. This is reflected by the ‘brassage’[2] (or mixing) process mainly aimed at breaking the chains of command of the different warring groups, as well as by the focus on crowd control in the initiatives to support the Police Nationale Congolaise (PNC). Donor initiatives were mainly oriented towards support to the brassage process and some operational support. They included relatively minor initiatives on structural changes at the level of strategic governance of the security sector — with the notable exception of the chain of payment system developed through ESDP operation EUSEC.

[1] The deployment of ARTEMIS started as a DPKO request to France, where the operation received the code name ‘operation MAMBA’.

[2] “Brassage” is the general term used for the process of integration of the different Congolese armed groups.
Central political control over the branches of the security system remains weak as the different actors of the transition maintained a considerable parallel military capability. This was especially the case for the former Government which maintained the GSSP\[1\] (currently GR\[2\]) estimated at about 15,000 troops. The MLC\[3\] and RCD-G\[4\] maintained a number of 'bodyguards' in Kinshasa; and in the East a number of militia groups, the most important of which composed of Banyarwanda under the leadership of former RCD-G general Laurent Nkunda.

The structural problems of the Congolese security sector became especially clear during the armed confrontations in Kinshasa between elements loyal to President Kabila and those loyal to Jean-Pierre Bemba. The most recent clashes in Kinshasa of March 2007 proved especially destructive, and served as an eye-opener, at different levels of intervention, for the massive challenges remaining ahead as well as demonstrating the fundamental fragility of the DRC’s political process. It also serves as an indication that SSR is not primarily a technical, but rather a thoroughly political challenge.

Progress in DDR has been relatively slow. At the end of 2006 of the 242,000 estimated combatants: \[5\] 100,595 had opted for demobilization, about 54,000 had opted to be integrated in the FARDC, 29,000 were identified as child soldiers and 60,000 still have to go through the identification and verification process. This figure of 60,000 includes: the GSSP, the Kinshasa garrison and a number of units throughout the country. Of those demobilized, about half have entered projects for socio-economic reintegration. These figures indicate the considerable workload that has been left, following the end of the transition period. The continued existence of these non-integrated units is a demonstration of the continued existence of parallel chains of command, weakening the legitimacy of the state. It is furthermore a continuing source of basic insecurity.

4.1.1. The FARDC

The FARDC are currently widely regarded as the most serious security threat to the civilian population. This includes both the integrated and the remaining non...

[5] This figure does not include the foreign armed groups (FDLR, ADF/NALU, PRA, LRA) included in the DDRRR program.

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integrated brigades. This serious problem is widely recognized and documented by the human rights section of MONUC. The underlying problems are also widely recognized and include the lack of control by the political and administrative authorities. Corruption, neglect and sheer incompetence exacerbate the issues.

Because of continued security imperatives in Ituri, North and South Kivu and to a lesser degree Northern Katanga the integrated Brigades were mainly deployed in these provinces. The security needs there are to a large degree the consequence of the continued presence in these areas of foreign militia (little progress in DDRRR), especially the FDLR and the problematic DDR of the Ituri armed Groups (IAG), the Banyarwamda militia of General Nkunda (former RCD-G) and a number of MAI MAI groups.

Following negotiations between the DRC government and general Nkunda, a specific program of ‘mixage’ for Nkunda’s troops has been launched. The ‘mixage’, started in the beginning of 2007, would be a step before the ‘brassage’ of these combatants. So far it comprised 2 of Nkunda’s brigades and 3 FARDC brigades. The resulting 5 brigades (Alpha, Bravo, Charlie, Delta and Echo) have been increasingly active against the FDLR in North Kivu. Their violent actions have resulted in an important additional flow of IDP’s, resulting in increased criticism by the international community. Increasing human rights violations have been reported and during May 2007 the ‘mixage’ process has come under increasing pressure within the DRC and by the international community. Questions also remain about the motivation for the DRC government to embark on this highly controversial scheme.

The large military presence in the East created a fragile stability with diverging power-complexes in different areas. Changes in this situation by beefing-up or reducing the army presence are likely to result in renewed fighting and could further worsen the living conditions of the local population. A thorough assessment of the local conditions and a process towards a comprehensive political ‘solution’ for the problems in the East are crucial preconditions for making important changes in the operational capacity and presence of the FARDC in these areas.

The human rights violations and the extortion of the population and general criminal behavior by elements of the armed forces are to a degree the continuation of the behaviour of armed elements during the war, but, more importantly, they are a consequence of the general state of neglect and the lack of discipline within the

[1] i.e. the extrajudicial executions in December 2006 by elements belonging to the first integrated brigade deployed in Ituri.
The EU and “Conflict Peacebuilding” in the DRC

armed forces. Measures to improve the general conditions of the military and their dependents[1] should be accompanied by initiatives to reinforce both the discipline within the troops as well as the (military) criminal justice system.

The main problems hampering the operational capacity include:
- weak command structures at the different levels;
- lack of equipment;
- deplorable quality of accommodation;
- quasi non-existent logistical support.

There is considerable urgency in responding to the security threat currently presented by the FARDC. This behavior considerably weakens the legitimacy of the state and slows down the DDR process as some local communities prefer to provide their own security. This could well result in renewed tensions and conflict, especially in the Eastern Provinces. There is also a regional dimension, since foreign armed groups remain active in the DRC.

4.1.2. The PNC

Since 2003, a number of initiatives have been launched in support of the PNC. In concrete numbers, the training organized by MONUC has been the most important, with approximately 40,000 policemen trained by MONUC civilian police. Other donors actively engaged in the reform of the PNC include the EU (with the establishment of the Integrated Police Unit), South Africa, France (Police d’Intervention Rapide) and Angola (Police d’Intervention Rapide).

In view of the preparation of the elections, the main effort of the international support was directed towards riot control — not to community policing. Most of the effort in reinforcing the operational capacity of the PNC for riot control has been concentrated on Kinshasa. The main effort has been financed through a fund managed by UNDP. Although no comprehensive police census has been carried out so far, the number of PNC throughout the country is estimated at 70 to 80,000.

4.1.3. Justice

A functioning independent justice system is of major importance for the establishment of the rule of law - a key component of good governance. The capacity of the DRC justice system has to be reinforced in a wide number of areas, including

[1] Currently, the European Commission is financing such ‘flanking measures’ in support of the EUSEC mission.
its organizational and institutional capacity, infrastructure and service delivery. Reinforcement of the judiciary, to perform its role in society, in amongst other issues fighting corruption, but also in delivering justice on human rights violations carried out by the security services will to a large degree depend on the political will of the new government and parliament. The creation of a truly independent ‘Conseil Supérieur de la Magistrature’ and an independent budget for the judiciary are key components. The audit of the justice system carried out in 2003 revealed the lack of independence of the justice system from the executive. The review also concluded that only a very limited part of the population enjoys access to justice. The lack of independence of the judiciary is especially clear for the military justice system.

Attention for the judiciary includes the need for measures to increase the capacity and effectiveness of the prison system in the DRC.

**4.2. The Role of the International Community**

During the Transition period, the international community has been a key actor in ensuring some progress in SSR. The main actors were a number of key donors: Belgium, France, South Africa, Angola, the UK, the US, the Netherlands, the EU, the UN through MONUC, the World Bank and the IMF. The number of bilateral donors is set to rise, since the government of the DRC pursues a policy of concluding bilateral military agreements (Turkey, China, Morocco,…).

In developing a comprehensive approach to SSR, donor coordination and coordination between the donor community and the DRC government is of vital importance. In that perspective the decision of the GAERC on 15 September 2006 is an important step forwards: “In view of the need for a comprehensive approach combining the different initiatives underway, the EU would be ready to assume a coordinating role in international efforts in the security sector, in close coordination with the UN to support the Congolese authorities in this field.”[1] As a result of this position and in line with the increased cooperation between the Council and the Commission in the DRC, a joint EU evaluation mission was sent to the DRC in October 2006. This central position of the EU in implementing SSR in the DRC was acknowledged in UN resolution 1756 (2007): “[…] Calls on the donor community to continue to be firmly committed to the provision of the urgent assistance needed for the integration, training and equipping of the Armed Forces and of the National Police of the DRC as

well as for the reform of the administration of justice and urges the Government and its partners, in particular the European Union, to agree promptly on ways to coordinate their efforts and to carry out security sector reform by building on the results already achieved. [1]

During the transition period, mixed commissions including the DRC government and the main donors have been established in the fields of the police, the armed forces and justice. These form a positive nucleus to conduct the strategic coordination role. Both the EUSEC and EUPOL missions could assume a coordinating task in the field of the army and police respectively. Recently, during the preparation for the elections, EUPOL received reinforcements from African states (incl. Angola), providing a concrete base for the inclusion of African states such as Angola and South Africa in the coordination of the SSR programmes. A central role for the EU would complement its position as the biggest donor of the DRC.

4.2.1. EUPOL DRC

The 2002 Pretoria Agreement provided for the establishment of a specialized unit of the PNC, the Unité de Police Intégrée (UPI), to ensure the protection of the transition institutions and to reinforce the internal security apparatus. In December 2003, the PSC agreed to support the establishment of the UPI. This project was to follow a three-strand approach: infrastructure, equipment and technical assistance; training and monitoring and mentoring. The Commission took charge of the first and second stages, with some support (equipment) by the member states. A total of 1,050 UPI policemen were trained. The Council implemented the third stage, approving the EUPOL mission on 9 December 2004, subsequently launched in April 2005. The mission had the task to ensure that the UPI acted according to the training standards received in the training centre as well as according to international standards and best practices in the field. Initially the EUPOL mission was composed of a small staff, which was reinforced for the elections in 2006 with the addition of a number of officers also from African countries (Angola and Mali). EUPOL Kinshasa became a police coordination support element that had to ensure an enhanced and coordinated response of the Congolese crowd control units in Kinshasa, in case of disturbances during the electoral period. [2]


[2] The reinforced EUPOL mission leads a council and assistance action on two levels: i) on the level of the decision centers of the PNC, the Centre National des Opérations de l’Inspection Générale and the Centre Provincial de l’Inspection Générale; ii) on the level of the riot police units in the capital, including the Police d’Intervention Rapide (PIR), the Groupe d’Intervention Mobile (GMI) and the Unité de Police Intégrée (UPI).
The EUPOL mission has been limited to one, small, unit of the DRC police. The PNC has now to coordinate and to organize its units, those formed by the donors (UPI, PIR) as well as those not trained by the donors. More globally, further thought needs to be given to the setting up of a coherent police organization and a professional police staff in the DRC. Nevertheless, the UPI has demonstrated professionalism in crowd management skills during demonstrations in Kinshasa.

4.2.2. EUSEC DRC

Since the progress in SSR in the DRC had been very slow, the need for an additional effort in the field of SSR had become increasingly apparent at the end of 2004.\[1\] In the EU a reflection was started on the deployment of an SSR advisory mission. This exercise was initiated by Belgium and France in a joint non-paper to the Political and Security Committee. The resulting EUSEC mission was launched on 2 May 2005. The mission consists of experts assigned to crucial positions within the Congolese administration.\[2\] EUSEC’s first mission is to deliver technical expertise on command and control, budgetary and financial management, training, accountancy and dealing with contract and tenders. In support to these objectives, the Commission decided to refurbish the ‘brassage’ centers in Luberizi and Kisangani. In addition the Commission decided to support flanking measures to support the families of the FARDC troops.

During 2006, EUSEC has been increasingly involved in the development of a wider SSR framework in the DRC. So far this has not led to concrete results since the focus has been on the electoral process. The task of defining this strategy has been left to the newly elected authorities. EUSEC did however manage to occupy a strategic position towards the actors involved in SSR in the DRC. Because of its presence in key Congolese decision-making institutions it has been able to react quickly and exploit opportunities for action, such as the chain of payment programme. It could, in line with the September 2006 conclusion of the GAERC, take-up a central position in the international coordination of SSR efforts, one of the main challenges in the future implementation strategy.

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[1] The main effort at that time consisted of a Belgian initiative to train the 1\textsuperscript{st} integrated Brigade in Kisangani, ‘operation Avenir’. France and Luxemburg participated in this initiative.

[2] Including the Cabinet of the Minister of Defense, the FARDC General Staff and Conader.
5. CONCLUSION

Progress in DDR and SSR will be a central element in the future discussion on the presence of MONUC in the DRC. This issue will have to be central in the ‘benchmarks’ that are to be developed for the mission’s future withdrawal. The DRC government will have to possess the minimal capacity required to ensure stability and the security of its citizens. In operational terms this mainly involves the FARDC and the PNC, but also the Justice sector. Resolution 1756 (2007) confirms SSR as a central preoccupation of the MONUC mandate. In operational terms this mainly translates in providing short-term basic training for the FARDC. At the strategic level this involves the contribution to the planning process (including a national security strategy and an SSR implementation plan and strategy). This is a continuation of the MONUC effort during the transition. Crucially, the MONUC human rights division plays a central role in documenting human rights violations as a key contribution towards the implementation of transitional justice.

The support of MONUC to the FARDC brigades both addresses and creates a number of operational and political concerns. Without operational support, joint FARDC/MONUC operations would be even more difficult than is currently the case, but linguistic, doctrinal, material, social and cultural divergences considerably limit the impact of this support. Furthermore, since both the FARDC and the PNC are currently the main source of human rights violations in the DRC, this close collaboration creates political concerns for the UN presence in the country.

In the current situation the political role and position of MONUC have fundamentally changed, with the newly elected government taking over the steering wheel. Nevertheless, for the foreseeable future, a strong, operational MONUC presence remains a necessity to maintain a certain level of security, access for the international community in remote areas and as a deterrent force for potential adventurers. This role cannot be performed by another international actor. International presence and commitment are nevertheless a precondition for a successful continuation of the DRC peace process. As UN SRSG Ambassador Swing stated in a recent speech in Washington DC: ‘In most post-election situations, a “sustainment strategy” — not an exit strategy — is required’. This is especially true for the DRC. The transition left a huge workload for the new authorities in especially sensitive areas such as SSR and the negotiating of mining contracts. There is a need for a clear, ‘predictable’, long term framework for international commitment and engagement with the new government. National ownership in these areas is key, but the capabilities

are not always present, neither are the political guarantees for the opposition to be respected and included in the decision-making process.

As the EU has clearly demonstrated with ARTEMIS and EUFOR RDC, it is capable of mounting short term operations, but a longer term military commitment is not realistic. The EU could nevertheless become more strategically involved in long term statebuilding activities such as SSR, an area in which it has already established a positive track record in the DRC. EUSEC and EUPOL should take center stage in the long-term coordination of SSR efforts between the international community and the DRC government. As an institution the EU combines a unique set of features that strategically reinforce the role it can and should play in these domains.

The attitude of the newly elected authorities towards the international community, especially in the very sensitive area of SSR, remains uncertain. The declaration of the EU Ambassadors in Kinshasa, criticizing the Kabila government, in the wake of the March 2007 clashes did not reinforce the DRC government’s appetite to increase the role of the EU. The DRC government, as most governments discovering newfound legitimacy and sovereignty, is jealous of preserving its maneuvering space and seems to prefer a large degree of bilateral agreements with a diverse range of individual donor countries. The problematic issue of national ownership also creates tensions. One of the key challenges for the international community will be to find some form of middle ground in accompanying the new authorities through the rocky path of ‘conflict peacebuilding’. Despite some difficulties, a positive step has been the inclusion of a political mechanism in the last UN Security Council resolution on the DRC. This ‘arrangement for regular consultations promoting a political dialogue’ still has to prove itself but the events of March 2007 have clearly served as an eye-opener for the international community at large.

In keeping with its past and current investment in the DRC, the EU will have to be one of the key actors finding this equilibrium. This may require further innovative steps in the development of policy instruments. It is a positive step that the Commission, the Council and the Member States share the view of the need of a coordinated strategy of engagement.
THE EU’S MULTIPLE STRATEGIC IDENTITIES: EUROPEAN SECURITY AFTER LEBANON AND THE CONGO

Richard GOWAN*

If, therefore, there is any political entity the question of defence is bound to arise, because in, practice, defence cannot ever be divorced from politics. Lord Gladwyn (Gladwyn Jebb) on “the necessity for European political integration”, 1967, ten years after the Treaty of Rome [1]

ESDP is but a means to an end, a step on the road. Julian Lindley-French on “a long-term perspective on military integration”, 2005, forty-eight years after the Treaty of Rome [2]

For advocates of a strong and distinct European security identity, 2006’s fiftieth anniversary celebrations for the Treaty of Rome inevitably brought ambiguous feelings. It has been easy enough to praise the success of Europe’s “peace project”. Yet there is a growing recognition that this project is in some ways a victim of its own success: for younger citizens of the EU, continental peace alone is now too familiar to be a motivating force politically. The chance to look back to 1957 and the origins of European cooperation also highlighted a deeper problem. While the “peace project” is usually explained as a reaction to the horrors of 1914-1918 and 1939-1945, the Treaty of Rome must also be understood in terms of 1954 and 1956. In an otherwise largely positive March 2007 survey of the EU, The Economist underlined the significance of these dates:

True federalists actually saw the Treaty of Rome as a move away from the building of a European superstate that they had hoped would develop from the European Coal and Steel Community, set up in 1951. But in fact the [European Economic Community] grew out of two other events: the French National Assembly’s rejection of the proposed European Defence Community [EDC] in 1954 and the Suez crisis of 1956. The first pointed to a

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reassertion of nation-states at the heart of Europe; the second led France to conclude that a European community was in its vital interest.[1]

This is an unsettling reminder that, if the EU is indeed a peace project, it is one that was born out of two European strategic failures. To the collapse of the EDC idea, and the Anglo-French Suez debacle, we might add a third such failure that followed in the years immediately following the Treaty of Rome: the breakdown of the Fouchet Plan for defence cooperation, intended as an alternative to the EDC but also ultimately undermined by differences between France and its neighbors. The European Communities, and so the EU, were rooted in a series of severe post-1945 setbacks to European security collaboration. Current policy literature frequently (if understandably) minimizes this uncomfortable fact in discussing how to advance that collaboration today.

As Renata Dwan has noted, there remains a preference to ignore the efforts to project a European strategic identity in the 1950s and 1960s. Scholars instead focus on the “neo-functionalist” position that “successful integration… can only take place as part of a gradual spillover process from one sector to another beginning with issues of low political salience”. [2] It is arguable that the failures of 1950s confirmed this thesis — but as Dwan shows, the founding figures of the European project were initially committed to an explicit linkage of European security and political identity. Jean Monnet, for example, played “a far greater part in the foundation of the EDC initiative than has been recognized”, with his interest in it “based increasingly on its potential for its accelerated political integration in Europe”. The gradualist reality of European cooperation was in many ways a second-best option for Monnet. Neo-functionalist integration was salvaged from a decade of failed efforts to achieve a more dramatic shift to strategic cooperation.

If the Treaty of Rome should not entirely obscure those failed initiatives, the distinction between gradualist integration and strategic direction remains central to European security debates. If the EDC experiment ended in the “reassertion of nation-states at the heart of Europe”, the current European Security and Defense Policy (ESDP) demonstrates the continued primacy, and centrifugal effects, of national decision-making. It has accurately been characterized as “an intergovernmental structure that represents an old-fashioned military alliance within the three pillar structure of the Treaty of European Union” — it has even been suggested that this type of state-centric cooperation “actually endangers the project of ‘ever

closer union’”.[1] The 2003 European Security Strategy may have brought some focus to defense debates, but it still seems to reflect the EU’s identity as a “sort of halfway house, indicative of the hybrid quality of the EU itself: not a federal state (like Brazil, India or the US), but much more than a typical international organization (like the NATO, the World Trade Organization or the United Nations)”.[2]

Difficulties arising from this “hybrid quality” are frequently cited as the primary obstacle to the emergence of a clearer European strategic identity. As Janne Haaland Matlary has argued, “the ‘actorness’ of the EU is being built from the bottom up in various ways that do not involve sensitive questions about national sovereignty” — a security-oriented version of the neo-functionalist gradualism described by Dwan.[3] Politically acceptable methods to achieve “actorness” have included the development of crisis management capacities within the European Council and Commission, relatively small-scale military schemes such as the battlegroups, and the formation of the European Defense Agency. Yet Matlary immediately warns that “the question of whether the EU is a strategic actor with a strategic culture distinct from the incremental capacity-building process” must be answered with reference to the cases in which it initiates strategic action — “the problem with regard to strategic culture is not primarily military culture, but political will”.

And this emphasis on the necessity of political will was to prove particularly salient in 2006. If 2007 was designed to be a year of European commemoration, 2006 had been a year of European action. In the face of mounting challenges, the EU made a series of deployments in the broader Middle East and Africa. If The Economist’s March 2007 survey offered a reminder that the EU descended from strategic failures, it was equally ready to allow that current European security efforts are proving somewhat more effective: “it has sent troops (sic) as far afield as Aceh and Congo and co-ordinated big national deployments in Lebanon”. [4] The EU’s response to the war between Israel and Hezbollah in southern Lebanon proved particularly striking. Fifty years after Suez, another rapid deployment of thousands of European troops to the Middle East was widely cited as proof that the EU might yet confirm its strategic worth. And yet, if “national assertiveness” once sunk the EDC, its was


[4] PEP, op. cit. It should be noted that, although many of the EU personnel sent to Aceh in 2005-6 had military training, all were technically civilian personnel.
striking that the “big national deployments” to Lebanon were just that: national deployments under the UN banner, not explicitly EU forces. Simultaneously, European troops were fighting in Afghanistan under NATO command. Although an EU-flagged force went to the Democratic Republic of Congo (DRC), its role was confined to temporarily reinforcing a far larger UN force.

So while the anniversary of 1957 was a chance to trumpet the “gradual spillover process” of integration, the year leading up to that anniversary had seen another sort of “spillover” — a steady flow of European troops into missions under the authority of, or at least for the sake of, other international organizations. While the operations involved gained considerable public attention, the diffusion of European forces under multiple flags was not a new phenomenon. By 2003, as Bastian Giegerich and William Wallace remarked, the EU’s members appeared to be missing the ESDP Headline Goal (set in 1999) of being able to “deploy rapidly and then sustain” some fifteen brigades, equal to an army corps, at one time. Yet as they “were slipping past the Headline Goals target, they were sustaining 50-60,000 troops [i.e. approximately one corps] on operations outside their common boundaries, in more than 20 countries in southeast Europe, Afghanistan and Central Asia, Iraq and the Gulf, and Africa”. These included contributions to NATO, the UN and coalitions of the willing as well as ESDP missions. “In terms of numbers,” Giegerich and Wallace concluded, “if not in terms of equipment, European governments [had] in effect met the Headline Goals”. But they did so through a highly pluralistic approach to utilising security institutions rather than any narrowly EU-focussed policy.

The multiple deployments of 2006 were thus an extension of pre-existing trends. Indeed, the growth of the European presence in Afghanistan, DRC and the Lebanon was partially off-set by reductions elsewhere, such as the Western Balkans and Iraq. Nonetheless, as the table below shows, all the major European military players (including ESDP’s most dogmatic proponent, France) continued to deploy significant numbers of troops across a range of theaters under the authority of a range of institutions. This continued plurality of commitments raises hard questions. Is it possible to discern any common strategic direction or political will that binds these institutionally incoherent deployments? Or does the fact that the vast majority of European forces abroad are on non-ESDP missions indicate that the EU is still incapable of asserting itself as a discrete strategic player?

[1] Bastian Giegerich and William Wallace, Not such a soft power: the external deployment of European forces, Survival, Vol. 46, No. 2 (Summer 2004), p164. It should, of course, be recognized that some of these European forces — specifically British and other contributions to the Multinational Force in Iraq — had originally deployed in the face of political opposition by other EU members.
Military Contributions by Selected EU Countries: 30 September 2006

Figures in square brackets show UNIFIL contributions on 31 October 2006.

<table>
<thead>
<tr>
<th>Mission Size</th>
<th>EUFOR RD Congo</th>
<th>EUFOR ALTHEA</th>
<th>ISAF</th>
<th>KFOR</th>
<th>UNIFIL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>1090</td>
<td>477</td>
<td>1000</td>
<td>2100</td>
<td>1531 [1653]</td>
<td>4667</td>
</tr>
<tr>
<td>Germany</td>
<td>730</td>
<td>861</td>
<td>2750</td>
<td>2900</td>
<td>0 [933]</td>
<td>7241</td>
</tr>
<tr>
<td>Italy</td>
<td>50</td>
<td>888</td>
<td>1600</td>
<td>2200</td>
<td>1074 [1512]</td>
<td>4738</td>
</tr>
<tr>
<td>Netherlands</td>
<td>40</td>
<td>301</td>
<td>2000</td>
<td>*</td>
<td>0</td>
<td>2341</td>
</tr>
<tr>
<td>Spain</td>
<td>130</td>
<td>350</td>
<td>600</td>
<td>750</td>
<td>614 [1393]</td>
<td>1830</td>
</tr>
<tr>
<td>UK</td>
<td>*</td>
<td>573</td>
<td>5000</td>
<td>400</td>
<td>0</td>
<td>5973</td>
</tr>
</tbody>
</table>

* signifies a small number of troops, usually individual personnel.

1. A BLURRED STRATEGY?

This article sets out to respond to these questions by analyzing Europe’s involvement in the UN Interim Force in Lebanon (UNIFIL) and the ESDP mission to the DRC in 2006. The full diplomatic and operational histories of both missions will not be written for some time, and this article is not meant to be a detailed chronicle of the two operations. Rather, it aims to use the EU’s decisions over UNIFIL and EUFOR RD Congo to inform a discussion of the nature of the EU’s engagement in international security, and the extent to which a “European identity” was projected through the two deployments. And identity is obviously at the core of the argument that follows. One very positive assessment of EUFOR RD Congo for the Assembly of the Western European Union (WEU) describes the mission as a “political symbol” and “essentially ‘Euro-centric’” (although, it hastens to add, “nothing to do with a desire for domination or imperialism”). This recalls an earlier academic analysis of the EU’s previous military mission to DRC, 2003’s Operation Artemis: “the impact of Artemis lay more in its European character than...
its military merits or even its effect on the situation in the Democratic Republic of Congo. Similarly, the WEU Assembly lamented the fact that “the EU has not been able to extend its active approach to Lebanon, although it is not impossible that the European forces engaged in [UNIFIL] will be able to ‘emancipate’ themselves under the Union flag.”

This article questions whether the projection of the EU’s security identity is really best-served through simply sticking a Union flag on any and every mission available. Instead, it argues that it is possible for the EU (acknowledging its own “hybrid quality”), to project a more influential identity through hybrid security arrangements with other organizations. The Lebanese and Congolese cases both offered lessons in this. The Lebanese crisis saw the European Council play a central role in determining the shape of the UN force, blurring the lines of authority with the UN Security Council. Conversely, the Congolese deployment had a clearly-defined — and much-vaunted — EU identity but only made sense in the framework of the far larger UN deployment to the DRC. Although their lines of command remained separate, EU-UN cooperation on the ground once again blurred institutional identities for the sake of effective action. This article proposes that if the EU is to prove credible strategic actor, it must not merely accept the need for such “blurriness” but take advantage of it, finding innovative responses to complex security challenges. An obsession with identity may actually constrain action.

This argument admittedly runs counter to much recent policy literature. In a useful recent typology of commentators on European security, Richard Whitman contrasts Realist and Humanist schools of thought. The Realists hold that the EU requires “aspects such as a strategic concept, a defence white paper and more military capability if it is to be more internationally significant.” The equation here is simple enough: greater clarity of purpose will multiply the impact of enhanced capabilities. While the Humanists adopt a less traditional strategic approach — and

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[3] In concentrating on the EU-UN relationship to make this argument, this article may be accused of dodging the main problem: the balance of responsibilities between the EU and NATO. There is no question that this relationship has deteriorated over recent years and even months, and that it is also the most important relationship in terms of defining European security. Nonetheless, we will focus on the EU-UN relationship, for while it may be secondary, it has also permitted a surprising degree of latitude for innovation by the EU’s members. While overshadowed by the NATO question, EU-UN cooperation has arguably provided more instructive precedents for greater creativity in defining an EU security identity.
insist that “human security” must be at the core of the EU’s thinking — they too are in search of a “new European security doctrine”.\[1\] Once again, conceptual clarity is seen as a precondition for the effective utilisation of European capabilities. As a team led by Mary Kaldor (generally recognized as the prime intellectual mover among the Humanists) has declared:

Human security refers to the security of individuals and communities, expressed as both “freedom from fear” and “freedom from want”. […] Terms matter, and human security is not simply a leitmotif for EU security policies, or an analytical label which categorizes the EU’s international role in a way that concepts such as normative power or civilian power have done. Rather, it provides an enduring and dynamic organizing frame for security action, a frame which European foreign policy texts and practices currently lack. Thus human security can be seen as a proactive strategic narrative with the potential to further EU foreign policy integration.\[2\]

Arguments such as these have clear attractions. It may seem perverse to argue in favour of the alternative of a European security identity that relies on blurring institutional boundaries rather than creating new narratives and frames. Nonetheless, it is possible to make a clear political case for such a deliberately diffuse security identity. Richard Whitman’s typology includes a third approach to European security, which he calls Pragmatist — “exemplified” (for good or ill) by Global Europe, a 2004 pamphlet by this author and Mark Leonard.\[3\] This article is not intended as a retrospective defense of that essay, much of which now strikes me as more idealist than pragmatist, but Whitman correctly notes that much of it is aimed at solving one particular conundrum: the EU (through the European Security Strategy) “is committed to multilateralism as the guiding principle for its foreign policy but what if multilateral institutions are not up to the job?”\[4\] Its response should be defined “in terms of a ‘positive multilateralism’ that derives its legitimacy from its efficacy in resolving crises as well as confirming international legal norms”.\[5\] This position deliberately defined the EU’s goals as going beyond the development of European concepts and capabilities alone — rather, Global Europe highlighted the need to revitalize the UN, strengthen entities such as the African

\[1\] Ibid., p. 13.
\[4\] Whitman, op. cit., p. 12.
\[5\] Leonard and Gowan, op. cit., p. 27.
Union, and engage in *ad hoc* multilateral activities such as the American-designed Proliferation Security Initiative. Indeed, the EU should aim to bind these institutions and initiatives closer together: “it should set out policies to link the activities of the UN to those of regional organizations and single issue coalitions so that they can be endowed with permanence and legitimacy”. [1] In short, the EU’s aim should not be to clarify its differences with other multilateral organizations as far as possible — but to *connect* them.

Blurring the boundaries between the EU and other multilateral institutions can thus be advocated as both a pragmatist approach to crisis management, and a deliberate political choice to reinforce multilateral cooperation on security issues. The goal is not to enhance the EU as a security actor alone, but rather to enhance its broader ability to influence international security cooperation. “Effective multilateralism requires not only broad international support and legitimacy,” as Hanns Maull has compellingly argued, “but also the capacity to generate initiatives, and political leadership to set the agenda, define deadlines, mobilize resources and promote effective implementation. A key qualification in this context is the ability to form and sustain broad-based coalitions”. [2]

Returning from theory to practice — and to contextualize the Lebanese and Congolese cases — we should note that such coalition-building is increasingly common, and relatively easy to quantify, in European military, police and civilian deployments. We have observed that the “hybrid quality” of the EU hampers its options, but “hybrid operations” between international organizations are now an accepted element of peacekeeping and peace enforcement. Here, “hybridity” is used to describe complementary co-deployments by international organizations (and/or individual countries) in a given country or territory. [3] This may take a number of forms: *integrated operations*, in which organizations participate in a single structure (as the EU participated in the UN-led structure in Kosovo from 1999); *coordinated operations*, in which organizations maintain separate but coordinated command structures (as in the EU-UN cooperation in DRC we will discuss below); and

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[1] Ibid., p. 26. It must be admitted that the initial *Global Europe* pamphlet was distinctly skeptical towards the UN in particular — more so than this article and (for now) this author. For a more positive assessment of EU-UN relations from the same project see Espen Barth Eide (ed.), *Effective Multilateralism: Europe, regional security and a revitalized UN* (London, Foreign Policy Centre/British Council, 2004).


sequential operations, in which organizations implement a coordinated handover of responsibilities (as in the EU’s takeover from NATO in Bosnia). Of fifty-four peace operations underway around the world in 2005, forty were deployed in locations hosting at least one other mission.\[1\]

While the EU’s members (pace Denmark) may have pursued ESDP missions since 1999, even a cursory reading of European policy statements in this period highlights the importance of hybrid operations to the Union’s evolving security identity. The earliest ESDP military missions relied on coordination with NATO, while the original 2004 battle-group concept was explicitly related to support for UN missions:

On 8th December 2003, the [European] Council mandated that the EU’s military rapid response capability should be further developed. Separately, UK, France and Germany have considered how the Union can contribute further to conflict prevention, peacekeeping and peace enforcement operations in close cooperation with the United Nations (UN). Together, we have proposed that EU should aim to [develop] […] a number of battle-group size forces available to undertake autonomous operations at short notice, principally in response to requests from the UN.\[2\]

Now that the battle-group concept is operational, it has been suggested that the EU and UN should make further efforts to “increase the intensity and frequency of [their] exchanges, both through staff-to-staff contacts and “more frequent tabletop exercises to test decision-making processes across both organizations”.\[3\] While we will concentrate on EU-UN relations below, it should also be noted that the years since 2003 have also seen the EU enter into hybrid operational arrangements with the African Union in Darfur, and with members of ASEAN in Aceh. In the case of Darfur, the EU’s support to the AU has been not only involved an ESDP operation but political and financial assistance. Meanwhile, the EU-ASEAN cooperation in the Aceh Monitoring Mission (AMM) — an ESDP mission involving personnel from the EU and five members of ASEAN in an integrated structure — represented an important opportunity for both organizations to reassess their security identities.


This was the first ESDP mission in Asia, but the EU’s engagement gave its Asian partners an operational framework for political innovation:

For ASEAN, participation in AMM signals a move away from past policies of “noninterference” in activities of member states, and toward an emerging common security or defense mechanism. [...] The combination of EU and ASEAN monitors has provided increased legitimacy for AMM. ASEAN personnel contributed cultural awareness and regional knowledge, while the EU presence provided diplomatic and financial weight, as well as managerial coherence. [1]

ESDP has thus become increasingly associated with hybrid operations. We have seen that there have been numerous efforts to identify the “European identity” of missions such as that to the DRC. But these should not detract from the basic strategic fact that such missions — like the battle-group concept as a whole — assume hybridity. And while I have contrasted the Humanist search for conceptual clarity with the less dogmatic Pragmatist approach, it should be noted that Mary Kaldor and her colleagues are also convinced of the operational importance of hybridity. For them, effective multilateralism means not only “a commitment to work with international institutions, and through the procedures of international institutions” and “a commitment to creating common rules and norms”. [2] It also “has to include synthesis and interoperability, rather than duplication and rivalry”. This requires parallel tasks: creating coherence within the EU while fostering cohesion between the elements of the European system and the UN, regional organizations and the international financial institutions. Mauß’s coalition-building remains an essential tool.

If there is a growing acceptance that the evolution of the EU’s security identity will involve engaging in hybrid operations, there is a concomitant need to think how these engagements can be made most effective. We will see that neither the Lebanese nor Congolese deployments were entirely smooth: indeed, both proved both politically and operationally problematic. This highlights the need for a more strategic approach to hybrid operations on the part of the EU — an approach that prioritizes impact over identity. But the last section of this article will claim that the two operations under analysis provide imperfect models for two important types of strategic engagement by the EU, which I have previously described as strategic subordination and interpenetration (it must be admitted that, if these models are to

[1] Center on International Cooperation, op. cit., pp. 47-48. It should be noted that the “ASEAN” monitors technically represented their countries of origin rather than ASEAN as an institution per se.

gain sustained traction in policy circles, they would benefit from better nomenclature — readers are invited to suggest alternatives, but the current names will have to suffice for academic purposes). Strategic subordination can be defined as the deployment of EU forces within a hybrid framework with the deliberate intention of reinforcing a strategy set by another international institution. This was identifiable in efforts to set the terms for ESDP deployments prior to 2006, as in the European Council’s adoption of a declaration on EU-UN cooperation in May 2004:

[The declaration assumes] that, in all high-intensity situations, EU forces should maintain operational autonomy […] Conversely, the Council’s concept effectively assumes that these forces should be strategically subordinate to UN missions — providing “bridging” or “reserve” support rather than engaging in [long-term] peace operations per se. This dichotomy points to a desire to contribute towards the UN’s strategic goals combined with the fear of any “mission creep” that would drag EU forces too deep into the achievement of those goals. [1]

It was precisely this sort of self-limiting operation (and the associated concerns) that the EU conducted in the DRC in 2006. By contrast, the Lebanese crisis arguably resulted in a case of interpenetration — a blurring of political authority and operational responsibility — between the EU and UN. I have argued elsewhere that recent years have seen forms of EU-UN interpenetration across a variety of fields, including in development and efforts to halt the proliferation of weapons of mass destruction. [2] In the case of Iran, for example, the EU (led by the “E3” of France, Germany and the United Kingdom plus Javier Solana) have worked so closely with the UN’s International Atomic Energy Agency that they have effectively had a common strategy through much of the crisis. EU trade and other incentives to Tehran have been tied to its fulfillment of UN-regulated obligations. But the clearest test for the idea of interpenetration remains the deployment of uniformed personnel: the need to define viable chains of command and coordination mechanisms in the field means that it is easier to map emerging symbioses than in diplomatic negotiations. And so the Lebanese and Congolese operations were not only major operational tests for the EU — but tests of its political and strategic identity as well.

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2. 25 AUGUST 2006: THE EU’S LEBANON MOMENT

The cessation of hostilities was maintained in general in the past 24 hours…
UNIFIL distributed 53,000 liters of drinking water to villages…
A group of additional hundred and fifty French soldiers arrived today to Naquora to reinforce UNIFIL.

*Items from the daily UNIFIL press release, 25 August 2006, the day that the European Council met to pledge forces to an expanded UN Interim Force in Lebanon.* [1]

In the late summer of 2006, the Lebanese crisis presented the EU with one of its sternest security challenges to date. From the early days of Israel’s invasion of southern Lebanon to confront Hezbollah, EU leaders joined UN Secretary-General Kofi Annan in calling for the deployment of a sizeable peacekeeping force to help end the conflict — and it was widely assumed that this force would largely consist of European troops. [2] While the United States was initially skeptical towards this proposal — and indicated that it might prefer any peace force to be led by its regional allies Turkey and Egypt, with an assertive mandate to disarm Hezbollah — the European position gradually gained traction as the war ground on.
There were unexpected highly-publicized set-backs: while it was widely assumed that France would provide the core of the new force, Paris created consternation when its first offer of new troops consisted of just two hundred soldiers. [3] This sparked a poorly-concealed bout of diplomatic competition between France and Italy over who should lead the mission. But by 25 August, when the European Council met to discuss force contributions, the EU’s members were finally groping towards a coherent policy. France, Italy and Spain pledged significant contingents to the United Nations Interim Force in Lebanon (UNIFIL). Smaller states such as Belgium were also keen to be involved, and the Council adopted a relieved (perhaps even self-congratulatory) tone:

> The significant overall contribution of the Member States to UNIFIL demonstrates that the European Union is living up to its responsibilities. The Council welcomes Member States’ intentions to commit a substantial

number of troops to be deployed in Lebanon, as well as significant maritime and air assets, command, communications and logistical support. Additional contributions are likely to be made in the future. This gives a leadership role for the Union in UNIFIL.\[1\]

This up-beat assessment was not confined to the EU’s members. Attending the Council meeting, Kofi Annan declared that “Europe had lived up to its responsibility and provided the backbone of the force”.\[2\] The Economist, remaining typically wary of excessive optimism on European security cooperation, still felt that the Lebanon crisis helped demonstrate “the substance of a common European foreign and defence policy, including the use of force abroad”.\[3\] It compared UNIFIL to recent EU-flagged peace operations. “If the ability to project force is now the hallmark of an independent foreign policy,” it concluded, “the EU could be said, at last, to be getting a bit more bloody, bold and resolute”. Others concurred that Lebanon represented a useful chance to judge progress towards the European Security Strategy’s three basic conditions for an internationally effective Union: “could the EU show itself itself ‘capable’ as well as ‘active’ and sometimes ‘coherent’?”\[4\] Ultimately, the results looked rather mixed:

Europe did not pass this test brilliantly, but it hasn’t failed it either. […] So the eventual outcome in Lebanon, whatever the failings, divisions, jealousies and obsessions and along the way, probably leaves a very slowly evolving common policy looking a bit fitter on the security side, even if the foreign policy side took a hammering.\[5\]

The months following the 25 August European Council meeting provided further evidence that the EU could “show itself ‘capable’”, at least in simple military terms. Using their own logistical arrangements, rather than those employed by the UN for its other missions, the European troop contributors moved their forces into Lebanon relatively rapidly. By 30 September UNIFIL had grown from its previous strength of 2,000 to 5,147 troops. Of these 3,635 (70%) were from EU members.\[6\] One month later, the force had grown to 8,741 soldiers — 6,699 (76%) of them of EU origin. At the time of writing, UNIFIL numbers over 13,000 and while the

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\[1\] European Council, Council Conclusions on Lebanon, 25 August 2006.
\[2\] “Europe has agreed to provide ‘backbone’ of strengthened UN force in Lebanon”, UN News Center, 25 August 2006.
\[4\] Robbins, op. cit., p. 25.
\[5\] Ibid., p. 26.
\[6\] September and October figures based on Center on International Cooperation, op. cit., p. 279.
force includes units from China, Ghana, India, Indonesia, Malaysia and Turkey, the bulk of the force is still of EU stock.[1]

The European response thus offered grounds for some qualified optimism about the efficacy of the EU’s capabilities and its willingness to use them. And yet the Union was still confronted by the conundrum that this show of determination had not resulted in an ESDP mission. Through July and August 2006, there was widespread speculation that the answer to the Lebanese crisis might be a deployment under ESDP. But by late July, it was being argued in Paris that the EU already had “much to do militarily in Bosnia and in [the Democratic Republic of] Congo” and that an inevitably high-risk ESDP mission in Lebanon would be a step too far for the relatively young policy.[2] Nonetheless, after the European Council boasted of “the leadership role for the Union in UNIFIL”, some commentators seem to have forgotten that UNIFIL is not EUIFIL. One expert has described UNIFIL as the “EU mission in Lebanon” and declared that its “success could be a testament to the success of ESDP”.[3]

This conflation of UNIFIL with ESDP may have political uses, but it is also analytically misleading. We have noted that ESDP is an “intergovernmental structure” or even an “old-fashioned military alliance”, but it was striking that the European contributors demanded that an entirely new intergovernmental military entity be formed within the UN to handle the enlarged UNIFIL. This was the Strategic Military Cell (SMC), formed in August 2006 to oversee the new deployments to Lebanon. It is arguable that is the role of this Cell in directing the mission that ensures that UNIFIL has a qualitatively European identity, rather than simply the quantity of European troops in Lebanon. The SMC consists of some twenty-seven officers, from the troop contributors and Permanent Five Security Council members — posts were initially distributed to reflect contributions to UNIFIL, and two-thirds of the Cell’s staff have been from EU Member States. Its first two commanders have been Italian and French generals. This largely European body has bypassed normal UN structures, irritating those governments (such as Bangladesh and Pakistan) who deploy large numbers of troops in Africa without any such mechanism.

Nonetheless, the European desire for such a “privileged” command mechanism was not entirely new: when the original UNIFIL was initially deployed in 1978, many

of the European contributors had been keen to have a clear say over the force’s activities.\(^1\) Washington was sympathetic, and in 1980 its Permanent Representative to the UN floated the possibility that the Security Council might ask the Secretary-General to “work closely with a commission composed of States contributing to UNIFIL to discuss and formulate new ways to help ensure the security of Lebanese inhabitants of that region.” This met immediate Soviet opposition, but in the 1980s UNIFIL contributors convened \textit{ad hoc} inter-governmental discussions, sometimes at the ministerial level, on the force.

So the idea that those countries risking troops in UNIFIL should have a clear say in their use was well-established long before 2006. But the consultations of the 1980s were doubly problematic: operationally they had little impact on the national contingents on the ground, which took highly divergent approaches to how tough or cautious they should be. Politically, the inter-governmental discussions gradually descended into complaining forums, with some governments (such as the Netherlands) using them to set political conditions for their continued participation. By contrast, the current SMC has clear operational authority and has been far more than a political talking-shop. In April 2007, UN Secretary-General Ban Ki-moon reviewed the SMC’s first six months of activity:

\begin{quote}

The activities of the Strategic Military Cell to date include the initial Force Requirement Review to configure the UNIFIL force in accordance with its expanded mandated tasks within the current operational environment. The Cell continues to supplement the UNIFIL concept of operations with additional strategic guidance covering the military aspects of the Force. That guidance has been incorporated in an operations plan and a set of contingency plans to prepare the Force to face various potential scenarios. In addition, the Strategic Military Cell reviewed and adjusted, in consultation with UNIFIL […] rules of engagement for UNIFIL.\(^2\)

\end{quote}

While the SMC’s director reports to the UN’s Under-Secretary-General for Peacekeeping Operations, the SMC also liaises with European governments. Ban Ki-moon explained that it “has developed and maintains contacts with the Military Advisers of the Permanent Missions in New York of the countries contributing

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to UNIFIL to discuss military matters of concern and to share information”. [1] Thus, the primarily European Cell has responsibility for discussing operational issues with the primarily European troop suppliers — and these officer-to-officer discussions are liable to be as important to shaping the mission as the more formal communications between the UN and governments. While UNIFIL is thus not formally a hybrid force, its de facto strategic command structure is a complex one, largely relying on the interaction of European militaries.

So although UNIFIL is not an EU mission it relies on the sort of intra-EU intergovernmental interplay that underpins the formation of ESDP military deployments — in essence, the UN has provided an alternative to ESDP as the framework for European military cooperation in this one case. In so far as the European Council acted as an important forum for governments to agree on the shape of the force, this cooperation did have an EU dimension at its inception. If the European Council’s involvement blurred the lines between EU and UN in 2006, the role of the SMC as a mechanism for European cooperation is a reminder that ESDP is not the sole basis for the EU’s military actions.

3. EUFOR RD CONGO: THE COMPLEXITIES OF COMMAND

“No use of tear gas, weapons down, only self-protection,” orders the NCO. In case of trouble or demonstrations the section will immediately retreat. Soldiers are told to friendly wave back to the population and keep smiling.

A Belgian soldier deployed with EUFOR RD Congo describes his rules of engagement, 2006. [2]

If the political process that led to the 25 August European Council meeting on Lebanon was highly imperfect, it has been favourably compared with that leading to the deployment of an ESDP mission to DRC (EUFOR RD Congo) to provide security during its high-risk national elections. The UN initially made a request for support from an ESDP mission to the outgoing British presidency of the EU in late December 2005, but it was not approved by the European Council until March 2006, nearly halfway through the Austrian presidency. It is arguable that this relatively slow process was justifiable as the force was not required immediately — but the eventual approval of the mission was overshadowed by a perception that there

was little real enthusiasm for the mission in the EU. Many were also unconvinced by the mission’s rationale. “With 2,000 soldiers, the coming operation is largely cosmetic,” Jean-Yves Haine and Bastian Giegerich editorialized as the mission got underway, and “like most cosmetic operations, it is more about European form than African substance, comforting rhetoric than relevant action”.

The mission’s rationale has more to do with French-German cohesion and with the EU’s desire to bolster the credibility of the European Security and Defense Policy after the fiasco over the European constitutional treaty’s rejection in referendums in France and the Netherlands. The actual reality on the ground in Congo is only a secondary factor.\[1\]

Similar criticisms have followed the mission’s conclusion, in spite of the fact that the Congolese elections were largely peaceful. It has been argued that the elections cannot guarantee lasting stability, and that EUFOR RD Congo’s limited deployment was thus “precisely the kind of operation that should not be promoted as part of the EU’s Africa strategy”.\[2\] The DRC’s post-electoral calm certainly remains tenuous, but we can reflect on how effectively the ESDP mission projected an EU identity — and the extent to which it successfully functioned as a hybrid with the UN’s force in DRC, MONUC. In some ways EU-UN cooperation, although *ad hoc*, actually proved more straightforward than EUFOR’s internal coordination. The mission involved 1,090 troops from France, 730 from Germany, 130 each from Spain and Poland and contributions of fewer than 100 from Belgium, Finland, Italy, the Netherland, Portugal and Sweden.\[3\] As Karl von Wogau has observed, the mission was hampered by interoperability problems:

> In theory, the use of NATO Standards should help avoiding problems of interoperability. However, the reality of integrating different national contributions into the small EUFOR proved more difficult. It was suggested that a prior training period for all troop-contributing states would help to overcome a lot of the interoperability problems… Moreover, the use of different — and often incompatible — equipment and armaments by the participating units led to extra costs and reduced efficiency.\[4\]

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Yet the mission’s troubles were not matters of operating procedures and equipment alone. With its Force Headquarters in Kinshasa, Operational Headquarters in Potsdam and political oversight from Brussels, decisions had to go up and down a lengthy chain of command. To one French official, this was a potentially very dangerous situation:

*Artemis* was a mission mainly carried out by France in [the] service of the European Union. EUFOR DRC was a truly European multilateral mission, with all its operational drawbacks. The distances between the strategic, operational and tactical headquarters have induced hazard and risk in the mission. We need to reunite permanently [the] strategic and operational facilities of the European Union. Otherwise we risk losing the ESDP, this instrument of peace and stability that we have created for ourselves and in the service of international crisis management.[1]

Yet it is arguable that, while EUFOR RD Congo was hampered by its cumbersome chain of command, its most important operational arrangements were with MONUC. While a rationalized European chain of command might have assisted the mission, its impact was inevitably going to be decided by how effectively it interacted with the UN. If EUFOR had the tactical capacity to reinforce MONUC, it was MONUC that had the resources and mandate to define and implement a strategy for the Congolese elections. Since the deployment of Artemis in 2003, the EU had taken a number of initiatives to work within the security framework offered by the UN in DRC.[2] It had two non-military ESDP missions in place by 2006: a police mission (EUPOL Kinshasa) and security sector reform team (EUSEC DR Congo). These boasted a combined manpower of little more than thirty, but the EU also provided three hundred observers to cover the 2006 polls, while it and the UN jointly presented humanitarian and development plans for DRC.

The decision-making structures for the ESDP missions in DRC have proved particularly complex. If *Artemis* demonstrated that the EU was ready to deploy its resources to reinforce the UN, it also highlighted the status of the European Council as a separate locus of decision-making to the UN Security Council. *Artemis* was mandated by UN Security Council Resolution 1484, which called for a multinational force but did not specify its institutional origin. The mission was authorized by a Joint Action of the European Council that located responsibility for launching the mission and “the powers of decision with respect to the objectives and termination

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[2] The two paragraphs that follow are an edited extract from Gowar, The global objective, op. cit.
of the operation” firmly in Brussels, while operational control of the largely French intervention force was routed through Paris. Authorized in 2004, EUPOL Kinshasa did not receive a specific mandate from the UN, although it referred to Security Council Resolution 1493 of the previous year, which encouraged support for the Congolese police — EUSEC RD Congo was launched on a similar basis. Both were made answerable to an EU Special Representative (EUSR) in Kinshasa, reporting to Brussels. EUFOR RD Congo received a mandate in Security Council Resolution 1671 in April, and a Council Joint Action authorized the operation shortly thereafter. As in the case of Artemis, the European Council retained the “powers of decision” over the mission’s goals and conclusion, but it also recognized the level of organizational complexity on the ground, instructing that:

The EU Force Commander in coordination with the EUSR and the Heads of Mission for EUPOL Kinshasa and EUSEC RD Congo respectively shall, on issues relevant to his mission, maintain close contacts with MONUC and local authorities, as well as with other international actors, as appropriate.\[1\]

In terms of high politics, the variety of means by which the missions were initiated — including UN mandates, Council Joint Actions and *ad hoc* informal requests — suggested that the decision-making structures of the EU and UN were increasingly intertwined. Operationally and tactically, UN and European officials muddled through reasonably well, improving on Artemis, during which EU-UN coordination in the field was poor.

That does not mean that EUFOR-MONUC cooperation was perfect.\[2\] At the planning stage, there was frequent frustration over the lack of formal coordination structures. Irritations arose over issues such as sharing documents. In the field, a particularly worrying problem arose from the fact that the two missions generated independent threat assessments — creating differences over precisely when deterrent action was necessary. But in Kinshasa, there was good chemistry between the senior officers on both sides (the EU’s field commander was French, while the UN’s was Senegalese, meaning that they shared a common Francophone military culture). When, in late August, it looked like militia fighting in the city might escalate out of control, EUFOR and MONUC troops mounted an effective joint action to contain it. At times, EUFOR seemed to be constrained less by the UN

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\[2\] This paragraph and the two that follow are edited extracts from Richard GOWAN, EUFOR RD Congo, UNIFIL and future European support to the UN, in MATTELÆR (ed.), *op. cit.*, p. 30.
than by the range of national caveats among its own contingents. Yet this mission proved that an ESDP operation can operate within the strategic framework of an existing UN deployment. It also suggests some fairly obvious ways to enhance future co-deployments: the development of standard joint operating procedures for coordinating operations at the strategic and tactical levels, and in particular methods of generating joint threat assessments to act as the basis for joined-up decision-making.

Whereas the UNIFIL experience was a reminder that ESDP is not the only vehicle for European military cooperation, therefore, EUFOR RD Congo showed that the presumption that an ESDP mission equals EU autonomy is also problematic. It is certainly true that, in formal terms, EUFOR RD Congo was independent of MONUC, but in operational and strategic terms it was reliant on the UN presence if its deployment was to have any meaning. In this, it differed from the earlier Operation Artemis, which was deployed to stabilize an area of the eastern DRC in which the UN had effectively lost control. By contrast, EUFOR RD Congo was a deterrent force, alongside a UN force that, while overstretched and unpopular in Kinshasa, retained control of its situation.

It is arguable that the Artemis experience, and its role in stimulating the battle-group concept, has had an excessive influence on thinking about military ESDP missions — and especially the role of ESDP missions deployed in hybrid frameworks alongside forces of other international organizations. After Artemis, it became quite orthodox in ESDP circles to assume that future missions would be “Artemis II”, “Artemis III” and so forth. That meant that these missions would follow a certain pattern. They would (i) be in Africa; (ii) involve a brigade-strength force with a robust mandate; (iii) deploy for a fixed period of three to six months; (iv) operate firmly outside UN command structures. Up to a point, EUFOR RD Congo confirmed these assumptions, in terms of its size and period of deployment as well as its chain of command. But what these earlier assumptions had obscured was the need to think in a more nuanced fashion about how future deployments would fit into hybrid structures and respond to new and complex security challenges.

In reality, the EUFOR RD Congo experience saw the ESDP mission adapt to fit a framework set by the UN — the European troops were within a UN framework, even if they were outside its chain of command. We have seen that the insertion of large numbers of European forces into UNIFIL permitted the EU’s members to effectively reshape the mission (and especially its command structures) to suit their needs. By contrast, the Congolese case saw a subtle adaptation of the European mission to fit into an existing UN framework. For those inclined to obsess with
questions of identity, it might be healthy to ask which of the two missions was the more genuinely “European”: the UN mission that was taken over by European governments, or the ESDP mission that was strategically, if not operationally, subordinate to MONUC’s goals in DRC?

4. BEYOND LEBANON AND DRC: SHORT AND LONG-TERM PROSPECTS

If 2006 was indeed a year of European action, what will follow? And what lessons can we take away from 2006 that might permit the EU to respond more effectively to future crises? As this author has argued elsewhere, this may prove to be a matter of immediate urgency, as mounting challenges in Kosovo, Lebanon and Afghanistan might result in a “multi-center crisis”, with spikes of violence in two or more theaters simultaneously. Thanks to Lebanon, “2006 was the year that Europe showed it was willing and able to get troops to trouble-spots impressively fast”. But while getting troops on the ground may win praise, having troops on the ground brings problems of its own: “if Europe is to be a credible player in world affairs, 2007 must not be the year in which we find out how quickly, and under what pressures, those troops will evacuate”.

But if the EU’s members can weather any such immediate storms, there are longer-term lessons from 2006 about how the Union can project its security identity. As has been suggested above, these lessons center on the utility of strategic subordination and interpenetration in dealing with other international organizations to achieve international security. The EUFOR RD Congo story is admittedly a flawed advertisement for strategic subordination — here was a mission that was probably unnecessary, the authorization and implementation of which generated political and operational embarrassments. Nonetheless, it revealed that there is potential for more innovative strategic thinking on how the EU deploys ESDP missions to support the UN (or, in other conceivable scenarios, a regional organization such as the AU). This thinking must move beyond the post-Artemis orthodoxy to focus on questions of how to maximize coordination in hybrid operations, from the planning through to tactical and operational implementation. Having expanded the EU’s military arsenal through the battle-group concept, it is now necessary to look beyond the EU’s capabilities to see how they fit with those of others.

This may lead to less of a concentration on identity and more on interpenetration — how, where ESDP missions are deployed, can they balance their operational

The EU’s Multiple Strategic Identities: European Security after Lebanon and the Congo

autonomy with the need to operate extremely closely with partner missions? Such issues have already arisen not only in EU-UN relations, but in ESDP support to the AU in Darfur. It is time to move beyond ad hoc solutions in such situations. Nonetheless, the UNIFIL experience should remind us that EU-UN interpenetration will not always take the relatively straightforward form of inter-institutional relationship-building. It may also take the far more complex form of EU member states negotiating on crises and missions in multiple forums (as Lebanon was debated in the UN and in the European Council) and forming operational entities such as the SMC to coordinate a European-led strategy outside ESDP structures. The UNIFIL story was an undeniably convoluted one, but it nonetheless ended with both the European powers and the UN looking unexpectedly relevant in resolving a Middle Eastern crisis. There will be further occasions in which European governments will find that it is easier to effectively manage a crisis through non-EU structures — to limit this flexibility in the name of identity would be a foolish mistake.

Indeed, as long as the EU remains a “hybrid” entity, with “its ‘actorness’ being built from the bottom up”, the ability of its members to be flexible in making choices about how to respond to specific crises remains one of its greatest assets. Rather than look for an “ESDP answer” to every problem, the EU’s members should be able to work through the UN and other multilateral partners to find the best solutions available. This brings us back to Janne Haaland Matlary’s warning that “the problem with regard to strategic culture is not primarily military culture, but political will”. If the EU is to be an effective strategic actor, the challenge is not to perfect ESDP. It is to develop a shared political will to work through the whole range of multilateral institutions, and maximize their efficacy. Fifty years after the Treaty of Rome, the EU now looks ahead to an uncertain world of unpredictable crises, to which it will have to find an ever-increasing variety of solutions. To search for one EU identity is insufficient — the EU needs to project and adapt its identity across a multiplicity of international institutions, to face a multiplicity of crises.
THE INTERNAL — EXTERNAL SECURITY CHALLENGE FOR THE EU

Magnus Ekengren*

1. INTRODUCTION

The necessities of transnational protection and crisis management in a globalised world are compelling the EU to take on a new, proactive security responsibility. In the last few years the European Union (EU) has given assistance to those affected by the Asian tsunami, supported American authorities during the Katrina disaster, coordinated water-carrying aircraft to fight forest fires in Southern Europe and rescue teams in Turkey and Morocco after earthquakes. The Union has sent military peacekeeping missions to Bosnia and the Democratic Republic of Congo, taken measures to prevent the further spread of avian influenza and to respond to the challenges of international terrorism and coordinated EU member states in bringing home thousands of refugees after the war in Lebanon in the summer 2006. The list of activities is growing with extraordinary pace and provides a striking evidence of the fact the new security agenda is truly global.[1]

The Union’s policies and instruments of protection have had a hard time to keep up with the demands stemming from this development.[2] Unfortunately, the many tragic events since the beginning of the 1990s have forced the EU onto the defensive. The development of the EU’s security policies has so far been a reaction triggered by conspicuous events.

- Experiences from the Balkan wars resulted in the formation of a European Security and Defence Policy (ESDP) for external crises, backed up with a military and civil crisis management capability and new organs.

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The Internal — External Security Challenge for the EU

- ‘9/11’ led to the intensification of EU internal security efforts. Currently almost every area of cooperation in all Union pillars has a security plan, a security committee and a network for rapid communication and reaction.
- The events in Madrid on 11 March 2004 led to the EU adopting the ‘Solidarity Declaration’ on mutual support for the prevention of terrorism and aid in the event of terrorist attack on EU territory.[1]
- The Asian tsunami disaster in 2004 resulted in closer consular EU cooperation and the establishment of civilian teams for international rescue missions.
- The bomb attacks in London in the summer of 2005 have led to closer EU cooperation on intelligence and discussions of a Programme for the protection of critical infrastructure in Europe.[2]

Thus, the Union has tended to fall into the same traps as the nation states; i.e. basing its defence on the last crisis (or war) and making a strong distinction between internal and external security. This has been the root of many problems. In fact, most of the external actions listed above were forced to be carried out by EU instruments that were initially created for ‘internal’ crisis management. The consequence is that the new globalised tasks often have to be handled by ad hoc arrangements. For instance, due to the lack of a capacity for external civilian crisis, it was the enlargement department (and budget line) of the EU Commission that suddenly had to take the lead for Union support to affected candidate states during the flooding of Central Europe in 2002. For similar reason Union responsibility for the safety of EU citizens abroad was ‘invented’ and developed during the acute phases of the tsunami disaster.[3]

The 2003 European Security Strategy declares that ‘internal and external aspects are indissolubly linked’.[4] However, the implications of this merger for EU protection are not (yet) reflected in the analysis and making of Union policies, institutions and operational planning. It is widely acknowledged that there is great potential in a more efficient combination of the EU’s external and internal crisis management

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capacities.\[1\] Indeed, the future development of the ESDP and the implementation of the Solidarity Clause in the draft Constitutional Treaty\[2\] constitute a crucial test for the Union’s ability to retake the initiative internationally when it comes to shaping transboundary security in an innovative and strategic manner. This has never been as important as it is today when we see the shortcomings of civilian crisis management as well as more traditional uses of warfare and arms in Iraq and in the Russian suppression of terrorism.

The aim of this article is to examine some central policy and operational implications of the closer interface for EU protection policies. To this end it presents a conceptual framework for the analysis of EU security that transcends today’s artificial boundary and can inform the debate about policy and institutional reform. The chapter begins with a theoretical background to why the internal-external distinction has had such a strong influence on our thinking. The subsequent section sketches a global approach to European and EU security in terms of concentric circles in contrast to a sharp division between home and abroad. In the light of this perspective implications are discussed first with regard to the ESDP, second in relation to EU civil protection, third within the framework of the Solidarity Clause and finally with a special focus on national military capacities needed for the implementation of the Clause. The goal is to pin-point key challenges that must be met for a more efficient EU role in the protection of its core values and citizens.

2. FROM THE INTERNAL-EXTERNAL DIVIDE TO CIRCLES OF SECURITY

EU between national and international security

The Union has always essentially been a transboundary security project. For the first forty years of the Union’s existence, it promoted inter-state security through a system of networks that crossed state borders. External security relations among states were turned into ‘domestic’ European politics. Now — in an era of transboundary threats — the task is to create a common defence and security through similar networks beyond the internal-external divide.

An unfortunate theoretical development in recent years is the use of concepts and frameworks borrowed from the study of national security to study supranational


security. Consequently, an unhelpful distinction has been made between internal ‘desecuritization’ of relations between EU member states and an external Common Foreign and Security Policy (CFSP), which has been analysed in the context of international security dynamics. This division originates in the tradition of territorial security and border defence. In practical life the division is cemented by the EU’s ‘pillar’ construction where the second pillar (the CFSP) has been set in contrast — formally as well as analytically — to the ‘internal’ security domains of the first (civil protection, health etc.) and, more recently, the third pillar (police, border control). However, the question is to what extent a line between external and internal security can be drawn for a political entity that is not first and foremost territorially defined and one of whose aims was to erode borders for the purpose of inter-state security. The questions of what is inside and outside the Union and what is external and internal EU security should thus arouse significant analytical interest.

By combining domestic and international perspectives on EU security this section sketches the contours of a European security field stretching from inside the EU beyond its borders. The field for Union security action can thus be defined as a sequence of concentric circles of different concerns and dynamics, rather than on the basis of a strict distinction between internal and external security. In this way, the approach builds upon and extends earlier conceptual attempts such as those associated with an ‘enlarged European security space’, the ‘internal’ European security area or ‘sub-regional institutional security frameworks’. It also relates

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to studies of Europe’s increasingly decentralised decision-making and metaphors such as ‘Olympic Rings’.¹

Theories on the dissolution of boundaries between internal and external national security have demarcated a new transboundary ‘field of security’ in Europe.² The role of the EU is often here described as a ‘platform’ for negotiations between the security agencies of the member countries, such as the police and military forces. The roles of national actors are changing; both the police and the military forces are now increasingly oriented towards the common task of ‘internal’ European security. This has led to the fact that security analysis and planning are preoccupied with crisis situations and the prevention of conflicts and international crimes rather than traditional wars.⁴ EU measures are gradually leading to a Europeanisation of the national obligation to protect citizens. The challenge to current theory, therefore, is to make sense of the EU as more than just a platform: it now possesses both internal and external safety and security instruments of its own. Consequently, the EU increasingly reflects the characteristics of a domestic system that could be understood by using theories of system and societal vulnerability, i.e. major disturbances on society (system effects).⁵

What is the international security threat to the EU? The confusion evoked by this kind of question is due to the fact that the EU traditionally has not been conceived of as an international security entity; it has, for example, no collective defence in the traditional sense.⁶ Nor has it been analysed as an actor pursuing an active security policy because ‘security policy’ has been adjudged to remain within the competence of the EU member states (or to be taken care of in other organizations such as the North Atlantic Treaty Organization). The EU has traditionally most often been viewed as an outcome or reflection of the considerations of other players organising for other concerns. Its success was that it created security by not

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³ BIGO, D., When two become one, op. cit., p. 183.
discussing security. The consequence is that the EU until recently has lacked its own international security identity, which makes it difficult to capture in theoretical language the explicit and active EU security role that is taking shape today. The way in which the ESDP has evolved since 1999 has been interpreted as ‘the end of territorial defence’ for the EU, but the definition of the EU’s security identity cannot be made with negations alone. Before we can understand how the ‘internal’ and ‘external’ dimensions overlap, the reference object of EU security must be further defined. What values, systems, ‘functions’ or perhaps territory do both ‘internal’ and ‘external’ policies aim to protect?

**Internal and external security: common objects of protection**

Over the years, new security referent objects have evolved incrementally within the Union as a result of its growing field of competences. Owing to the gradual expansion of tasks of EU institutions, namely the Commission, those institutions have also been forced to take on a growing responsibility for safeguarding and protecting the EU functions and ‘systems’ that new policy competences have created. The question of whom, what and from what EU security is protecting can be explained in the light of what the Union has considered to be a crisis throughout its history, and considering how the list of what should be safeguarded for the common good has grown. Since the 1950s the EU has provided national security. In the 1970s and 1980s, economic welfare and stability came to be perceived as a critically important object for EU members to secure jointly. A crisis for the functioning of the common market and the institutional and legal measures taken to uphold the “four freedoms” of intra-European exchange became an EU crisis.

By focusing on safeguarding the vital flow of resources for the welfare and identity of EU member states, the Union in effect took steps towards transnational societal security. In the 1990s, the outbreak of war and violence in the Balkans also forced EU leaders to define this crisis as a crisis for the Union. The value of peace and stability in the neighbourhood — the ‘near abroad’ — was added to the EU’s core goals. The aim of protecting peace and the safety of civilians was no longer limited to EU member states. Consequently, the reference object for the Union’s endeavours became the

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2. Technically speaking, the European Union only exists since 1992. We take the history of the EEC (which began in the late 1950s) into account as well.
3. BOIN, EKENGREN and RHNARD, 2005, op. cit.
same within and outside its borders: to secure states or ethnically based groupings against each other. Thus a threat or event that undermines peace and stability in wider Europe also presents a potential crisis for the EU today. In this way the concept of human security could also be added as a label for characterizing the aim of European security. This development was further underlined in subsequent years when natural disasters increasingly became defined as EU crises. The Commission and its Directorate-General (DG) for Humanitarian Aid (ECHO) gave a high priority to helping Turkey when the country was hit by two earthquakes in 1999. If early practices set a precedent for future EU crisis management, EU security might increasingly refer to all humans in grave international crises.

The 1990s saw a new development in internal EU safety. The BSE crisis in 1996 was a serious threat to the common market and at the same time to the safety of European consumers. The EU had to reconcile the protection of both aspects of the growing multidimensional character of its referent object of security. The events of 11 September 2001 started a chain of policy responses that have more clearly stated ‘EU citizens’ as an object of security. The Solidarity Clause constituted the next step by declaring that the EU aims should be to ‘protect democratic institutions and the civilian population’ not only from terrorist attack but also in the event of natural or man-made disasters (Article I-43). Therefore, the referent object of security is not just a matter of infrastructure or flow, but also concerns the ability to govern society and to articulate political goals — the functional security areas.

The historical overview shows how the Union has come to play a security role in four ‘core’ areas transcending the external-internal divide. In this way the Union is protecting certain fundamental values such as peace and stability (both within

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the EU and the near abroad), the European economy and the safety of people and society wherever under threat. These values are the main referent objects of security that members of the community seem to agree about in terms of joint protection. In other words, the Union has developed its policies for the protection of these fundamental EU values.\[1\] The EU’s role in the four core areas could be said to embrace all the security concepts referred to above: national, societal, human and functional.

Figure 1 (below) illustrates how the Union security role has evolved over the years in the form of the protection of four ‘core areas’. The figure could in fact be seen as depicting the chronological evolution beginning in time with the inner circle as well as the geographical extension of the Union’s security commitment, ranging from member states in the inner circle to anybody in need of protection in the outer area.

Figure 1. The four core areas for EU security.

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EU actions in circles of European security

The circle approach can now be translated into descriptions of specific security complexes. For instance, the Union has mainly responded to its neighbours not as a traditional security actor but by extending its internal system of governance through enlargement and through the integration of external actors into joint policy-making processes. [1] That is, through the EU’s traditional fostering of security community. The consequence is a blurred boundary between ‘outsiders’ and ‘insiders’ in many EU security initiatives such as security sector reform. [2] In the light of earlier CFSP history, [3] the capabilities developed for the ESDP will probably be used primarily in the areas bordering the EU. These areas are defined not only by the incidence of transboundary threats and risks, but also by expanding economic and security networks — the EU’s traditional method of crisis and conflict prevention. The networks include first pillar systems to minimize societal vulnerabilities and prepare for emergencies. The main task of the new military and civilian capabilities of the ESDP is formally to manage crisis and conflict outside the borders of the EU. [4] This is intended to make the EU better-equipped as an ‘international’ security actor in the same boundary land for which it is attempting to build a ‘domestic’ European infrastructure through inter alia the Solidarity Clause on terrorism. Forthcoming enlargements and the ‘European neighbourhood policy’ [5] only underline the need for a circle approach in an EU security space that is steadily moving east and south.

Further away from the Union heartland, the security identity of the EU is gradually changing character. The Union is a hybrid of an international organization and a would-be polity whose object is both the protection of EU and universal values wherever they are threatened in the world and the safety of the EU citizens in a


[3] On the basis of the growing collection of case studies of the EU’s external actions it is safe to conclude that the CFSP has been politically strongest within (‘collective at any cost’) and on the EU’s frontiers. See Piening, C., Global Europe: The European Union in World Affairs (London, Lynne Rienner, 1997). This development has been underlined as a consequence of the extended cooperation with candidate states in the 1990s. See Feis, L. and Murphy, A., The European Union and Central and Eastern Europe: governance and boundaries, Journal of Common Market Studies, Vol. 37, No. 2, 1999, pp. 211–32.


more narrow sense. Closer to the core EU security crises might best be defined as threats to free trade and EU citizens, the EU Charter of Fundamental Rights, and so on — and, further out, to international law and the values embodied by the United Nations. According to the proposed EU constitution, ESDP missions should be carried out for the purpose of peacekeeping, conflict prevention and the strengthening of international security in accordance with the principles of the UN Charter. The EU’s first independently launched military operation — Operation ARTEMIS in the Democratic Republic of the Congo, in 2003 — was carried out at the request of the UN (under a Chapter VII resolution). If the early practices involving UN requests and mandates have set a precedent for future ESDP operations, EU security might increasingly encompass all people who are involved in a grave international crisis, as predicted by our circle approach. The evolving security role of the EU might then perhaps best be characterized as that of a regional body for the implementation of UN decisions. In that case, the ‘outer’ EU security circle would equal international security, and there would — per definition — exist no external security dimension in relation to which internal security could be distinguished.

Thus, the internal-external divide has in practice to a large extent lost its importance as analytical as well as political guideline for EU security action. The initial plan for the deployment of EU battle groups was ‘within a geographical radius of 6000 kilometres from Brussels’. The obvious analytical implication of this kind of definitions of European security is the concentric circle approach presented above. But what are the policy and operational implications?

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3. IMPLICATIONS FOR ESDP

EU level

ESDP has given rise to fundamental discussions about how to develop a more global EU concept that would seek to combine external and internal approaches more closely. This is thought to be essential if ESDP is to be successful and proactive.[1]

The EU’s security answer to the September 2001 on the USA attacks was non-military in nature. The focus was put on the crisis management capacities that exist in all three EU pillars. In practice, this made the EU responsible for the paradox of ‘internal’ and ‘external’ non-territorial security. In general, the events of 9/11 started a process which has led the EU to rethink its previous demarcation lines between trade, aid, diplomacy and the new crisis management capacities created under the ESDP. Discussions on whether or not to include the capacities of the EU’s third pillar, Justice and Home Affairs — for example, in the areas of personnel and threat identification — signalled a development towards a broad transboundary security approach to the ESDP. For internal as well as external security reasons, many observers argued that there was an urgent need for better coordination between non-military ESDP activities, work under the Justice and Home Affairs pillar and the European Commission. It was also suggested that security thinking should be ‘mainstreamed’ into other areas of EU cooperation as well.[2] However, most of the issues still remain to be solved as of writing (2007).

The Union’s strength as a crisis manager lies, above all, in the possibility of gathering the full range of instruments that it has acquired over the years. Just as it will be difficult to separate internal security policy aspects from the external ones, it will probably be difficult to separate non-political aid instruments from protection activities with a security-political dimension. However, these sorts of problems must be resolved quickly. The EU’s potential as a crisis manager will crystallise through the development of new and innovative networks over and above the pillars of the EU. Therefore, to be really successful as a crisis manager, the EU must find ways to bridge the pillar structure, which currently militates against effective coordination of the various resources that the Union has at its disposal.

Already, international crisis management instruments have developed within the EU’s first pillar in the form of coordination by CIVCOM and the Commission’s Rapid Reaction Mechanism (RRM). The pillar-crossing coordination that has already begun will help to break down the divisions between external and internal policies of protection. The challenge of different principles for decision making in each pillar will, however, remain. Some analysts, for instance, predict CFSP crisis management in the long run will remain intergovernmental due to weak incentives for member states to delegate to supranational organs. Other, in contrast, show how the institutionalization of EU protection policies in some sectors are leading to more supranational solutions. In this perspective it is in the long term possible to envisage an all-embracing ‘fourth pillar’ for EU protection that will standardize decision making structures between pillars.

**National level**

To a greater degree than EU level coordination, perhaps, effective capability depends on member states being prepared to break up or redefine corresponding barriers on the home front: barriers between internal vulnerability and external defence, between defence and police forces, military and civilian intelligence agencies, between defence, justice and foreign ministries, and between defence policy, emergency planning and rescue agencies. All of these barriers originate from a strong distinction between internal and external security. Many observers conclude that the future structure of EU institutions and their relationships with member states is the key dimension for efficient ESDP instruments.

Ability is not just about having material resources to hand; it is also — as in the 1950s — about being ready to think in new ways and with new priorities. Current ESDP capability will never be greater than the contributions by member states. For

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example, to what extent EU security policy is intertwined with national security is largely a national question. Nowhere is this more clearly illustrated than in the current EUFOR operation in Bosnia-Herzegovina, which replaced NATO’s SFOR in December 2004. One reason that the EU Police Mission (EUPM) in Bosnia (starting 2003) received such a strong response to its request for national experts in organised crime was the great interest in the issue amongst justice ministries and police forces in member states. It was understood at an early stage that drug smuggling and crime syndicates, which threaten the EU’s major cities, are best countered by being on the spot in the Balkans. [1] The question was how much security the member states achieve at home for money invested in the Balkans through the EU.

Member states have differing views about certain issues in joint operations, which are of central importance to the breaking up of the internal-external divide. For example, there are ongoing discussions about to what extent there should be strict demarcation between military and police tasks in EUFOR operations. Member states have emphasised that in Bosnia, the EU will be seen as an actor only with a well-coordinated contribution. Certain countries have made moves seeking to place the EU Commission under the authority of ESDP in the form of the EU Special Representative. Others have maintained that the objective of the Union has always been to turn European security policy into a matter of EU domestic policy; therefore, they have resisted any attempts to subordinate what they see as the engine for the whole process — the EU Commission — under the infrastructure for Union foreign policy in the second pillar.

The realisation of an ESDP beyond the internal-external divide requires not only long-term vision, but also unified concepts that can give direction and impetus to the national work at hand. The current establishment of multinational EU battle groups is one indication of the capabilities that will be required for future global security. As indicated by this chapter, however, there is still much thinking to be done about the political and strategic use of such resources; for what purposes should these groups be used?

4. IMPLICATIONS FOR THE SOLIDARITY CLAUSE

As mentioned previously, the Solidarity Clause was adopted in March 2004 after the Madrid bombings in the form of a political declaration. The Clause builds on the fundamental character of the Union and contains a range of forward-looking elements, which can help in the removal of boundaries between EU internal and external security and between crisis management and defence. The Clause was initially developed in the European Convention’s Defence Working Group (2002-2003). The Clause states that

“The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:

• prevent the terrorist threat in the territory of the Member States;
• protect democratic institutions and the civilian population from any terrorist attack;
• assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack,
• assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.”

The Clause brings to the fore several central issues addressed by the theoretical section of this chapter: Whose security? What will the EU secure? What constitutes a crisis for the EU? What is the EU providing security against? Does EU security apply to democracy and institutions in member states and/or at the EU level? To the member states’ or the EU’s population? Were the bomb attacks in Madrid an EU crisis? If so, what made them an EU crisis? Why was the Clause not invoked in the case of the London Underground bombings in the summer of 2005? This adds up to a number of ‘when’, ‘where’ and ‘how’ questions.

When? What should be the deciding factor in mobilising EU instruments? Could a request for help come from EU institutions? Does one EU state have the right to decide that another member state is going to be attacked, or is at risk of being attacked, and invoke the Clause? Bearing in mind that the Clause is already in force,


in the form of a political declaration, to what extent is an attack on one member state an attack on all? Is it possible to envisage the Clause being put into effect, if a member state considers itself threatened by terrorists? Could such a state demand mobilisation of ‘all’ EU instruments to counter the threat?

Where? The Clause applies to efforts within the Union’s territory, not beyond. Territorial integrity was the goal of nation states. Will the integrity of societal functions be the goal of EU defence? The Solidarity Clause can take the EU a step closer to a new sort of transnational societal defence of the civilian population and democratic institutions. This ‘total’ EU defence could be seen as distinct from collective territorial defence as well as traditional EU conflict prevention. The EU as defence union rather than defence alliance? A successful defence union would probably be of great importance in consolidating a European identity.

How? The Clause emphasises the need for capabilities embracing all sectors — including military resources. The thinking is that, in the long term, member states should move in the same direction in their defence policy in order to meet the new terrorist threat. The assumption is that, today, member states are converging in terms of values and have reached a sufficient degree of integration in terms of cooperative networks. Another condition for the Clause to be successful is that preventive measures and national infrastructures are coordinated to the point that member states can act jointly at times of crisis. This readiness to act can, to a limited extent, be legislated for through the EU, but must be based on a long-term common viewpoint and, perhaps, on the development of new forms of cooperation within the EU. Practical requirements for the Clause include a new transnational, cross-sector EU infrastructure of ‘working networks’ between member states in the protection field. This should include national public administrations as well as the civilian community, private business and voluntary organisations, the military, police forces, the judiciary and intelligence agencies. Discussions are currently taking place about how such cooperation can best be achieved. Thinking in this area has included the idea of ‘EU preparedness guidelines’ as a basis for an all-encompassing European societal defence. Other far-reaching questions are how EU candidate countries and neighbouring countries can best be involved in this process, and what links there should be between the EU and the USA and Russia in these matters.

More than perhaps any other EU instrument, the Clause has the potential to be an instrument that contributes to the dissolution of the boundary between internal

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civil protection for emergencies and external crisis management for security.[1] It could be interpreted as bridging the two main views that have coexisted so far on the finalité of EU defence: collective defence through military alliance, on the one hand, and security through networks on the other. An EU defence within expanding European security circles is more easily reconciled with European integration’s traditional role of creating a long-term zone of peace (security community), in contrast to the defence of territory for its own sake. The latter is more closely associated with traditional military instruments of power, which could be detrimental to relations with certain third countries and to the image of the EU as a security model. The EU could thus become a defence power while simultaneously avoiding a new and potentially destabilizing balance-of-power relationship with neighbouring regions. The EU candidate states could be involved at an early stage of the accession process, and neighbouring and other states would be allowed to participate as far as possible. The Clause could be a step that, with time, might be a model also for other parts of the world. Perhaps Europe could be linked together with similar regional systems into a global defence network for the combating of today’s network-based global terrorism.

The Clause legally codifies the external–internal interface by formally recognizing the new object of EU security discussed in the theoretical parts: the functions of democratic institutions are to be safeguarded and populations are to be protected. Compared to the case of the traditional nation state, functional specification is given a relatively stronger position than territorial delimitation as a basis of EU security and defence. This weakens the rationale for a dividing line between internal and external EU security, in practice as well as analytically.

5. IMPLICATIONS FOR EU CIVIL PROTECTION

The EU civil protection cooperation also demonstrates the Union’s expanding concern for protecting ‘people’, ‘property’ and ‘democratic institutions’. Civil protection cooperation first began in the mid-1980s largely as the result of a Commission push for more coordination to manage natural disasters internal to the Union. The then commissioner for environment argued strongly that his directorate-general should do more in the wake of forest fires and heat waves in Southern Europe. Several Council resolutions adopted since 1985 approved the move toward joint training and an exploration of resource sharing. A legal basis for the actual deploy-

ment of such resources, however, would not come until 2001. The 11 September attacks led to the creation of a Community ‘mechanism’ for the compilation and use of member state resources, not only for natural disasters but also terrorist attacks.\[1\] Moreover, with the rise of the EU’s external role in ESDP, member states ensured that the mechanism could be used to coordinate events both inside and outside the EU.\[2\] However, in practice the elaboration of a capacity able to transcend this boundary has been more cumbersome than expected. This section tries to explain why.

The Community civil protection mechanism concerns the response phase of a disaster, and involves the pooling of civil protection resources amongst the 25 EU member states plus 5 non-EU states.\[3\] Member states are obliged to ‘identify in advance intervention teams which might be available for such intervention’ (Council of the European Union 2001, Article 2). Moreover, the ‘member state in which the emergency has occurred shall notify those member states which may be affected by the emergency’ along with the European Commission (Council of the European Union 2001). Member states have committed themselves to make available civil protection intervention teams of up to 2000 persons at short notice by 2003.\[4\] Community civil protection activities are managed by the directorate-general for environment, in the unit for civil protection. Monitoring and coordination of disasters takes place through the Monitoring and Information Centre (MIC), which operates a 24/7 communication and rapid alert network between member states called the Common Emergency Communication and Information System (CECIS).\[5\]

The adoption of the Community mechanism not only strengthened the EU’s competences in civil protection: it also made pooled civil protection resources potentially available for use abroad. The EU, operating through pillar I, thus took an explicitly external role in civil protection alongside its traditional internal role. In turn, a question soon arose as to whether the Community mechanism might also be deployed as part of pillar II’s ESDP. The Feira European Council in June 2000

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[4] These commitments were made at the European Council meeting in Göteborg in June 2001.

agreed that the civilian crisis management component of ESDP should include civil protection. After several years of negotiation, the Commission and the Council agreed on a joint declaration in 2003 setting out how the Community mechanism might be employed for an ESDP mission.\[^{[1]}\]

The mechanism has been employed several times since its establishment. After the 11 September 2001 events more than 1,000 rescue workers from the member states were co-ordinated through the mechanism for missions across the Atlantic.\[^{[2]}\] The MIC has launched requests for assistance in connection with the oil accident caused by the *Prestige* tanker off the Spanish coast in the autumn of 2002.\[^{[3]}\] This resulted in ships, aircraft, equipment and experts from different participating countries put at the disposal of the Spanish, Portuguese and French authorities. The mechanism was also used for a request for high capacity pumps during the floods in France in December 2003 and in February 2004, when Morocco was hit by an earthquake. In 2006 the mechanism for the first time was used in a war situation when it helped member states to evacuate their citizens from Lebanon and coordinated European experts for the education of locals to clean up the oil spill caused by Israeli bombing. Several capacities have been tested in these first EU interventions. The added value by the mechanism over the system of bilateral requests for assistance is its provision for more consolidated and theoretically quicker and more precise response. The mechanism performed well as a clearing house for assistance. A number of technical problems have, however, been highlighted. These had mainly to do with communication problems between the various national teams.\[^{[4]}\] Many of the problems, however, seem to originate in a mindset still strongly shaped by a distinction between internal and external security. Although the formal mandate to use civil protection tools outside Union territory now exists, implications for operational planning seem to have been largely ignored.


\[^{[3]}\] Personal interview with an official from the Commission’s civil protection unit, directorate-general for environment, 13 February 2003a.

The Internal — External Challenge

FLOODINGS 2002. On 14 August 2002, Czech president Vaclav Havel phoned Commission president Romano Prodi — at that time on vacation in his hometown of Bologna — to explain the acute flooding situation in Central Europe.[1] Prodi immediately travelled to Prague and promised that the Union would assist the Czech Republic. Contacting most of the high-level civil servants in the Commission (largely from the directorate-general for the environment and the directorate-general for enlargement), Prodi urged them back from vacation to lead the work of coordinating the assistance of the EU member states and putting together an EU aid package for the affected areas. One of the first to be contacted was the head of unit for the Czech Republic team at the directorate-general for enlargement at the European Commission.[2] Later that same day, Czech Republic authorities made a formal request to the MIC of the directorate-general for environment to activate the Community mechanism. The request prioritised portable dryers, floating pumps, and electric submersible pumps. The request was notified by the MIC to the competent national authorities.

Some EU states used other mechanisms for assistance in addition to the MIC. Others went ahead with bilateral contacts even while the MIC was trying to coordinate activities. This led to confusion at the European level, ‘rather than better coordination’. [3] Member states were free to send whatever resources they had available, rather than the ones targeted by the requesting country.[4] That too led to problems, including the provision of assistance that could not be used by the Czech Republic. Czech foreign minister Stanislav Gross announced on 14 August that, while grateful for the aid, some of it was unnecessary. He emphasised that assistance with reconstruction was, by that point, a higher priority (Radio Free Europe, 15 August 2002). By 21 August, the Czech Republic had received assistance in the form of dryers, pumps, blankets, stoves, disinfectants, hygienic materials, generators, emergency grants, personnel and other humanitarian items from twenty countries. Throughout the disaster, Commission president Romano Prodi kept a close watch over developments and reiterated the wider Europe’s ‘solidarity with

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the victims of the flooding". After several days, a Commission delegation that included commissioners Margot Wallström, Gunther Veurheugen, and Michel Barnier visited Prague and Germany to assess the damage. This was the largest visit by a Commission delegation at this level for a civil protection incident, displaying a concern, in the words of one Commission official, for an EU response to disasters ‘wherever they happen’ (emphasis added).

TSUNAMI 2004. Within hours of the tsunami 2004, the Commission’s directorate-general for environment began collecting information and critical intelligence for dissemination through the MIC. As for any use of the civil protection mechanism, however, no action could proceed without a formal request from the country in need. For external deployment of the mechanism, a further approval needed to be granted from the current holder of the EU’s rotating presidency. The Sri Lankan government made a formal request to the MIC while the Dutch presidency signed off on the use of the mechanism. The MIC notified all EU states (and the five other participants in the Community mechanism) of the appeal from Sri Lanka through the MIC’s rapid alert network. The receiving countries were later broadened to include Indonesia and the Maldives, in addition to Sri Lanka and Thailand.

After several days the Union was forced to take on a new responsibility that had never been included in its crisis preparation. This was the need to support and evacuate EU citizens affected by the tsunami. The Dutch presidency focused considerable attention on this task. The MIC took part in the inter-consular telephone conferences organised by the presidency, which aimed at coordinating the evacuation efforts in Thailand. The result of these conferences was a new request by the MIC to member states, stipulating the need for medical assistance and search and rescue

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[3] For further assessment of the general procedures of the MIC within the directorate-general for environment, see BOIN, EKENGREN & RHINARD (2006), op. cit.
[5] Ibid.
teams for European citizens.\[1\] In the aftermath of the crisis, the Union admitted its shortcomings and lack of imagination. The Union had had a preparedness for assisting its own citizens in its territory and for aiding third country nationals hit by catastrophes. However, there had been no operational planning for helping EU citizens abroad.

In the aftermath of the tsunami in 2004, the Commission attempted to remedy these shortcomings. It launched a consultation process with the member states on the development of the existing civil protection tools into a broader instrument addressing prevention of, preparedness for and response to disasters.\[2\] The Commission proposed that member states in some form should declare their ‘firm commitment’ to cooperate with each other in delivering civil protection assistance and the reinforcement of EU coordination capacities, such as an ‘operational planning capacity’ of the MIC of the Commission and a common function on site with the formal authority to coordinate the assistance. The idea was to make the MIC more capable to mobilize military means, hire equipment that cannot be obtained by member states, and promote a system of specialized national modules for European use. These standby modules should, according to the Commission, be deployed ‘quasi-automatically’ on the request of ‘appropriate European authority’.\[3\]

In their response, many member state authorities emphasized the need to respect national sovereignty and the principles of subsidiarity, and warned against any reform that did not strengthen the added value of the EU capacity. According to many member states, the role of the EU was first and foremost to provide coordination support to national interventions. For this reason, many were in favour of the proposals to improve the MIC. There was also a broad consensus on the need to strengthen the Union’s capacity in the area of prevention, preparedness and information to the public. In contrast, most member states hesitated to adopt the idea of creating a standby capacity for mutual European assistance, not least because they thought the composition of national and European teams needed to be as flexible as possible in a situation where future disasters were ‘unknown’. According to members, different compositions were needed for different interventions and teams should be composed of personnel working with emergencies on a daily basis. The

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[1] Commission of the European Communities, EU Civil protection assistance in South East Asia, Memorandum, MEMO/05/6, Brussels, 11 January 2005.
[3] Ibid., p. 11.
idea of a flexible modular system could, according to some member states, be further discussed.\[1\] The so-called Barnier report of Spring 2006 suggested the establishment of a standing European civil protection force — ‘Europe aid’ supported by an EU Council for civil protection and permanent sites around the globe for the quick provision of assistance.\[2\] Yet, according to interviews with national officials, this proposal has not been favourably received by national ministries.

As for the ESDP, the basic challenge of transcending the internal-external divide is an expression of the tensions between the need for common action, national sovereignty concerns and practical sector-specific needs.\[3\]

6. IMPLICATIONS FOR NATIONAL ARMED FORCES

The ability of the EU member states to provide for capacities such as military assistance to internal protection will be decisive for the EU’s possibilities to transcend the internal–external security boundary. In order to illustrate an important case of national policy adaptation, this section investigates the positions of the three Nordic EU countries — Finland, Sweden, Denmark — with regard to the use of military assistance in domestic counter-terrorism activities. The emerging new internal role of the Nordic armed forces is a significant example of the national reforms needed for the implementation of the EU’s Solidarity Clause. The national and Union levels are closely linked because national military assistance for internal EU use is of great importance for the effective implementation of the Solidarity Clause, which calls upon the member states to make available ‘military resources’. Again, the closer internal — external interface makes the development of the EU’s security policies increasingly dependent on the contributions of the member states. In order to put the national resources requested at the disposal of the EU, governments must fundamentally rethink the traditional division of roles between the police and the military.

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Traditionally, the EU member states have adopted many different solutions for providing and regulating these functions. In all of the Nordic countries there has historically been a strict division between the military’s defence of the state border and national security and the maintenance of order by the police. In the aftermath of September 2001, however, the Nordic governments have begun to re-examine their legal frameworks with regard to the use of military assistance to combat terrorist attacks on their territory.

Finland’s 1980 act on the provision of assistance by the defence forces to the police allows military assistance to be given only in cases where the resources of the police are inadequate. After September 2001, a commission established to consider the act proposed amendments in areas related to the combating of terrorism. Under the proposal, the police can ask the Ministry of the Interior to request assistance from the Ministry of Defence. The two ministers together decide whether this type of assistance ought to be provided. The naval and air force units of the defence forces can be put at the disposal of the police if the nature of the terrorist threat calls for these resources. The 2004 amendment to the 1980 act also specifies the conditions for military assistance. The police may receive assistance from the armed forces in order to prevent or avert certain criminal acts as specified in the Finnish Criminal Code. In emergency situations when there is a ‘serious’ and ‘direct’ threat to ‘particularly important’ functions of society, the police force’s request for assistance can be made directly to the top military command.

[1] The French Gendarmerie nationale is made up of paramilitary forces and is organized under the Ministry of the Interior. Austria, Greece (to a certain extent), Italy and Luxembourg have similar forces. All these forces are specialized in terms of training, equipment (often comprising heavy weaponry, armed vehicles, etc.) and lines of command for tasks that straddle the border between internal order and security and external security. E.g., the Italian Arma dei Carabinieri is responsible for certain military operations as well as for ‘internal’ civilian tasks, such as maintaining order. In some countries the forces are under the control of the defence ministry, in others, of the interior ministry. In some states (e.g., Italy) the authority, chain of command and rules of engagement change depending on the particular task. See BINNION, J. et al., Police Forces in the European Union (Leicester, University of Leicester, Centre for the Study of Public Order, 1994); and STÅLVANT, C.-E., Questioning the roles of the military and police in coping with functional security: some assertions about national variations and their impacts, Paper presented at the Second Pan-European Conference on EU Politics of the ECPR Standing Group on European Union Politics, Bologna, Italy, 24–26 June 2004.


functioning of the economy and society, securing the livelihood of the population and its capacity to act, and their ability to tolerate a crisis’. [1]

Military assistance by the Swedish Armed Forces to the police has not been permitted since 1931, when the military opened fire on a strike demonstration in Ådalen and several participants were killed. In 2003 the Swedish Ministry of Justice published the report of a government commission on the implications of the attacks of 11 September 2001, suggesting legal reforms to enable military assistance. [2] The report proposed that, on the request of the police or coastguard, the armed forces could intervene against non-state actors with the degree of force necessary to avert immediate danger to the safety of the state or to human life or to prevent extensive destruction of property. The commission suggested that the government could deploy the armed forces to combat an armed attack against the Swedish state even if the attack did not emanate from a foreign state. This opened a new field in which the armed forces could be used: military assistance would be allowed in cases of large-scale terrorist attacks threatening the security of the state. Less serious terrorist attacks that could be classified as armed attacks against the security of the state would continue to be a matter for the police. Currently, Swedish armed forces may respond to surprise attacks against the Swedish state by a foreign state without awaiting a decision by the government. The report suggested that this condition should also apply in the event of threats from terrorists. [3] The proposed bill did not, however, obtain political support. Instead, a new commission proposed the framing of a new act to regulating the conditions for military assistance to the police in the event of a major terrorist act on (Sweden’s) democracy beyond the current capacity of the police. [4] The new legislation was adopted by parliament in June 2006. In the framework of the EU Solidarity Clause on terrorism, the Swedish Government predicts that military support for civilian crisis management, including the police, will most likely concern the provision of nuclear, biological and chemical expertise, logistics and command resources. [5]


One of the tasks for the Danish Armed Forces, according to the 2001 defence forces act, is assistance to the civilian authorities, including both assistance in rescue operations and assistance to the police.\[1\] The guiding principle is that military units providing assistance are subordinated to the command of the requesting authority and should obey the latter’s rules of engagement. There are no particular statutory limitations concerning the character of the assistance.

According to the act, among the assets that could be provided by the armed forces are helicopters and boarding expertise. The Danish police do not possess their own helicopters, and it is primarily the Royal Danish Navy that could provide boarding expertise to the police. Danish law does not exclude assistance for combating organized crime. Decisions on this kind of assistance are taken jointly by the ministries of Justice and Defence.\[2\]

7. TOWARDS A NEW TYPE OF TRANSNATIONAL SECURITY COMMUNITY?

This article elaborates the concept of European security in concentric circles as a way to understand the new landscape for EU protection policies. By putting the ESDP, the Solidarity Clause, EU civil protection and national armed forces in this landscape it is able to reveal key questions and a need for reform in a way not possible for approaches constrained by the internal-external security divide.

Viewed over the last five decades, the transformation of European security into increasingly wider circles is nothing new. In the 1950s the European Community helped the West European states to think ahead in terms of common security through transnational cooperation. With the EU’s transcending of national internal–external boundaries, Western Europe emerged as a security community, defined by Karl Deutsch as a group of people integrated to the point where there is a ’real assurance that the members of that community will not fight each other physically, but will settle their disputes in some other ways’.\[3\] For the European security community, there was no sharp division between ‘internal’ and ‘external’ security. The community faded away the further you moved from its centre.

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The current challenge is to try again to make the most of European innovative thinking on security. A key to success is to think and act beyond the internal-external divide. In the 1950s the European Union was able to transcend the division between external and domestic security for its member states by generating cooperation and community through transnational networking. Fifty years later, it has begun to dissolve the boundary between external and internal EU security by expanding its internal safety, police and defence cooperation to neighbouring areas and linking it to the EU’s contribution to international security. This chapter examines some of the clearest and most visible signs of this development. It also shows that much remains to be done. However, the trans-governmental security and safety cooperation that has evolved since September 2001, and that has been codified by the Solidarity Clause on terrorism, might provide the EU with an opportunity to take the lead again in the creation of post-national security systems and communities.

As in the case of the security community, the new EU security role does not imply the transformation of Europe into a state. It is also unlikely to be based on a military defence alliance. Instead, the Solidarity Clause and the ESDP point to a Union fostering a new type of regional security identity. The question is whether the EU will manage to deepen the European security community into a secure European community — a homeland defence à la Europe. A secure community could tentatively be defined as ‘a group of people that is integrated to the point where there is real assurance that the members of that community will assist each other to protect their democratic institutions and civilian populations — the basic functions of their societies and governments’. \[1\] In this kind of community there would also be no clear distinction between internal and external security. It is in the light of this emerging new European — and perhaps transatlantic — secure community that the implications for the EU’s protection policies should be assessed.

EXTERNAL ACTION UNDER THE COMMUNITY
EU TRADE AND DEVELOPMENT POLICY: 
ON PYRAMIDS AND SPAGHETTI BOWLS

Jan Orbé*

1. INTRODUCTION

Trade and development policies have always been inextricably linked in the external action of the European Union\[1\]. This article examines the EU’s development policy through trade. Whereas the Common Commercial Policy has long been an exclusive Community competence,\[2\] Development Cooperation has only been a shared competence since the Maastricht Treaty. Nonetheless, European trade politics have deliberately been used to address development issues. This is in line with the widely accepted view that free and fair trade relations are crucially important for the harnessing of globalisation and for the economic development of the South.\[3\] Moreover, trade has always been the EU’s most powerful external policy instrument, and thus an obvious channel to promote its interests and values vis-à-vis the Third World.

In 1957 the Treaty of Rome (Part IV) already provided for a special trade and aid relationship with the colonies through an association between the Community, its member states, and the overseas countries and territories. After these countries became independent, the EU and the former colonies continued to maintain comprehensive and preferential relations through the Yaoundé, Lomé and Cotonou Agreements. At the same time the ambit of the EU’s unilateral and bilateral trade policy has widened to include other developing countries in Latin America and

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[1] The terms ‘European Union’ (EU), ‘Union’, or ‘Europe’ are used interchangeably. The terms ‘European Economic Community’ (EEC) or ‘European Community’ (EC) are only used when emphasizing the historical dimension (pre-Maastricht era) or the legal basis (common commercial policy under the first pillar of the Treaty, viz. Article 133).

[2] Notwithstanding several conflicts around trade-related issues (see e.g. MEUNIER, S. & NICOLAÏDIS, K., EU trade policy: the exclusive versus shared competence debate, in M. GREEN COWLES & M. SMITH (eds.) The state of the European Union Vol. S. Risks, reform, resistance, and revival (Oxford, Oxford University Press, 2000)]. For example, the negotiations on the International Rubber Agreement gave rise to an intense and scholastic dispute before the Court of Justice, which eventually led to the Court’s Opinion 1/78. Here the Court largely supported the Commission’s “objective/instrumental approach” (trade policy instruments can be used for broader purposes such as development of the South) instead of the Council’s “subjective/purposive approach” [EECKHOUT, P., External relations of the European Union (Oxford, Oxford University Press, 2004), pp. 11-25].

[3] In contrast with the previous treaties, the European Constitutional Treaty explicitly mentions ‘fair trade’ besides ‘free trade’ among the EU’s general international objectives (Art 1-3(4)).
Asia. The EU also played a leading role in the launching of the Doha Development Agenda (DDA) of the World Trade Organization (WTO).

This fifty-year-old history gave rise to a myriad of unilateral, bilateral and multilateral trade/aid relations between the EU and the South. Bhagwati\textsuperscript{[1]} describes Europe’s extensive patchwork of trade relations with the metaphor of a ‘spaghetti bowl’. Indeed, the structure of EU trade policies \textit{vis-à-vis} developing countries does not reflect a Cartesian logic. The general principle of Most-Favoured Nations (MFN) has in fact become a major exception in Europe’s trade network, which is characterised by various forms of discriminatory and preferential treatment of countries in the neighbourhood and in the Third World. Figure 1 illustrates this complexity — and the analogy with a spaghetti bowl.

This article explores the political logics behind this seemingly irrational design. For this purpose it is essential to have a historical overview of Europe’s trade orientations towards the South. Many facets of Europe’s current trade policies are indeed shaped by decisions in the 1950s (the Treaty of Rome) or the 1970s (the first Lomé Agreement). Former Trade Commissioner and current WTO Director General Pascal Lamy was pointing to these path-dependencies when he stated: “How did such a hotch-potch situation arrive? As with other areas of economic policy, the old joke about Irish road directions applies: ‘well, I wouldn’t have started from here’”.\textsuperscript{[2]} But at the same time the EU’s trade architecture has been radically reformed in fifty years time, and more revisions are expected in the coming years.

In order to clarify the historical development of Europe’s development policy through trade, the first section sketches the ‘pyramid of preferences’. This common used metaphor helps to gain insight into the ‘hotch-potch’ of EU trade politics. The subsequent sections distil three trends out of this historical overview: a geographical evolution (the scope of EU trade policies), an ideological shift (the socio-economic contents), and a political trend (inclusion of political conditionality). These descriptions allow for a more profound analysis of the EU’s trade politics towards the South — beyond the superficial ‘spaghetti’ metaphor. Whereas the EU has always had a comprehensive trade and aid relationship with developing countries, the past fifty years have shown a substantial and remarkable shift as to the scope and content of these relations.


2. SHIFTING PYRAMIDS

Figure 2 sketches the ‘pyramid of preferences’ as it evolved from the 1970s until today. This metaphor shows the extent to which countries have received beneficial treatment for their exports to the European market. Therefore the basic criterion is the level of trade preferences, or simply stated, Europe’s generosity in granting market access. The width on the horizontal axis roughly reflects the amount of tariffs that a country’s exports experience on the European market. Consequently, the higher a country moves up the pyramid, the lower are the tariffs faced at the EU border.

The figures show that countries in the Eastern and Southern neighbourhood of the EU as well as the former colonies from the ACP group traditionally occupy a high stage on the pyramid. In contrast, developing countries in Asia and Latin America are typically confronted with less beneficial tariffs, appearing halfway the pyramid. Industrialised countries such as the United States, Canada, Australia and New Zealand find themselves at the bottom. Only those countries that do not participate in the GATT (General Agreement on Tariffs and Trade, the WTO’s predecessor) regime are worse off.

Europe only exceptionally applies the Most-Favoured Nation principle, which is the cornerstone of the GATT/WTO regime as it has developed in the post-war period. Simply summarised, the MFN idea implies that countries cannot discriminate between their trading partners. When a particular country is granted a favour (such as a lower tariff for a specific product) this generosity has to be extended to all other WTO members. EU trade politics have largely been inspired by exceptions to this principle. Somewhat ironically, on the EU market most countries benefit from lower tariffs than the ‘most-favoured’ nation. These exceptions are legitimised by three kinds of GATT rules, and Europe’s extensive use of these MFN exceptions sheds light on the complexity of today’s spaghetti bowl.

First, article XXIV of the GATT allows for free trade areas (or customs unions) between trading partners, with reciprocal tariff concessions beyond the level of MFN, provided that ‘substantially all’ trade is liberalised within a ‘reasonable length of time’. The overall outcome of these regional integration schemes should not be

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[2] The tariff structure does not only vary depending on the importing country, but also on the type of products. For example, agricultural products generally face higher tariffs. Under the GSP regime, specific competitive products can be graduated, and thus fall back on MFN tariffs instead of preferential access.
more protectionist than the point of departure. In fact, the establishment of the EC itself — and its subsequent enlargements — forms an application of this rule. The same is true for the EFTA (European Free Trade Area)/EEA (European Economic Area) and, more recently, for Europe’s free trade agreements (FTAs) with developing countries such as Chile, Mexico, and South-Africa. Compatibility with GATT Article XXIV was a major argument behind the shift from non-reciprocal trade preferences under the EU-ACP Lomé Agreements to reciprocal FTAs with six separate ACP regions. As explained below, the establishment of these Economic Partnership Agreements (EPAs) between the EU and six ACP regions was agreed under the EU-ACP Cotonou Agreement of 2000. The modalities (reciprocal tariff commitments, timetable for asymmetric liberalisation, exceptions for specific products etc.) of the EPA, which should enter into force in 2008, are currently negotiated.

Besides EPAs, the EU is negotiating FTAs with the GCC (Gulf Cooperation Council, consisting of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and United Arab Emirates), the Mercosur (Brazil, Argentina, Uruguay, and Paraguay), and the Southern Mediterranean countries except Libya (aiming at a Euro-Mediterranean FTA in 2010). More recently the EU has indicated its ambition to start FTA negotiations with India, Russia, South Korea, and the ASEAN. If the WTO Round continues to muddle on without any prospect of a successful conclusion, the conclusion of more bilateral FTAs by the EU can be expected.

The *Generalised System of Preferences* (GSP) constitutes a second major exception from the MFN rule for developing countries. Established under the GATT Enabling Clause in the 1970s, the GSP allows for a more favourable and non-reciprocal treatment of developing country exports to industrialised countries. Until the recent FTA negotiations, the GSP regime has traditionally been the most important opportunity for Asian and Latin American exports to the European market. Under the GSP they receive a tariff ‘reduction’ — at least to some extent, and especially for non-sensitive products — without having to open their markets for European products. On the basis of objective and transparent criteria, a graduation in GSP treatment can be established.

Europe’s ‘Everything But Arms’ (EBA) initiative of 2001 is the most radical application of this provision: the UN defined group of least-developed countries (LDCs) receives duty-free and quota-free access for almost all products. More recently the EU has also introduced a ‘GSP-plus’ system, which provides additional GSP preferences to vulnerable developing countries which comply with a number of international conventions relating to sustainable development and good governance.
Therefore, GSP-plus beneficiaries such as Bolivia, Ecuador, Moldova, and Sri Lanka find themselves in a higher slide on the preferential pyramid. Inversely, the EU can withdraw GSP preferences from countries that seriously and systematically violate ILO core labour standards such as the prohibition of child labour and the freedom of association. These countries then fall back on the MFN tariff, at the bottom of the pyramid. There are only two applications of such a GSP punishment: Burma/Myanmar (because of forced labour, from March 1997) and Belarus (because of violation of freedom of association, from July 2007).

The third exception involves the negotiation of a GATT/WTO waiver. As with the GSP, a waiver enables non-reciprocity in trade relations with developing countries; but in contrast with the GSP, it allows for preferential market access to a geographically defined group of countries — apart from their objective development level. Therefore its compatibility with the international trade regime has been much more problematic than the exceptions under the GSP. A waiver has to be obtained through negotiations with the WTO partners and it usually involves a time limit.

The EU-ACP Lomé trade regime is the most famous example. Ever since the first Lomé Convention in 1975, waivers have granted the ACP group non-reciprocal access to the European market. This selective generosity towards a specific group of countries — for obvious political and historical reasons — gave rise to an anomaly in EU trade relations. The ACP group is composed of LDCs (e.g. Zambia, Tanzania, and Angola) as well as more prosperous countries (e.g. Kenya, Namibia, Nigeria, the Caribbean countries except from Haiti). However, they all receive the same tariff treatment.

This implies that non-ACP LDCs such as Bangladesh, Vietnam, and Laos need to export under the less favourable GSP system. The EBA initiative somehow puts this discrimination right, catapulting all the LDCs to the top of the preferential pyramid. Moreover, non-LDC ACP countries such as Senegal, Kenya and the

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[2] Other examples are trade agreements with some Maghreb and Mashrek countries from the second half of the 1970s.

[3] However, the picture is more complicated. Non-ACP LDCs do not benefit from other trade-related advantages for ACP countries under the Lomé/Cotonou system, such as aid and better rules of origin. ACP LDCs may well choose to negotiate EPAs with the EU, instead of non-reciprocity under EBA. For an elaboration of these and other considerations, see FABER, G. & ORBIE, J., European Union Trade Politics and Developing Countries: Everything But Arms Unravelled (London and New York, Routledge, 2007).
Ivory Coast receive more beneficial market access than other non-LDCs such as Brazil, Argentina, Thailand, India, Thailand and Pakistan. Therefore the non-ACP countries have always been reluctant towards the granting of WTO waivers for the EU-ACP relationship. At the Doha summit in 2001 the WTO members agreed on a new Lomé-style waiver until January 2008. After this date the EU and ACP are expected to establish more WTO compatible trade arrangements, such as free trade agreements under Article XXIV. It remains to be seen how the EPA agreements will affect the position of the ACP on the preferential pyramid. Although the ACP countries will receive even more access to the European market under the EPAs — some even argue that EBA treatment for LDCs should be extended to all EPA members — they henceforth have to gradually open their own markets in return.

The analytical strength of the preferential pyramid has been weakened since the 1990s. The main limitation of this metaphor is that tariff preferences have become less relevant in international trade politics. Successive multilateral and bilateral trade agreements have resulted in ‘tariff erosion’. At the same time, the relevance of non-tariff barriers to trade has increased, although these are not displayed on the pyramid. For example, there are different rules of origin attached to different trade regimes. In the case of EBA, these rules of origin prove to be particularly restrictive for LDCs. Moreover, the pyramid does not look at trade-related issues such as services, intellectual property rights, investment, government procurement, competition etc., or at mutual recognition agreements between developed countries. These so-called ‘WTO-plus’ or ‘FTA-plus’ issues form an important part of Europe’s new bilateral trade agreements.

In short, a more sophisticated version of the pyramid should thus either have a smaller horizontal basis (lower tariffs) or include other non-tariff considerations (rules of origin, services, etc.). But despite these limitations, the preferential pyramid is still a useful device to map the patchwork of EU trade relations that has emerged during the past five decades. First, it sketches the legal framework of the

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[1] ACP countries may be worse off than under Lomé: they have to open their own markets whereas the increased export opportunities to the European market are usually not relevant for their exports, since these are determined by many other factors than tariffs (distance from seaports, sanitary and phytosanitary standards, rules of origin, etc). Moreover, it remains unclear whether EPAs will contribute to regional integration between ACP regions (see GOODISON, P., The European Union: New Start or Old Spin?, Review of African Political Economy, Vol. 32, No. 103, 2005; STEVENS, C., The EU, Africa and EPAs: unintended consequences of policy leverage, Journal of Modern African Studies, Vol. 44, No. 3, 2006).


EU’s various trade arrangements, including the MFN principle at the bottom of the pyramid, as well as the three major exceptions that shape the other layers. Second, the pyramid comprises the unilateral (GSP), bilateral (FTAs, waivers, article XXIV) and multilateral (MFN) levels of EU trade policy. Another argument in favour of the pyramid is that tariffs continue to be important for developing countries. Although average tariffs in industrial goods have dramatically decreased, precisely those sectors where developing countries have a competitive advantage (especially agriculture and textile) continue to be characterised by ‘tariff peaks’. The tariff margin for GSP regimes may even increase, considering that WTO concessions often involve the ‘tarification’ of previous non-tariff barriers.[1]

The subsequent sections attempt to go beyond this rather descriptive and legal analysis of Europe’s evolving trade relations. Three trends are distilled out of this historical overview. Each time the EU-ACP reforms serve as example,[2] although we also look at trade relations with other developing countries.

3. GLOBALISING EUROPE’S TRADE AMBIT

First, the spaghetti bowl’s volume has expanded. The globalisation of EU trade politics refers to an evolution in geographical terms: (1) away from an exclusive focus on former colonies, and (2) towards a worldwide ambit. Part IV of the Treaty of Rome (1957) — a *conditio sine qua non* for the French government to accept the EEC — foresaw an association between the EC and the overseas countries and territories of its member states. It contained provisions on aid and reciprocal trade. Both trade and aid elements were maintained in the subsequent Yaoundé Conventions (1963 and 1969) with the 18 AASM (Association of African States and Madagascar), but this time a contractual agreement was negotiated with the newly-independent countries. In the 1960s the EC also established trade relations with Commonwealth developing countries (e.g. Nigeria and Kenya), and with some Mediterranean countries (e.g. Morocco and Tunisia), slightly enlarging the scope of its external relations.[3]

But the first substantial wave of globalisation in EU trade policy occurred in the 1970s. In parallel with the accession of the UK, the first Lomé Agreement (1975) was negotiated with the ACP group. Originally 46 countries formed part of the ACP, and its membership gradually increased to 79 today. The incorporation of countries from the Caribbean and the Pacific entailed an evolution away from the French idea of ‘Eurafrique’ — even though Asian Commonwealth countries such as India, Pakistan, Malaysia and Bangladesh were still excluded from Europe’s network of trade agreements. The same is true for the South American countries.

However, these non-ACP countries could henceforth export under the European GSP regime that was established in 1971. The EEC was the first industrialised ‘country’ to endorse the new GATT provisions on GSP systems. This was another indication of Europe’s globalising trade orbit, beyond the Yaoundé/Lomé beneficiaries. In the 1970s Europe also negotiated limited trade and cooperation agreements with countries such as India, Uruguay and Brazil, which again diluted its ‘Eurafrican’ focus.

During the 1980s Europe entered into relations with Latin America, stimulated by its new member states (Greece, Spain and Portugal). The second half of the 1990s showed a more radical globalisation of Europe’s trade policies vis-à-vis the South. First, the relevance of the ACP group — perceived as an ‘aging dinosaur’[1] — was increasingly questioned. The European Commission’s Green Paper on the future of EU-ACP relations indicates this:

“The ACP group is in reality neither a political group nor an economic entity. It grew up for essentially historic reasons and exists only in the framework of relations with the European Union. Will it remain a relevant partner for the Union in the future? In other words, should the present framework for relations between the seventy ACP states and the EU be maintained? […]
The global perspective of European development cooperation is not what it was in 1957 or 1975: the EU now has cooperation links with a large number of countries and is present in all regions of the world.”[2]

The subsequent Cotonou agreement continued a preferential trade and aid relationship with the ACP, but henceforth the principle of differentiation is emphasised. For example, for the purpose of the EPA negotiations, the ACP has been divided into


six different regions. Since 2003–2004 each of the main ACP regional groupings has entered into bilateral EPA negotiations with the EU: Central Africa (CEMAC), West Africa (ECOWAS), East and Southern Africa (COMESA), the Caribbean (CARIFORUM), Southern Africa (SADC), and the Pacific.\(^{[1]}\)

Second, as sketched above, non-ACP countries were promoted on the pyramid of preferences. More prosperous developing countries engage in reciprocal FTAs with the EU (e.g. Chile, Mexico, South-Africa, and Mercosur and the GCC in the near future), and the poorest receive free non-reciprocal market access under EBA (the LDCs). This implies that EU preferential trade policy finally includes some of the LDCs such as Bangladesh or Nepal.

Nevertheless, two critical points should be noticed about this evolution. Some see a “normalisation” of the EU-ACP relationship\(^{[2]}\) or a European “attitude of benign neglect”,\(^{[3]}\) but others talk about the “banalisation” of the ACP group.\(^{[4]}\) The fading of the ACP group as a political actor in international development may be deplored. Concerning the break-up of the ACP group — once described by former President of Tanzania Julius Nyerere as the ‘trade union of the poor’\(^{[5]}\) — some suspect a ‘divide and rule’ policy of the EU.\(^{[6]}\) The EPA negotiations with ACP regions may serve as a ‘Trojan horse’,\(^{[7]}\) blurring the distinctive identity of the ACP group. Stevens\(^{[8]}\) rightly noted that “despite the difficulties of reaching agreement among 70 disparate states in three geographical regions, many crosscutting relationships have been developed during the period of Lomé I-IV and these should be nurtured. It would be a great shame if the EU were deliberately to jettison one of its most remarkable creations”.

Second, the globalisation of Europe’s trade ambit also implies an increased focus on the relatively wealthy developing countries of the G-20, such as Brazil, Argentina,
Mexico, India, China, Thailand, and South-Africa. These have become important export markets for the EU and vital negotiating partners in the WTO. Poorer developing countries fear that, in practice, they come off second best in Europe’s pyramid of preferences. [1] More than five years after its inception, even EBA proves to be largely symbolic. [2]

[1] The decreased importance of poorer developing countries, to the benefit of other Third World countries and the near abroad, is also reflected in the distribution of development aid. This trend is even more outspoken in EC aid than in member states’ spending [Bonaglia, F., Goldstein, A. & Petito, F., Values in development cooperation policy, in S. Lucarelli & I. Manners (eds.) Values and principles in European Union foreign policy (London/New York, Routledge, 2006), pp. 176-81].

The Trade Promotion Authority granted by the US Congress to the President for concluding any trade deal, first and foremost the Doha Round, is expiring in June 2007. Given that TPA (or fast track as it was formally known) is normally regarded as a *sine qua non* by US negotiating partners, this news would suggest that the odds are turning against a positive conclusion of the multilateral trade talks launched with great difficulty in Doha in 2001. A happy ending remains possible although the prospect of a bipartisan agreement between a new Democrat Congress and a lame duck Republican President looks pretty elusive. Should this occur though, the Doha deal would probably be less than hoped for but given the huge multiplier effect of multilateral negotiations, it would still be enough on economic grounds alone to justify six years of negotiations.

If negotiators miss the June 2007 deadline, the expiry of the TPA will not prevent the negotiation going on indefinitely, probably until mid-2009 after the election of a new US President. Nobody wants to be first to call the Round dead. So a stalemate this year will not mean a crash, but a freeze of the DDA.

Of course, it is not the first time that a multilateral trade deal takes such a long time to be negotiated, nor that it fails before eventually succeeding. Since the Doha Round is by far more substantive in terms of effective liberalization than its predecessor, the Uruguay Round (1986-1994), especially with regard to agriculture, protracted negotiations are not particularly surprising.

Moreover concessions on agricultural subsidies and tariffs will this time not just be paper cuts: they will actually bite. Therefore as the liberalisation will be more effective, the DDA benefits will be higher because their impact on world productivity and growth will be stronger.

Others have pointed out the growing complication of ever increasing WTO membership in juxtaposition to the consensus rule and the single undertaking of the agenda which means that nothing is agreed until everything is agreed, arguing...
that based on previous rounds, with 150 or so members the Doha round could last until 2010…

Is it then the prospect of domestic constituencies being hurt that explains the reluctance of the large trade partners to clinch a deal? From an EU perspective, it certainly plays a role in the lack of commitment on behalf of EU’s main trading partners: USA, Japan, China, India, Brazil and South Africa.

But the story is far more complex and it is worth reflecting on the causes and the potential consequences of the likely prospect of a two years suspension of the DDA. Let’s go back to the rationale for the Round.

1. A CONTROVERSIAL ROUND FROM THE START

The idea of a Millennium round due to be launched at the eve of the 21st Century originated in Geneva just in the aftermath of the Uruguay Round. It was born around the unfinished business of the Uruguay Round and in particular its built-in agenda on agriculture and services. But it was never going to be an easy business. There was trade fatigue in the US, after a very laborious NAFTA deal which had sucked a lot of its energies. Developing countries were more assertive and cried for a rebalancing of the multilateral trading system after what they perceived as unfair results of the Uruguay Round. Only one player — the EU — was unequivocally pushing and advocating for a large negotiating agenda! Motivations were therefore contrasted.

On the developing countries’ side was the prevailing feeling that they had not been properly treated. They particularly resented the complexity of the new provisions — in particular that of the agreement on intellectual property or the TRIMs — whose implementation would prove very costly in regard of their liberalization content. They had the sentiment that the ‘TRIPs for the Multifiber agreement’ trade-off which was at the core of the UR, did not eventually prove as advantageous as it had been presented to them.

The TRIPs agreement meant they had to gradually translate into their national legislations the provisions of international Treaties on intellectual property they had not negotiated, nor adhered to, and faced binding dispute settlement if they failed to implement or enforce properly.

In return they got the overdue dismantling of textiles and clothing quotas — a deal imposed on them in the sixties outside the GATT since the latter did not allow the recourse to quantitative restrictions as a protection measure. The dismantling of the
MFA would take ten years and was heavily back loaded: the bulk of quotas did not indeed disappear until 1 January 2005 while relatively high tariffs were maintained. Moreover, the setting up of the MFA created “pockets” of inherently uncompetitive textile production in a number of poor countries, which posed problems when the quotas came to an end, and the Chinese juggernaut threatened to sweep all before it. These were subject to some preferential concessions, in particular in the case of the EU, for the least developed countries under the tariff-free, quota-free ‘everything but arms’ GSP regime granted by the EU in 2001.

But perhaps the most frustrated players were the Cairns group countries, and in particular, its developing country members like Brazil, Argentina and Thailand who saw their agricultural exports ambitions cut short by the modesty of the Agreement on Agriculture. In terms of effective liberalization and trade disciplines, the latter was indeed only a little more than a significant victory of principle: the UR saw the lost sheep of world trade, agriculture, enter the main body of trade rules after a waiver obtained by the USA at the beginnings of the GATT. Real cuts in tariffs and subsidies were for the most part still to come.

Nonetheless, most industrialised countries were still carrying ambitious goals for more rules and more liberalization. With regard to the latter particularly, they wanted more market-access in services and significant reduction in emerging economies’ high industrial tariffs. The US sold to its farmers the prospect of cutting the EU’s Common Agricultural Policy (CAP) down to size, whilst equally promising all gain, no pain, by systematically refusing to put real US farm subsidy reductions on the table.

Developed countries also pushed incoherently for new sorts of rules and disciplines: core labour standards, links to environmental norms, and the so-called Singapore issues on the other; these consisted of rules on foreign investment protection,[1] competition policy, transparency in public procurement and trade facilitation. Nowhere were the developed countries more divided than on anti-dumping rules, where the Japanese and others set out to clip the wings of the US trade defence regime. Developing countries looked on, for the most part, with distaste: although these rules and disciplines can prove very helpful for the development of any country provided their provisions are carefully balanced, they were from the start perceived by developing countries either as too intrusive, or easy to turn into protectionist devices.

[1] A previous attempt led within the OECD as a Multilateral Trade Agreement (MAI) had failed because of dissents among partners and under the pressure of NGOs hostile to its possible extension to developing countries.
The negotiation of the agenda of the Millennium Round proved pretty difficult from the start, with a WTO membership which had jumped to 150, a vast majority of which are developing countries.

2. FROM A WIDE TO A NOT SO WIDE AGENDA

The EU in particular had championed from the start a broad agenda, a short round and a single undertaking. The latter expression means that there can be no agreement on anything until there is an agreement on everything; in other words all concessions are conditional up to the end of the negotiations and the signing of the deal. Whilst helpful in building the confidence of negotiators that they can put concessions on the table that would not be swallowed up without pay-back, the logic of a single undertaking also delays the delivery of benefits to constituencies, and creates a top heavy, all or nothing, deal.

The route to Doha where an agreement was eventually (and as it proved, ultimately only tentatively) reached on the agenda was marred with serious tensions and even severe incidents. Seattle (1999) was marred by violent demonstrations and the WTO Ministerial Conference broke up without conclusion. This was partly because of developing countries’ opposition focused on US insistence on the inclusion of a labour-standard clause among the negotiation items which was eventually dropped altogether, partly because of a chaotic and badly planned event. But the WTO had hit the headlines for the wrong reason.

The agenda would shrink further in Cancun (2003) with the elimination of three of the Singapore issues from the negotiation; this however did not prevent the collapse of the Ministerial session under the pressure of the newly created G20, a group of emerging economies led by Brazil, India, China and South Africa.

But meanwhile in Doha (2001), in the wake of 9/11 attack, and with a confluence of positive factors, the negotiations were launched, and the Millennium Round became the Development Round. As a symbol of the new prominence of development issues, there was a titanic struggle over a banana waiver for the ACP countries, and a very difficult negotiation was launched on access to medicines in poor countries. It was due to lead to an amendment of the TRIPs, four years later in Hong Kong, a major breakthrough in rebalancing the Uruguay Round in a strategic area.

Another milestone marked the Doha Conference: the entry of China into the WTO. The power balance had started to tilt in a new direction and things would never be the same again: neither for China whose radical domestic reforms were
from then on locked in by its WTO obligations, nor for the rest of the membership confronted with the arrival of a giant determined to catch up on the most advanced economies in the space of one generation, a serious challenge for the balance of the trading system indeed. It was ultimately to have a strong impact on the negotiation by bringing together the emerging economies, led by India and Brazil, in the G20, together with China, although this did not emerge until 2003.

Despite its chaotic preliminaries, and near disaster in Cancun, by 2004, the framework of a possible deal had emerged on agriculture, the deal-maker or -breaker of the negotiation in July 2004.

3. A FORCEFUL BREAKTHROUGH ON AGRICULTURE

It might come as a surprise that a sector which represents not more than 4% of the total world output and 10% of the international trade, is playing such a decisive role in the Doha proceedings. What makes agriculture a critical stake in the negotiation is the conflict of interests and of vision among WTO participants on that very sensitive issue. Major agricultural exporting countries, such as Brazil or Australia, see agriculture mainly through the lens of their huge natural comparative advantages and high productivity. Other countries — among them the EU, Japan Switzerland and Korea — look at it as a ‘multidimensional’ activity ensuring food security and food safety, rural development, landscape preservation and of course also a very profitable business in some quality niches. Developing countries are divided among exporters and net-food importers; but all share a concern that agriculture is key to their subsistence needs and for the jobs of their vast rural population. Almost any country relies on active agricultural policies in order to stabilize farmers’ incomes and food prices. But advanced countries devote massive subsidies to agriculture while protecting their markets through high and even prohibitive tariffs and non tariff-barriers, in particular through restrictive sanitary and phyto-sanitary norms and complex certification procedures.

Against all odds, a bold initiative taken by Pascal Lamy, then EU Trade Commissioner, and Frans Fischler, his Agriculture colleague, in July 2004 triggered off ‘a negotiation within the negotiation’ among the so-called FIPs (Five important participants with regard to agriculture such as the USA, the EU, Brazil, India and Australia) which eventually led to a ‘near-deal’ at the Hong-Kong Ministerial in December 2005. The conceptual framework was deemed alright but, mainly due to US demands on the EU and on some large developing economies (India, Indonesia and the Philippines) with regard to market access, the figures were still too far apart.
The broad outlines of the agricultural deal led to agreement on the conditional elimination by 2013 of all agricultural export subsidies, a major cutting of trade-distorting domestic subsidies, and a serious effort to reduce farm tariffs. But the devil as ever was in the detail.

The gaps on figures between the US and the EU in terms of cuts in subsidies and tariffs and between the USA and the emerging economies on market access blocked the deal on agriculture at the December 2005 Ministerial Conference in Hong Kong. An attempt to unblock the deadlock in July 2006 in Geneva did not succeed. The negotiations have been put on hold since that time, with work only recently (February) re-starting in Geneva.

As long as the stalemate on agriculture persists, there is little prospect of moving into the second stage of a final deal whereby an agreement would be found between advanced countries and the emerging economies (the G20) on market access for industrial goods and services as well as on mode 4 of services[1] from developing countries towards industrialized countries.

Nobody knows what the third stage could be: it should probably accommodate the demands from the largest group of WTO members (G90) who are likely to continue to insist on a special and differentiated treatment amounting for them to ‘a round for free’ while anxious about preferences erosion and possible limitations of their ‘policy space’, in particular in agriculture. How to buy off those countries, the adhesion of which is indispensable to a consensus, will be the key challenge in the final hour of the negotiations, particularly because the pockets of the advanced countries’ negotiators are running close to empty and therefore it is the emerging economies which should, at their turn, grant preferential access to their markets to the G90 countries and in particular the least developed ones.

Of course the final package will be far more comprehensive since all chapters and verses of the WTO rules book are being ploughed again and again by armies of experts, notably the antidumping agreement and the dispute settlement mechanism.

The question which comes to mind is three-pronged: why is it so hard to finalize a deal? What will be the consequences of a freeze? Are there alternatives in regional integration?


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4. WHY SUCH A HARD DEAL?

Several reasons account for the difficulty of the DDA Round.

First, the actors have changed: their number is larger; their expectations are different and the power balance has tilted towards the South. For half a century, the GATT was dominated by the USA and the EU, flanked by Japan and Canada, the so-called Quad. Their commercial interests were different, but their commitment to the multilateral trading system was deep despite the lingering US proclivity for unilateral trade measures. So eventually they knew they had to come to terms with their divergences and once they had struck a deal, they had enough political clout to sell it to the rest of the membership. The Green Room tactic was very instrumental in picking and choosing ‘the happy few’ among the membership at large and in cherry-picking topics for a final deal. Moreover most trade negotiators were highly qualified and seasoned professionals who knew when not to go too far.

Things look very different nowadays: first, the WTO membership is open to any country that fulfils the obligations of the Charter, meaning that eventually it will coincide with the universal membership of the UN, although the negotiating process remains long and painful, as China in particular but more recently Russia will testify. Second, the Cancun Ministerial saw the WTO membership restructuring along functional lines rather than, like in the UN or even in UNCTAD, according to the old North-South divide. Subgroups of advanced countries, emerging economies gathered in the G20, developing and least developed countries are interacting with a focus on their respective interests\(^1\) and these interests also vary according to the negotiation items at stake, because these have also changed. There is the G33 of developing countries with mostly defensive interests on agriculture market access and the NAMA-11, another group of developing countries with defensive interests in opening up trade in industrial products. Third, the G90 which represents only 2% of total world trade holds the majority of the voting rights and detains the key to the consensus. Here, the paradox lies in the fact that developing countries make practically no significant concessions while they benefit, through the MFN clause, of all the concessions exchanged among active participants. They are free riders and they enjoy a strategic nuisance power. This is a serious flaw in the WTO charter.

\(^1\) Under Pascal Lamy’s directorship the attendance to the Green Room caucuses has been extended to all subgroups’ representatives.
There is a second difficulty: the width and the depth of the trade topics subject to international negotiation make the whole exercise much more complex, rendering its political legibility almost impossible. Both the coverage of sectors and activities and the inherent complexity of the related barriers to trade have indeed expanded drastically. Complexity drives a wedge between advanced countries and poor ones as well as between global firms and small economies.

Agriculture and agribusiness provide a good example of the growing importance of 'behind the border' obstacles: sanitary norms and food safety regulations become more demanding and more sophisticated. They represent insurmountable barriers for small exporters, but they are dealt with more easily by large agribusiness firms.

Intellectual property protection is becoming a central challenge in an ‘immaterial’ economy where technological innovation and product differentiation are crucial in the competitiveness race among firms and nations. Global firms can rely on their lawyers’ expertise and on their own bargaining power for dodging some of the hurdles placed on their route. At the opposite end of the spectrum, poor countries’ negotiators cannot even identify clearly their own countries’ real interests, even with the free technical assistance secured to them by bilateral and multilateral donors, starting with the WTO itself. The imposition of burdensome disciplines restricting the policy space of countries which are only at the start of their development process is therefore perceived by them as either intrusive, or irrelevant. The unpleasant feeling that advanced countries are pulling the ladder away is not conducive to a proactive mobilisation for the Round within the whole WTO membership.

Thirdly, the new international trade paradigm changes the production and trade pattern. As a result, the firms interact with trade obstacles through investment and intra-firm trade. In the global output chain also called the global value-added chain, transnational companies, both in manufacturing and services, distribute their production stages worldwide across countries according to the latter’s specific comparative advantages — natural or built up. Therefore a growing share of world trade is made up of inputs and actually takes the form of intra-firm trade with administered prices. Global firms’ focus is more on availability of business services including logistics, investment conditions, competition rules, trade facilitation and so on than on classical trade barriers. In those areas, they have a certain capacity to act as business ‘environment-makers’ by playing one country against another, thereby substituting their bargaining power for international rules and protection. The fact that, despite the lack of any significant liberalisation move over the last decade,
world growth does not show any sign of abating might explain why global firms treat the Doha Round with benign neglect. It might even happen that the absence of level playing field on international markets secures a competitive edge to global firms which can play more easily with trade barriers than their small competitors. The low profile of the business constituency in supporting the Round is only too obvious and the last ditch effort made in the international press on 1 March 2007, by the European Round Table, Business Europe and the International Chamber of Commerce, to salvage the Round, does not compensate for the lack of active lobbying from major companies with their governments for the Round.

Fourthly, the rise of China as the world powerhouse that epitomizes the new trade paradigm, acts presently as a disincentive for the multilateral liberalization and this for three related reasons. First, China’s growth contributes to fuel world growth without further trade liberalization: on the one hand China’s inextinguishable thirst for commodities raises prices and exports from Africa and Latin America; on the other the low prices of its manufactured goods exports help keeping world inflation under check. Second, China’s unique competitiveness in manufacturing scares off its G20 partners and discourages them from lowering their protection on industrial goods. Third, as a newly admitted Member who has paid its entry ticket at a very high price, China does not stand ready for further concessions; this provides a cosy alibi to the other emerging economies such as India and Brazil whose bound industrial tariffs remain prohibitive compared to the Chinese ones.

It is worth noting that Asia’s growth, narrowly linked to intra-continental trade leads the region’s leaders to stand on the sidelines of the Doha negotiations.

Fifth, the controversy[1] among economists about the reality of the Doha Round benefits for developing countries, in particular in the case of agricultural trade liberalization, has strengthened their doubts about the deal: their estimates vary from 7% to 0.4% of world GDP while, according to William Cline of the IIE, the benefits accruing to developing countries would not exceed 20% of the total gains. The prevailing view that trade liberalization always entails growth and that ‘the rising tide of growth will lift all the boats up’ — the boats being both the countries and the people — is now perceived as a gross simplification. Economists nowadays tend to put more emphasis on supply-side factors such as innovation and the functioning of labour markets as well as on flanking policies, both structural and distributional. All concur with the idea that autarky is a form of economic suicide and that trade matters, but they insist that liberalization sequencing and accompanying policies are

as, if not more, important. For example for most African and poor Asian countries, the quality of agricultural policies is far more relevant for their development than the deal on agriculture which will mainly benefit Brazil and its likes.

Last but not least, disenchantment with regard to globalization has started to set in among two categories of people in the advanced countries and trade liberalization is often the focus of their criticism, not always founded though. On the one hand the civil society activists remain concerned about the lack of progress towards labour and environmental standards which developing countries fiercely oppose. On the other, and more seriously, rich societies’ unskilled workers as well as their skilled workers in sectors exposed to relocation and to competition from cheap labour imports are increasingly worried by the uneven distribution of globalization benefits. Although so far there have been relatively few demands for protection, further liberalization moves might become more difficult to explain to the public opinion at large.

Trade economists are prompt to credit trade liberalization with the ongoing high world growth. Yet many factors concur, along trade, to raise productivity and to fuel growth: technological innovation and effective domestic policies are as important as trade. Does growth then fuel trade or is it trade that stirs up and disseminates growth? This question remains difficult to answer. Yet there is at least one problem markets do not handle well: the very uneven distribution of globalization welfare gains, both between and within countries. Inequalities are on the rise, and in spite of the general increase of living standards across the world over the last decades, there are spots of abject poverty, of exclusion and of excessive inequalities which threaten social and political stability both outside and at home. In our countries, people tend to associate the relative deterioration of their jobs and of social protection with cheap imports, relocations and tax evasion. Even the middle class starts to get anxious about its status.

There is therefore little support now in the public at large for a major liberalization move: the distribution issue tends to obscure the debate on growth, and is not perceived as a panacea anymore. Trade liberalization might end up suffering collateral damage as a result of the difficulty to establish solidarity between the losers and winners of globalization in our advanced societies.

[1] If President Bush’s safeguard measures on steel can be qualified as protectionist, it is exaggerated to treat EU and US restrictive measures on textiles and shoes in the same way, considering the speed and the magnitude of the import surge from China and Vietnam.
5. THE MULTILATERAL GOVERNANCE FREEZE

The prevailing view in the business world today is that markets work and deliver. They are efficient and resilient and eventually, thanks to technological and financial innovation, the world economy is on a long range path of expansion, the stability of which is better ensured by global financial markets than by government intervention. The naïve belief in the self-equilibrating function of markets is back and there is a lack of appetite for more rules and State intervention. Soft law tends to prevail over hard law and litigation over regulation, in line with the Anglo-Saxon tradition.

Against this conceptual, if not ideological background, global economic governance makes little progress and is even receding in critical areas like the correction of structural macroeconomic imbalances or tax competition. In the financial pillar, the IMF and even the World Bank see their respective roles shrinking to those of fora and think tanks since global financial markets helped by the generous supply of liquidities from the major Central Banks can cope with any countries’ needs but those who are still over indebted. Their loss of status partly also stems from the discredit attached to the Washington Consensus they were identified with. The G8, never very legitimate, has lost its political clout: the US insist that adjustment should come from their partners while they see themselves as the main driving force behind global economic performance thanks to their innovation capacity and their insatiable appetite for consumption; Japan keeps silent; the EU is not really represented as such and the four European members have no clout of their own; Russia owes its presence in the group mainly to its nuisance power as a major and not very reliable energy supplier whereas China is reluctant to participate because it does not want to be cornered by the industrialized countries.

Some progress is being made in the norm-setting pillar where the EU is pretty active: from food safety or the Kyoto protocol to prudential ratios and accounting standards. But practically no headway is noticed with regard to core-labour standards whose effective enforcement remains very elusive.

It is hard in those conditions to see why only the trade pillar would see advances towards liberalization. Receding domestic policy margins in many areas under the growing pressure of global markets are not compensated by more multilateral rules and disciplines or financial solidarity as witnessed by the lowering of official development assistance in breach with the Millennium goals commitments.

Yet there is more at stake with the Doha Round than a freeze, as a freeze would just mean the status quo. There is a serious risk that the WTO could see its credibility
affected by an indefinite suspension of the talks and that as a result, in case of a world recession, some would slide into protectionism.

The WTO is indeed far more than a trade negotiating forum, where rules on trade opening are devised, even though this has to develop further. It fulfils several key functions which allow the smooth functioning of the multilateral trading system. First, the trade policy review is a precious instrument for detecting and preventing biases which can affect fair competition on Members’ respective markets since it instils a degree of peer pressure in the discussion of national policies. Second, the WTO plays a key role in preventing trade conflicts through consultations among parties and in providing, through the Dispute Settlement Mechanism, a jurisdictional route out of their persistent litigations. Third, the WTO supplies precious by-products to governments, civil society, business and academia, with its excellent and balanced capacity for economic analysis and through a comprehensive and up-to-date information system on national trade policies and multilateral rules and procedures. Last but not least, the WTO is playing a key role in contributing directly or as an affective coordinator to multilateral and bilateral programmes of trade-related technical assistance (TRTA) which secures both the software (the institutions) and the hardware (the infrastructures and the supply side) to developing countries covering the whole range of the trade policy: from the participation in the negotiations and in their disputes procedures to the diversification and the promotion of their exports. This is the sense of the link made between the WTO agenda and the wider Aid for Trade.

It is hard to imagine that the shelving of the Round for a long period against the background of a global economic slowdown would not harm the WTO’s capacity to play its full role in the trading system. What would happen if one or several large countries would take protection measures at the same time, potentially triggering a terrifying domino effect across the system?

Meanwhile a new threat is surreptitiously coming on with the recent wave of regional trade agreements triggered off by the ‘competitive liberalization’ initiated by the Bush Administration in the wake of the Cancun Ministerial failure.

6. THE LURE OF REGIONALISM

The EU has been pioneering and championing institutionalized forms of regional integration for itself, for its neighbourhood and even for transcontinental free trade area deals with African and Latin American countries. It aims only at WTO compatible deals. It is negotiating presently a region-to-region free trade area with the
GCC, the ACP countries and the Mercosur while mandates for future negotiations with ASEAN, the Andean Community, Central America, India and Korea are on the table of the Council, which is expected to approve them by late April 2007.

The EU’s approach to regional trade arrangements is based on three principles consistent with its vision of sustainable development: preference for region-to-region versus bilateral deals; deep integration of the ‘WTO-plus’ type; some degree of asymmetry in the reciprocity and some financial support for reforms and adjustment according to the development differential in North-South deals.

But few regional groupings, even not the most advanced ones such as Mercosur, succeed in reaching the level of cohesion and unity that would enable a fully-fledged customs-union with harmonized tariffs and appropriate regional institutions. Therefore region-to-region deals have eventually proved pretty elusive, as witnessed by the Euro-Mediterranean free trade area, in the context of which South-South liberalization remains very limited.

The EU’s large partners such as the US and Japan or even China, and RTA’s activists such as Chile and Thailand, do not aim for the same type of deals: small exporting economies aim at fostering market access, while the large partners seek preferential protection for their investments. But the EU itself is eventually drawn into the same race, whatever its own proclaimed doctrine, with the view of improving its overall competitiveness. Whatever it thinks on the trade theory, the EU cannot stand back while the US negotiates a preferential deal with Korea.

A serious risk for developing countries stems from this present rush into bilateral FTA deals with major trade partners, including the EU and particularly in Asia. The features of these agreements deserve careful attention since they might stealthily impose unfair conditions on emerging and developing economies, desperate in their quest for FDI which is key to the upgrading of their technology and their connection with world markets. On the one hand Asian economies outside China are indeed confronted with a shift of FDI to the world powerhouse, which they supply in components and commodities. They need to reverse those flows and to play the card of imported technology and therefore are very eager to enter into RTA’s with large outsiders in order to get a better share of global FDI. On the other hand, the Asian region, where de facto integration is quickly increasing despite the lack of institutionalized structures, is becoming a battlefield for multinational companies. This is particularly so in the services sector where they attempt to carve out sheltered niches in those fast growing markets characterized by imperfect competition conditions. Therefore, through deep integration schemes focused on investment and services, advanced countries — the US, the EU, Japan and even
Korea — are competing to get for their global firms the strategic benefits of the prime mover. The Singapore issues resurface here, but in a bilateral context which puts developing countries at a disadvantage.

The Singapore issues, provided their specific provisions are properly balanced, would make a very effective contribution to development. However, when a bilateral deal with a dominant partner imposes Singapore type provisions on a weaker one, they might eventually prove detrimental to the long-term development of the latter, if they end up building up barriers to entry for late-comers, thus limiting competition on the local markets.

If the Round were to dwell on for a few more years, would the emerging economies not get a better deal by waiting for a multilateral deal than through the bilateral ones in such sensitive areas? Wouldn’t they change their mind about putting the Singapore issues back on the Doha agenda after a few rounds of bilateral negotiations with their powerful partners and would they not eventually opt for being hanged together in Geneva rather than being strangled slyly one by one in bilateral and asymmetric deals?

Is there not food for thought here for the ‘altermondialists’ who were prompt to denounce the Doha Round on this specific set of issues while remaining strangely silent about the coming RTA tsunami?

Two more worrying questions are raised by the present drift towards regionalism as an alternative to multilateralism. The first is about the meaning, from a systemic standpoint, of RTAs between the main trading powers: the US, the EU, China, Japan and India. On the one hand, could such a deal actually emerge from the envisaged trade negotiations between for example the EU and India? But then why not do the same with China? Why would the US not follow the same track? Such a domino scenario would change the overall balance within the WTO membership. On the other hand, how would the developing countries, confronted with high tariffs on the Indian market, compete with European or American exports enjoying free access to the same market? This would amount to aggravating the erosion of preferences even more; in fact this would even reverse preferences against the developing countries unable to enter into such FTAs with large emerging economies. Would such a situation be consistent with the spirit of the WTO Charter?

The second question is about the drift from regionalism into the building up of continental trading blocks such as the ‘Western hemisphere’ or East Asia. It is amazing to notice that few observers take the possibility of trade wars among trade blocks seriously. Yet any serious weakening of the multilateral trading system makes such hypothesis less unthinkable.
The question of whether RTAs are building blocks or stumbling blocks on the road towards multilateralism is indeed becoming more and more difficult to answer. It is obvious that we are quickly moving towards a fragmentation of the world trading system in a way that is hard to reconcile with the vision of a level playing field for both small firms and weak economies. The transaction costs of international trade, particularly because of the complexity of the rules of origin, become not only an obstacle to free trade but constitute real competition distortions among participants and in this way they deteriorate the link between trade and development.

The cost of a freezing of the Doha Round becomes higher if one takes into account the full trade landscape.

7. CONCLUSION

What lessons can we draw from the Doha Round’s present predicament?

We certainly can deplore a commitment deficit at the top of most large countries with regard to global governance. But does not this lack of inspirational leadership find its deep roots in a shortage of international economic policy doctrine? Is not the new faith in the self-equilibrating virtues of global market capitalism the reflection of the discredit attached by neo-classical economists to State intervention at the domestic level?

It might be that during a phase of transition, global markets proved the only forces able to bring about the reshuffling of the international division of labour that had to take place after the end of the colonial period and the collapse of the communist system.

But could this transition go on without putting global governance at risk, gradually leaving a void which could invite large governments, confronted with structural unemployment and rising inequalities, to rely on beggar-thy-neighbour policies of a new type, mixing currency depreciation with restrictions on mergers and acquisitions in order to protect their industrial and innovation capacity?

Has not the time come to address all global governance issues with regard to which the lack of progress leaves the WTO stranded: macroeconomic coordination, stability of global financial markets, better corporate governance, capital taxation, and advancement of core labour standards and environmental norms?

The so-called Geneva consensus dear to WTO Director General Pascal Lamy definitely needs to be beefed up if it is to correct the course of globalization and give
a new breath to the struggling WTO! But the EU carries a major responsibility in stepping up reflection on this matter. Not just some large Member-states 'en ordre dispersé', but the EU as such should have the ambition to punch its full weight in the debate on harnessing globalization.
PARTNERS
CHINA AND EUROPE: THE MYTH OF A POSTMODERN WORLD*

Jonathan HOLSLAG and Gustaaf GEERAERTS**

1. SOFT POWER

The relations between China and the European Union (EU) are in a profound state of transition. The breadth and depth of Europe-China relations are impressive, and the global importance of the relationship ranks it as an emerging axis in world affairs’, as a reputable China-specialist wrote.[1] The European commissioner for foreign trade also waxed lyrical: ‘We all have to become China-experts’. Wen Jiabao called the Sino-European partnership ‘mature, balanced and determined’ and equally pointed to its economic complementarity as solid evidence of its further growth. Apart from Wen, other Chinese government members have also repeatedly promised to meet European expectations regarding a freer market and more respect for human rights. Various analysts and policy makers take this as proof that Europe can, by means of soft power, inform the choices of emerging superpowers. It is widely contended that Europe, as opposed to the US, has been successful precisely by doing away with threats of violence and aggressive diplomacy. However, European relations with China could very well end in disappointment. Although the country’s direct challenges towards Europe are limited to fierce economic competition, its indirect impact will be much heavier. The rapid expansion of the People’s Republic contributes to an uncertain international climate. The competition for natural resources is heating up. Countries of strategic importance are pulling away from Europe and the influence it exerts by cosying up to the East. Nations whose comparative statuses are under threat are taking a tougher stance. Will Europe be able to keep up if contestants stop playing by the rules? The development of the Old Continent’s relationship with China provides plenty of food for thought.

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2. THE SECOND WORLD

The London Times, 6 July 1840: “The British flag waves over a portion of the Chinese Empire for the first time! Chusan fell into the hands of the English on Sunday, the 5th of July, and one more settlement in the Far East was added to the British Crown.”[1] By the end of 1860, six western European countries had managed to acquire a foothold on the Chinese mainland. Gunboat diplomacy, powered by a second industrial revolution, seemed unstoppable. A century later, however, hardly a trace remained of this European presence in the Far East. This new imperialist assault already contained the seeds of the coming defeat: fierce rivalry and mistrust between the most important actors in Western Europe. On the eve of the 20th Century, the Russians and Japanese seized the opportunity to exploit this rivalry and to extend their influence in China. The two World Wars erased all traces of European colonialism once and for all. ‘Europe is dying’, Sun Yat Sen wrote in 1920.[2] Two years later, at the Washington Naval Conference, European countries formally renounced their possessions in China.

The Second World War dealt the final death blow to European supremacy in Asia. In 1954 France was put under pressure to withdraw its troops from Indochina. In 1967 British Prime Minister Harold Wilson decided to remove all military presence stationed to the east of the Suez Canal.[3] For 40 years, European diplomacy in the region was entirely overshadowed by the Cold War. On an economic level, Europe also lost influence as a result of the Japanese mercantile renaissance. This development was aptly encapsulated by Mao’s Three Worlds thesis. In contrast to the United States and the Soviet Union, Europe no longer belonged to the First World, but to the Second. It was an intermediate power, of secondary importance. This does not mean that Beijing was indifferent to having good relations with Europe. Rather, its relations with Europe were always informed by Chinese interests with regard to other powers. Although China made heavy weather of the fact that European troops fought alongside American soldiers in the Korean War, Europe was primarily considered a useful counterweight to the Soviet-Union and the United States. Especially once relations between Beijing and Moscow had soured, China accorded a great deal of importance to a united Western front, which would then be able to prevent the Kremlin from exerting too much pressure on China’s

borders. From this point of view China has always been a fierce advocate of the political and economic integration process. 'We support the European people in its struggle for unity and independence', Zhou Enlai waxed enthusiastically at a banquet with French president Pompidou. 'We are convinced that European unity will contribute to a better climate in Europe and in the rest of the world.'[1] On the other hand, Peking expressed scepticism in 1971 about the detente between West-Germany and Moscow. In 1983 Deng Xiaoping called American plans to install missiles in Europe 'insurmountable'.[2] Apart from geo-strategic motives, China had also set its sights on diplomatic recognition. Years before the country obtained its membership of the United Nations, countries such as Italy, France and Sweden had already recognized the People’s Republic as a sovereign state. Beijing also wanted to tap into the growing European market as a potential investor. In 1975 it sought to establish an economic partnership with the European common market. In 1983 a treaty was signed with the European Coal and Steel Community. Germany, for instance, set up a financial aid and investment programme with China in 1985. Chinese engineers were flown in to Bonn for technical training programmes. In the 1970s and 1980s the People’s Republic managed to set up a project with almost every European country, each project designed to boost economic and scientific development. The Cold War thus ushered in a new era in relations between China and Europe. Pre-war Europe-centrism made way for a new partnership founded on mutual interests rather than a quest for dominance.

3. ALLIES

Europe was counted among the winners of the Cold War. Economic relations especially had thrived. Between 1980 and 1990 trade figures quadrupled. The many bilateral agreements that had been established were grouped in 1985 under one economic treaty with the European Community. Both parties resolved to strengthen their collaboration in terms of finances, joint ventures, technology exchange, education and the exploitation of natural resources.[3] As mentioned above, China seeks to strengthen its ties with Europe in order to counter the unilateral politics practised by the United States. The world needs a strong Europe, premier Wen Jiabao


 asserted on a visit to Ireland.\[1\] Beijing is also insisting to Europe that Taiwan be kept in diplomatic quarantine.

Firstly, China wishes to secure its access to the European market. European consumers form the most important outlet for Chinese goods. In 2004, the European Union’s share in China’s total export accounted for more than 22 percent, representing no less than 5.4 percent of the GNP.\[2\] The People’s Republic also has designs on the Union’s technological expertise. ‘Bilateral sci-tech cooperation has become the driving engine for trade and economic relations’, contended the Ministry of Foreign Affairs.\[3\] China is eager to see Europe participate in its development of computer technology, space exploration, alternative energy, social sciences, etc.\[4\] Already Europe is by far China’s most important supplier of new technologies and advanced goods, in contrast to the United States, which adamantly refuses to exchange knowledge with the People’s Republic. Naturally, other investments are also significant. In 2005, European firms only accounted for 5 percent of Chinese foreign investments, not nearly enough according to Beijing. China is equally clamouring for Brussels to recognise it as a ‘market economy’, which would significantly reduce the possibility of trade restrictions.\[5\]

It is also imperative that Europe becomes an ally in the new multi-polar world order that Beijing is pushing for. China has repeatedly turned to France and Germany to oppose the United States’ unilateral conduct. Jiang Zemin’s telephone call to the French president and the German chancellor in 2003 to suggest the formation of a joint opposition to the new invasion in Iraq can be seen in this light. A year after the invasion, Paris and Beijing jointly signed a declaration denouncing the United States’ military intervention: ‘France and China will adhere too a multilateral approach for resolving crises and to face the threats to global security’.\[6\] Both nations resolved to consult each other more often about strategic issues in the future. A few months later, Prime Minister Wen Jiabao called upon Berlin to set up a ‘cooperative mechanism’ to deal with important international issues.\[7\] In February 2006, the Minister of internal affairs Li Zhaoxing travelled to Paris in order

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to talk about Iran’s nuclear weapons programme. After his meeting with President Chirac, Li voiced his approval of the ‘diplomatic trail’ France was building with Germany and Great Britain. Paris and Berlin are thus Beijing’s interlocutors of choice, but the European Union’s potential as pillar in the new multi-polar world is by no means underestimated. In 2005 Hu Jintao called the EU an ‘important player in the maintaining of global peace and the promotion of development’.\(^1\) Foreign Affairs views the European integration process as ‘irreversible’ and predicts that ‘the EU will play a leading role in regional and international issues.’ In the meantime, Chinese and European institutions had established a strategic dialogue. At the highest level there are the ministerial summits, organised annually since 1998. At regular intervals diplomats and experts will gather to discuss international issues such as nuclear weapons and regional cooperation in Asia.\(^2\) Most consultation bodies continue to focus on economic aspects, however. ‘As China is not blind to the endless quarrelling within the EU institutions, it still prefers to discuss the most important questions with individual member states’, according to a member of staff at the European Council.\(^3\) China has clearly pinned its hopes on a strong Union as its ally, but knows very well where the important decisions are taken: not in Brussels, but in Berlin, London and Paris.

Beijing is also urging Europe not to join hands with Taiwan. ‘The one-China principle is an important political cornerstone underpinning China-EU relations.’\(^4\) China expects Europe to contribute to the Taiwanese government’s isolation by renouncing diplomatic talks and weapons exports, and banning visits from members of the Taiwanese government. Paris vowed to stop selling weapons to Taiwan in 2004. According to various sources France may even have passed on technical information to China about six formerly supplied frigates. The People’s Republic also applied a considerable amount of pressure to prevent the Taiwanese president Chen Shiu-Bian from paying a visit to the European Parliament in 2005. So far, Europe has mostly complied with China’s expectations. Trade between the EU and the People’s Republic is growing year after year, and a mature understanding seems to be developing in diplomatic terms as well.

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\(^1\) “Hu, Blair reach vital consensus on furthering bilateral relationship”, People’s Daily, 10 November 2005.


\(^3\) Conversation with member of staff of the European Council, 13 March 2006.

\(^4\) Ministry of Foreign Affairs, China (2003), China’s EU Policy Paper, op. cit.
4. CONDITIONS

Europe has tied a number of conditions to its collaboration with China. Firstly, it wants the country to press on with the opening up of its economy. It champions the lifting of the remaining restrictions on the import of goods and pushes for more measures to combat the copying of European products. Europe has recently also set its sights on the banking sector, almost entirely in the hands of the Chinese state. Various aid programmes have been launched to accelerate the economic transition of the People’s Republic. The British government has set funds aside for the restructuring of state-owned enterprises, the counselling of laid-off workers and the upgrading of the financial sector, among others. The EU spends a couple of millions each year to assist China in its implementation of World Trade Organisation directives regarding border controls, product safety, intellectual property rights, etc. Secondly, Europe is calling on Beijing to show more respect for human rights. Several countries want China to sign the International Covenant on Civil and Political Rights (ICCPR). Tony Blair posited in 1998 that ‘here is no disguising that we continue to have serious concerns and differences about human rights about political and religious freedoms and about the situation in Tibet’. Even the former German chancellor Schröder, not exactly known for his consistent approach to human rights, urged China to initiate a dialogue between ministers in order to render the courts of law less biased. His successor Angela Merkel put her finger on the sore spot when she entered a Roman Catholic church on a state visit. In Beijing, Dutch Prime Minister Balkenende championed the abolition of the death penalty, the end of political indoctrination and more freedom for Tibet. A total of nine European member states spend money on projects designed to promote respect for human rights. The European institutions are keeping their end up as well. The Commission is helping the Chinese government in its experiments with open elections at a local level. The Council has repeatedly called for action to stop China’s ‘continuous violations of human rights such as free speech (in the press and on the internet), freedom of religion and freedom of assembly’. The Council also asserted that ‘here has been no progress in the respect for the rights of persons belonging to minorities, in particular as regards religious freedom, and a continued erosion of minority culture, in particular in Tibet and Xinjiang’. Thirdly, Europe is hoping to turn China into a responsible nation on the international scene. The Netherlands, for instance, has urged Beijing to apply the rules of fair play, to take

up a ‘more constructive’ role in Iran and to stop fuelling the violence in Sudan. Countries such as France, Germany and Spain have exhorted China to make a positive contribution to the United Nations. The Council of the European Union has suggested working together more closely when it comes to conflict prevention, the fight against the arms trade and terrorism. On top of this, China is called upon to respect the environment and principles of social justice. Similarly to the United States, Europe clearly hopes to be able to influence China’s development trajectory.

But which levers can Europe pull? Once more, trade emerges as the most obvious weapon. ‘Trade and development policies can be powerful tools for promoting reform’, the European Security Strategy reads. ‘Contributing to better governance through assistance programmes, conditionality and targeted trade measures remains an important feature in our policy that we should further reinforce.’[1] Europe hopes to encourage China to change its ways by positive measures such as trade agreements and technological cooperation. Yet sanctions are still imposed at times. In response to accusations of dumping, quotas were introduced on goods such as textile, plastics and a number of chemical substances. Each year, an average of 24 new measures are implemented. According to former European commissioner Pascal Lamy, however, the impact of these measures only accounts for 0.5 percent of total Chinese exports to Europe. After the Tiananmen Square protests in 1989, European nations decided to curtail their weapons exports to China, an embargo that is still in force. Once again though, its impact is limited, given that several countries continue to export ‘dual use-systems’. We mentioned earlier that both Europe and China attach great importance to a solid political dialogue. Europe is trying to extend its influence by institutionalising this dialogue through permanent committees and meetings. Public opinion also plays a part in this respect. Brussels is stimulating contacts between European and Chinese business people by means of numerous conferences and several business schools. It is estimated that 60,000 Chinese students were enrolled at European institutes of higher education in 2005, who then go back to China with a clearer insight into European society.

Europe is thus pursuing a benign policy towards China that is based on conditional cooperation. It is prepared to lend the People’s Republic a helping hand, to invest in the development of the country, but in turn China must meet a number of demands. This is a highly unique way of dealing with global changes. In contrast to the United States, Europe is not gearing up for a confrontation. Rearmament is hardly on the agenda. European nations are not taking up stations in Asia to

curb Chinese influence in case this becomes necessary. *Hard power*, based on scare tactics or threats, seems to have disappeared from the diplomatic handbook. On the contrary, Europe wishes to forge a tighter link and strengthen its influence on the back of this economic interdependence. Furthermore, Europe also sees itself as the model China should aspire to. ‘There are already signs that the increasing exposure of all areas of Chinese life to the outside world is having a deep — if gradual — impact through social change and increased mutual understanding’, the European Commission contends. ‘EU policy is based on the well-founded belief that human rights tend to be better understood and better protected in societies open to the free flow of trade, investment, people, and ideas. As China continues its policy of opening-up to the world, the EU will work to strengthen and encourage this trend.’[1] This approach is championed in an often quoted book by British top diplomat Robert Cooper. In his book he talks about a postmodern security strategy where the emphasis is firmly placed on international cooperation rather than control over territories. ‘Nationalism makes place for internationalism’, he writes. ‘The final goal is the liberty for each individual.’[2]

How can we explain this typical European approach? Why is the continent opting for reconciliation rather than confrontation? To start with, Europe does not consider China’s ascent a direct threat to its safety. From a geopolitical point of view, there is hardly any overlap: both blocks constitute the ends of the Eurasian continent and, bar Russia, do not share a single neighbour. Europe’s strategic interests in Asia are scarce, which is evidenced by the limited presence of European troops. These troops consist of a couple of thousands, almost all stationed in Afghanistan, compared to the more than 150,000 American soldiers deployed in the region. As Europe no longer has supremacy in the world and has also had to renounce its imperial interests in Asia, it has considerably less to lose than the United States. Europe is able to take a more tolerant stance towards China precisely because it is weak from a military point of view, concludes American author Robert Kagan.[3]

Unlike Washington, not a single European state has promised to come to the rescue of Taiwan should it be invaded by China. Even the larger nations have no real ambition to safeguard the Asian sea corridors against piracy and terrorism. Of course, they are not being pressurised by a nationalist parliament or neconservative lobbyists pushing for rearmament. But there is more to this. France and Germany are intrigued by China’s plea for a multi-polar world. Just like Beijing, both

countries feel marginalised by the United States. Paris, in particular, has responded positively to China’s criticism of American ‘hegemony’. The old powers wish to gain in strength and vitality by cosying up to a budding superpower.

It is easy to see why Europe does not consider China’s expansion as a threat to its safety. But how to explain this magnanimous economic cooperation? Why does Europe seem less worried about the People’s Republic relative growth? A first reason relates to Europe’s concern with short-term gains. European nations wish to take advantage of the Chinese growth miracle as much as others. They are under enormous pressure to make sure that their companies do not miss out on their slice of the Chinese market. China fuels this enthusiasm by approaching countries separately and presenting them with lucrative contracts. To this end, a considerable number of trade representatives have been employed by Chinese embassies in European capitals. If necessary, the member states do close ranks. France and Germany lobbied the Chinese government together for aircraft manufacturer Airbus. Even European calls for sustainable development in China are grist to the mill of alternative energy producers in Germany and Scandinavia. Secondly, the European trade deficit is less dramatic than the United States’ trade gap. In absolute terms, the American trade deficit is twice as wide as the European one, but the EU is also more capable of absorbing its own shortfall because its total exports exceed those of the US. This brings us to our third reason. European member states are more dependent on trade than other trading nations. The export of goods and services accounts for an average of 49 percent of European GNP, as opposed to the United States, Japan and Korea, where this figure only amounts to 14, 10 and 29 percent respectively. Although a large part of European trade takes place within the borders of the Union, member states do rely on open markets elsewhere. This is why protectionism no longer flourishes and liberal policies are deemed essential. European integration has made it much more difficult — from an institutional point of view — for individual member states to resort to protectionist measures. If they want to shield their own market, they first need to submit an application to the European Commission, after which all member states need to green-light the proposal. Italy, Portugal and Poland, for instance, have lodged such an application to stem the flow of Chinese shoes. They were met with opposition from London, however, which was protecting the interests of several large British retail outlets, and a number of Scandinavian countries, traditional champions of free trade. [1]

Although Europe is certainly feeling the pinch of Chinese competition, possible

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counter-measures are blocked by the importance of trade, heavy technological negotiations and diverging national interests.

It is obvious why Europe does not seek confrontation. But what explains European self-assurance that it will be able to influence China’s development trajectory? First, it fully realises that the People’s Republic is still more dependent on Europe than the other way around. A trade war would constitute a crisis for Europe; for China it would mean suicide. Apart from this, Europe also seems convinced of the superiority of its social and political model. Article 6 in the Treaty of Maastricht reads: ‘The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States’. The declaration signed by the heads of state and government in 2001 at the Laeken European Council does not leave any room for interpretation either: ‘Europe [is] the continent of humane values, the Magna Carta, the Bill of Rights, the French Revolution and the fall of the Berlin Wall; the continent of liberty, solidarity and above all diversity, meaning respect for others’ languages, cultures and traditions. The European Union’s one boundary is democracy and human rights’.\footnote{\textit{Declaration of Laeken, 15 December 2001, section 1.2.}} Europe assumes that China must aim for the same goals if it wishes to develop in a sustainable fashion. The European Commission puts it this way: ‘China today is experiencing challenges which Europe started to tackle a number of years ago… The EU is demonstrating its willingness to share this experience with China. And China has the interest ‘importing’ parts of the ‘EU model’ in these areas’.\footnote{\textit{See the website of the European Commission’s representation in China: www.delchn.cec.eu.int.}}

The question that remains is: to which extent is this approach actually successful? China is holding on to its mercantilist politics. This will probably not change in the near future. The Chinese government has not put democracy and respect for human rights on top of its list of priorities either. In terms of foreign policy, it
is inconceivable that Beijing will comply with Europe’s ‘postmodern’ discourse. Should one, in accordance with Robert Cooper, distinguish between ‘modern states’ and ‘postmodern states’, then China should be categorized as a ‘modern state’, for which ‘internationalism’ is but one modus operandi serving the national interest and only the national interest. The People’s Republic is therefore by no means tempted to meet European expectations. What is more, its ascent raises doubts as to whether so-called ‘postmodern’ politics are actually advisable in the present circumstances. Robert Cooper himself argues that a postmodern state must learn to live with the idea of double standards. ‘Among each other the interaction between states is based on law and an open, cooperative security. In their dealing with states outside the postmodern borders Europe has to resort to harsher measures.’[1] Will China effect a turning of the tide in European policy?

Russia’s oil nationalism has already shown to Europe that the battle for the moral high ground has been lost. Under Putin’s rule, democratic principles have taken a nosedive. The Russian government has regained control of the reins of power in all key economic sectors and wields an enormous influence on trade relations with other nations. Moscow has clearly put Western concerns aside. Given the huge demand for oil and gas from Asia, it can easily afford this kind of attitude. As Putin asserts: ‘Russia is like a bird that can only fly by using its two wings’. [2] In a television interview the President also allegedly said that he intended to model further reforms on the Chinese pattern of development. [3] When Russia cut its gas provision to Ukraine in 2003 for purposes of intimidation, the European Union was in complete disarray. A number of voices, including that of the commissioner for competition, called upon Russia to end its monopoly of state-owned enterprises for energy supply. Germany, however, the most important outlet for Russian natural gas, was urging caution and pragmatism. When Poland and the Baltic States came up with a proposal to form a pact in aid of energy security, the Germans torpedoed it. The proposal suggested that European member states would support each other in case their energy supply was being compromised. After Germany’s refusal, a Polish minister accused Germany of having signed a new Molotov-Ribbentrop pact. [4] ‘This is not our interpretation of European solidarity’, the Polish Prime Minister intimated to the German press. It may be a coincidence, but months after the crisis France refused to even consider Enel’s — an Italian company — takeover bid for

[4] Ibid.
Gaz de France. The Spanish government similarly scuppered German designs on Spanish energy supplier Endesa. Russian oil nationalism has taught us three things already. First Russia is drawing strength from China’s expansion to take a more autonomous stance towards the EU. Europe is no longer the only interlocutor and trade partner. ‘Because Russia is no longer solely dependent on euros, it becomes impossible for the EU to hold on to its conditional engagement policy: Brussels no longer has any power to set conditions’, as summed up by a former diplomat in Moscow.[1] What was ultimately a minor energy crisis has exposed the precariousness of European solidarity. European internationalism swiftly made way for nationalism. Each country clearly considered its own gas tanks much more important than those of its fellow member states.

Elsewhere in the world Europe’s conditional engagement policy is also drawing a blank. As China is prepared to do business without political conditions, it is undermining European diplomacy as a result. The European Union has taken punitive measures against Ivory Coast, Liberia, Myanmar, Uzbekistan, Sudan and Zimbabwe, for instance, but China has disregarded these one after another and is thus helping to keep local regimes in the saddle. ‘If we stick to our principles, then Europe should no longer hold out for an important role in the third world’, a representative of the French Ministry of Foreign Affairs affirms. European member states are wary that their businesses could be missing out on opportunities. ‘If Belgium does not consolidate its remaining interests in Congo, we will lose them to the Chinese’, a Belgian diplomat in Katanga concluded.[2] The next chapter will extensively deal with this growing Chinese influence in the third world.

China is also placing Europe before a serious internal dilemma. The member states do not agree on how to respond to the growing economic rivalry. One can more or less distinguish two opposing viewpoints. At one end of the scale, there are the countries that view the competition from China as a threat to their national economy. This includes Italy, Portugal and Spain, in the first instance. Employment opportunities in these countries mostly depend on labour-intensive manufacturing, but labour costs are too high to defy mass production in the East. Given these countries’ negative trade balances, each container of textile or shoes exports actually counts. At the other end you find Germany and the Scandinavian countries. Their industries are at the European cutting edge, which means they do not feel the heat from the flux of cheap Chinese mass products much, and their export figures remain unaffected. Suggestions of new economic obstacles are falling on deaf ears.

in these countries: ‘Anti-dumping measures have become a tool to shield Europe from the competition, whereas we should be transforming ourselves into a modern, globalised economy at this very moment’, contended the Swedish Trade Minister. From an economic point of view, he does have a point of course. Innovation and more efficiency could lift the industrial production in the southern European countries to a higher level. From a social and political perspective, however, this is a more sensitive and complex issue. High levels of unemployment and a lack of investment have turned the crucial economic transition into a slow and painful process, amounting to electoral suicide for politicians. Which of these two viewpoints will end up informing European trade policy, the most depends on a number of factors. The position of the assorted countries in the middle of the scale will tilt the balance. When it comes to the competition with China, the omens are not good. Only 4 out of 25 member states have a trade surplus with the People’s Republic. Economic complementarity is also dwindling. Statistical evidence shows that only 6 member states are currently ahead in the game. All other countries are increasingly feeling the heat as China is starting to make a name for itself in sectors where they traditionally held their own.[1] The International Monetary Fund (IMF) has pointed out that European commercial success stories might also start feeling the pinch if the People’s Republic keeps up its modernisation process.[2] Unctad has revealed that China leaves Europe trailing in its wake as most promising market for research and development.[3] Once again the People’s Republic is rubbing Europe’s nose in it. For starters it is widening the already existing fault lines between the different economic profiles of the member states. This, in turn, exerts an influence on the economic measures favoured by each, with protectionism and innovation at opposite ends. On top of this, it confirms the trend that Europe’s economic weight in the world is diminishing. Between 1990 and 2004, for instance, the EU’s share in global trade slipped from 16 to 14 percent.[4] Furthermore, China’s ascent is casting doubts on the future of Europe’s widely acclaimed social model. Will it remain affordable? Will labour costs have to go down to remain competitive? Should workers become more flexible? Should employers be quicker to lay off their staff? The scope of this article does not allow for answers to these questions. What is important is that the questions are being asked. Europe will have to make some

fundamental choices. China is speeding up a process that was signalled years ago, but so far we have been at a loss what to do next.

6. REAR GUARD FIGHT

The recent history of relations between China and Europe shows that the sun is setting on the Old Continent. Europe’s comparative power is dwindling rapidly. This firstly relates to its military clout. On the threshold of the 19th Century, it no longer seemed viable to employ gunboat diplomacy in China and elsewhere. After World War II European armies left Asia for good, bar their participation in a few military operations under the command of the United States. European diplomatic pressure took a nasty tumble during the Cold War. The international agenda was no longer shaped by the Old Continent, which led Mao to formulate his ‘Second World’ theory. At present the European Union is but a bishop in the strategic chess game between Beijing and Washington. The economic dimension of European power pales before Asia’s spectacular rise. Western Europe’s share in the global market has decreased steadily since 1987. Even if the People’s Republic remains dependent on the European market, Europe’s economic influence wanes because other countries are increasingly fine-tuning their policies in accordance with their expectations vis-à-vis China. An important diplomatic lever is lost in the process. The last vestige of European power seems about to give way as well: soft power, or rather, the art of seduction. Western Europe conceives of itself as an attractive partner with a proper sense of values in terms of democracy, human rights, good governance, free trade, etc. But it is becoming increasingly difficult to market these values abroad. The Chinese model of a strong state with a strong economy is a lot more successful. The European model is also compromised by China’s ascent because this expansion has further exposed Europe’s internal fault lines and differences. The fact that Europe has not succeeded in setting a new development agenda based on negotiation and cooperation has given rise to the question whether postmodernism — as described by Robert Cooper — actually is one of Europe’s fundamental characteristics. So-called modernism is not a rear guard fight; time and again the national interest prevails. This goes especially both for fledgling ambitious nations such as China and nations which see their influence diminishing. Because Europe is in denial about this reality, it risks being relegated to the rear itself and jeopardising its own integration process. ‘In times of prosperity, it is human nature’, the Roman historian Livy wrote, ‘to refuse to listen to arguments that point to the hollowness of this prosperity’.
Formally established as “strategic” in 1994, the relation between the EU and Russia effectively gained its cruising speed at the turn of the millennium. The launching of the European Security and Defence Policy (ESDP), and the determination of Vladimir Putin’s team to give a new impetus to East-West cooperation, brought the prospects of a truly strategic Euro-Russian partnership back to life. The discussion in this article is two-fold.

It first aims at examining the means available for EU-Russia cooperation. This institutional setting indeed highlights the evolving nature of the strategic partnership between the entities, and calls for a deep reassessment of EU interests on the regional scene.

The second part aims at describing the areas of cooperation, and thereafter suggests that — as Ambassador Chizhov put it — “trade shouldn’t conceal the European civilisation both entities belong to”. While energy dependency and trade relations dominate the relationship, the EU-Russia partnership retains a significant potential in the areas of internal, regional and international security that needs to gain impetus. This article argues that interdependence will provide for any compromise — good or bad — needed in the fields of obviously shared interests: energy, trade and mutually beneficial economic ties. Whether the EU will be able to defend its views and interests in these spheres is a matter of skill and circumstance. But interdependence does not necessarily drive EU-Russian cooperation in security affairs. Moreover, the intergovernmental procedure — applicable in most political and security issues — does not permit independent, self-driven European progress in this field. The bottom-line rests in the parties’ intentions, in their ability to identify common ground for cooperation and in the decisions of national leaders. Therefore, identifying the areas of common interest and those of incompatibility between the EU and Russia in political and security affairs seems altogether necessary and topical.
Exchanging the means and contents of the relationship actually leads the discussion to address the question of Europe’s evolving power. The very fact that Russia is — and will remain — a major interlocutor of the EU without aiming at membership forces the EU to adapt, enhance and diversify its multi-faceted capability. The challenge facing the EU as an economic and normative power is to find a new balance between principles and interests. The argument is that, in the light of the EU-Russia experience, playing one against the other is far from being the optimal solution.

1. INTRODUCTION: NECESSITY AS A DRIVING FORCE OF EU-RUSSIA RELATIONS

“I cannot think of a collapse of the Soviet Union”, said Henry Kissinger in an interview published in the summer of 1989,[1] at a time when the EC and the USSR were merely negotiating the terms of their mutual recognition. Without prior notice, though, central Europe freed itself from the Soviet yoke, Germany was reunified and the “friendly” Russian Federation succeeded the “threatening” Soviet Union. Having had no time for adaptation, the European and former-Soviet civil services found themselves discussing trade, political issues, or pan-European nuclear and environmental security. The key for such a radical turn had of course to be found in irresistible political pressure on both sides. It would be unfair to say that Europeans and Russians had to enter in a cooperative relationship. Leaders could have been blinded by distrust; they could have failed to recognize the necessity of dialogue and the possibility to engage in constructive relations. As Stanley Hoffmann once noted: “Soon historians and political scientists will tell us why what happened had to occur. [...] We should not too easily assert the necessity of the transformation. Things could have been different. At every point, in every country, choices were made”. [2]

It did indeed take far-sighted political vision for Kohl, Mitterrand, Delors or Thatcher to lend a cooperative hand to the Soviet Union. This vision was nourished by the idealistic goal to erase the dividing lines of Europe and to end the Cold War, as much as by the players’ own interests. Put together, these factors made it possible for Europe and Russia to perceive the necessity of cooperation. Having been recognized by the former enemies, the necessity of cooperation, or interdependence, soon turned out to be the driving force of the partnership. It became


manifest that neither Europe nor Russia could tackle the upcoming challenges on its own; economic security, the fight against military and non-military threats, and attention to environmental issues had become indivisible. Most importantly, Europe — especially as it was enlarging — got scared by its energy dependency on Russia, while Russia realized how unprepared it was to face the unification, under one **acquis**, of its main export markets.

In areas of mutual dependence, Russia and Europe developed the instruments to advance their interests. The question is not *whether* to cooperate but *how*. Formally, this relationship can be depicted as extremely asymmetric: the EU is Russia’s first trade partner while Russia ranks third (with the USA and China in first and second place) in the hierarchy of EU major trade partners. However, Russia is the EU’s “largest single external supplier of oil, accounting for 30% of EU total imports or some 27% of total EU oil consumption. Russia also accounts for some 44% of EU gas imports or around 24% of total gas consumption”,[2] which of course makes the EU dependent on Russian exports. Energy-related negotiations consequently top every EU-Russia summit’s agenda, as shown again at the European summit of March 2007 under German presidency. If managed well, however, interdependence will be “regulated” by the parties’ interests. The EU will be able to reduce its energy dependency on Russia by “cutting energy consumption and developing alternative sources of supply”.[3] Russian external trade structure, on its side, cannot rely exclusively on energy prices and is bound to diversify the sources of economic growth[4], as well as its export markets. The fears of an excessive dependence are strong incentives for deeper cooperation and push the parties towards a “normalization” of their cooperation in those areas of common concern.

Identifying the common ground for cooperation in areas where interaction is desirable but not indispensable is in return more difficult. A striking example of this difficulty can be found in security and defence issues. Although it has made considerable progress, civilian or military power projection abroad still represents a difficult exercise in European political decision-making. Russia is not interested in military cooperation if it has no leverage on decision-making, while the EU has

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[1] The statistical data are provided by the European Commission, DG Trade (September 2006).


reacted unambiguously to any Russian attempt to interfere in the political process — and considers the PSC/EUMS/Russia consultations as sufficient.

2. THE INSTITUTIONAL SETTING OF EU-RUSSIA RELATIONS

As early as 1989, the prospects of mutual recognition drove the EC to try and identify, beyond trade, possible areas of cooperation with the Soviet Union: environment, nuclear energy, transport and fisheries were the limits reached at the time.[1] But it wasn’t long before a comprehensive agreement was put to negotiation. By 1994, both parties had come to terms on an ambitious treaty that ultimately called for the establishment of a free-trade area across the Euro-Russian space, a long-term objective stated in the Partnership and Cooperation Agreement (PCA) signed in Corfu in June 1994 under Greek Presidency.[2]

This agreement was remarkable in its (substantial) width and (institutional) depth, setting up frequent consultation mechanisms between the Parties: biannual summits at the highest level, and annual ministerial summits[3] supported by the works of at least 9 expert sub-committees, are complemented by the work of a joint parliamentary commission. The main financial instrument for cooperation was TACIS (Technical Assistance to the Commonwealth of Independent States) — an EU programme set up in 1991 to help restructuring enterprises and private sector development; reforming public administration, social services and education; and providing advice in the fields of agriculture, energy, nuclear safety and environment, transport and telecommunications. The European approach at the time was summed up by Commissioner Van den Broeck: “Russia’s relationship with the EU could be a key factor in determining the route Russia decides to take: whether she turns inward upon herself, seeking to implement reform and develop her economy with limited input of foreign expertise and investment, or whether she takes her place in the world economy in full and responsible partnership with the EU and others”. [4] This phrase depicts the double challenge of the epoch: Europe had to engage Russia if it wanted to prevent a return to the Communist rule; while Russia had better choose a “European” path of reform in order to avoid isolation.


[3] The Permanent Partnership Council (PPC), set up in 2003, replaces the former Cooperation Council. It meets as often as necessary and in a variety of formats. So far, PPCs have been held in the format of Foreign Ministers, Justice and Home Affairs Ministers, Environment Ministers, and Energy Ministers.

The PCA appeared as the most comprehensive and ambitious treaty concluded at the time by the EC. Its provisions were designed to prepare the future free-trade area, set up an institutionalized political dialogue and provide for a dispute settlement mechanism.

Through PCA provisions, the EU and Russia granted each other a most-favoured nation treatment and called for the abolition of quantitative restrictions (except for textile, and steel and coal products, for which separate agreements were concluded). A strict anti-dumping policy accompanied the measures in order to protect European industries, in a way that, actually, caused most of the disputes\(^1\) that arose between the parties up to 2002 (when the EU granted Russia the status of a market economy,\(^2\) thus changing the anti-dumping regime applicable to Russia).

Politically, the main asset of the PCA was to provide Russia and the EU with institutionalised fora where their relations could be biannually reviewed and upgraded, but where matters of international politics would be discussed also. The summits allowed the parties to discuss European or world security issues of common concern such as enlargement, the Balkans, the Middle East, and to coordinate views on non-proliferation, the UN, crisis prevention/management, the environment (and Kyoto), etc.

For various reasons, however, the PCA never seemed to fully satisfy the parties. Its first set-back came from the national and European parliaments: the outset of war in Chechnya and the allegations of massive human rights abuses led the MPs to reconsider Europe’s engagement towards its still controversial neighbour. The process went on (under the Interim Agreement between the EU and Russia, signed on 17 July 1995, and the commercial provisions of the PCA took effect on 1 February 1996). The agreement eventually came into force in December 1997,\(^3\) allowing the first EU-Russia summit to take place on 15 May 1998.

In the meanwhile, on Finland’s proposal, the European Council (Luxemburg, December 1997) had agreed on the relevance of creating a "northern dimension for the policies of the Union".\(^4\) Subsequent presidencies furthered the definition

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\(^2\) EU-Russia Summit, Moscow, May 2002.

\(^3\) The agreement was concluded for an initial period of ten years. Article 106 stipulates that the “Agreement is automatically renewed year by year provided that neither Party gives the other Party written notice of denunciation of the Agreement at least six months before it expires”.

of the Northern Dimension (ND) in order to tighten the economic gap between
countries surrounding the Baltic Sea[1] and address a growing number of issues of
common concern between the EU and its neighbour regions.

The Northern Dimension relies on a cross-pillar, weakly institutionalized, self-
financed policy meant to develop the EU-Russia partnership on a pragmatic basis.
It concerns — among other things — environment, justice and home affairs (JHA)
issues, energy, and transports. The ND has developed according to triennial action
plans (NDAP), which, in order to ensure the incremental aspect of the policy,
would be annually reviewed. Lastly, it is important to notice that ND was ideally
meant to operate in consultation with several other regional bodies and programmes
in the area (the Council of the Baltic Sea States (CBSS), the Barents Euro Arctic
Council (BEAC), the Arctic Council (AC), the Nordic Council of Ministers; the
Euroregions, TACIS and Interreg).[2]

In sum, by the time the PCA effectively came into force, developments in the Euro-
Russian relationship had already slightly changed the overall setting. Evolutions
within the EU and Russia further contributed to put the agreement into question.
The Asian crisis that hit Russia in the summer of 1998, and the political unrest that
it exacerbated, focused social and political attention on the domestic scene. On the
EU side, this period was one of important moves as well. The further development
of CSFP/ESDP capabilities of the Union, formalized by the entry into force of the
Amsterdam Treaty on 1 May 1999 was the incentive the EU needed to bolster its
diplomatic and security dimension. It did so, notably, by drafting its first Common
Strategy to the address of Russia in June 1999.[3] This political step demonstrated
the EU’s readiness both to revitalize its external dimension and to give Russia a
positive signal at a time when relations with NATO had reached their worse since
the end of the Cold War.[4] The Russian Federation promptly replied with its own
Medium-Term Strategy[5] on the relations with Europe. Both documents served

[1] The countries originally involved in the Northern Dimension were the EU-15, Poland, the Baltic States, Norway, Russia
and Iceland. Since the 2004 enlargement, the cooperation format is EU-27 + 3 “outsiders” (Russia, Norway, Iceland).
[2] The new instrument provided for ND among other policies is the ENPI — European Neighbourhood and Partnership
Instrument.
[4] The deterioration of NATO-Russia relations after the Founding Act of May 1997 was due to three main evolutions:
the Kosovo war, the Alliance’s new strategic concept and the organisation’s enlargement.
Federation and the EU (2000 to 2010), presented at the EU-Russia Summit in Helsinki on 22 October 1999. Unofficial
http://ec.europa.eu/comm/external_relations/russia/russian_medium_term_strategy/
their purpose at the time: to confirm the parties’ cooperative intentions and provide overall guidelines for the relation.

Russia’s positive stance faded away however as the EU’s enlargement approached while relations with NATO were reaching a new climax[1]. Among the causes of this loss of enthusiasm, one should mention the ill-inspired inclusion of Russia in the European Neighbourhood Policy (ENP),[2] a step that made Russia feel once again like a mere object of CFSP, whereas it saw its role as that of a proper strategic partner. The move was rectified by the common agreement setting up a four-fold common space[3] across Europe and Russia — a tailor-made policy[4] within the PCA that could highlight Russia’s unique place and role on the EU’s oriental border. The four common spaces agreed in May 2003 (Economy; Freedom, Security and Justice; External Security; Research and Education) were subsequently complemented by “road maps” adopted at the fifteenth EU-Russia Summit held in Moscow on 10 May 2005.

By 2006 however, the renewal of the overall legal and institutional framework of EU-Russia relations had become the focal point. After nearly ten years of existence, the PCA had gained the reputation of serving a technically sufficient but politically unsatisfying legal function. Relations were entangled in a patchwork of agreements, policies, initiatives, and sectoral agreements. The hardly sustainable pace of two summits per year at the level of heads of state had caused a multiplication of political declarations that could not but lead to disappointment as far as implementation was concerned. Moreover, Russia’s increasingly assertive role on the regional and international scene — fuelled by the revenue of energy prices, and by considerable public support for the President — made it ask for a new agreement that would shake off the remains of its past, and put it on an “equal footing” with the EU. Whatever its name (the Kremlin crafted the name of a “Strategic Partnership Treaty”), the new agreement is expected to reflect the new “balance-of-power” between Russia and the enlarged EU.[5]

[1] With the set up of the NATO-Russia Council (NRC) in May 2002, on the fifth anniversary of the NATO-Russia Founding Act.
3. THE CONTENTS OF EU-RUSSIA RELATIONS

From the beginning, the rapprochement between the EC and the Soviet Union, and then between the EU and Russia, was expected to grow on the grounds of economic approximation between the two entities. The parties expected the partnership to benefit from their gradually increased economic, commercial and industrial proximity, which would “bring about an increasing convergence of positions on international issues of mutual concern thus increasing security and stability”.

Basically, economic rapprochement between the former enemies would serve as the driver of a closer cooperation and generate familiar habits, which could, in turn, “spill over” into other domains of cooperation. This vision was actually right — not in the sense that every other area of cooperation is now fully exploited — but in the sense that economic interdependence indeed forced the EU and Russia to engage in several other areas. Thus the depth and intensity of the partnership on the several issues it addresses depends on the delicate balance of necessity and distrust.

This equilibrium is discussed below in the examination of the four common spaces.

3.1. The Common Economic Space

Despite all its upheavals, the real permanent feature of the partnership has been to bring Russia and Europe closer on the basis of a liberal, market-oriented economy. This was established in the PCA, repeated in the common strategies, confirmed by the establishment of a high-level group to work out a Common European Economic Space, and again established in the road map for the creation of a Common Economic Space (CES).

The CES aims at providing the partners with an integrated market for goods and services throughout the continent. This integration relies on a commitment to liberalize trade, and to ensure the gradual convergence of norms in key economic

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[1] As reflected in Title II (political dialogue), article 6, § 1 of the PCA: “The economic convergence achieved through this Agreement will lead to more intense political relations”.

[2] Title II, article 6, § 2 of the PCA.

[3] At their 7th Summit in May 2001, the parties agreed to establish a HLG to “elaborate the concept” of a common economic space. The CEES concept was then included in the overall agreement of 2003 as one of the four common spaces.

[4] Market liberalisation is mainly dealt with in the framework of Russian accession to the WTO. While the process is ongoing, the EU and Russia are set to concentrate on regulatory approximation.
fields, including intellectual, industrial and commercial property rights. It also requires concrete efforts to harmonize industrial standards and infrastructures in the sectors of high interdependence (energy, transportation, telecom, environment, etc.). Above all, the creation of a CES depends on the level of confidence reached between the administrative and business communities on both sides, which for Europe is directly linked to the level of good governance and the "strict and non-discriminatory enforcement of applicable law" in Russia. To achieve this goal, the involvement of top officials of a wide range of participants from the administration and business (such as the Industrialists’ round table) is crucial.

The central element of the CES is the energy issue, on which the EU and Russia had set up a specific bilateral dialogue (Paris summit, October 2000). This dialogue was supposed to address "all issues of common interest", including the introduction of cooperation on energy saving, rationalisation of production and transport infrastructures, European investment possibilities, and relations between producer and consumer countries. Under the leadership of high-level officials (the European Commission’s Director General for energy and transport, and the Russian deputy Prime Minister), expert committees met on a regular basis (a goal that could not be achieved in most other expert-level committees foreseen in the PCA). The issues of utmost importance were stressed by the creation of four thematic committees, focusing on investments, infrastructures, trade, and energy efficiency. Furthermore, ensuring physical security of energy production and transportation is of paramount importance and calls for active cooperation in related areas such as rail and maritime security, satellite surveillance, and nuclear safety.

[1] Point 1.3. of the road map on the common economic space.
[5] Rail and sea transport issues (notably on technical standards, tariff discrimination, and environment), along with the former dispute on Siberian over-flight charges (settled in November 2006), prompted the creation of a bilateral Transport Dialogue on the model of the Energy Dialogue.
[6] Cooperation on Galileo and Glonass, the respective satellite systems, is in waiting for further technical work and political agreements. In 1998, the Council set the goal of pursuing interoperability between Galileo and Glonass, as well as other navigation systems, in order to keep the EU involved in the establishment of the global navigation satellite system (GNSS). For details, see Communication of the Commission, “Galileo-involving Europe in a new generation of satellite navigation services”, COM(1999) 54 final.
[7] On this issue, cooperation is presently hindered by Russia’s unwillingness to phase out its first generation reactors despite earlier commitment to do so.
The original reference to the “planned ratification of the Energy Charter Treaty by Russia” and its link to “the improvement of the investment climate” now appears to be a dead-end in EU-Russian relations, as has Russia made it clear that the ratification of the Charter was in no way on its agenda.¹ State control over areas designated as “strategic” (defence, minerals extraction, oil and gas), currently undergoing a legislative process aimed at restricting foreign ownership, directly contradicts the EU’s interest in this field and will be high on the cooperation agenda in the period to come.

As the single most important topic of EU-Russia relations, the energy dialogue, along with all the related issues mentioned above, is set to take a central place in any future EU-Russia agreement.

3.2. The common space on external security

The first explicit sign of EU-Russia cooperation on security issues was given by the Common Strategy initiative, which considered “facilitating the participation of Russia when the EU avails itself of the WEU for missions within the range of the Petersberg tasks”.² At the Paris summit of October 2000, the parties decided to further develop this “weak link” in their strategic partnership³ by intensifying consultations on security matters of shared interest as well as expert meetings on disarmament, arms control and non-proliferation. The declaration put the emphasis on operational crisis management, a potentially fertile issue for Russia ahead of the proposed “arrangements for the consultation and participation” of non-EU/NATO potential partners in such operations.⁴ The establishment of a permanent Political and Security Committee (PSC) and EU Military Staff (EUMS)⁵ consequently allowed new channels of communication: in 2001, the parties decided to hold monthly meetings between the PSC Troika and the Russian ambassador to the

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¹ This position was expressed many times. See S. LAVROV’s speech to the students of the Moscow State university on 12 December 2006: “We will not ratify the current version of the Energy Charter Treaty, but we are not against developing uniform rules for energy cooperation along the principles set down in the document”. For details on the problematic issues of the Energy Charter Treaty, see the interview of President V. PUTIN on 7 December 2006 available Katharina MIKULCAK, Rußland und die Energie-Charta”, in Osteuropa, No. 3-4, 2006, pp. 249-265.

² European Council, Common strategy of the EU on Russia, 24 June 1999, Part II, article 3.

³ 6th EU-Russia Summit, Joint Declaration on strengthening dialogue and cooperation on political and security matters in Europe, Paris, 10 October 2000.

⁴ Presidency report on the European Security and Defence Policy, annex VI to the presidency conclusions of the Nice European Council meeting, 7-9 December 2000, pt. VI.

⁵ “At the first General Affairs Council during the Swedish Presidency decisions were taken to make permanent the Political and Security Committee (PSC), the EU Military Committee (EUMC), and the EU Military Staff (EUMS), which had been functioning as interim bodies since March 2000”. Presidency report to the Göteborg European Council on European Security and Defence Policy, Brussels, 11 June 2001.
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EU (on issues of crisis prevention and management), while the following summit confirmed the appointment of a Russian contact person to the EUMS. As far as action was concerned, and in accordance with the Nice mandate, the modalities for third states’ contributions to EU civilian operations were initially supposed “to focus on police missions.” Russia indeed agreed in principle to contribute five police officers to the European Union Police Mission in Bosnia and Herzegovina in 2003.

The common space for external security thus encompasses two types of dialogue: cooperation in ESDP matters and the regular exchange of views on pressing international issues. The views and positions of the partners are pondered through summits (at heads of state or ministerial level), and during meetings of senior officials and experts.

With the exception of the “common neighbourhood” policy, in which discord prevents any form of useful interaction for the time being, the political dialogue between Russia and the EU is deemed quite overt and efficient. However, neither discussion of international issues nor civil-military cooperation can evolve faster than do CSFP and ESDP. A parallel can be drawn between the internal and external dimensions of CFSP. The needs in these two cases are quite similar: to find common values and aims, to obtain unambiguous political will on clearly identified issues, and to create at least some interoperability (in civilian as well as in military capabilities). Just like Europe’s ESDP itself, any EU-Russian security/military cooperation can only be made possible by the development of communication habits between the parties; can only see the light if it emerges from at least some consensus on aims, methods and the underlying principles of the issue addressed; and can only be credible if backed by sufficient means. Political declarations are not enough to build confidence or credibility. The parallel between both processes highlights a double reality: the common space on external security cannot be expected to pro-

[2] Ninth EU-Russia Summit, Joint Declaration on further practical steps in developing political dialogue and cooperation on crisis management and security matters, Moscow, 29 May 2002.
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gress faster than Europe’s political integration itself; and the main task of the parties is to identify which principles, interests and aims they have in common.[1]

The dialogue therefore remains dependent of the level of Europe’s political unity itself, on the one hand, and of the compatibility of the parties’ interests, on the other hand.

Russia and the unity of political views in Europe

The EU cannot depart from the idea that Russia is fundamentally interested in dividing Europe, on the one hand, and to drive wedges between Europe and the US, on the other hand.[2] Both concerns are legitimate, but deserve some nuances.

Firstly, it takes little effort for Russia to divide Europe, as Europe is divided,[3] all the more so as far as the Russia policy is concerned. Consequently, Russia would not really “bother to play off the EU against the United States” because “the EU is not a sufficiently choate entity”. [4] The past years have indeed demonstrated the relevance of such judgment, at least in the fields where decision-making relies on consensus. The Paris-Berlin-Moscow axis shown at the launch of military operations in Iraq, the Polish veto to the Council mandate for negotiation of the new EU-Russia treaty, or the tight bilateral relations between individual European leaders and the Russian president are signs of an extremely diversified attitude towards Russia. Moreover, in the absence of a unified European energy policy, Russia’s position as key supplier reinforces its ability to exploit this dependence and apply differentiated policies to member states, as shown by the negotiations on the Northern Gas Pipeline.

Secondly, decoupling Europe and the US is an old Russian agenda. Since the end of the Cold War, Russia has been attempting by all means to obstruct unipolarity. Decoupling is not driven by a “Drang nach Westen” anymore, since Russia knows

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[1] Within the CSFP process, the task of the HR, as defined by Solana, is comparable: “We have not set out to replace 15 national foreign ministries, 15 sovereign foreign policies with a single EU policy run from Brussels. Our common ambition — and my particular task — is to identify what is common to these national foreign policies, and to find ways to pursue shared aims in a way that gives real added value”. Summary of the address by Javier Solana, EU High Representative for the CFSP, “Europe’s place in the world: the role of the High Representative”, Stockholm, 25 April 2002.


[3] It is relevant to highlight that the deep divisions between member states are only a part of the problem. The differentiated approach of the European Parliament and the Commission towards Russia — or, more precisely, towards the strength of the message on values that must be conveyed — provokes additional strains in the relations.

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it has lost its hand on central Europe; rather, the focal point is North America. The emergence of a European security and defence policy must thus be supported to a certain extent; but, insofar as it does not grant Russia any right to participate,[1] it must, in Moscow’s view, be prevented from interfering in Russia’s sphere of interest. The EU is right to discern the “instrumental” approach in Russia’s lukewarm support for ESDP.

Do EU and Russia need each other in security affairs?

The initial Russian interest in ESDP waned as a result of several clashes that happened between 2002 and 2005. The tenure of the World Chechen Congress on 28-29 October 2002, followed by the asylum granted to Ahmed Zakaev in Britain; the shift in Georgian leadership in 2003 and in Ukraine the following year; and the failure of the Moldova negotiations (notably after the rejection of the Kozak memorandum in 2003) are only a few examples of the growing tension in EU-Russian security affairs. Moreover, from 2004, an increasingly assertive Russia started to face an increasingly “Russia-defiant” Union. The combination of these elements made it doubtful that the EU and Russia would effectively progress in harmonizing their interests.

Despite all difficulties, there are excellent reasons for the EU and Russia to cooperate in ESDP.

Firstly, Russia should not wait until Europe completes its common foreign and security policy before it engages in it, because it would then be too late to try and make Moscow’s interests heard.[2] Secondly, Russia wants to keep an eye on whatever decision could be taken about its “zone of special interest”, and might therefore want to maintain a certain quality in the dialogue. Thirdly, modernizing the Russian army calls for some international assistance, or could at least benefit from a healthy level of competition between the US and Europe.

What Russia wants from CSFP/ESDP could be summed up as follows: it wants it to convey the Russian interest of a multipolar world; it wants to be involved in it instead of being an object of it; it wants to be involved as a strategic partner, not a

[1] According to a leading Russian scholar on Russia-ESDP relations, the Russian MFA submitted numerous proposals for cooperation on ESDP operations to the EU (from 2000 to 2003). V. Putin consequently suggested the adoption of a special joint action plan (EU-Russia Summit, 29 May 2002). None of them were accepted. See D. DANILOV, Razvitie otnoshenii Rossiia-Zapad v sfere evropeiskoi bezopasnosti [The development of relations between Russian and the West in the sphere of European security], in Monitoring SMI, Russia in Global Affairs, 17 January 2003.

[2] This opinion is expressed by Dimitry DANILOV in his article “Razvitie otnoshenii Rossiia-Zapad v sfere evropeiskoi bezopasnosti”, op. cit.
junior partner in a teacher/pupil relationship. Ideally, Russia would like to benefit from a joint council where it could be fully engaged in defining situations, planning exercises, and co-organising command wherever its participation is envisaged. On this basis, Russia so far refuses to cooperate in the framework defined at the Seville Council.

The EU for its part has enough trouble building consensus among 27 states of different strategic backgrounds and historical records, honouring Atlantic duties, and managing its competing industries. Dealing with an intrusive Russia is more than it can bear. But ignoring Russia will get it nowhere, since the stability of its neighbourhood is highly dependent on Moscow. Russia presently has more influence on Moldova, Belarus, Ukraine or the Caucasus than Europe’s power of attraction can produce. It is in all member states’ interest to try and defeat the short-sighted “zero-sum game” approach that characterises EU-Russian relations on these issues. Moreover, the EU seems to be in need of long-haul airlift, a facility Russia is able to provide.

In conclusion, such motivations hardly account for a truly cooperative relationship. As far as “hard security” is concerned, Russia takes a rather instrumental view of European defence and the EU is induced to cooperate mainly in order to “contain” Russia. But no matter how negative the motives may be, the positive outcome lies in their power to get the parties to keep the dialogue open and moving.

3.3. The common space for Freedom, Security and Justice

In the “soft security” field, EU-Russia relations have slowly but surely intensified. Such an evolution could be explained by the 9/11 turning point, by the growing awareness of interdependence, and by the politically advantageous nature of some of these issues (such as relaxing visa regimes). The common space for freedom, security and justice is broad. It covers:

- border management (border and customs control at border crossings between Russia and EU member states, as well as between Russia and third countries; modernisation of facilities and equipment) and migration management (visa facilitation; illegal migration and trafficking in human beings);
- combating money laundering, organised crime and terrorism (see the EU-Russia Action Plan) and drug trafficking (several regional TACIS programmes are set up to fight drug trafficking in Central Asia);
- cooperation between police liaison officers (at the bilateral level between Russia and individual EU member states; at the regional level among countries...
bordering the Baltic Sea through the special Baltic Sea Task Force to combat organised crime);

• judicial cooperation and reform of the judicial and legal system in Russia (training of judges, court administrators and personnel).

The enlarged EU logically sees cooperation with Russia in combating drugs, crime and trafficking as an essential element of its security. Several achievements can be identified such as the adoption of the EU-Russia Action Plan on Combating Organised Crime in April 2000[1], the set-up of an EU Liaison Officers’ Network in Moscow and the agreement between Europol and the Russian Interior Ministry (2003)[2]. As in other common spaces, the channels of cooperation are numerous: the Permanent Partnership Council between Ministers of Interior and Justice, experts’ meetings, agency coordination (with Frontex and Eurojust), or meetings between the EU coordinator on fighting terrorism and Russia’s presidential envoy are the main negotiation formats available for cooperation in JHA matters.

There is little doubt that JHA cooperation is, among all security dialogues with Russia, an area in which the EU is most directly dependent and therefore willing to achieve tangible progress.

On the other side, Russia’s interests in these spheres are primarily those of Russian-speaking minorities in Estonia and Latvia and the process of visa facilitation. Progress on the last is extremely visible and much appreciated in the Russian society. Russia concluded bilateral agreements on visa facilitation with Germany, France and Italy, which probably accelerated the EU-Russia negotiations on a global deal. The visa facilitation[3] and readmission[4] agreements were signed at the EU-Russia Summit in Sochi on 25 May 2006. The agreements alleviate the procedure for “such categories as members of official delegations, business people, truck and locomotive drivers, journalists, scientists, students and sport people”.


[2] This agreement is to become operational with the adoption by Russia of a law on personal data protection that conforms to the requirements made clear by the Council of Europe. Vladimir Putin signed the federal law “On the Ratification of the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data” on 20 December 2005.


[4] Agreement between the Russian Federation and the European Community on readmission, Sochi, 25 May 2006, ratified by Russia in March 2007. According to the agreement, “Readmission shall mean the transfer by the requesting State and admission by the requested State of persons (own nationals of the requested State, third-country nationals or stateless persons) who have been found illegally entering to, being present in or residing in the requesting State, in accordance with the provisions of this Agreement. Member State shall mean any Member State of the European Union with the exception of the Kingdom of Denmark.”
The trickiest question within this cooperation is the extent to which it relies on common values. The speech on values was and is problematic for at least two reasons: it is discarded by Moscow, and it fuels discord within the EU.

Moscow indeed has now taken a habit in refusing to be lectured on Human Rights and Freedoms. This discrepancy of views fuelled debate during the negotiations on the four common spaces, in which Moscow would stall progress and offer to strike a deal on economic cooperation first, and leave the other “baskets” for some time later. The EU however showed sufficient determination and managed to conclude a deal on the four road maps in a single package. Although a dialogue on Human Rights now takes place on a regular basis, misunderstanding and mistrust still hinder EU-Russia relations as far as values are concerned.

Again, no matter how wide the gap is, one should not loose sight of the fact that even if Russia and Europe do not share all values, they do share a common ground for values. Yet, order is of paramount importance in Russia’s hierarchy of values. Democracy — understood as the rule of the people for the people through legitimate representatives — is therefore a more remote objective than the establishment of the rule of law. Citizens argue for a new deal with the public structures — be it the police, public hospitals or courts — but rely on informal, personal networks as long as these structures lack the basic elements of reliability. Western opinion often reflects the belief that Russia “genetically” leans towards social brutality or chaos because of its historical record. An alternative view, however, suggests that such chaos is absolutely antagonistic with any citizen’s desire for physical and economic security, but that those who have interest in maintaining the present situation are vastly more powerful than those who do not. The considerable public support for strong leaders does not necessarily indicate a passion for dictatorship: it does however reveal a longing for an acceptable “social contract” — one that would swap authority for the rule of law. In the present circumstances, such a deal has precedence over other democratic values.

Moreover, the idea of Europe’s “normative” power as a weapon for Western “Russophobes” is widely spread amongst EU-critics in Russia. As synthesized by Professor Sergey Prozorov, this idea revolves around the belief that “the evaluative standards of human rights and democracy, appropriated by the EU, are merely rhetorical devices deployed to weaken Russia’s international standing and influence its domestic political developments”. No matter how (il-)legitimate the belief, the

[1] Upon proposal by the European Union, the EU and Russia instituted regular consultations “to discuss issues related to human rights and fundamental freedoms in an open, constructive, and balanced manner”. Agreement on these consultations was reached at the EU-Russia summit in The Hague on 25 November 2004.

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fact is that it has deep historical roots and that it is widespread in Russia. The EU is thereby forced to reckon with this perception. It might be impossible to eradicate the “entrenchment” mentality of Russian leadership and society, but there are ways to downsize it.

The EU has an important card to play in helping the rule of law to gradually permeate the Russian state. It has become clear that it can only do so through pragmatic cooperation. The multiplication of social contacts through travel, students exchanges, business interaction and cross-border cooperation (such as the Northern Dimension project) already accounts for a far better record in narrowing the gap than any sermon could achieve. A patient and steady engagement of various social layers of Russia will bring about change — not only in Russia, but also in western perceptions.

This view actually lies at the heart of the 4th common space.

3.4. The common space on research and education, including cultural aspects

As contacts between civil societies intensify, the interoperability of education and research structures is more and more needed. The Finnish presidency has been active in supporting progress in this field: in January and February 2007, expert meetings revitalized the available tools for EU-Russia cooperation in science and technology.[1]

In education, progress is acknowledged through the formal adoption of the Bologna process by the Russian authorities — which has yet to be implemented — and by the inclusion, in Russian educational programmes, of chairs on European integration (notably the College of Europe, established in October 2006 in the Moscow State Institute of International Relations — MGIMO). Exchange of students and researchers is an extremely valuable way of enhancing mutual knowledge, and its facilitation, through lighter visa procedures, will fortunately narrow the distance. Russia is a most active participant in the framework programme on research and development — mainly in the spheres of energy, high-technologies, space and aeronautics, environment and health.

[1] The institutional assets are the EU’s INTAS programme; the EU-Russia science and technology cooperation agreement, signed in 2000, renewed in 2003; the Action Plan to enhance cooperation in Science and technology (2002), according to which 5 working groups have been established in 2006; the road map for the Common space on education and research (2005).
The EU recognizes the need for a Russian supply of technological excellence. Strategic space cooperation, for example, between the European Space Agency (ESA) and Russia, is depicted by one expert as “the ideal partnership” since “the EU is hoping to benefit from Russia’s vast know-how in the field of space exploration, while Russia, in return, is hoping to get its ailing programmes back in orbit with EU funds”.[1] Multilateral efforts and interest in fighting the proliferation of weapons of mass destruction provided for the establishment in Moscow of the International Science and Technology Centre (ISTC, created in 1992) to gather weapon scientists from Russian and CIS institutes. An EU-Russia Energy Technology Centre was inaugurated in 2002 in the framework of the Energy dialogue in order to enhance the transfer of technologies and the involvement of private sector operators.

4. CONCLUSION: MAKING VALUES MATCH INTERESTS

At first sight, the EU-Russia relationship might be considered as being in a state of crisis. Regrets expressed on both sides about the lack of good will in addressing the respective priorities overwhelm experts’ assessments: in sum, Europeans deplore the decline of democracy in Russia, whereas Russia blames the EU for applying systematic double standards.

As usual, the accomplishments are underestimated. Analysts rarely bother to stress the fact that over the past years, the EU-Russia dialogue has come to encompass an impressively wide range of issues of EU competence, paving the way for ever deeper cooperation, and that operational consultation and cooperation mechanisms have flourished. The involvement of Russia in EU affairs has significantly intensified, which, in turn, has led to the proliferation of tensions. But the multiplicity of minor tensions mostly shows that the era of “benign neglect”[2] of the 90s is over. Slow progress is regrettable, but should be balanced against the difficult historical path that both entities are treading.

A more serious problem lies in those areas where the evolution is one of regression instead of progress. Russia appears to be backing away from its fully democratic-liberal policy of the early 90’s, a tendency that increasingly preoccupies its western partners. Conversely, the EU — once viewed by Russia as a relatively harmless economic organization — has lately gained the reputation of integrating against Russia. As an economic, commercial, and financial heavy-weight, the EU would

[2] The expression is due to Dov Lynch in “Struggling with an indispensable partner”, Dov Lynch (ed.), What Russia Sees, in Chaillot Paper, n°74, January 2005, p. 120.
pursue its objective of exploiting Russia’s energy assets without having to take Russia’s interests into account. On the other side, the idea voiced by president Putin according to which “no one is waiting for [Russia]”[1] reflects an increasingly rational and pragmatic assessment of Russia’s international posture. Russia does not see the advantage anymore in adopting European norms or values for the sake of pleasing partners. It intends to do so if it considers it to be in its national interest.

In this context, the question is to know what Europe can and cannot expect from its partnership with Russia.

Stabilizing Eastern Europe has, up to now, been pursued through the accession process and, more recently, through the creation of a comprehensive neighbourhood policy. As none of these policies are applicable to Russia, the challenge is to strike a new deal between partners with separate interests, and differentiated — but not incompatible — approaches.

Insofar as the creation of a common economic space meets real needs, the terms of economic approximation are already following a normal path of negotiation. Institutional mechanisms are in place and working, and there is no particular reason why interdependent partners could not achieve their respective aims. Difficulties appear when political or ideological motives seep into technical discussions, or when the issue at stake is of a purely political nature, such as that of external security and its justice and home affairs appendices.

Therefore, the fundamental problem to be solved seems to reside in the views and principles on both sides of the partnership — both within the entities and between them. Indeed, even if interests seem to have gained a new strength in EU-Russia relations, ideas matter. They do in Russia, where self-perception has a clear impact on the country’s international attitude; and they do in Europe, where values, backed with economic strength, form the core of the Union’s international action. Yet, there is little point in trying to balance values against interests: this debate only divides Europe and irritates Russia. The challenge is to find more efficient ways to export those norms and values. Any attempt to export values in the present relation should therefore meet two criteria: they should focus on concrete, achievable objectives, and they should be economically, politically or socially profitable to those who implement them. Making values match interests indeed seems to be the way to revive European influence in Russia.

[1] “In the world today, no one intends to be hostile towards us — no one wants this or needs it. But no one is particularly waiting for us either. No one is going to help us especially. We need to fight for a place in the ‘economic sun’ ourselves”. V. Putin, Annual Address to the Federal Assembly of the Russian Federation, Moscow, 18 April 2002.
In each important phase of the history of the European integration until now the American-European connection has played an important role. Directly or indirectly American policy decisions encouraged, facilitated or tried to influence the options taken by the European decision makers.

During the Cold War the US were the indispensable reference for matters related to security, which remained the dominant concern of all the European governments. The Charter of this alliance was made by the 14 articles of the North Atlantic Treaty (1949), in which the governments from both sides of the Atlantic declared to be “determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law”, and organized themselves to that effect. US global leadership was hardly contested, but on specific policy issues disputes arose occasionally, some of them (like the installation of nuclear missiles in the 70s) giving rise to acrimonious public discussions.

The American attitude with regard to the European integration process has not been without its degree of ambivalence. Strong encouragement and support by American leaders have alternated with skeptical criticism and warnings. The American support was undoubtedly essential in the launching period after the Second World War and their criticism has rarely questioned the potential benefits of a closer union between the European states. Their concerns were predominantly based on the fears they nurtured of a weakening of the coherence within the “Western camp” and its American leadership, or of the risk of Europe slipping into economic protectionism.

A similar dose of ambivalence was present in the attitude of most European countries when they had to define their attitude regarding actions or positions taken by what often appeared to be an impatient protector or an intrusive hegemon.
As, through trial and error, the European integration process seemed to develop into an effectively functioning economic entity, with potential political feelers in its genes, growing awareness of occasional competition within the partnership became inevitable. The end of the Cold War loosened part of the political and institutional restraints which the need for a common “Western front” had imposed and which the European countries had readily accepted under America’s almighty leadership.

The concurrent and sweeping globalization of international relations at the turn of the millennium accentuated the parallel and sometimes divergent ambitions, concerns and resources of the two Trans-Atlantic partners. A contemporaneous analysis of this structural divergence by an American scholar (who afterwards became a member of the George W. Bush administration) was published in 1999 in a report under the title “Drifting Apart? Trends in US-European Relations”. In his introduction he wrote:

“…in the post-Cold War period there is a new structural problem qualitatively different than any the Alliance has faced before. As noted at the beginning, the removal of the glue of the Soviet threat has left the allies to test whether, as long proclaimed, the Alliance was truly held together by positive goals, interests, and values as well as negative ones. But the essence of the structural problem now is America’s emergence as the “sole superpower” in the world and Europe’s response to that. This has given a new purpose and momentum to the process of European integration, as Europeans feel even more motivated than ever before to build the EU into a counterweight to the United States…”[1]

A similar analysis was made by a European observer, the Norwegian professor Geir Lundestad:

“While the EU is still dependent on the US militarily, with the Cold War over this dependence is seen as less significant than it used to be. Now the EU countries are preparing, however slowly, to take on new tasks that will reduce their dependence still further…. The jury is still out on whether the US and western Europe are capable of a truly balanced relationship. While many have argued that a balanced relationship will be more harmonious that the existing one, there would seem

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to be good reason to doubt this. Slowly the day is approaching, however, when we will find out.”[1]

The pragmatic advice of a former European practitioner, now Chairman of The Crisis Group, Chris Patten, came as follows:

“…we should define more clearly what Europe wants to do and can do in international affairs and then narrow the gap between aspiration and delivery. There should be first, no question of Europe trying to be another superpower. We cannot be and we should not try... Second, there is nothing to be said for Europe in effect assuming a role as unfriendly neutrals, captious critics of what America does but incapable of doing much ourselves to make the world more as we would like it to be. Third, I am not attracted by the idea of aspiring to be America’s global adjutant, obedient acolytes who do more or less what we are told, like it or lump it. The sensible role that Europe should want to play is as a capable partner, respected for its advice and its ability to act on its own when necessary, defining ourselves not in contradiction to America but as allies with minds of our own…”[2]

Recent developments have not made this advice much easier to follow. Both Atlantic partners are presently confronted with painstaking challenges on their domestic as well as their external fronts. Iraq, the Middle East, international terrorism, nuclear proliferation, twin deficits are among other concerns on the U.S. side. Enlargement and neighborhood policies, institutional adjustments, economic reform, aging populations and others will haunt European decision makers for quite a while.

The fundamental Transatlantic question seems to be: in how far will these issues and the reactions they require lead to more transatlantic cooperation and mutual support, if that is what their leaders want, or will they make the two sides further drift apart? After an unavoidably asymmetric partnership of 50 years, will the two “success stories in their own-right”, and each other’s most natural partners, be able and willing to continue, in a different configuration, the strongest alliance of modern times, or will they be driven apart by the diverging dynamics of their respective policy options? What are the strengths and the weaknesses, the common interests, values and ambitions that have made the glue stick until now, what role will they, and others, play in the new globalizing future?


1. A POWERFUL GODPARENT

A combination of common values and principles, shared war experiences, personal relationships, political and economic interests and practical concerns made that at the end of the Second World War no fundamental disagreement existed between the Allies about the idea of enhanced cooperation between the European countries in order to restore stability and economic growth in the region. The Marshall Plan was the political masterpiece of this common vision combining American leadership and support with a commitment to active economic cooperation between the beneficiary countries.

Another shared concern was that the mistakes that were made after the First World War should not be repeated and that Germany should not be punished and isolated as a country. Thanks largely to the relationship based on mutual trust that existed between the foreign policy officials, mainly in France and the US, the opposite policy was enshrined in the treaty establishing the European Coal and Steel Community (ECSC) following the historic Schumann Declaration on May 9, 1950.

After the subsequent failure of a “big bang” initiative to create a European Political as well as a Defense Community, a more modest approach recommended a gradual integration process leading essentially to a customs union and a common market for goods as well as the establishment of an atomic energy community (Euratom). This initiative led to the signing of the Rome Treaties on March 25, 1957. The introduction to the Treaty stressed, however, that the goal of the process was “…an ever closer union among the peoples of Europe”. The Treaties were ratified in the course of 1957. The United Kingdom had left the preparatory meetings, when it appeared that they would lead to something much more integrated than a free trade zone, which was as far as they were then ready to go.

As with the ECSC Treaty, the Americans were strongly in favour of the British joining the European Community. They even tried to discourage them from pursuing their competing free trade zone initiative. The strong US stand in favor of the EC was based on considerations of American political and economic interests, which implied the notion that a strong integrated Europe was the best context to anchor West Germany in Western Europe and to strengthen the resistance against communist expansion and Soviet influence. In that respect the United States were closer to Germany and France than to the UK. The Americans were even ready to acquiesce, for a while, with the Common Agricultural Policy, which their farmers abhorred, and with some aspects of de Gaulle’s policies in as far as they considered these to be contributions to a greater European cohesion.
The same vision supported the “Grand Design” for closer transatlantic relations, which the Kennedy administration promoted and which was formulated in the President’s speech in Philadelphia on July 4, 1962.[1] He went as far as proposing a common “Declaration of Interdependence” between the US and a united Europe. Undersecretary of State George Ball, a friend of Jean Monnet (Schumann’s right hand in this), was one of the authors of that policy. And it was with great satisfaction, but restraint, in order to avoid the impression of an “Anglo-Saxon conspiracy”, that the Kennedy administration welcomed the U-turn in the British policy when they first applied for accession to the European Community.

After de Gaulle’s veto against UK membership, American tolerance towards him took a serious dip. They had already reacted with great suspicion to what the general had suggested as further steps in the direction of European political union, one of which was foreign policy cooperation among the Six supported by a secretariat in Paris. The other was a call for regular meetings of the six Heads of State and Government to promote intergovernmental cooperation on political, economic, cultural and defence matters. As most of the Member States themselves, the Americans saw these French initiatives as part of an effort to weaken the ongoing integration process based on the Rome Treaty. They also resented the fact that de Gaulle’s veto was motivated by the British opposition to the CAP and their acceptance of an American approval requirement for the use of the US Polaris rockets.[2]

Moreover, in view of their commercial interests in the enlarged European market, the US Congress had initiated the trade legislation that led to the multilateral negotiations of the Kennedy Round. They hoped that, with the participation of the UK, Europe would be an active participant in a global liberalization exercise. De Gaulle’s veto substantially reduced their expectations in that respect.

In fact, the Europeans performed very well in the Kennedy Round. Apart from the substantial reduction of trade tariffs — 40% on average over a five-year period — it was considered as the first occasion for the Community to successfully demonstrate the value of a common negotiating position. The negotiations, however, were not an easy exercise, neither internally nor between the two major trading partners, the US and the EC. The Americans were particularly disappointed with the tenacious European defence of the Common Agricultural Policy. As a consequence, what had been initiated as a grand Transatlantic design, risked, in their eyes, to become the start of a period of disputes to defend national economic interests.


The U.S. considered that there were other reasons to be disappointed with the way things were going in Europe in the late 1960s. In 1966 France withdrew from NATO’s integrated command structure, which led to the headquarters leaving Paris. The European governments, and even more European public opinion, became increasingly hostile to the US military intervention in Vietnam. On the conflict in the Middle East (the Six-Day War of 1967, later the Yom Kippur War in 1973, and the OPEC crises) similar divergences developed.

The European summit meeting in December 1969 was in many respects important for the European integration process. After the resignation of French President de Gaulle in France new progress seemed possible: he had been the main obstacle to the accession of the U.K. and was suspected by the U.S. and some EC Member States to see the European integration as a means to create an anti-American counterweight in the world. At the initiative of his successor, President Georges Pompidou, the Heads of State and Government not only declared the “work accomplished by the Communities” irreversible by nature, but also to be “paving the way for a United Europe capable of assuming its responsibilities in the world of tomorrow and of making a contribution commensurate with its traditions and its mission”. They decided on a system of “own resources” for the Community, including the budget of the CAP, the elaboration of a plan to create an economic and monetary union, the opening of negotiations with the applicant States and asked their Ministers of Foreign Affairs “to study the best way of achieving progress in the matter of political unification, within the context of enlargement”. Within the EC, the summit results were generally hailed as inaugurating a new phase in the European unification process.

The Americans should have been pleased with the Hague decisions, especially with the changes in France and the perspective for further enlargement of the Community towards the UK. But the American political establishment had become impatient and somewhat skeptical with the slow development of the European integration. They also had a lot of other, more urgent, concerns to focus their minds upon: the war in Vietnam, the not unrelated deterioration of their balance of payments, the Middle East after the Six-Day War and later the Yom Kippur War, the energy crisis, East-West relations, which had entered a phase of détente that had to be cautiously monitored because of its effects on the internal cohesion of the Atlantic Alliance…On many of these issues, there was no common policy in Europe, but neither was there solid support for the positions taken by the US.

Nixon administration, and in particular Dr. Kissinger, was not very supportive of European integration. For them, the eroding effect on the coherence within NATO they saw in the growing unification, was too large compared with the uncertain benefits of their integration efforts.[1] Within NATO, the US also developed a growing frustration with the European reluctance to be more forthcoming in matters of burden-sharing, while the Europeans themselves resented not being involved in the negotiations on arms reductions between the US and the Soviet Union.

The economic stagnation in the industrialized countries in the early 1970s did not favour a warming up of the Transatlantic relationship. Increasing oil prices and a rapid inflation initiated a long period of US trade deficits. The US government felt obliged to end the convertibility of the dollar and, for a short period of time, imposed a 10 % surtax on all imports. The European currencies reacted in different ways to these shocks, which delayed the implementation of the first measures of the planned economic and monetary union.

In the meantime the Americans became increasingly critical of the implementation of the Common Agricultural Policy. Individual controversies had started as early as 1963 with the “chicken war”. Others followed, mainly in agriculture, but also in fisheries and steel, and marred the day-to-day relationship. The Tokyo Round of multilateral trade negotiations started in 1973, but was soon virtually blocked for a couple of years and could only be concluded in 1979. The US also strongly criticized the preferential agreements the European Community concluded with many countries (some of them being former colonies) based on a rather flexible interpretation of GATT art. 24 regulating the establishment of custom unions and free trade zones.

Dr. Henry Kissinger, who became Secretary of State in 1973, was aware of the weakening of the Atlantic bond and its drawbacks for the American foreign policy in general. He was particularly suspicious of the European ambition to have regular consultations on foreign policy issues, leading to common positions or actions, of which he was excluded. Without much Transatlantic consultation from his side, he proclaimed 1973 the “Year of Europe”. But the Europeans did not miss the tactical nature of this unilateral gesture, which they interpreted as an attempt to increase American influence on European decision-making. A European initiative the US government particularly disliked was the initiation of a Euro-Arab dialogue in 1974, which reflected the different approach the European governments took to the Middle East situation and the OPEC crisis. A second subject on which the

European governments tried to coordinate their foreign policies was potentially controversial with the US: East-West relations, and more particularly the Conference on Security and Cooperation in Europe (CSCE, 1972—).

In the meantime, modest initiatives to improve the dialogue were taken. In order to avoid more serious divergences to develop, a new system of mutual information and consultation was installed: more informal discussions at ministerial level on the European side and systematic information about these discussions given to the US government after each meeting (the so-called “Gymnich formula”). This led to a more continuous dialogue with the US on foreign policy problems, and helped somewhat overcome America’s opposition to European Political Cooperation (EPC).[1] Additional initiatives to improve the dialogue were agreed upon in the form of regular information on the topics discussed within EPC given by the EC Presidency to American officials. It was also decided that once per semester a meeting would be organized with the US President.

During the Carter administration Transatlantic relations were less antagonistic, but they did not regain the warmth that existed in the 1960s. It was for reasons of effectiveness that the President preferred, where possible, a US–European dialogue rather than exploring the benefits of internal European divisions. He supported the presence of the Commission President at the G-8 summit in London 1977, and made the first visit by an American President to the EC in 1979 (which his successor President Reagan did not repeat). His Trade Negotiator, Robert Strauss, brought an end to the Trade Negotiations in the Tokyo Round by accepting a solution to the longstanding US-EC dispute in agriculture on much less ambitious terms than the American delegation initially had asked for. The economies were still in recession and each side was absorbed by its own difficulties: post-Vietnam syndrome, Iranian hostage crisis, increasing deficits in the US, the so-called “Euro-sclerosis” in Europe.

The election of President Reagan would inaugurate a much more active and personal U.S. foreign policy. It would be mainly focused on a global approach to the Cold War, for which considerable resources were made available. He qualified the Soviet Union as an “evil empire” and launched the Strategic Defense Initiative based on new weapons systems including anti-ballistic missiles. The European governments were not inclined to follow or participate in an all-out military competition, which was bound to spill over into the economic sector, as was already the case for the supply of the Siberian gas pipeline equipment, for a while one of the main Transatlantic

disputes. The Europeans were also generally critical of American direct support for anti-communist opposition movements in developing countries (Nicaragua, Afghanistan, Angola...).

Similar tensions developed in the economic area. The strong dollar policy of the Federal Reserve Bank led to a further deterioration of the trade balance. It attracted an important increase of foreign investment, of which nearly 60% came from Europe (1989). The concern about the trade deficit encouraged Congress to pass more protectionist trade legislation (the Omnibus Trade and Competitiveness Act of 1988 with the infamous “Super 301” provision). As before, the main areas of dispute were steel and agriculture. On the investment side, concerns about purchases that would endanger U.S. national security were at the origin of legislation that gave the President the authority to prevent such acquisitions (Exxon - Florio amendment). Not without difficulties the Plaza Accord of 1985 introduced, with Japan, the US, Germany, the UK and France as participants, some coordinated action that led to a limited reduction of the US trade deficits.

An exception to this not very cordial Transatlantic environment was the warm congeniality that existed between President Reagan (1980-88) and Prime Minister Margaret Thatcher (1979-90). On domestic as on international policy they had remarkably similar views, which had a profound influence and went far beyond their national borders. Both were in favour of small government and the market economy and deeply distrusted the Soviet Union. Mrs. Thatcher, however, was unpopular in most Member States of the European Community because of her disdain of European integration and the European institutions.

Equally remarkable, on the European side, was the common attachment to the European unification that sealed the friendship between the longer-lasting duo of French President and Socialist François Mitterand (1981-95) and the more conservative Christian-democrat Chancellor Helmut Kohl (1982-98). Now the suspicion was on the American side and against Mitterand, especially in his first years, when he pursued more explicit leftist (economic) policies. Both European leaders found a strong support in Jacques Delors, President of the European Commission (1985-95), whom Mrs. Thatcher considered the personification of everything she disliked in the European institutions.

When in the mid 1980s the European governments decided that the best way to re-launch their economies, as well as European integration, was a kind of return to the roots, by completing the initial objectives of a single European market, some voices in the U.S. warned of the danger of the creation of a “fortress Europe”. In reality, the Single European Act took up different elements of the integration process
which had been stuck in the morass of the euro-sclerosis years. With the help of a general economic upturn and a well organized work program, the Single Market project became an economic, political and popular success. It managed, to some extent, to revive the initial enthusiasm for the integration process within Europe and reinforced the authority of the European Institutions. It also re-opened the perspective for an Economic and Monetary Union and even a more integrated European foreign policy. Foreign governments and economic operators soon discovered the new opportunities that were created, especially through the ongoing accession negotiations with Greece (1981), Spain and Portugal (1986) and the launching of a new Round of Multilateral Trade Negotiations (Uruguay Round 1986-93).

Following the collapse of the Soviet Union and the German unification in 1989-90, the European governments decided in the Maastricht Treaty (1992) on the timetable and institutional arrangements leading to the Economic and Monetary Union. They consolidated the existing arrangements on foreign and security policy, the need of which had become more evident during the events in Central and Eastern Europe, and they also decided to strengthen their cooperation on justice and home affairs (immigration, asylum, police and judicial affairs). All these provisions were brought together in one single “Treaty on European Union”, which became the new name for the “European Community”.

The United States recognized the appeal the European integration exerted on the countries of Central and Eastern Europe and the positive role the European institutions could play in this transitory period. They were less supportive of the idea that an EU defence capability be defined in the new treaty, which could have a negative impact on the working of NATO and the American leadership in the organization. Nevertheless, the final text of the Treaty mentioned “a common defence policy, which might in time lead to a common defence”. As far as the establishment of a common foreign policy was concerned, the difficulties with a disintegrated Yugoslavia would soon indicate how complicated that path could be.

2. AN UNEASY PARTNERSHIP

The Single European Market, the Economic and Monetary Union and the Common Foreign and Security Policy have been the three main building blocks in three successive and overlapping phases of European integration. The remaining difficulties that have to be overcome for the completion of each of these projects have created comparable degrees of doubt and skepticism or admiration in some parts of the world and also in the US. Different institutions, constituencies and
personalities however have generated different reactions, dependent on their overall view and specific concerns or expectations as to the integration policy in general or to individual decisions.

The great challenge for the US-EU relationship since the historic events around 1989 (as the collapse of the Soviet Union, German unification) results from the increased relevance of the European Union in international relations and from the new reality of the US as the sole global world power, no longer in charge of one side of the Cold War conundrum.

3. THE SINGLE EUROPEAN MARKET

As mentioned before, the idea of the Single European Market as promoted in the 1980s was basically not much more than a resumption of the original concept of the European integration process. However, as promoted in the Single European Act and the successive adaptations of the Treaty of Rome, it also had the ambition to go beyond the original goal of a common market and the progressive approximation of the economic policies of the Member States.

The Treaty on European Union (1992) aimed at “a new stage in the process of creating an ever closer union among the peoples of Europe…”, involving the establishment of an economic and monetary union with a single currency, common policies in different areas amongst them “a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence”. As such, the Treaty on European Union officially confirmed what the original promoters had always held out, but in general terms: that the ultimate goal of the European integration process was political indeed.

Although the final character of the political project had never been officially articulated, it now became more evident to those who had hoped for it, as to those who had warned against it, that the successive governments had been serious when subscribing to the “ever closer union” process, and this notwithstanding the occasional doubts, the skepticism and even the opposition inside as well outside the countries involved in it.

Overcoming their initial doubts about the European designs, the American leaders in government and in the business community in the 1990s, shifted their attention to the potential benefits of a closer cooperative relationship that would be less asymmetric and more comprehensive. President Clinton signed the Transatlantic Declaration (1990) and the New Transatlantic Agenda (NTA) with a Joint Action
Plan (1995) with the European leaders, and they gave, in the same year, their common support to the launching of a more intensive and formal Transatlantic Business Dialogue (TABD). The shared goal of these initiatives was to promote Transatlantic cooperation, and where possible common action, in a wide variety of sectors from international peace and stability to global challenges, bilateral and multilateral trade and closer ties between civil societies. It definitely went back to the spirit of President Kennedy’s idea of a “Declaration of Interdependence”. The implementation of these lofty goals has been uneven, depending on the sectors and the political, economic, administrative hurdles that have to be overcome.

The Uruguay Round (1986-94), as its predecessors in GATT, was, until its final conclusion, largely dominated by the agricultural disputes between the U.S. and the European Community. But this time the problems were not pushed aside. Additional time was taken until a basis for the full integration of the agricultural sector in the multilateral trading system was established. This made it possible to finally set up a World Trade Organization (WTO) where not only trade in industrial and agricultural goods would be regulated, but also totally new sectors, like trade in services and trade-related aspects of intellectual property rights as well as a dispute settlement system covering the totality of trade in these areas. The final draft was signed by 117 countries in Marrakech. It has been generally recognized that the commanding result would not have been possible, considering their manifest divergences, without the common determination and perseverance of the U.S. and the European Community. The same can be said about the settlement in 1992 of what also seemed for some time an intractable Transatlantic sore, the dispute about the subsidies in the aircraft sector (Airbus — Boeing).

A remarkable fact is that, during all these years and in spite of the occasional disputes, the Transatlantic trade and investment exchanges have multiplied as nowhere else in the world. Their growth has been regularly documented in reports by Daniel S. Hamilton and Joseph P. Quinlan of the Center for Transatlantic Relations in Washington. In “The Transatlantic Economy 2006” they also note that “Although recent years have been among the worst of times for transatlantic political relations, they have been the best of times for the transatlantic economy… The transatlantic economy remains at the forefront of globalization: trade and investment ties between the United States and Europe are deeper and thicker than between any other two continents. This is evident from the most recent data available”.[1]

The idea of a Transatlantic Free Trade Zone has occasionally been suggested, but not followed through, mainly because of its possible negative impact on the multilateral trading system, and notably on the Doha Round negotiations. In preparation of the German Presidency during the first half of 2007, Chancellor Angela Merkel suggested a renewed effort to eliminate the remaining barriers between the two markets and to enhance regulatory cooperation, as was foreseen in the Joint Action Plan of 1995 and enlarged in the “Transatlantic Economic Initiative”, agreed during the EU-US summit in 2005.

After six years the Multilateral Trade Negotiations in the WTO (Doha Round, 2001) have not yet reached their end phase. Once more, the EU and the US are apart, mainly on the volume of agricultural concessions to be made, the US asking for more market access to the EU (and other markets) while the EU (and others) insist on a more substantial reduction of domestic subsidies by the US. In the first months of 2007 the discussions are largely concentrated upon what can still be achieved by the American negotiators before their negotiating authority, as granted by the US Congress, would expire (June 30) and whether an extension of that authority is desirable and possible.

The re-surfaced dispute on subsidies granted to the large civil aircraft industries (Boeing — Airbus) has been brought before the Dispute Settlement system of the WTO. Both sides seem to be doubtful about the chances to reach a final settlement through litigation, but they also seem to consider that the moment to negotiate a bilateral solution has not come yet. Other Transatlantic disputes are being dealt with or have been solved, sometimes through lengthy negotiations with or without a WTO dispute settlement procedure (e.g. the American FSC, anti-dumping cases and the European banana issue, GMO’s …).

4. THE EURO: A SINGLE EUROPEAN CURRENCY

A common European currency for the integrated market was part of the concept of the European unification process. It also was one of the most decisive and delicate political actions on the way to further integration. For some time academic studies by reputable economists seemed to support the instinctive reluctance of many European citizens as well as the doubts of some politicians to give up one of the national symbols of sovereignty and personal wealth. Outside the Union, especially in the US, skepticism was great about the decisional capacity of the European institutions on this issue. Many recognized another European manoeuvre in the scheme to build a counterweight against the US in general and the primacy
of the dollar in particular. Respected US economists, like some of their European colleagues, contested the “optimum currency area” situation and one of them, a former cabinet member, wrote in 1997:

“If EMU does come into existence, as now seems increasingly likely, it will change the political character of Europe in ways that could lead to conflicts in Europe and confrontations with the United States… Instead of increasing intra-European harmony and global peace, the shift to EMU and the political integration that would follow it would be more likely to lead to increased conflicts within Europe and between Europe and the United States… If EMU occurs and leads to such a political union in Europe, the world will be a very different and not necessarily safer place.”[1]

The Clinton administration had a more positive view. According to Lawrence Summers, at that time US Deputy Treasury Secretary “The US economy and the world financial system have much to gain if European economic and monetary union is executed successfully after 1999… The more the single currency helps Europe develop a robust and healthy economy open to world markets, the more welcome the project will be on this side of the Atlantic”. [2] And a skeptical, but pragmatic Chairman of the Federal Reserve Bank was prepared to give the euro a chance: “An international currency emerges because it is a solution to an economic problem”. [3] And three years later he recognized that “The euro ties together a sizable share of the world economy with a single currency and, by doing so, lowers transaction costs associated with trade and finance within the region”. [4] The International Monetary Fund was openly supportive of the project.

In his assessment of the performance of the EMU over the first six years the European Commissioner for Economic and Monetary Affairs said: “EMU was successfully launched in 1999 without disruption or catastrophe, followed by a remarkably smooth changeover to euro notes and coins in 2002. Today, the euro is part of the daily life of 300 million Europeans — and I am confident that EMU has a bright future ahead of it”. He admitted the relatively poor growth performance of the euro area, especially in comparison with the United States. This, however, was not the result of failed macroeconomic policy, but of insufficient progress in the

structural reform of product, labour and capital markets.[1] Jean-Claude Trichet, President of the European Central Bank, also thinks that “the lack of sufficient structural reform in Europe is… a major cause of the gap in economic growth between Europe and the US”. [2]

There seems to be a consensus that the productivity gap with the US, which Europe had come close to bridging in the period since World War II at the beginning of the 1990s, has again been widening since the middle of the same decennium. This consensus led the European Council to launch the Lisbon Strategy in 2000, the main purpose of which was to recreate the conditions for the European economy to sharpen its weakened competitiveness. In 2006, some elements of the strategy were adjusted in the light of rather disappointing achievements in the first years of its implementation.

In the meantime, it seems that “All Member States agree on the diagnosis regarding our structural impediments in Europe. There is also a consensus on which reforms should be implemented in the various countries, based in particular on successful experiences already carried out in some Member States. The issue now at stake is how to implement these reforms, which requires careful efforts in terms of communication in order to explain to the citizens why and how such reforms would contribute to higher economic growth and more job creations”. [3]

The continuing success of the EMU has become a mainly European issue and challenge. The Euro is accepted as the second important international currency by governments and by the international business community. In the absence of major monetary upheavals, its market performance has the interest of the international operators, but its existence, or role, have ceased to be contentious elements in the Transatlantic discussions.

5. FOREIGN POLICY PARTNERS?

The initiatives to establish a common European foreign policy and a common currency developed in a parallel way. Both were initiated in 1969, but the EMU,


being closer to the concept of a single market, came to fruition at an earlier date (1999), while the Common Foreign and Security Policy (CFSP) took a much more tentative start. For many Americans, however, it is the European ambition to work out and conduct its own foreign and security policy that creates most doubts and uneasiness.

Since the collapse of the Soviet Union eliminated the major reason for cooperation and common action against the biggest security threat, the US has become the sole superpower capable of conducting, without restraint, a global foreign policy based on its national interest. At the same time, this new international context, as well as its ongoing internal development, encouraged an enlarged European Union to consider that the time had come to organize, in a more consistent way, what they had always seen as the next logical step in the integration process: a common foreign policy.

Successive US administrations have wrestled with the dilemma between their approval of the rationale for European integration in general and their uneasiness about a nascent common European external policy. The US ambivalence has also existed in relation with Europe’s role in the Western Security arrangements. As Michael E. Smith notes: “…the US has consistently demanded greater burden-sharing by its NATO allies, yet has not always supported an institutional or operational expression (at the EU level or elsewhere) of such increased European capabilities”.[1]

The first “finger exercises” in European common foreign policy in the 1970s were not totally reassuring in the eyes of American policy makers: during the Conference on Security and Cooperation in Europe (CSCE), on the 1973 Arab–Israeli war and the subsequent oil boycott, on the Iranian hostage crisis, on the Soviet invasion of Afghanistan, the US did not get the support which, from their perspective, a common European policy-making could have promised. That the European deficiency was only partially due to a lack of common decision-making capacity did not make them more optimistic for the future.

At a very early stage it also appeared that, as Roy H. Ginsberg noted, “One of the most serious policy disputes between the United States and the EU has always been over how to deal with rogue states. Should the United States and EU favor economic

sanctions against rogue states — the US proclivity — or “critical dialogue” while maintaining open commercial ties — the EU proclivity?”.[1]

During the 1980s, when the Europeans were largely sidelined by US foreign policy anyhow, Europe was often critical of American policy in Latin America (Chile, El Salvador, Nicaragua) and had an open dispute with the U.S. on the extension of the Siberian pipeline to Western Europe.

The US military operation following the Iraqi invasion of Kuwait in 1990, on the contrary, obtained the general support of the European countries, which was a main factor in establishing its legitimacy in the United Nations as well as in the Arab world. To a large extent, this success was possible thanks to a well organized diplomatic presentation and defence by the George H. Bush administration.

The Europeans were also more motivated and better equipped to play an important role in the reform programs in Central and Eastern Europe after the collapse of the Soviet Union. In doing so, they considerably alleviated what would inevitably have become another American burden and established stability in a potentially turbulent part of the world. Introducing some order in what was formerly Yugoslavia, however, was too much for the nascent CFSP. An internally divided Europe had to be rescued by the US from an operation that will remain for some time a source of deep frustration for the promoters of an active European common policy.

During that period US-EU cooperation, however, worked relatively well at the multilateral level on issues like the environment and international trade. Difficulties arose though when the US Congress approved legislation aimed at applying economic sanctions against business activities with countries involved in conflicts with the US (Helms-Burton legislation on Cuba and the Iran and Libya Sanctions Act, both in 1996). Intensive bilateral discussions, again, managed to defuse the effectiveness of both pieces of legislation.

The W. Bush administration came into office with the conviction that “American foreign policy in a Republican administration should refocus the United States on the national interest and the pursuit of key priorities…” and not “…proceed from the interests of an illusory international community”, as Condoleezza Rice wrote in 2000.[2] Europe was clearly not one of the key priorities. In both reports on “The

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National Security of the United States of America” of 2002 and 2006 the EU was only mentioned casually.

Nine months after the first American report, the European leaders approved a document called “A Secure Europe in a Better World”.[1] As a kind of reminder, it stated on p. 2: “…no single country is able to tackle today’s complex problems entirely on its own… As a union of 25 states with over 450 million people producing a quarter of the world’s Gross National Product (GNP), the European Union is, like it or not, a global actor”. On p. 9 the document said: “One of the core elements of the international system is the transatlantic relationship”, and “The fundamental framework for international relations is the United Nations Charter”. It was left to the pundits and commentators to scrutinize the potential for reconciliation between the different texts.

As were nearly all aspects of American foreign policy under President G.W. Bush, US-EU relations were largely dominated by the Iraq war. After a short period of spontaneous sympathy of the European population at all levels immediately after the September 2001 attacks, the relationship became sour following a fundamentally opposite assessment of the rationale of the Iraq invasion. Opinion polls this time showed the emotional popular antagonism on both sides of the Atlantic, even in those European countries where the governments supported the invasion. The opposition of the majority of European governments, and of a large part of the public opinion, to its Iraq policy did not encourage the Bush administration to consult or imply those governments in US policy initiatives. This was particularly evident in the American reluctance to endorse possible European participation or leadership in critical areas (Middle East, Iran…).

This context did not facilitate a businesslike treatment of pending or arising trade problems, but it did not make compromises totally impossible. Issues like the launching of a European satellite system (Galileo), the US Foreign Sales Corporations, the air passengers data issue, the US Sarbanes-Oxley legislation, a transatlantic “open skies” agreement… provoked lengthy discussions, but most of them got a pragmatic solution or were, at least, reasonably well kept under control.

At the start of the second G.W. Bush administration an effort was made to warm up the relationship, especially from the side of the State Department. The first international travel by the President and his Secretary of State was to Europe. On 7 April 2005 the new Under Secretary of State for Political Affairs, Nicholas Burns, and Javier Solana, A Secure Europe in a Better World, European Council June 20, 2003. http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/reports/76255.pdf
in a speech in London referred to “a renewed spirit of purpose, compromise, and unity in Transatlantic relations”. He mentioned “a concerted long-term Transatlantic effort to reverse Iran’s nuclear ambitions” and the recent US decision “to support the EU-3 negotiating effort” with Iran. He expressed his support for the Middle East road map and his conviction that his ability to succeed on his own daunting agenda was “directly related to our ability to work closely and productively with Europe”. Former Ambassador Richard Holbrooke is somewhat skeptical about what can be done in the second term. He admits that “Secretary of State Rice has tried to rebuild many key relationships — although without admitting there was anything wrong with them in the first place…But the damage from the first term has been so severe that it will be difficult to repair it fully on this administration’s watch”. [1]

Benita Ferrero-Waldner, Commissioner for External Relations, has a more positive view. Referring to the “shared equity” of the Transatlantic relations, she said in New York on 20 September 2006: “This has increased in value enormously over the last 18 months or so. We have moved from a time of tension and frustration to one of cooperation and understanding. There is a new spirit of constructive engagement between us…” [2]

6. CONCLUSION

The answer to the fundamental question about the future of the Transatlantic Partnership will depend on the dynamics of the political developments on both sides. As in the past, leadership will play an important role. After the Second World War, the Allies, led by the US and Britain, laid the foundation for a new global legal order in the Charter of the United Nations. During the Cold War security was the first common concern. Because of the collapse of the Soviet Union, the globalization, the emergence of new important nations and groupings, the more direct confrontation of values, principles, interests and experiences, the geo-political context has drastically changed. It is for both sides of the Atlantic to decide for themselves and each other whether, within the framework of the Community of Nations, there exists the solid basis of common goals, which is indispensable for a durable partnership.

As far as the workings of the Transatlantic Dialogue are concerned, because of the nature of the two interlocutors, it has been an asymmetric relationship in the past and will remain so, to some extent, in the foreseeable future. New, flexible and reliable procedures will have to be worked out, as soon as possible, which take into account this special feature, its evolving character, as well as the unambiguous goal to facilitate the establishment of a more symmetric relationship. This will require strong political will and flexible working methods on both sides. It will only be possible if the US are convinced of the benefits of a trustful and efficient relationship with the EU. The Europeans, on their side, have to be sufficiently aware of the advantages of pooling their external competences in general, and, in particular, in their relationship with the US. Those are basic conditions for a dialogue to take place and for a common agenda to be implemented.
THE EUROPEAN UNION AND THE UNITED NATIONS:
GLOBAL VERSUS REGIONAL MULTILATERALISM

Thierry Tardy*

The question of partnerships is inherent to the European Union’s quest for security actor status. Along with institutions, capabilities and operations, the EU must develop relationships with other security actors should it wish to become a security actor itself. This imperative has been accepted by the EU relatively easily while it was constructing its identity as a political actor, initially in the framework of the Common Foreign and Security Policy (CFSP), and then more significantly during the drafting of the European Security and Defence Policy (ESDP).

The UN has appeared as a natural partner in this game, as the supreme international organization in charge of the maintenance of international peace and security, and as an institution embodying a set of norms and activities to which the EU adheres. Not only is the UN the overarching organisation that gives meaning to the concept of ‘effective multilateralism’ put forward in the European Security Strategy (ESS), it is also a source of legitimacy for ESDP activities.\[1\]

On the UN side, the combination of an increased demand for security management and limited resources has made the development of relationships with regional actors a necessity.\[2\] The UN wishes to retain a certain degree of centrality in its relations with regional organisations, but is also willing to see their role enhanced. In this context, the EU is seen as a potential regional norm-setter and security provider that can play a significant role in sharing the burden of maintaining international security.

The relationship between the two institutions has therefore developed as the result of a simultaneous rapprochement driven by the perception of mutually beneficial interests. There is prima facie a compatibility between the two institutions, between the two forms of multilateralism, that derives from the nature of the organisations,

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their liberal conception of peace and security, and the inclusive approach to crisis management.

Yet, if existing convergences have led to a relatively high degree of inter-institutional interaction, this has not necessarily been translated into a genuine partnership. The two institutions do share some common goals, but their respective political agendas, constituencies, resources and internal dynamics have also impacted on the relationship and created/reflected some divergences. Such divergences raise the issue of the compatibility between international and regional multilateralism. In other words, is the regional multilateral agenda promoted by the EU unequivocally in line with the norms and principles that the UN is promoting at an international level? How does the notion of ‘effective multilateralism’ fit into the UN approach to multilateralism? To what extent does the former support the latter?

This paper analyses the EU-UN relationship through two different angles. First, it looks at the theoretical framework of the relationship, its rationale and its constraints. It also examines the compatibility of the two approaches of multilateralism, and identifies situations where they could or do already clash. The second part addresses some practical aspects of the relationship. It considers the way the EU acts within the UN at the political level, as well as in the field of crisis management. While acknowledging that the EU-UN relationship has largely improved over the last six or seven years, this paper argues that some important limitations still hinder the establishment of a genuine partnership.

1. RATIONALE AND CONSTRAINTS OF THE EU-UN RELATIONSHIP

Relations between the UN and regional organisations have gone through major changes over the last fifteen years. Since the release of the Boutros Boutros-Ghali Agenda for Peace[1] in 1992, asking for an increased role of regional arrangements in sharing the burden of international peace and security, much has happened on all sides. The UN and regional organisations have increasingly interacted in the field and have consequently begun to somehow institutionalise their relations. In particular, the organisations that have become involved in security management (NATO, OSCE, EU) in the 1990s have, by and large, sought to clarify their link with the UN. This process has taken place on the dual assumption that the UN retains primary responsibility for maintaining international peace and security and that regional organisations may offer some comparative advantages where the UN is

either unable or unwilling to take action. Depending on the nature of the regional organisation (and of its mandate), the relationship with the UN has developed more or less smoothly and has been institutionalised to a certain extent.

In this general context, the EU-UN relationship can be seen as relatively successful. It started in earnest in the security field in the early 2000s as the EU was defining ESDP, and then continued to materialise through a series of achievements, as well as through a certain degree of institutionalisation.

1.1. Absolute gains and shared values

The theoretical framework of the EU-UN relationship is, *prima facie*, favourable to cooperation in the sense that the two institutions have a mutual interest to cooperate, and furthermore share, to a certain extent, similar conceptions of their role as international institutions playing a part in the maintenance of international peace and security.

The issue of mutual interests draws on a liberal institutionalist perspective and the conditions of cooperation among rational actors. The EU and the UN are here considered as actors capable of decisions and action, and not entirely limited by state choices. In this perspective, cooperation between the EU and the UN is all the more possible as three conditions are met:

1. first, cooperation must pay off;
2. second, the inter-institutional exchanges have to follow several iterations; and
3. third, the number of actors involved in the exchanges must be limited.

It can be argued that these three conditions are theoretically met in many situations where the UN and regional organisations interact. It is not the intention of this article to compare these different situations, but rather to argue that the EU-UN relationship offers particularly good prospects for these conditions to be met.

Cooperation does pay off between the EU and the UN, as much as defection would constitute losses for both, this because each organisation enjoys some comparative advantages that are of interest for the other. Their relationship is not a zero-sum game; what is at stake are absolute rather than relative gains. The 2001 Communication of the European Commission on EU-UN relations stated that “the benefits of cooperation, combining the universal legitimacy of the UN with

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The EU’s economic and political clout, are now beyond debate.\[^1\] The relationship entails different layers (political, economic, security, development, etc.) and cooperation may more or less pay off depending on the layer considered; in some cases, the payoff matrix may also be asymmetric,\[^2\] with the EU being better positioned than the UN because of the level of its resources. Overall, both institutions are in a position to gain from cooperation.

The “shadow of the future” is also shaping the EU-UN relationship as it implies iterations without which “defection would emerge as the dominant strategy.”\[^3\] Iterations lead to a better communication between the two institutions; they lessen the level of misunderstanding and allow for a certain degree of reciprocity. As soon as the EU and the UN are involved at the above-mentioned different levels of activity (political, economic, security and development), they are destined to interact with each other, and the question is not whether but how they will interact.

The number of players is also important as the “prospects for cooperation diminish as the number of players increases.”\[^4\] This condition is met in a exchange with only two players, but things become complicated in the case of the UN and the EU as both institutions are also known for the multiplicity of actors they represent. As far as the UN is concerned, the member states, the Secretariat and its departments, as well as the numerous operational agencies (UNDP, UNHCR, WFP, etc.) are involved in the EU-UN relationship as actors. Even more evident is the compartmentalisation of the EU, legally, politically and operationally split between several bodies, in particular the member states, the Secretariat of the Council and the European Commission. This fragmentation challenges the qualification of the EU-UN relationship as a two-player game.

Beyond this approach, in which the UN and the EU are analysed as rational actors motivated by the maximisation of their gains, it is also possible to look at the EU-UN link as a constructed relationship, that stresses the role of ideas and the nature of social structures. According to this conception, the EU and the UN would not be solely motivated by a rational assessment of what is to be gained in the exchange,


\[^3\] Kenneth ORI, op. cit., p. 13.

\[^4\] Ibid., p. 18.
but also by a shared conception of certain values, of the way to behave as political actors.\[1\]

A 2006 UN report on the ‘partnership’ between the UN and the European Commission starts by stating that “The European Union and the United Nations are natural partners, […] united by the core values laid out in the 1945 Charter of the United Nations and the 1948 Universal Declaration of Human Rights”.\[2\] Alongside a common reference to key international legal instruments, the EU and the UN can be seen as promoting similar agendas in the field of security and development;\[3\] they share a common approach to threat assessment, as illustrated in the High-Level Panel Report and in the European Security Strategy,\[4\] and to the security / development / human rights triangle.\[5\]

The argument is to say that if the EU and the UN do develop their interests on the basis of their identity and social roles, they then may establish cooperation mechanisms that match such identities and roles.\[6\] This is the message that the EU expresses in the European Security Strategy, when stating that “The fundamental framework for international relations is the United Nations Charter” and that “Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority”.\[7\] The EU poses that the UN Charter is central and that multilateralism is an essential instrument of regulation because it sees itself as one element of the system promoted by the UN. This belief is conveyed


\[3\] See Sven BISCOP, Security and development: a positive agenda for a global EU-UN partnership, in Martin ORTEGA (ed.), op. cit.

\[4\] The EU document to the High-Level Panel on Threats, Challenges and Change talks about a “Common Assessment of Threat” (p. 12); see “Paper for submission to the High-Level Panel on Threats, Challenges and Change”, approved by the General Affairs and External Relations Council, 17-18 May 2004.


\[6\] See Helene S JURSEN, op. cit., p. 43.

by the definition of the concept of ‘effective multilateralism’ and the link established between the concept and the UN role.

If such shared values do exist, then trust and solidarity may prevail over mistrust and self help.[1] This is not to suggest that the UN and the EU are exclusively driven by such values, but rather that they are simultaneously motivated by a rational perception of the need to cooperate as well as by similar views on the nature of the system to be built.

1.2. Global versus regional multilateralism

This last point however deserves some more thought as it raises the question of the compatibility between regional multilateralism, as understood by the EU, and global multilateralism, as embodied by the UN. Robert Keohane defined multilateralism as “the practice of co-ordinating national policies in groups of three or more states”[2]. John Ruggie went beyond this nominal definition and inserted a qualitative element that leads him to define multilateralism as “coordinating relations among three or more states in accordance with certain principles”. As Ruggie stressed, multilateral organizations are only one form of multilateralism,[3] but this form has become an important feature of international life. The distinction made in this article between global and regional multilateralism refers to the global versus regional environments that the UN and the EU respectively embody. This distinction has to do with membership — global in the UN case versus regional in the EU case — and with the principles that are supposed to guide each institution’s action, more than with the institution’s vocation or mandate.

It is assumed within the EU that what is good for Europe is good for the UN, but one can also wonder whether the development of ‘European multilateralism’ positively or negatively affects UN multilateralism?[5] If the two approaches are compatible in principle, and presented as such, are they truly so in practice?

On the one hand, the very notion of ‘effective multilateralism’ implies a positive connection between the regional and global levels, as illustrated previously when dealing with shared values. The EU commitment to the UN aims at strengthening it and the two levels are seen as mutually reinforcing. It is assumed that turning the EU into an instrument of regional multilateralism will, in turn, strengthen the UN; the first level is a means to achieve the second level. Furthermore, the EU commitment came at a time (2003) when the UN was challenged as a multilateral forum able to meet the security concerns of its member states. The EU paper submitted to the High-Level Panel on Threats, Challenges and Change talks about challenges which, if “not responded to adequately, […] will present a threat to the multilateral system itself, as states will not place their trust in this system unless it shows itself capable of offering an effective response”. To a certain extent, the EU effort to promote ‘effective multilateralism’ is a way for the EU to “rescue” the UN.

On the other hand, regional multilateralism, as implemented by the EU, may also develop at the expense of global multilateralism. In theory, relations between the UN and regional organisations are governed by the provisions of Chapter VIII of the UN Charter. Yet, such provisions fail to define any kind of division of labour, beyond the centrality of the UN Security Council in authorizing the use of force. The UN has tried to clarify the conceptual and operational framework of its relations with regional actors, and regularly holds meetings with such actors, but general principles or cooperation mechanisms remain ill-defined. Moreover, strictly speaking, the EU is not a regional arrangement in the sense of Chapter VIII of the UN Charter, and has a conception of its own role that is difficult to reconcile with the subordination to the UN that such a status implies. The concept of autonomy

is consubstantial to CFSP and consequently constitutes a limit to the EU-UN relationship.

In this context, regional multilateralism may develop at the expense of global multilateralism at least in the following cases: a) if EU actions contradicted UN principles; b) if EU actions would be to the detriment of UN activities; or c) if the EU were to become a competitor to the UN. In these three cases, the two conceptions of multilateralism could clash.

The first case — EU actions contradicting UN principles — could occur if the EU was conducting a coercive military operation that was not mandated by the UN Security Council. In such a case, EU multilateralism and a certain conception of its effectiveness, would prevail over UN multilateralism and the deadlock to which it can lead. The EU paper to the High-Level Panel on Threats, Challenges and Change, states that “multilateralism alone is no guarantee of an effective response: collective tools and collective will to use them must be built together” and that “For its part, the EU […] is determined to make effective use of the instruments available to it”.[1] What “effective use” actually means is not clear. Furthermore, while it is assumed that ‘effective multilateralism’ may imply the use of force when the “rules are broken”, the fact that such action should be authorized by the Security Council does not appear in the ESS. In fact, it is the whole idea of the subordination of the use of force to the UN Charter that is ambiguous. The ESS reasserts that “The fundamental framework for international relations is the United Nations Charter” but refrains from saying that any military operation that the EU might undertake should be formally mandated by the UN Security Council. This ambiguity raises the question of the proclivity of the EU to systematically go through the UN when contemplating the use of force. The precedent here is less Iraq than Kosovo, where eleven out of the then fifteen EU members went to war with NATO without the approval of the UN Security Council. This led some observers to say that “the ESS can be interpreted as allowing a Kosovo scenario”[2] which, given state practices, is not to be ruled out. This leads to the question of the objectives of the EU in its quest for ‘effective multilateralism’. As stated, the idea is to promote both levels of multilateralism (regional and global) but in the end, it should also be the EU that is reinforced. The EU is openly committed to the UN and what it represents, but this commitment could be called into question if it conflicts with the strategic interests of EU member states. In such a situation, the EU might act in line with

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The second case — the EU undertaking actions to the detriment of UN activities — finds some illustration in the peacekeeping field, where EU member states resent to participate in UN-led operations.

EU member states are major contributors to UN-mandated peace operations, and finance close to 40% of the UN peacekeeping budget.\footnote{To be compared with 27% (peacekeeping budget) for the United States, and 19.5% for Japan.} However, the traumas constituted by their participation in the UN operations in Bosnia-Herzegovina and in Somalia in the early 1990s have also led European states to stay away from UN-led operations.\footnote{See on this Thierry TARDY, EU-UN cooperation in peacekeeping: a promising relationship in a constrained environment, in Martin ORTEGA (ed.), op. cit.} As of February 2007, EU member states accounted for 13.9% of UN troops,\footnote{11,508 military observers, civilian police and troops from EU member states out of 82,751 as of 28 February 2007; Monthly Summary of Contributions, UN website.} a percentage that has significantly increased in 2006 due to the contribution of EU states to UNIFIL in Lebanon. Outside UNIFIL however, the percentage goes down to 5.29%; most tellingly, the EU member states’ contribution to UN operations in Africa — where peacekeeping needs are by far the greatest — account for 1.65%.\footnote{909 military observers, civilian police and troops from EU member states out of 55,076 deployed in Africa as of 28 February 2007; Monthly Summary of Contributions, UN website.} EU and national representatives argue that the EU participates in the overall maintenance of international peace and security by other means than direct contribution to UN-led operations, and insist that EU member states’ military capabilities are not “frozen for ESDP purposes”\footnote{“EU-UN Cooperation in Military Crisis Management Operations — Elements of Implementation of the EU-UN Joint Declaration”, Annex II, ESDP Presidency Report, European Council, 15 June 2004, § 4.}. In practice however, the probability that such assets would be deployed in UN operations remains low and in any case subject to very specific conditions. In the case of Lebanon, where EU member states contribute significantly to the reinforced UNIFIL, such contributions were subject to strict conditions and only made possible through the creation of a ‘strategic cell’ within the UN Department of Peacekeeping Operations, that...
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guarantees an optimal control by EU member states over their forces. This situation raises the question of the ability of the UN to conduct ‘robust peacekeeping’ without the direct support of Western states, and therefore that of the extent to which EU policy actually supports UN policy.

The third case — the EU becoming a competitor to the UN — encompasses all situations where the EU has found itself in competition with the UN. As semi-autonomous actors of world politics, the UN and the EU develop agendas that are not only the result of states’ choices, and that may place them in a situation of competition. The UN and the EU may compete for resources, for comparative advantages, for an identity. In an ever-changing environment and at a time when both institutions traverse a period of crisis, each one feels the need to ensure a certain degree of visibility, to demonstrate that it meets the concerns of its member states, that it is able to adapt to the new environment. This may be expressed at the expense of inter-institutional cooperation. Competition then opposes institutions, i.e. secretariats, institutional cultures, beyond a purely inter-state logic. This competition may be exacerbated for two institutions that are present on the same field, as are the UN and the EU. Similar activities may create complementarity, but the institutions involved will all the more be tempted by defection and the maximisation of their own gains as their visibility is seen as being threatened by the presence of another actor. Placed in such an environment, institutions will tend to duplicate their capacities and encroach upon their respective activities rather than favour synergies. In practice, such competition will take place in the access to resources (financial and human), when organisations have diverging views on the way to proceed in a given area, when they need to be coordinated, or when their performances are being compared. For the EU, the ambition of ESDP leads to a necessity to deliver in the field. The EU’s existence as a fully-fledged security actor partly depends on its comparative advantages, i.e. the ability to perform as against peer institutions’ performance. As an example, whenever the EU conducts an ESDP operation as a takeover operation from the UN (as in Bosnia-Herzegovina and soon in Kosovo), or simultaneously with the UN (as in the Democratic Republic of the Congo), it needs to demonstrate its capability in comparison to the UN. This necessity cannot be fully reconciled with genuine cooperation, which would draw on what each institution does best.

These three examples bring some nuance to the existence of an EU-UN partnership. If the first case of a blatant clash between European and international multilateralism is for the time being hypothetical, the other two cases already reflect the reality of the EU-UN relationship. Consequently, the intensity of the relationship tends to
be downplayed as does the idea of a natural compatibility between the two levels of multilateralism.

2. ACHIEVEMENTS AND LIMITS OF A MULTIFACETED RELATIONSHIP

The EU-UN relationship is a multifaceted and multi-layered relationship. It is multi-layered because it involves different sets of actors on both sides, and multifaceted because it implies different sorts of interaction. What the European Commission is doing with the UN Development Programme is one level of relation; what the Secretariat of the Council is doing with DPKO is another; what the EU member states do within the UN Security Council is a third. These various levels of interaction are all of a different nature, they imply different logics and constraints, and offer different prospects. Consequently, the whole issue of the EU-UN relationship is difficult to apprehend.

Two levels of interaction are analysed here: first, the relationship between the EU and the UN at the political/strategic level; second, the relationship between the two institutions in the field of crisis management. What comes out of these two levels is mixed. On the one hand, they show that some degree of inter-institutional cooperation has developed in a way that is not observed with other regional organisations. The EU and the UN have institutionalised their relationship and the EU is increasingly acting as an actor within the UN. On the other hand, the relationship falls short of a true partnership, that would involve two unitary actors with the same understanding of what partnership implies. Also, the relationship is dependent on the very nature of the institutions, where secretariats may act as semi-autonomous actors but where member states remain the key decision-makers.

2.1. The EU and the UN at the Political/Strategic Level

The way the EU interacts with the UN at the political level refers to the very nature of the EU, between intergovernmentalism and supranationality. As a supranational organisation embodied in the Commission, the EU tends to act more cohesively and as a single actor at the UN. In the fields of development, humanitarian action, good governance and human rights, environment or financial support, the European Commission has a long history of cooperation with the UN, and is furthermore visible and identified as a single actor.[1]

Things are very different at the intergovernmental level, where the degree of cohesion varies from one issue to the other. In theory, the 27 EU member states are supposed to coordinate their positions in international organisations, in accordance with article 19 of the Treaty on EU.[1] In practice though, the degree of coordination and the ability of the EU to speak with one voice is negatively correlated to the politicization of the UN body and of the issue at stake. The distinction between EU coordination in the UN General Assembly or in ECOSOC on the one hand, in the Security Council on the other, is telling. In the General Assembly, coordination of EU member states and converging votes have improved over the last 15 years.[2] Between 1996 and 2003, EU member states have voted the same way in the General Assembly on between 70% and 85% of the cases, with each member state voting with the EU majority at a rate oscillating between 85% and 100% in 2002-03.[3]

EU cohesion in the Security Council is different. Overall, if coordination of EU member states’ positions has significantly improved within the Security Council since the adoption of the Amsterdam Treaty, it still suffers from the intergovernmental and highly politicized nature of the Security Council. In particular, the two permanent members, France and the United Kingdom, tend to defend a national agenda rather than that of the EU, and prove to be extremely reluctant to give away a parcel of their national prerogatives to the benefit of the EU.[4] By the same token, they resent to act as spokesperson of the EU in the Security Council. The 2003 Communication of the European Commission on EU-UN relations was explicit about the need for a better implementation of article 19 within the UN Security Council:

[1] Article 19 stipulates that: “1. Member States shall coordinate their action in international organisations and at international conferences. […] In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.

2. […] Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter informed of any matter of common interest.

Member States which are also members of the United Nations Security Council will concert and keep the other Member States fully informed. Member States which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter”.


EU Member States in the Security Council, and notably the Union’s two permanent members, should explore more systematic ways of fulfilling their commitments under article 19 of the Treaty on European Union. Where there is a common EU position on an issue under discussion, this could involve the permanent members ensuring that one of them (in turns) explicitly presents that position. EU members of the Security Council should intensify their efforts pursuant to article 19, regarding consultation and concertation on Security Council discussions, building on recent efforts to this end by the current EU members of the Security Council. There is still substantial scope for improving the practical implementation of article 19, thereby reinforcing the efficiency and coherence of EU external action.[1]

Here, the question is raised of the compatibility of the power politics that prevail within the Security Council, and the pooling of sovereignty that is implied by a coordinated EU approach. The gap between the two explains the unlikelihood of an EU representation within the Security Council, and sheds some light on the divergences among EU member states on the reform of the Security Council. By extension, it also shows the limit of the impact of CFSP as a shaping factor of the foreign policies of EU member states. While middle powers seem to be influenced by EU policy in the definition of their own foreign policy,[2] as occurs when they sit in the Security Council as non-permanent members, such influence remains limited for the most powerful EU member states.

Beyond the coordination issue and the extent to which the EU speaks and acts with one voice at the UN, a related issue is that of the effectiveness of EU policy, i.e. the extent to which the EU manages, through coordination, to shape the UN agenda as it wishes. The above-mentioned Communication of the Commission stated that “All too often the EU’s stance in multilateral forums is still a reactive one, with the agenda set by other players. The EU should promote its core objectives in the UN more actively — this would not only further its own interests, but also advance the agenda of the UN overall”,[3] For Laatikainen and Smith, the record is mixed.[4] The EU played an instrumental role in the signature of the Kyoto protocol, and is very active in the economic and social fields. It is also the regional organisation that is the most active in the broad field of crisis management, along with the UN

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(see section below). But overall, the EU does not seem to appear as a driving force in many other areas. In particular, the EU failed to have any significant impact on the 2005 UN reform process,\(^1\) seems to be “persistently sidelined”\(^2\) in the area of human rights, and is largely absent from UN-led peace operations.

Insofar as the degree of influence at the UN is indicative of actorness, the lack of such EU influence challenges the existence of the EU as a political actor on the international scene. It further questions the ability of the EU to reinforce the UN. A corollary is that the EU will all the more be able to affect international politics as it acts and is perceived as a single unit actor. As long as the EU is represented at the UN by different units, it is likely to have a limited, and at best fragmented, impact on UN policy. In the end, the fragmentation will also hinder inter-institutional cooperation as it augments the number of players that comes into play.\(^3\)

### 2.2. The EU and the UN in the Field of Crisis Management

The EU-UN relationship in the field of crisis management has developed in different phases and overall offers a different picture. Some cooperation between the two institutions took place in the 1990s, in the Balkan context in particular, where both the UN and the EU were involved in the management of the Yugoslav conflicts. A significant degree of cooperation has also developed between the European Commission and various UN agencies, in the development and humanitarian field in particular, areas that have been increasingly linked with the broader security agenda.\(^4\) A 2006 document on the EU-UN partnership issued by UNDP states that the European Commission is a “major partner of the UN on the ground in developing countries”, in a “relationship with the UN that spans more than 80 countries”. Cooperation ranges from “disarmament to electoral assistance, from capacity-building in the health sector to protection of the environment, from support to

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\(^1\) Martin Ortega says that “the EU and its member states have had no impact on the preparatory work for UN reform.”, ORTEGA (ed.), op. cit., p. 15.


\(^3\) The fragmentation was recently illustrated in the way the EU is represented in the UN Peacebuilding Commission (PBC). A document of the presidency defining the principles of EU representation (by both the Commission and the Presidency, assisted by the SG/HR) in the Peacebuilding Commission stated that “The EU’s views on EU/EC representation in the PBC have been difficult to communicate to the outside world, mainly for two reasons. Firstly, it has been difficult to make the chair of the PBC and the Peacebuilding Support Office understand the EU’s internal agreement. Second, the wider UN membership will perceive the EU — with 8 out of 31 of the regular members of the PBC — as overrepresented if it is represented by two distinct entities”. See “EU/EC Representation in the Peacebuilding Commission”, Council of the EU, doc. 14452/06, 26 October 2006.

child enrolment in school, as well as assistance for refugees and stateless people”. \[^1\]

The Commission also works with UN agencies in the elaboration of ‘Country Strategy Papers’ and through a desk-to-desk dialogue on conflict prevention. In the humanitarian field, the Commission recognizes the coordination role of the UN Office for the Coordination of Humanitarian Affairs (OCHA).\[^2\] Cooperation between the UN and the Commission is further facilitated by the functioning of the Commission, that heavily relies on operational agencies for the implementation of development and humanitarian programmes that it finances.\[^3\] This involves the Commission as a donor and UN agencies as operational actors, in programs that are increasingly connected to a broader security context. One consequence of this securitization of humanitarian and development issues for the EU-UN relationship is the fact that they increasingly fall within the crisis management cooperation framework, whereas they were previously addressed through economic or logistic cooperation (in the delivery of humanitarian assistance for example).

Alongside cooperation between the Commission and the UN, the EU-UN relationship in crisis management began to take shape in the late 1990s, at a time when the UN was examining the reform of its peace operations through the Brahimi Report\[^4\] process and the EU was laying the foundations of ESDP.\[^5\] From the very beginning, EU member states established a (rhetorical) link between ESDP and the UN. The 2000 ESDP Report of the Nice European Council stated that the “development of European crisis-management capabilities […] will enable Europeans to respond more effectively and more coherently to requests from leading organisations such as the UN or the OSCE”.\[^6\]

Initially though, the idea that the EU and the UN should cooperate in the peacekeeping field was not obvious within the two institutions and their member states. On the UN side, some scepticism was expressed regarding the establishment of

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\[^2\] The document of the Commission on “Improving the Community Civil Protection Mechanism” states that when different international organizations are involved in civil protection assistance interventions outside the EU, the Commission “ensures close coordination with UN OCHA (Office for the Coordination of Humanitarian Affairs), which is mandated to ensure the overall coordination of international relief efforts”. Cf. “Improving the Community Civil Protection Mechanism”, Communication from the Commission to the Council, April 2005, p. 5.


communication channels with regional organisations, which would place the UN and these organisations on the same level. Moreover, any move that was seen as giving the EU preferential treatment was not perceived favourably by some UN member states. On the EU side, it was felt that the ESDP should be developed without excessive linking to the UN, so as to preserve EU autonomy of decision and action as much as possible.

In 2001, two key documents elaborated under the Swedish EU Presidency aimed at defining some principles for EU-UN relations. The first one, on “EU-UN cooperation in conflict prevention and crisis management”,[^1] identified three areas of possible cooperation: ‘conflict prevention’, ‘civilian and military aspects of crisis management’ and ‘particular regional issues’. It also established modalities for meetings at different levels between the two institutions. The second document, dealing with civilian crisis management,[^2] defined four guiding principles of the Union’s cooperation with international organisations,[^3] as well as putting forward different options for EU civilian participation in crisis management operations led by an international organisation.[^4]

In practice, the inter-institutional relationship was enhanced through the establishment of points of contact at different levels between the two organisations, and efforts were made to increase knowledge of respective functioning and activities. In the field, cooperation entered a new phase with the creation of the first EU-led operations in 2003, two of them — the EU Police Mission in Bosnia and Herzegovina (EUPM) and Operation Artemis in the Democratic Republic of Congo (DRC) — implying a significant amount of inter-institutional cooperation. In Bosnia and Herzegovina, the EU mission took over a UN mission, after a relatively seamless transition where the level of coordination between the two organisations was assessed positively.[^5] In the DRC, the first autonomous EU-led military operation was created at the request of the UN Secretary-General and was deployed in


[^3]: The four principles are ‘added value’, ‘interoperability’, ‘visibility’, and ‘decision-making autonomy’.

[^4]: Communication around the emerging EU-UN relationship was assured through a brochure produced by the office of the Commission in New York (updated in 2004 under the title “The Enlarging European Union at the United Nations: Making Multilateralism Matter”) as well as through a dedicated website (http://europa-eu-un.org).

[^5]: That was achieved through inter-institutional cooperation in the planning phase, co-location of EU and UN teams in Sarajevo, information-sharing, and double-hatting of Sven Christian Frederiksen, simultaneously IPTF Commissioner and Head of the EUPM Planning Team, and then EUPM Commissioner. See Letter dated 14 July 2003 from the Secretary-General and High Representative for the CFSP of the EU to the Secretary-General of the UN, annex to the Letter dated 17 July 2003 from the Secretary-General of the UN to the President of the Security Council, S/2003/732, 21 July 2003.
support of an existing UN mission (MONUC), as a bridging operation before a reinforced component of that UN mission took over.\[1\] Operation Artemis helped the two institutions in the further definition of the guiding principles for the EU-UN relationship, as it led to the release in September 2003 of a “Joint Declaration on UN-EU Cooperation in Crisis Management”. The Declaration took note of the recent developments in EU-UN cooperation and identified four areas where further cooperation should be explored: planning, training, communication and best practices. A “joint consultative mechanism” (Steering Committee), was established at working level to enhance coordination in these four areas and to follow through with the implementation of the Joint Declaration.

Since September 2003, the EU-UN relationship has developed and to a certain degree institutionalised, both through the implementation of the Joint Declaration and cooperation in the field. At the headquarters level, the Steering Committee has met twice a year, addressing a wide range of crisis management related issues; points of contact have been developed at different levels of the two Secretariats and annual meetings between the EU troika and the UN Secretary-General take place in the margins of the UN General Assembly;\[2\] work has been conducted on training standards and modules; UN personnel have participated in EU training courses; an agreement on the exchange of information has been passed;\[3\] cooperation has taken place between the two Situation Centres; two liaison officers positions were created within the EU New York Liaison Office (NYLO), one in charge of military and the other in charge of civilian crisis management; communication has developed on recruitment and training of civilian experts,\[4\] as well as on planning and lessons learnt. In the field, beyond all cases where the European Commission has been present alongside the UN, the simultaneous presence of the EU — through ESDP — and the UN in Sudan and in the DRC,\[5\] and soon the EU takeover

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\[2\] The UN Secretary-General has visited the EU in Brussels seven times since 2000. Ban Ki Moon visited the EU on 24 January 2007. Javier Solana has visited the UN in New York seventeen times since 2001. Besides, the UN Secretary-General and Javier Solana met regularly outside of New York or Brussels.

\[3\] The agreement was made in the spring 2005, and further completed through an exchange of letters between the two secretariats in July 2006.


\[5\] Alongside two operations in Kinshasa (EUSEC DRC and EUPOL Kinshasa, respectively dealing with Security Sector Reform and Police training), the EU ran an autonomous military operation in the DRC at the request of the UN. The operation (EUFOR RDC) was deployed between July and November 2006.
from UNMIK in Kosovo,\footnote{An EU rule of law mission is scheduled to take over the UNMIK in 2007, following the adoption of a UN Security Council resolution on the Kosovo status settlement.} have further shaped the EU-UN relationship. The two institutions have also engaged in a joint effort to strengthen the African Union, in a triangular relationship that is in its initial stage, but that offers some potential. Each situation has generated its own lessons.\footnote{On EUFOR RDC, see Hans-Georg EHRHART, EUFOR RD Congo: A Preliminary Assessment, European Security Review, No. 32, March 2007; Idriss Al RIIFI and Joanna SCOTT, Premier bilan de l’opération EUFOR RDC, Défense nationale et sécurité collective, No. 1, January 2007; and Operation EUFOR RD Congo — Report to the United Nations, 5139/07, 10 January 2007.} In general terms, if one set aside the ‘commitment gap’ by which EU states are by and large absent from UN-led operations, what they show is that the EU and the UN are cooperating a significant amount in quite a few peace operations. Furthermore, they have integrated the fact that interactions will take place (notion of ‘shadow of the future’) and that cooperation has become a necessity.\footnote{See UN Outcome document, A/60/L.1, United Nations, New York, 15 September 2005, §93; the document titled “Peace Operations 2010”, released by the Department of Peacekeeping Operations (30 November 2005), talks about the necessity to establish “effective partnerships” with regional organizations.}

The debate is therefore more on how the relationship should be articulated rather than on its relevance. At the political level, the deployment in the summer 2006 of the EU operation in the DRC at the request of the UN triggered a debate on the appropriate level of consultation between the two institutions. Having played the role of framework nation for the operation, Germany proposed a new EU-UN declaration when assuming the EU presidency. The objective was to reinforce consultation between the two institutions at the highest level, for example through regular political dialogue between the EU troika and the Political and Security Committee on the one hand, and senior UN officials (Deputy Secretary-General, Undersecretary General for Peacekeeping Operations) on the other. At the operational level, the EU has demonstrated a willingness to assist the UN in many ways, but simultaneously is eager to retain a high level of autonomy in whatever the two institutions are contemplating. In this respect, the civilian sphere seems to offer the best perspectives for inter-institutional cooperation, while EU member states are more reticent to commit themselves in military affairs. In any case, the general unbalance between the two institutions in terms of resources makes it difficult for the UN to move forward with its relationship with the EU on its own terms. Most often, it is the EU and its member states that define the agenda of the relationship, and that say what can be done for global multilateralism and what cannot. This unbalance creates an asymmetric relationship and therefore hinders the establishment of a genuine partnership. In the end, cooperation takes place at
the operational level but tends to be more problematic at the strategic level, where states and secretariats have yet to define the conditions of the partnership.

3. CONCLUSION

The EU and the UN are both going through a period of crisis and are both in a process of transformation of their internal structures in order to better address the political challenges with which they are confronted. This period might not be ideal to foster inter-institutional cooperation, as energy is spent on other priorities and as competition is likely to arise from the need to overcome the crisis. Yet, the two institutions have managed to develop their relationship and to establish some mechanisms of cooperation in a manner that has not been observed between the UN and any other regional actor. The quality of the relationship stems from a certain degree of convergence of the two institutions insofar as their conception of security management is concerned. It also comes from the nature of the EU that, despite its fragmentation and structural shortcomings, proves to be more able to play a role in regional/global security management than most if not all other regional groupings.

This capacity means that the EU has something to offer in its relationship with the UN that many other organisations have not. For different reasons having to do with legal, political, and operational issues, the EU and the UN need each other in their aspiration to provide some form of regulation of the international system. Moreover, there indeed seems to be a compatibility between the two forms of multilateralism, one — the EU form — even possibly strengthening the other.

This article has tried to demonstrate that similarities and convergences between the institutions do exist and have a positive impact on the nature of the relationship. However, it also shows the limits of such a relationship, i.e. the limits of the compatibility of two forms of multilateralism. As the two institutions are developing their own political agendas and remain of an intergovernmental nature, competition and divergence are always possible. For the EU, being a fully fledged security actor signifies that it has partners, and that it is seen by these partners as a security provider. However, it also means that it needs to ensure its own visibility and a certain degree of autonomy. The challenge for the EU is therefore to strike the right balance between cooperating with others to assert its status as a political and security actor, and establishing its identity as an autonomous political actor. In other words, the challenge is to ensure that the two conceptions of multilateralism are indeed compatible: regional multilateralism as put forward by the EU shall reinforce global multilateralism as embodied by the UN, without the latter becoming an obstacle to the former.
CONCEPTS, INSTITUTIONS AND CAPABILITIES
A HUMAN SECURITY AGENDA FOR THE EU: WOULD IT MAKE A DIFFERENCE?

John KOTSOPULOS*

The idea of a human security agenda for the European Union has enjoyed somewhat of a revival, buoyed by interest from the 2006 Finnish EU Presidency[1] and increasing recognition by EU officials — most notably the Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner. The case for an EU human security agenda has also benefited from renewed interest by academia.

But has anything really changed since a proposal entitled A Human Security Doctrine for Europe was presented to EU High Representative for the Common Foreign and Security Policy (CFSP) Javier Solana in 2004? Is there any consensus about what human security is or to what purpose such a concept can serve the EU? Or are we simply repeating past discussions?

What is evident is that change is indeed occurring, even if somewhat haphazardly. As the EU’s external relations continue to broaden, more and more “typical” human security issues are being addressed. But challenges to the idea of a human security agenda exist. EU officials have argued that the EU has already de facto accepted the concept of human security through its actions in development, humanitarian aid, crisis management. Therefore, moving the concept of human security further and using it as an organising principle becomes redundant and simply adds another level of bureaucracy.[2]

As the first section of this paper will show, human security has, at the very least, broadened international understanding of what it is to be secured down to its most basic form: the individual. This has had an analogous effect on where and when foreign policy actors are expected to act or intervene. Formerly bound up within the protective cloak of state sovereignty, issues like civil wars, human rights abuses, and the internal displacement of peoples, have become areas of international con-
cern and reasons for legitimate intervention. Although certainly not universally embraced, human security has moved beyond abstract concept and increasingly towards an international norm.

An analysis of how human security can be operationalised will follow, using the example of several successful human security programmes of the UN, Canada, Japan and Switzerland.

The second part of this article will outline some of the areas where the EU is already performing human security-related tasks. From there it will outline why and how a human security agenda could add value and contribute to the further development and coherence of EU external relations.

1. WHAT IS HUMAN SECURITY?

Human security is no longer an unknown concept. For more than ten years it has enjoyed an increasingly influential place in international relations: embraced by the United Nations (UN), most recently in its September 2005 Millennium Summit goals; incorporated into the foreign policies of “middle powers” such as Canada, Japan and Switzerland; and, as noted, percolating into the language of the EU.

Simply put, human security is about broadening what is to be secured in international relations from the state all the way down to the individual. Paradoxically, despite its prominent usage, it remains an ill-defined concept: oft-used but oft-misunderstood. Furthermore, its sweeping embracement of threats to individuals can also be its weakness, since such a broad agenda can be exceedingly difficult to address in practice. It seems obvious, after all, that large sectors of the world’s population live in a state of insecurity.

Human security’s antecedents lay in concepts like “comprehensive security” or “societal security,” which implied an extension of what was understood by security beyond the confines of the state long before the popularisation of the term human security. However, it was the end of the Cold War and the mitigation of traditional state versus state security threats that provided a fresh impetus to re-evaluate the notion of security and extend its meaning. Security threats moved both beyond and within borders, becoming in some cases transnational (e.g. environmental degradation) and in others intra-national, or both at the same time (e.g. organised crime). The common thread, however, was that it was the individual, irrespective of nationality, who was vulnerable.
The concept of human security has also coincided with the “renaissance” of international terrorism and an increasing acceptance in the international community that, as the former Executive Director of the UN Commission on Human Security (CHS) François Fouinat states, “…communities or groups feel threatened and react by building counter-threats.” [1] Internal and external security “are now inseparable”[2] with adverse and dangerous consequences if one or the other is left vulnerable.

2. TOWARDS A CLEARER DEFINITION?

Most practical definitions of human security tend towards the theoretical, choosing to list threats to the individual on a case by case basis, rather than use concrete definitions.[3] Some argue that human security is first about addressing evolving threats “on the ground” and as they present themselves, and then attempting to create a useful theoretical framework.[4]

Human security is often conflated with support for human rights and/or international development. But it is more than that. The UN Commission on Human Security defines it as “protecting fundamental freedoms — freedoms that are the essence of life. It means using processes that build on a people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity”.[5] While this definition is broad and all-encompassing, it can be useful for re-framing the security debate and expanding its scope — this is the essence of human security’s added value. It also differentiates human security from development policy proper since it deals with a more holistic approach to achieving human potential.

But of course this broad definition also perpetuates the criticism that human security is merely a laundry list of things that should be made secure, with little policy utility.

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and immediate impact. Broad definitions will risk “slapping the label of human security on a wide range of issues that have no necessary link”. [1]

Human security has also been criticised as a tool for justifying intervention in a sovereign state’s affairs. [2] It has been considered arbitrary, since some states may get singled out for action for reasons more complicated than just human security. The question also arises of whether intervention could exacerbate or harm more than the original condition. Hence three separate risks: double standards, an unworkably ambitious agenda, and legal constraints.

But there are ways to simplify this debate and address some of the criticisms. For instance, one can differentiate and analyse what are considered by some as the “competing visions” [3] of human security: “freedom from want” and “freedom from fear”. The former is the broader definition, concerning itself with securing the basic needs of the individual: from health to environmental vulnerability. The latter is more limited, situating human security as something about the removal of force and violence from people’s daily lives.

Keith Krause argues persuasively that “freedom from fear”, because of its more narrow conception, can “give rise to a concrete agenda for political action”. [4] As will be discussed below, this narrower definition chimes more closely with the proposed European Human Security Doctrine and may provide achievable standards for an EU human security agenda.

Another approach with possible EU policy implications comes from Taylor Owen’s proposed “threshold-based definition” which attempts to find a middle ground between the freedom from fear and want approaches. Threats would be included “on the basis of their actual severity”, with only those surpassing a threshold being labelled as threats to human security. [5] It is an ambitious, long-term, recommendation that could pose challenges for the Byzantine policy-making apparatus of EU external relations. On the other hand, thresholds — or benchmarks — could provide quantifiable guidelines for future EU actions and also help better assess the effectiveness of EU policies at large.

[1] Ibid.
[4] Ibid.
3. HUMAN SECURITY IN PRACTICE

A brief survey of several effective human security programmes will give insights into how the concept can be operationalised and if it can be usefully incorporated into the EU’s external relations.

3.1. United Nations

The UN has played a fundamental role in defining and promoting issues concerning human security. A 1994 United Nations Development Program (UNDP) initiative to create a human development index is often cited as the first non-academic attempt at defining human security: “human security is not a concern with weapons — it is a concern with human life and dignity… human security is people centered.”[1]

The human development index listed seven threats to human security including: economic, food, health, environment, personal, community, and political. The UNDP goal at the time was to place human security on the agenda of the 1995 Copenhagen UN Conference on Social Development. In the end, it was not the explicit basis for the Conference, but “human security as proposed by the UNDP has continued as an organizing concept in the development economics, public health, and the security communities [of the UN].”[2]

In 1999, the Government of Japan and the UN Secretariat launched the UN Trust Fund for Human Security (UNTFHS). Probably because of the broad UNDP definition of human security, the Fund did not support a specific agenda, instead distributing support to a range of initiatives. Later, an independent — but Japanese funded — Commission on Human Security (CHS) was established, led by Nobel laureate Amartya Sen and former UN High Commissioner for Refugees Sadako Ogata. It subsequently presented to the Secretary General in May 2003 a report entitled Human Security Now (after which the Commission concluded its activities). The next step was the establishment of the Human Security Unit (HSU) in the UN Office for the Coordination of Humanitarian Affairs (OCHA) with the task to play “…a pivotal role in translating the concept of human security into concrete activities and highlighting the added value of the human security approach”.[3] The HSU continues to play a visible role in the UN’s human security operations today.

In 2000, the independent International Commission on Intervention and State Sovereignty (ICISS), which was organised by Canada to assist the UN, attempted to forge a consensus on when to apply the “right to humanitarian intervention” and legitimately intercede in the affairs of a sovereign country. This issue remains a key moral and legal challenge to human security. The conclusions of a 2004 ICISS study entitled Responsibility to Protect (R2P) were embraced by UN Secretary General Kofi Annan, who at the 2005 Millennium Summit urged UN member states to “embrace the ‘responsibility to protect’ as a basis for collective action against genocide, ethnic cleansing and crimes against humanity”. [1]

3.2. Canada

Under the leadership of former Minister of Foreign Affairs Lloyd Axworthy, Canada became a pace-setter in advocating a particular variation of human security focused primarily on “freedom from fear”. The Canadian human security strategy’s objective has been twofold:

1) to promote policy initiatives which concern human security at the multilateral level (e.g. the banning of anti-personnel landmines, the establishment of the International Criminal Court);

2) to actively seek partnerships both at the governmental and “bottom-up” level (e.g. civil society) to promote human security issues.[2]

The Canadian government’s agenda was backed-up by the establishment of a Human Security Program (HSP) in 2000, managed under the auspices of the Canadian Department of Foreign Affairs and International Trade (DFAIT). The HSP had supported 568 projects and disbursed C$44 million by 2004.[3] The HSP also gave DFAIT its only grant bestowing capability, thus adding a new dimension to traditional diplomacy.

Canada has lately been campaigning for micro-disarmament, a ban on child soldiers and in support of UNSCR 1325 on women, peace and security.[4] Canada and the EU also signed a joint Statement on Human Security at the EU-Canada Summit.

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held in Lisbon in 2000. Ironically, considering its leadership role, the current Canadian federal government has been moving away from explicitly using the term human security and focusing more on the responsibility to protect (R2P).[1]

3.3. Japan

The Government of Japan has instituted a human security program that differs markedly from the Canadian model because of a broader definition of the term that stresses the need to “protect and empower people”. According to Bosold and Werthes, it was the Asian financial crisis of 1997 that shaped the direction of Japanese human security policy. In 1998, then Prime Minister Obuchi said: “taking [the economic crisis] fully into consideration, I believe that we must deal with these difficulties with due consideration for the socially vulnerable segments of population (sic) in the light of ‘Human Security’, and that we must seek new strategies for economic development which attach importance to human security with a view to enhancing the long term development of our region”. [2]

Japanese human security policy manifests itself through the Trust Fund for Human Security for the United Nations with a budget of US$170 million (2002). The Japanese government also funded the UN Commission on Human Security (CHS). Other human security efforts have come through the organisation of numerous symposia on the topic. Japanese human security policy is thus deeply inter-linked with the UN process, with less in terms of cooperation with civil society and NGOs for the purpose of policy formulation.[3]

3.4. Switzerland

The Swiss have capitalised on their historical neutrality and the physical presence of many UN institutions in the country to formulate a human security policy that embraces areas such as human rights policy, humanitarian and migration policies, civilian peacebuilding, gender issues. The Swiss Department of Foreign Affairs also has an explicit human security agenda, which is administered by a dedicated human security division. In 2005 the division had a budget of approximately CHF 48 million (€31 million) for conflict transformation and human rights promotion and approximately CHF 10.5 million (€6.75 million) earmarked for support of

[1] It is argued that this is because the current — Conservative — government considers human security to be too closely linked to Lloyd Axworthy, a decidedly left-of-centre politician of the previous Liberal order.
[3] Ibid., p. 98.
Geneva-based centres [The Geneva Centre for Security Policy (GCSP), the Geneva International Centre for Humanitarian Demining (GICHD), the Geneva Centre for the Democratic Control of the Armed Forces (DCAF)].

Switzerland is another founding member of the Human Security Network (HSN). In tune with its “freedom from fear” approach to human security, the Swiss focus within the HSN is on small arms and international humanitarian law. The Swiss have also promoted innovative approaches to human security encouraging the HSN to study the possibilities of persuading armed non-state actors to accept a set of minimal standards.

By no means is human security limited to these examples. The G8, for example, has dabbled with the term, going as far as to pledge “…to fight the underlying causes of the multiple threats to human security, and [be] committed to creating an environment where basic rights, the safety and the very survival of individuals are guaranteed”. [1] There is also the Human Security Network (HSN), a group of 13 countries that have been meeting annually at the Foreign Minister level since 1999 to discuss issues pertaining to human security. [2]

4. HUMAN SECURITY AND THE EU

At its most basic level, the very experience of European integration has been a human security project, since “without using the [term], the European project has been promoting it for its own citizens since almost 50 years.” [3] Achieving the security of the individual within its borders has been the EU’s greatest accomplishment, considering the perpetual divisiveness that had encumbered the continent for centuries.

There is already a de facto acceptance within the EU of many of the general principles of human security, even if they are not always enunciated as such. The European Security Strategy (ESS), approved by the European Council in December 2003, makes several references to components of what could be defined as a human security agenda — without ever using the term. For example, the ESS states that “security is a precondition of development”, and it acknowledges that “in much
of the developing world, poverty and disease cause untold suffering and give rise to pressing security concerns".[1]

Where the ESS stops short is to explicitly outline a human security agenda for the EU. However, at the request of EU HR Javier Solana, a Study Group was convened to examine the possibilities for human security as an EU policy and for the implementation of the ESS itself. The Study Group, led by London School of Economics (LSE) Professor Mary Kaldor, ultimately produced a report entitled: *A Human Security Doctrine for Europe* (September 2004). The doctrine, which was never officially endorsed by the EU institutions, encompassed three ambitious components:

- a set of seven principles for human security, including the primacy of human rights, clear political authority, multilateralism, a bottom-up approach, regional focus, the use of legal instruments and the appropriate use of force;
- a ‘Human Security Response Force’, composed of 15,000 individuals with at least one third being civilian;
- a new legal framework to govern both the decision to intervene and operations on the ground.[2]

The Doctrine stayed closely in tune with the themes of the ESS, addressing violence and boldly calling for a deployable human security force. Where it broke new ground was in how it drew a clear distinction between types of military intervention (“somewhere between classic peacekeeping and classic military intervention”), noting that the purpose of the proposed force would be primarily to uphold human rights and to act in support of law and order. This focus on direct intervention is clearly several steps away from the Canadian, Japanese and Swiss approaches, which do not provide for physical-or military-type engagement.

But the Doctrine suffered from two problems:

1) the assumption that the EU Constitutional Treaty was certain to pass and make some of the necessary structural changes to the EU’s foreign policy mechanisms to facilitate the implementation of a human security doctrine (e.g. the concentration of authority through the office of an EU Minister for Foreign Affairs, added coherence, “joined-up approach”);

2) even with a new constitution in place, the Doctrine remained extremely ambitious — perhaps too ambitious — considering the structural (pillars,

decision-making) and political (i.e. Member States will) obstacles to EU foreign policy making. This was acutely true with respect to the proposed 15,000 strong Human Security Response Force — a challenge to get full Member State “buy in” even in the best of times.

However, the Study Group and the Doctrine are not yet finished. In the three years or so since the Doctrine was published, the Group has produced a book elaborating on European human security initiatives and reconvened in mid-2006 to provide guidance to the Finnish Presidency on human security issues.

5. IS THE EU ALREADY “DOING” HUMAN SECURITY?

Doctrine aside, there are many other areas in which the EU is implicitly acting on human security issues. It is these examples that EU officials often use as evidence of a de facto embrace of the concept.[1] It is useful to list some of these areas before exploring why a human security agenda would still be beneficial.

Civilian crisis management: this area is fast developing as one of the EU’s most tangible contributions to human security. Civilian crisis management is organised under the auspices of the European Security and Defence Policy (ESDP). It has represented a real leap in Member State cooperation, with missions beginning less than five years ago. While there is a distinct military component to the ESDP, much of it can touch on the human security principle of “freedom from fear”. In fact, three of the last four EU crisis management operations have been civilian in nature. Crisis management is one area in which the EU can make a “distinct and unique contribution to global security, reflecting the values and principles it seeks to promote”. [2]

Comprehensive planning, SSR and DDR: there is a realisation that the EU is well placed to blend its civilian and military instruments. More effective co-ordination between the Council and Commission means that the EU is developing the ability to cover the entire cycle of prevention, crisis management, stabilisation and reconstruction. Security Sector Reform (SSR) and Disarmament, Demobilisation and Reintegration of ex-fighters (DDR) are other areas in which the EU is very active with the stated ambition to achieve sustainable peace and stability. In fact,

SSR has been used as an example of where the EU can improve its coherence as an international actor — and some unprecedented cooperation between the Council and Commission has already been achieved.[1]

*Human rights and democracy promotion:* these are of primary concern to any human security agenda, and they are areas in which the EU is quite active. Human rights clauses are now embedded into the EU’s network of treaties with third countries. This policy has been of course most effective with EU candidate countries, where the prospect of EU membership has had a transformational effect. Human rights — and also gender issues — are “mainstreamed” into economic and social reforms. Human rights education programmes have been created. The EU also maintains a strong presence in election support and observation, playing a highly visible and more forcefully confident role in monitoring elections, in assessing procedures and outcomes. Finally, the EU provides financial assistance under its “European Initiative for Human Rights and Democracy”.

*Development and humanitarian aid:* The EU already boasts mature development and humanitarian aid programmes, much of which bolsters its human security credentials too. According to the EU’s statistics, the European Commission provides nearly 30% of global humanitarian aid, while European Union Member States taken together are responsible for the management of 25% of all official humanitarian assistance distributed worldwide. The European Commission’s Directorate General for Humanitarian Aid (ECHO) spends approximately €608 million per year on humanitarian aid. ECHO specifically addresses human security issues related to natural and man-made disasters, including emergency aid and rehabilitation and disaster preparedness.

Javier Solana has been energetic about strengthening the EU’s disaster response capacity. ESDP assets and structures have been identified to help support civil protection and humanitarian aid efforts, even if this area is not central to the agenda of the ESDP itself. “As we learned in the Asian Tsunami and other disasters, such as the Pakistan earthquake, military assets can play a useful role. This applies in particular in the area of strategic lift. To deal with disaster effectively, we must be able to mobilise all necessary means in a co-ordinated fashion.”[2]

The EU is also the world’s biggest development aid donor. It has played a leading role in supporting the Millennium Development Goals including a commit-

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ment to increase aid budgets to 0.7% of GNI by 2015. The universally approved statement on European Consensus on Development (December 2005) also vowed to strengthen the EU approach to cross-cutting issues such as democracy, good governance, human rights, the rights of children and indigenous peoples, gender equality, environmental stability and the fight against HIV/AIDS.[1]

The African Peace Facility: is an excellent example of a relatively recent — and proactive — fund which is designed to be flexible and quickly accessible to support predominantly African Union peacekeeping initiatives. It benefits from an allocation of €300 million for the three year period of 2008-10.

Anti-Personnel Landmines: the EU has enthusiastically embraced the Mine Ban Treaty (1997) and review process. Between the period 1997 to 2004 total EU (member states and European Community) support for anti-personnel landmine issues had exceeded €1 billion, which, according to the Commission, represented more than half of world-wide financial assistance to mine action in that period. The approach to the landmine issue has been a particularly successful and visible one for the EU, representing not only commendable cooperation between EU institutions and the member states but also with the international community. The EU has exhibited a “catalysing capacity”[2] in this distinctly human security-type endeavour.

EU legal network: the Human Security Doctrine made a case for a human security agenda based on international law statutes. Complimenting the international legal framework — where, it should be noted, the EU abides by humanitarian and refugee law — is the EU’s own body of legislation concerning human security-type issues, e.g. EU legislation being adopted against trafficking in human beings and the sexual exploitation of children.

Within the EU itself, the provisions of pillar 3 (i.e. Freedom, Justice and Home Affairs) endeavour to develop common action among the member states in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia. “That objective shall be achieved by preventing and combating crime, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud.” These concepts are not only laudable, but provide the EU with important tools — exportable ones at that — for solidifying human security.

The EU has also been a strong supporter of the Rome Statute and the International Criminal Court (ICC). The Council of the European Union adopted a Common Position on the International Criminal Court on 11 June 2001, “to consolidate human rights issues and the rule of law, to preserve peace and strengthen security”. The Common Position has contributed to strong Member State policy consistency, including the ratification of the Rome Statute by all 25 members. The Council has also been an enthusiastic supporter of the ICC beyond its own borders, providing help for less developed countries to ratify and enact legislation consistent with the tenets of the ICC.

Battle Groups/ESDP: the missions envisioned for these Battle Groups are human-security-oriented. As stated by the Council, for example, there will be a “corps sized crisis management task while retaining enough assets to conduct a small-scale operation such as a non-combatant evacuation operation (NEO)”. Furthermore, the 2010 Headline Goal plan for the commencement of Battle Group activities envisions the EU being able to “respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty of the European Union”.

This is by no means an exhaustive list, but instead a survey of the great number of areas which could be considered within the purview of human security and in which the EU already acts. Thus, is there really a need for a human security agenda? The following section makes the case.

6. THE CASE FOR AN EU HUMAN SECURITY AGENDA

The Human Security Doctrine made a three-point case for why the EU should have a human security agenda. It promoted: 1) A moral case: based on “our common humanity”, all human beings have a “right to live with dignity and security, and a concomitant obligation to help each other when that security is threatened.”[1]

Therefore Europe, as a rich power, stands obliged to contribute. 2) A legal case: Articles 55 and 56 of the UN Charter call for the promotion of universal respect for human rights. The Treaty of Rome explicitly recognises the EU’s commitment to these principles. [2] 3) An “enlightened” self-interest case which stems from the logic that Europe cannot be secure if others around the world are not secure. This


[2] Of course, consensus on when the sovereignty of a country disabusing its human rights obligations can be breached remains difficult to achieve. Commissions such as the ICISS have sought to set thresholds after which international intervention could be considered legitimate.
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... approach, often termed “securitisation” is a re-casting of security threats (such as linking impoverishment with the possibility of radicalisation and ultimately terrorism) to move them up the political agenda.[1] This language has been picked up by the Commissioner for External Relations, Benita Ferrero-Waldner: “It is a practical necessity to make globalisation work. If we do not strengthen human security and help our partners to reform, we will eventually import instability ourselves”.[2]

As persuasive as these arguments are, there are several other potential reasons for the EU to develop a human security agenda.

6.1. Enhancing the EU’s international and domestic standing

If we accept that human security is attractive — or “good” — because it addresses basic human challenges like freedom from fear or freedom from want, then it is not surprising that harnessing the concept can serve the pragmatic purpose of enhancing the EU’s soft power. By embracing a human security agenda, the EU could enhance its prestige and moral standing, and consequently strengthen its international influence. This is as much true for how the EU is viewed abroad as it is for its own citizens.

On perhaps an even more “pragmatic” note, human security can also serve as a public relations tool for public diplomacy. Building on the argument that a human security agenda could enhance the EU’s stature, a high profile human security program could also give the EU a sounding board — a chance to more explicitly and coherently make itself heard both in the world and back home as a “force for good”. Too often EU international initiatives do not get the credit they deserve because of the lack of EU visibility (among other reasons). “Visibility is synonymous with presence.” This could be a chance to reverse that. Of course this would also be contingent on the EU improving its sometimes underwhelming public diplomacy skills.[3]


6.2. Organising principle

The concept of human security can provide the thread that links the EU’s already impressive range of activities in areas related to human security, but not called as such.

This would also have implications for coherence within the EU by obliging the Council and Commission to address the problem of their overlapping responsibilities in the external relations of the EU and improve the coordination of some of the aforementioned human security–type initiatives. This in itself might make human security controversial, since vested interests and the pillar structure do not always make cooperation and coordination easy (especially true without a Constitutional Treaty). But progress is already being made in some areas: the European Security Strategy has provided a strong guide for EU foreign policy, as has the 2005 EU-Africa strategy shared by both the Commission and Council. A Human Security agenda could similarly be a guide, or even the motivating principle for further and more structured cooperation.

Javier Solana has been promoting a ‘security culture’ within the Union, which has already led to some notable and surprising successes by helping Member States to reach a consensus on many CFSP/ESDP issues. Better coordination using a human security agenda could make the EU a more coherent and thus influential actor in international relations. This would follow Robert Cooper’s maxim that the ability to influence is derived from knowing what you want first. It would also be in line with the EU’s commitment to effective multilateralism, since the UN is also a strong advocate of human security.

6.3. Enhance mission effectiveness

A Human Security agenda need not mean re-inventing the wheel. A system of human security benchmarks (or principles, which Mary Kaldor has also argued for[1]) could be drawn up to measure the effectiveness and consistency of already existing EU policies in the field.

Benchmarks would also be useful in evaluating ESDP operations. These need not be excessively complicated, since post-operation assessment processes already exist. However, practical human security operations could be judged using the broader

[1] These were: 1) to protect civilians’ human rights, 2) to create a legitimate political authority (state building), 3) to work with other agencies and within the rule of law, 4) to work “bottom up” (i.e. consulting people on the ground); and 5) to take a regional approach, as conflicts spread across borders.
benchmark of whether a mission had helped the affected population to achieve a level of ‘freedom from fear’.

This should include issues such as whether citizens can expect to be treated fairly after an EU mission has ended and whether ethnic communities will be able to live in sustainable peace in future. If the mission failed to meet these broader human security benchmarks, EU policy-makers would be directed to re-evaluate the mission’s goals, duration and implementation to help plan future work.

6.4. The diplomatic process

Human security also means engaging with those often best placed to articulate and advocate on behalf of people in need, NGOs and civil society. This necessitates, as the former Canadian Minister of Foreign Affairs Lloyd Axworthy argues: “an unconventional bottom-up approach to diplomacy” in contrast to a “classic top-down, undemocratic approach”. [1] Looked at in this way, human security could provide the EU with an opportunity to expand the ‘diplomatic process’ by engaging with NGOs and other parts of civil society. For example, the Canadian Human Security Program and Fund gave DFAIT and Canadian embassies abroad new channels for ‘bottom-up’ engagement — a departure from traditional diplomacy. In the same way, European Commission delegations in third countries could use the human security agenda as an opportunity for mould-breaking diplomatic engagement with non-traditional partners.

6.5. Sense of moving forward and addressing public opinion

Despite the EU’s well-documented constitutional and economic hiccups, data from Eurobarometer consistently indicate that there is strong public support for the Union to become more involved in foreign and security policy. [2] There is particularly strong support for EU-level activity in emerging security areas such as terrorism, organised crime and promoting democracy. The constantly-evolving security situation requires increasingly-robust and larger-scale responses, so it is likely that the public would welcome more Union activity in the area of human security — particularly if the ESS were to develop a comprehensive response to security threats rather than focusing exclusively on their prevention. Human secu-

[1] Lloyd Axworthy quoted in Bosold and Werthes, op. cit., p. 89.
rity could provide “a winner” of a foreign policy idea, easily digestible outside of diplomatic circles, and popular.

6.6. The multilateral nature of human security

By its very nature, human security — with its emphasis on the needs of the individual — transcends state boundaries, “thereby allowing a broader variety of actors to commit themselves to this specific goal”.\[1\] Despite its flaws, the EU remains a model of successful trans-national, multilateral, cooperation. The human security it has achieved within its own borders — not least through the recent admission of former Warsaw Pact countries to the club — is a testament to this. As the Human Security Doctrine argues: “In a sense, the human security approach is an extension of the internal methods of integration. The EU is a political experiment that cannot be confined by territory”.\[1\] One could thus argue that the EU has a responsibility to act.

Since human security by its very definition challenges the notion of state sovereignty, it becomes problematic for states that closely guard their sovereignty. But, multilateralism can offer perhaps the best way of circumventing these reservations. Along with the UN and other multilateral organisations like the African Union, the EU is best placed to act on these issues. Contrast a multilateral initiative with that of a similar one by just one country. For example, however well meaning the United States may or may not be its actions risk being less effective since they could be viewed with greater suspicion, pessimism and resentment.

7.WAYS AHEAD

Robert Cooper states quite simply that “if you want to influence, you should know what you want first”.\[3\] This assertion clearly applies to the direction the EU wishes to take with respect to a possible human security agenda. As has been outlined in this paper, the EU is not starting from square one: it is already a significant — and in some sectors the most significant — actor in human security-related sectors.

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But the human security-related initiatives that exist lack a common thread. They are a symptom of a foreign policy system in which a disparate range of actors are involved: the Member States, the Council, the High Representative, the Commission, and the Parliament, each with their bureaucracies, interests and ambitions. Add to this mix the huge array of issues that could be included under a less rigorous human security definition, and the probability of a coherent policy diminishes precipitously. One analyst memorably warns that with the level of overlap, and varying range of EU understanding amongst member state representatives, the “risk of reinventing the… wheel is high in Brussels”. All of this of course encumbers human security initiatives.

Ultimately, and as is generally the case with the EU’s external relations, much will rely on the political will of the Member States. Cooperation between the Member States, and between the Council and Commission, has already reached unprecedented levels. Perhaps that is not saying much, considering how recent divisive foreign policy issues like Iraq remain. At the same time, it is not such a great leap of logical faith to suggest that the EU can realistically embrace a human security agenda. The existence of Battle Groups, for example, is telling evidence of just how far the EU can go.

While the EU can take lessons from the best elements of human security programmes in Canada, Japan and Switzerland, unlike any of those programmes, the EU, with a population of over 450 million, the world’s largest aid donor, and world trade giant, has the capacity to move a step further. Even limited pooling of Member State financial, human and military resources can allow the EU to play a more forceful and visible role in addressing global human security issues.

Therefore, in order to operationalise human security in the current context, an incremental and least-intrusive approach is most realistic. As mentioned earlier, EU foreign policy need not be re-invented. Furthermore, since the EU has a range of capacities from development to civilian crisis management, focus need not be exclusively on a “freedom from fear” or a “freedom from want” approach.

So what can be done in the short term?

- A human security benchmark system for analysing EU missions, as described earlier, is a realistic first step.
- Regular intra-institutional “human security” consultations could also help further entrench the concept and the way the EU approaches security-related

[1] Renata Dwan, in Kaldor and Glasius (eds), op. cit., p. 276
issues. This would benefit internal coherence, something the EU has been striving for anyway.

- Further use of the term human security to categorise EU missions could also improve the EU’s visibility and much needed public diplomacy.
- A human security fund, similar to that of Canada’s, could also help increase the EU’s flexibility to respond to security challenges and its visibility.

Clearly the concept of human security can have both internal and external benefits for the EU. From improved coherence within the policy-making realm, to an improved presence abroad, a human security agenda can indeed provide added-value to the EU. It can also facilitate the ESS’ goal of “effective multilateralism” since it opens doors to cooperation, with the UN in particular (but also the AU, ECOWAS, etc). EU-UN cooperation is already growing in various human security-related areas, such as various operations conducted in the Democratic Republic of Congo (DRC) or support to the Millennium Goals.
European treaties are notorious for legal ambiguities and internal contradictions resulting from precarious compromises between opposing views. The matter of the legal personality of the European Union is a good example of this and, given its potential importance, it is worthy of some attention.

1. WHAT THE TREATIES SAY

The words ‘European Union’ began to circulate widely in the mid seventies when the Belgian Prime Minister, Leo Tindemans, was tasked to draft a report on the concept.\(^1\) He described the Union as a “new phase in the history of the unification of Europe” to be achieved by a “qualitative change” resulting from strengthened institutions bringing together the various strands of intergovernmental cooperation and community matters. But it is only through the treaty of Maastricht, in 1992, that the concept was introduced in the European legal order.

The ‘Treaty on European Union’\(^2\) (the official title of the treaty of Maastricht) does indeed establish a European Union as a “new stage in the process of creating an ever closer union among the peoples of Europe” (article A, now article 1 TEU) and gives it as one of its objectives “to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy” (article B, now article 2 TEU).

Common sense suggests that in order to assert identity on the international scene one needs, first, to be recognised as an international legal entity. And to implement a common foreign policy, one obviously needs the ability to act, to contact and to contract with other international actors. Such was not the view that prevailed at Maastricht. Some considered that giving legal personality to the Union would compromise national sovereignty in foreign affairs. Others considered that it might

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The Legal Personality of the European Union

impinge on the legal personality of the Community. Together they agreed, with little debate, that the Union would not have legal personality and that position, however contradictory, was not disputed.[1]

In the negotiations that were to lead to the treaty of Amsterdam, the inherent contradiction in the position taken at Maastricht was widely recognised. The report of the Reflection Group preparing the intergovernmental conference stated that “the fact that the Union does not exist is a source of confusion outside and diminishes its external role”. The European Parliament and the Irish and Dutch presidencies suggested that the Union should have legal personality, preferably absorbing the legal personalities of the three existing Communities.[2] Those proposals found majority support but they failed in front of determined British and French opposition.

However the same treaty deepened the paradox by giving the Union a form of treaty-making power. It introduced what are now articles 24 and 38 TEU which allow agreements to be concluded in the field of common foreign and security policy (title V) and in the field of police and judicial cooperation (title VI). Those agreements are negotiated by the Presidency and concluded by the Council. The Council is an institution of the Union, not an intergovernmental conference, and it is therefore the Union, not a conglomeration of member states, which is bound by those agreements. Even if article 24 TEU foresees the possibility for a member state to request a national ratification procedure in exceptional cases,[3] and even if Declaration 4 annexed to the treaty specifies (unnecessarily) that the same article does not imply a transfer of competence, the fact remains that member states, while refusing formally to recognise the legal personality of the Union, were giving it a form of treaty-making power which is one of the main characteristics of international legal personality.[4]

The treaty of Nice, which some have called “the culmination of confusion”,[5] made the implicit ambiguity even more apparent by adding two modalities to article 24. Paragraph 3 indicates that, in given circumstances, an agreement can be approved


in Council by a qualified majority. Paragraph 6 states the obvious in saying that agreements concluded bind the institutions of the Union. Both paragraphs cannot be explained without implying the existence of a legal entity having the capacity to conclude agreements which bind the institutions and, in some cases, even the member states who voted against it.

Such was the situation when the European Convention met in Brussels in the spring of 2002. One of its first decisions was to create a working group on legal personality, chaired by Giuliano Amato, which delivered its final report[1] on 1 October. Its main conclusion was “that there was a very broad consensus (with one member against) that the Union should in future have its own explicit legal personality. It should be a single legal personality and should replace the existing personalities”. It stated that giving the Union a legal personality additional to those that now exist would not go far enough in providing the clarification and simplification necessary in the Union’s external relations. It underlined that explicit conferral of a single legal personality on the Union does not per se entail any amendment, either to the current allocation of competences between the Union and the member states or to the allocation of competences between the current Union and Community.

This important report had far-reaching consequences, including on the ‘pillar’ structure of the treaties, and therefore on the general structure of the Constitutional treaty.[2] Its conclusions were ratified by the Convention and translated into article 6 of the draft treaty transmitted to the European Council in July 2003: “The Union shall have legal personality”. In due course that short text became article I-7 of the treaty signed in Rome on 29 October 2004. It is completed by article IV-438 which says “The European Union established by this Treaty shall be the successor to the European Union established by the Treaty on European Union and to the European Community”. This combination “ended the separate legal personality of the European Community: from now on there would be only one legally recognised organisation (the “European Union”) with a single legal personality”. [3]

This would indeed put an end to the long story of ambiguity and internal contradiction which we have described above. But, as we all know, that treaty has not entered into force and is not likely to do so in its present form. Until that constitutional dilemma is solved, we remain therefore in the previous uncertain situation.

2. WHAT INTERNATIONAL LAW SAYS

The easiest way for an international organisation to acquire international legal personality is to include a specific mention to that effect in its constitutional charter. This was done for the three treaties establishing the European Communities in the 50s. As we have seen above, the Maastricht and following treaties refrained from doing this in the case of the European Union.

However it has long been accepted in international public law that legal personality can also be implicitly conferred to an international organisation. The traditional basis for this is an advisory opinion concerning the United Nations delivered more than fifty years ago by the International Court of Justice (ICJ). After having analysed the UN Charter and subsequent treaties, the practice of the organisation and its duties and obligations, the Court concluded that the members of the UN "by entrusting certain functions to it, with the attendant duties and responsibilities, have clothed it with the competence required to enable those functions to be effectively discharged".

The question arising, therefore, is whether the reasoning held by the ICJ in 1949 concerning the UN can and should be extended today to the European Union. In the opinion of the Court, the rights and duties of an international entity such as the Union depend on its "purposes and functions as specified or implied in its constituent documents and developed in practice". We have analysed above the purposes and functions of the Union in the international sphere, and we will examine the practice subsequently.

There is little doubt that in tasking the Union "to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy" the signatories of the Maastricht treaty gave it a purpose which implied international legal personality. What identity could it assert if it had no personality? Similarly when allowing the Council of the Union to conclude agreements in the field of common foreign and security policy (title V) and in the field of police and judicial cooperation (title VI) the signatories of the Amsterdam treaty confirmed that the Union had a form of treaty-making power, a function which implies international

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[2] Cf. art.205 (1) EC Treaty; art.6 first para. ECSC Treaty; and art.184 Euratom Treaty.

legal personality. The first condition posed by the Court (purposes and functions) seems therefore to be clearly satisfied in the case of the Union.

The position taken by the Court in 1949 is not disputed. Brownlie,\(^1\) analysing that opinion, describes three criteria which determine the existence of international legal personality:

- a permanent association of States equipped with organs, which the Union undoubtedly is;
- a distinction in terms of legal powers and purposes between the organisation and its member states: asserting the identity of the Union on the international scene is a purpose which is clearly distinct from that of the member states;
- the existence of legal powers exercisable on the international plane: articles 24 and 38 TEU provide such legal powers.

Similarly Dailler and Pellet\(^2\) indicate that an organisation has international legal personality as soon as it is tasked with some “missions qui impliquent une capacité d'action autonome dans les relations internationales”. It would be difficult to argue that a common foreign and security policy can be implemented without a capacity for autonomous action.

After clarifying the principles we should analyse the practice.

But before examining the practice of the European Union in the field of international relations it is worth underlining the limits which international public law sets on the legal personality of international organisations. An important point is underlined by the advisory opinion of the ICJ quoted above when it makes the distinction between States who “possess the totality of international rights and duties recognised by international law” and Organisations whose rights and duties depend on their purpose and function. The point can be formulated in another way by saying that by acquiring international legal personality an organisation acquires the capacity to act in the international sphere, but it does not acquire the competence to do so. That competence depends on its constituent texts and varies therefore from one organisation to another. When Declaration 4 annexed to the treaty of Amsterdam\(^3\) says that articles 24 and 38 TEU (which give the Union the capacity to conclude agreements) does not imply a transfer of competence, it states the obvi-

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\(^3\) Declaration No. 4 annexed to the Final Act of the Amsterdam Treaty, which reads as follows: “The provisions of Articles J.14 and K.10 of the Treaty on European Union and any agreement resulting from them shall not imply any transfer of competence from the Member State to the European Union” (these articles were subsequently renumbered articles 24 and 38 TUE).
ous, applying a general rule of international law, and is therefore redundant, like so many other declarations attached to European treaties.

Similarly the existence of international legal personality has no relation, positive or negative, to the intergovernmental or the supranational character of the organisation concerned. Many intergovernmental organisations of the UN family (UNESCO, WHO, FAO, etc.) have international legal personality, as do the World Bank and the IMF. The Universal Postal Union has it also;[1] it was founded in 1874 at a time when the concept and the word ‘supranational’ would have been meaningless.

3. LEGAL PERSONALITY OF THE EU IN PRACTICE

The purpose, and importance, of international legal personality is to enable an entity to communicate and operate with other international actors on an equal basis. Practice is therefore important. It is difficult, and would be rather absurd, to deny international legal personality to an entity which is recognised by other international actors as having it. Practice translates into two specific characteristics: the capacity to contract agreements with other international actors (treaty-making power) and the capacity to entertain bilateral diplomatic relations with those international actors (active and passive right of legation). Those two criteria can be taken into consideration in order to assess the level of international recognition of the European Union as a legal personality.

3.1. Treaty-Making Power

Crisis management in the Balkans and elsewhere has been a privileged field of activity for the treaty-making power attributed to the Union by article 24 TUE. These agreements have been concluded either with countries such as Bosnia and Herzegovina, Macedonia, Indonesia or the Democratic Republic of Congo where the Union was operating, or with third countries, such as Switzerland, Chile, Morocco or New Zealand, participating in peacekeeping operations led by the Union. More than sixty such agreements have been concluded.

We can take as an example the agreement concluded on 4 October 2002 on the activities of the European Union Police Mission in Bosnia and Herzegovina.[2] Its signature had been approved on 30th September 2002 by a Council decision based

[1] This has been recognised by judgments of the administrative court of the ILO. See for instance Case Zayed (Nos 4 and 5) Judgement No 1013 of the administrative court of the ILO. See http://www.ilo.org.

on article 24 TEU. The parties are the European Union and Bosnia and Herzegovina “together hereinafter referred to as the Participating Parties”. Article 4 specifies that “EUPM shall be granted the status equivalent to that of a diplomatic mission” and that “EUPM personnel shall be granted all privileges and immunities equivalent to that of diplomatic agents granted under the Vienna Convention on Diplomatic Relations of 18 April 1961”. Similar clauses concern technical and administrative staff and locally hired auxiliary personnel. Article 6 indicates that the EUPM may display the flag of the European Union on its main headquarters in Sarajevo, and otherwise as decided by the Head of Mission. It seems difficult to deny that Bosnia and Herzegovina recognizes the European Union as an international actor with legal personality.

We can also look at the agreement concluded on 25 July 2005 on the participation of the Republic of Chile in the European Union military crisis management operation in Bosnia and Herzegovina.\(^1\) It is concluded between the European Union and the Republic of Chile “hereinafter referred to as the Parties”. Chile associates itself with Joint Action 2004/570/CFSP of 12 July 2004\(^2\) on the European Union military operation in Bosnia and Herzegovina and shall ensure that its forces and personnel participating in the EU operation undertake their mission in conformity with that Joint Action. Any necessary technical and administrative implementation arrangement shall be concluded between the Secretary-General of the Council of the European Union and the appropriate authorities of the Republic of Chile. Disputes concerning the interpretation or application of the agreement “shall be settled by diplomatic means between the Parties”.

In the agreement concluded on 1 September 2005 with the Democratic Republic of Congo on the status and activities of the European Union police mission\(^3\) (EUPOL Kinshasa) we find similar clauses on diplomatic immunity, diplomatic status for the agents, flying the EU flag on headquarters and solving disputes between parties by diplomatic means.

Many more examples can be found in the Official Journal of the European Union.

The fact is that EU practice makes generous use of the treaty-making power granted by article 24 TEU and that all sorts of countries across the world accept its capacity to conclude such agreements. This is also the case for international organisations

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\(^3\) OJ L 256/62 of 1 October 2005.
such as the International Penal Court\(^\text{[1]}\), NATO\(^\text{[2]}\) or the ACP countries, which have concluded agreements with the European Union.

Agreements have also been concluded on the basis of article 38 TEU, \textit{e.g.} with Iceland and Norway on the application of certain provisions of the Convention of 29 May 2000 on mutual assistance in criminal matters.\(^\text{[3]}\) Other agreements are based both on articles 24 and 38, \textit{e.g.} an agreement with the United States on extradition and mutual legal assistance in criminal matters\(^\text{[4]}\) in which article 2.1 specifies that "'Contracting Parties' shall mean the European Union and the United States of America". Here again there is no doubt that the European Union is recognised as a 'party', \textit{i.e.} an international actor with treaty making power. But in the delicate field of title VI, the elements of ambiguity and legal uncertainty present in the treaties, \textit{e.g.} the possibility offered by article 24 TEU for member states to request national ratification procedures, have cast some doubt on the full capacity of the Union and led to requests for more direct implication of the member states.

### 3.2. The Right of Mission

The European Community has entertained for a considerable number of years a network of representations staffed by the Commission. They enjoy diplomatic status and are normally led by an official with the rank and courtesy title of ambassador. There are more than a hundred of these and they cover most of the world. The Council has two representations accredited to the UN in New York and Geneva. Reciprocally one of the biggest diplomatic corps in the world is accredited to the European institutions in Brussels, representing all sizes of countries, from Andorra to China.

In practice this active and passive diplomatic network serves both for Community matters and European Union activities such as the common foreign and security policy. The Commission website indicates that Delegations play an increasing role in the conduct of the Common Foreign and Security Policy (CFSP), providing regular political analysis, contributing to the policy-making process, providing support and assistance to the other institutions and actors of the EU, including

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\(^{[1]}\) OJ L 115 of 28 April 2006.


the High Representative for CFSP, who can rely on their logistical support when on mission and to whom all their policy reports are copied.\[1\]

The ‘diplomatic means’, to which we have seen that many agreements concluded by the Union refer for the settlement of disputes, are to a large extent to be found in that network. Not exclusively however because a parallel network of “special representatives” has also been developed.

The Treaty of Amsterdam created a High Representative for CFSP who is also Secretary General of the Council. The first High Representative, Javier Solana, has developed a high political profile and created an important diplomatic tool. He has personally participated actively in a great number of diplomatic activities, attempting to resolve crises, taking the floor in the UN Security Council, representing the Union in the Quartet which has been trying to solve the Israeli-Arab conflict. One of the instruments at his disposal is the appointment of ‘special representatives’ of the Union in specific regions, most frequently in cases of crisis: Middle East, Great Lakes, Macedonia, Kosovo, Moldova, Afghanistan, South Caucasus, etc. In practice these representatives make use of the infrastructure of the local EC representations and, by all accounts, relations are correct and fruitful, even when tension prevails in Brussels between Commission and Council services.\[2\] In many cases ‘special representatives’ have been highly influential and well respected, but strictly sensu they do not automatically have diplomatic status. Local authorities have been known to underline the point by depriving them of perks such as special number plates for their cars. Nevertheless they are quite numerous, well accepted and efficient. Together with the EC representations, they constitute, in a pragmatic way, a quasi-diplomatic service of the Union.

4. CONCLUSION

There is little doubt that the European Union has implicitly acquired an international legal personality. It fulfils the conditions set by international law, in particular the International Court of Justice, for the recognition of this status. And international practice has confirmed it: a large number of states have concluded, in recent years, international agreements with the Union and accepted its representatives. In 1996, the Reflection Group preparing the Amsterdam negotiations said that

\[1\] http://ec.europa.eu/comm/external_relations/delegations/intro/role.htm

\[2\] In Macedonia the special representative is simultaneously head of the EC delegation.
the Union “did not exist” on the international scene. That would no longer be true today. The Union is a recognised actor in its own right.

Nevertheless the ambiguities of the treaty texts, combined with the fact that member states had not, before the Constitutional treaty, been able to agree on formal recognition of that personality, can create a potential element of legal uncertainty. This can lead, at times, to sincere doubts about the capacity of the Union to bind its member states, as has been the case in some negotiations on matters of police and justice. It can also be used by our negotiating partners in order to gain a tactical advantage by casting doubt on the legal status of the Union.[1] In both cases it is detrimental to our interests.

The working group chaired by Giuliano Amato during the Convention proposed by far the best solution, namely the formal recognition of the international legal personality of the Union and the absorption by the Union of the legal personality of the European Community. This translated into articles I-7 and IV-438 of the Constitutional Treaty. It is very much to be hoped that those clauses will survive in whatever institutional solution is elaborated to solve the present constitutional impasse.

If we accept, as we think we all must, that the European Union has, today, an implicit legal personality when acting in fields of its competence, formal recognition of that fact should not prove impossible to achieve. We would not be creating a new legal situation, but simply recognising an existing one.

It might seem utopian to suggest such a course given past opposition of some countries, notably Britain, to the European Union’s legal personality. But the last official debate on the matter took place in the Convention in 2002 and many things have changed since then. As indicated above the Union has, in the last few years, concluded dozens of international agreements and sent special representatives to many parts of the world. It is no longer realistic to deny that the Union has in fact become an international actor. Pragmatism imposes recognition of that fact.

Misgivings could well be diminished if three points mentioned above were made sufficiently clear:

[1] Questioning the legal status of your interlocutor in order to gain tactical advantage and, if possible, extract concessions is a classic diplomatic ploy, fully mastered by Talleyrand, notably in his dealings with the smaller German princes. More recently the Soviet Union used it, or at least attempted to use it, for many years in its relations with the nascent European Community.
• international legal personality is not the first step towards the emergence of a super-state: the UN has had it for over half a century and nobody in his right mind has ever suggested it was becoming a super-state;

• international legal personality has no influence on the competence of the organisation which acquires it: the competence of an organisation results from its constituent documents, irrespective of the existence or otherwise of legal personality;

• international legal personality has no relation to the intergovernmental or supranational character of the organisation which acquires it: several intergovernmental organisations have it and others do not.

It could well be argued that a treaty text recognising legal personality and simultaneously reasserting some of these points would give more guarantees to those who fear the consequences of this step than simply letting the future be fashioned by implicit and informal developments. By nature these are difficult to control.

The absence of a treaty clause would of course in no way diminish the existing implicit legal personality of the Union, now recognised worldwide and disputed only by a small minority of member states. The situation would develop as it has done in the past few years with additional evidence in the form of new treaties concluded with more partners. But the situation would be much less satisfactory than that resulting from the constitutional treaty. As the Convention working group indicated, “it would not go far enough in providing the clarification and simplification necessary in the Union’s external relations”. Some ambiguities would remain and the coexistence of two legal personalities, the European Union and the European Community, would be an embarrassment, contradicting the fundamental unity of purpose which, ever since Maastricht, we have been trying to give to the different branches of the European process.
THE EU’S QUEST FOR COHERENCE IN PEACEBUILDING: BETWEEN GOOD INTENTIONS AND INSTITUTIONAL TURF WARS

Nicolas J. BEGER and Philippe BARTHOLME*

1. INTRODUCTION

The EU is today one of the major international players which actively contributes to efforts in peacebuilding, not only through its large role as development donor but also in its unique ability to conduct its own external relations in synergy with EU Member States bilateral efforts. In this it is unique among international organisations. The EU has clearly recognised the risks and effects of conflict and instability and has therefore declared its commitment to undertake conflict prevention[1] and to significantly step up its ability to respond to violent conflict with a variety of instruments. It has significantly invested in operationalising its commitments both on the community side — via the European Commission instruments — and on the Council and Member State-led side under the Common Foreign and Security Policy. Depending on the context, the EU can draw upon political dialogue mechanisms, development assistance instruments, and crisis management capabilities to help build sustainable peace.[2]

Given the EU’s institutional historical set-up and the different timing of policy developments natural to its development, the EU has a large diversity of instruments which cannot be clearly demarcated and easily integrated with each other. On the external relations front this is particularly pertinent. We can, thus, observe parallel structures and inconsistencies within the Community pillar as well as

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[1] The authors prefer the term peacebuilding with its emphasis on sustainable long-term stability and we understand conflict prevention (before and after the occurrence of violence) as well as crisis management (as a shorter term response to immediate crisis), to be a part of peacebuilding without encompassing the whole range of actions necessary for successful peacebuilding. In EU terminology conflict prevention is mostly used for the European Commission’s longer term engagement and crisis management depicts the Council’s CFSP/ESDP efforts. For this reason, we occasionally use conflict prevention and crisis management in relation to EU policies, while still maintaining that both as well as a number of other tools have to be combined to achieve real peacebuilding.

many grey areas between the first and the second pillar. This can and has at times caused problems of incoherence, but it has also often been used with flexibility and constructive ambiguity. The main weaknesses of the EU system are twofold: the inability to conflict sensitize all of the external relations activities from environment to trade, development and human rights; and the inability to achieve better coherence between internal functions for optimising output at best, or at least not obstructing the own peacebuilding efforts. Much has been written about both elements and the institutions have both recognised the need for measures that can overcome the flaws inherent to the naturally dissected development of EU external policies over the last 15 years. Despite this recognition, we have recently witnessed a development through which many of the efforts could be seriously undone, a worsening of the situation that seems to prohibit the badly needed flexibility and constructive ambiguity: the consequences of deleting reference to peace and security from all financial instruments and conflict prevention from all but the short-term Stability Instrument.

The progress made by the EU in Göteborg in 2001, setting out a Programme of Action for the Prevention of Violent Conflict, as well as with the European Security Strategy and the Civilian Headline Goals 2008, currently appears to be under threat of falling significantly short on impact due to institutional tensions hardly comprehensible for those not directly involved in day-to-day Brussels policy development. Evidently, there is a larger political problem at hand through the failure of the Constitutional Treaty, leading to the current impossibility to reform the EU structures in a manner that can overcome the problems of their historical development. Unfortunately this larger political stalemate has led to the refusal of some Member States to find flexible solutions on the operational level for reasons of not opening a debate on a combined External Action Service through the back door, for example in the combination of the Commission’s Assessment and Planning Teams (APTs) with CFSP efforts on Civilian Response Teams (CRTs). In consequence, we witness a subjugation of the actual ground impact of established and paid peacebuilding efforts to large EU internal debates that hover four levels above the possibility for operational coherence. This lack of political will to overcome on the operational level what cannot currently be overcome on the larger political level is already causing significant coherence problems in ensuring that efforts made under shorter term crisis response engagement relate to and mutually re-enforce longer-term development and geographic engagement. In addition, the lack of conflict sensitivity in the European Commission’s external efforts adds its

own spice to an already well-recognised problem. However, combined with the recent refusal to include explicit reference to peace, security and conflict prevention in all but one of the Financial Instruments 2007-2013, this “incoherence soup” has been topped again with a spoon of cream: it ties the hands of the Commission in even implementing its own peacebuilding programmes and potentially actively hinders further moves to conflict sensitise trade, environment, and development efforts.

This paper will focus on a subset of civil-civil coordination challenges resulting from the recent negotiation of the Financial Perspectives 2007-2013. It argues that the internal turf battles over pillar competence threaten the larger policy objectives of promoting a single, coherent security/development and peacebuilding policy agenda by potentially depriving the EU of the use of its full range of instruments through a restrictive interpretation of how Community funds can be used in the future. Member States, Commission and Council officials, and the Presidencies, need to act fast to ensure that political decision-making, as well as financial and operationalisation frameworks do not further obstruct what has been achieved, but finally pave the way for added value of the instruments available.

2. THE NEED FOR A COHERENT AND SUSTAINABLE APPROACH TO EU PEACEBUILDING

Open violent conflict has recently shown to be declining.[1] This positive development emphasises the urgent need to further strengthen international efforts of dealing with the effects and legacies of violent conflict as well developing stronger tools for building sustainable peace. No fewer than 50 countries around the world are still faced with serious effects of violence or the legacy of civil war as well as weak governance, limited administrative capacity, or chronic humanitarian crises. In addition, the fragility and instability of these countries have profound implications for security worldwide.

International approaches and the attention of the international community to peaceful conflict resolution have increased significantly, and many scholars believe the current decline in violent conflicts to be a somewhat delayed “peace dividend” connected to the increased international efforts.[2] One of the core lessons drawn from engagement in recent years is the connection between re-emerging violence and democratisation. Arguably, emerging or new democracies are more likely to go

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to war than stable governments of any kind and the short timeline imposed by the international community following the cessation of violence has to be replaced by an adaptation of democratisation processes to post-conflict conditions.[1] Given the connection between global security, sustainable development, peace, and poverty reduction, the process of peacebuilding has to be taken more serious in its core character as a long and painstaking endeavour: it stretches far beyond the period when conflict explodes into violence and involves much more than supporting time-bound actions during periods of instability. Peacebuilding involves significant social and political change, changing structures, attitudes and behaviours with and through activities in the over-lapping and interconnecting spheres of security, governance, economy, social structure, and justice.[2]

The positive trend that can be observed these last years in the reduction of open violent conflicts, should not hide the increasing need to deal with the legacies of past conflicts and to tackle the root causes of potential violent conflict. In fact it highlights that coherence and coordination among international efforts have to be further developed and that the short time scale of crisis intervention can while very necessary, only ever remain a small part of the overall response. Peace is not self-sustaining, this is why all relevant activities contributing to the general objective of building sustainable peace have to be used and designed coherently.

According to the OECD DAC definition, policy coherence can be understood as the “systematic promotion of mutually reinforcing policy actions across government departments and agencies creating synergies towards achieving the agreed objectives”. [3] The agreed objective is, as stated in the Treaties, the promotion of “peace, security and progress in Europe and in the world”. [4] To ensure a coherent peacebuilding approach, the EU has, thus, to use all its relevant policies towards the achievement of this objective.


[4] See the preamble of the Treaty on the European Union, as well as article 11 according to which one of the CFSP’s objectives is to “preserve peace and strengthen international security”.
The relevant policies for peacebuilding cover a broad range of issues if we consider that peacebuilding can be understood as an approach seeking “to encourage the development of the structural conditions, attitudes and modes of political behaviour that may permit peaceful, stable and ultimately prosperous social and economic development. Peacebuilding activities are designed to contribute to ending or avoiding armed conflict, and may be carried out during armed conflict, in its wake, or as an attempt to prevent an anticipated armed conflict from starting”.\[1\] It includes the interaction of social, cultural, political, security, economical, geographical and ideological factors. Basic peacebuilding activities include, among others, development co-operation, human rights initiatives, economic cooperation and security policies, all undertaken in a conflict-sensitive way.\[2\]

With this comprehensive definition of peacebuilding, the need for coherence is essential, and to drive all those policies towards the same goal is a real challenge. Failing in developing and implementing a coherent peacebuilding policy will undermine the EU’s ability to meet not only its promotion of the peace objective, but also its development cooperation, poverty reduction, security, democracy and human rights objectives. In addition, trade and economic partnership goals as well as European security will in the medium to long-term benefit greatly from coherent conflict prevention. Translated in the EU reality, this need for coherence includes better intra-pillar coordination, between all relevant Community instruments such as trade, development cooperation, humanitarian aid; but also better inter-pillar coordination, by linking short term ESDP crisis management with the long term Community peacebuilding activities.

### 3. THE EU’S TOOLS FOR COHERENCE

In addition to the general need for coherent approaches to peacebuilding internationally, the EU in its particular nature and role adds a decisive element. It does so precisely because it has such a wide range of instruments, each of which has specific added value. Both CFSP and the Community Instruments are suited to and important for strengthening the capacities of conflict-prone states and improving human security. Both can and do engage in diplomatic and mediation efforts,

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This definition of conflict prevention/peacebuilding is also close to the one given by Michael Lund, *Preventing Violent Intrastate Conflicts: Learning lessons from experience*, Van Tongeren, Paul et al. (eds), *Searching for peace in Europe and Eurasia — An overview of conflict prevention and peacebuilding activities* (London, Lynne Rienner, 2002).

\[2\] Conflict sensitivity is explained below.
monitoring, and rapid crisis assistance, albeit in a different form. The European Commission’s aid is mostly indirect, generally delivered through partner organisations (ranging from the UN to the World Bank, OSCE or NGOs), and can stay much more low-key than ESDP actions conducted directly by Member States, the added value of which rests very much in their higher profile diplomatic and multilateral dimension. According to Catriona Gourlay, the specific advantages of EC tools are in the long-term political advantages of strengthening effective multilateralism, the short-term political advantages of working with implementing partners, the promotion of civil society for reform and harnessing the capacity of non-governmental actors, the cost-efficiency, the long-term development approach, and the EC’s project management capacities. The weaknesses evidently rest in the lack of conflict sensitivity for both short- and long-term assistance, which is also too inflexible, and the procedural impediments, such as the Financial Regulations, often make assistance inaccessible or cause projects to lose funds due to the slow process. The core weakness, however, is always identified in intra-pillar and inter-pillar coordination to achieve output on all fronts by employing conflict sensitivity as the central tool for policy coherence.

Since the inclusion of the Petersberg Tasks into the Treaty of Amsterdam, EU civilian crisis management has clearly fallen under either community competence (TEC) or CFSP (TEU) or a combination of both. The list of instruments at hand is long and varied. Since the first action plan for civilian aspects of crisis management of the EU (Helsinki 1999) there is official recognition of the need to improve coherence and coordination. This was followed by a new Action Plan in 2004 approved alongside the European Security Strategy, which specifies that “the EU should become more ambitious in the goals which it sets in civilian crisis management and more capable in delivering upon them. To do so it must draw on the full range of its potential responses (Community, CFSP/ESDP, Member States), selecting amongst them so as to best achieve the objective of peace, stability and development in regions and countries in conflict”. The aim of the Council was to make future EU engagement more flexible, comprehensive, and adaptable, and it specified that the EU has to define specific political objectives that can be clearly identified during crisis management. This was meant to strengthen inter-pillar coordination as well as civil-military coordination. The Civilian Headline Goal

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[3] This is also the first document that explicitly recognises the need for synergies with NGOs.
2008 subsequently was more explicitly oriented towards improving at least intra-pillar coherence and operational capability.

The lack of coherence has, thus, long been recognised within the EU institutions, and recently the EU attempted to move seriously in the direction of joint approaches and coherence with the preparation of the Security Sector Reform (SSR) (2006) and the Disarmament, Demobilisation and Reintegration (DDR) (2007) concepts. This definition of common frameworks for a general strategy of peacebuilding, for country-specific peacebuilding strategies, for conflict assessment, for evaluation and impact assessment is essential in translating coordination and coherence into practice. These developments are needed, and have started, at three different levels: structural, inter-pillar and intra-pillar.

At the structural level, the EU made significant steps towards greater coherence with the elaboration of the Constitutional Treaty, which is currently subject to discussion under what is referred to as the “period of reflection”. The new Treaty included important provisions, such as the elimination of the pillar structure, the EU Foreign Minister and an EU External Action Service. The German Presidency has made the issue of the Constitutional Treaty the major item on its agenda but no one is expecting this to move before the coming elections in France and, to a certain extent, in the UK.

At the inter-pillar level, the EU recently started developing compatible concepts for key peacebuilding activities and joint Council-Commission planning activities are now taking place. Two of these are particularly notable: the concepts of Security Sector Reform and Disarmament, Demobilisation, and Reintegration.

Through numerous policy statements, the EU has clearly set SSR as a priority for its security, governance and development policies. The biggest challenge to more effective EU engagement in SSR is, however, to enhance cross-pillar co-ordination, to transform competing interests between EU institutions and Member States into a more collaborative process, and to bring together separate capacities under joined recruitment and training mechanisms. SSR cuts across Commission and Council competencies and both institutions recently developed their SSR concepts, setting priorities for first and second pillar activities in this field. Even though the EU adopted a Joint Policy Framework for SSR in June 2006, it is still based on two concepts: one for Community actions and one for ESDP. There is need to integrate

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these two strands within the framework of an overarching EU concept and there are practical proposals showing how these obstacles can be overcome.

DDR is another field that cuts across the policies of both the first and the second pillar. Community instruments are used to support DDR activities, with a focus on the long-term reintegration of former combatants. The European Development Fund (EDF), the other geographic instruments, but also the European Initiative for Democracy and Human Rights (EIDHR) and the Rapid Reaction Mechanism (RRM) have been used for this purpose. In addition, the European Commission is supporting DDR through the UNDP and the World Bank. In the meantime, many DDR activities were also launched in the CFSP and ESDP framework but with a focus on the two “Ds” while the longer term reintegration was neglected. Under the Finnish Presidency, the Commission and the Council approved an “EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR)”, jointly developed by the Council Secretariat and the European Commission, integrating a joint effort with the Presidency and International Alert.[1] This new concept is the result of a process that included a wide range of actors, notably the seminar organised by the Presidency last July, together with the European Commission and the Conflict Prevention Partnership, on “the EU and DDR: Supporting Security and Development”.

The EU concept states that it will build on “the experiences and lessons learned by the International Community and by the Union itself in supporting DDR processes in different parts of the world, through Community instruments, Member States’ bilateral programmes and more recently ESDP operations and actions”. The EU has decided to work on the basis of the UN definitions of “disarmament”, “demobilisation” and “reintegration”. The concept also gives special attention to children and gender issues. Some lessons-learned are clearly identified, including the fact that DDR initiatives should be context-driven and developed together with other measures including confidence-building, SSR, control and reduction of small arms and light weapons (SALW), and transitional justice. The concept addresses the difficult question of reintegration and its links with long-term development cooperation and economic programmes.

The EU has, thus, undertaken significant steps towards integrated approaches with the SSR and DDR concepts, and it is now faced with the task of translating them into concrete actions without falling back into unconstructive inter-pillar disinte-

The DDR experience in Aceh[1] was a first step towards more coherence as was the idea for a comprehensive EU approach to SSR in the Democratic Republic of Congo (DRC). It remains to be seen, however, whether the efforts in the DRC will be seriously coordinated on the ground.

On the operational side, Council and Commission are improving their cooperation, notably in early planning with joint fact-finding missions.[2] The Aceh case and more recently the Kosovo one are good examples of coordination and cooperation. In February 2006, a Joint Council-Commission Fact Finding Mission to Kosovo[3] was deployed to identify possible future ESDP and Community engagement in the broader field of the rule of law. “Regular coordination meetings are currently taking place between the Commission and the Council Secretariat in Brussels, and between the EC Delegation and EUPT in Pristina. The Commission’s future participation in the actual EUPT mission is still being considered, but it has already been agreed that the Commission should be able to comment on every report that the EUPT provides to the Council’s Political and Security Committee”.[4] The development of the Crisis Response and Co-ordination Teams is another positive aspect of inter-pillar coordination. CRCTs are drawing together Commission and Council services to define a coherent EU response when a crisis arises. However, as a recent study on civil-military cooperation shows, “it is neither a working group in the EU Council nor a standing structure: it is an ad hoc meeting at director level, including representatives of all the relevant civilian and military organs of the two institutions”.[5] Furthermore, cooperation has increased at the highest level. The High Representative Solana is now regularly participating in Commission external relations meetings and developed closer contacts with the Commissioner for External Relations, Ferrero-Waldner. The German Presidency of the European Union, building on the experience in Moldova, also wants to merge, when pos-

[1] The Aceh Monitoring Mission, an ESDP mission, was supported by the European Commission Rapid Reaction Mechanism.
[2] The guidelines on fact-finding missions were asking for the inclusion of the Commission when relevant, see the Council document 15048/01 from 6 December 2001.
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sible, the positions of EU Special Representative and EC Head of delegation in third countries.[1]

At the intra-pillar level, coordination and coherence of the various instruments inside each pillar remain problematic, though important developments have to be acknowledged.

A joint programme of several African and European NGOs has recently ventured into defining conflict sensitivity as the ability of an organisation to understand the context in which it operates, understand the interaction between the intervention and the context, and act upon the understanding of this interaction, in order to avoid negative impacts and maximise positive impacts.[2] The central component of conflict sensitive practice is conflict analysis. Conflict analysis will be crucial in the programming of EU instruments in the future, in particular in understanding the interaction between the intervention and the context.

At the Community level, the conflict sensitisation of the Country and Regional Strategy Papers (CSPs/RSPs), which should be adopted in the course of 2007, would be an important step towards better coherence and peacebuilding. NGOs have engaged themselves in advising on many CSPs in this respect. Another tool the EC already possesses for conflict assessment is the interservice Quality Support Group (iQSG) which has developed conflict prevention guidelines. According to the May 2000 Commission Communication on the reform of the Management of External Assistance,[3] the iQSG should ensure the coherence of the programming with the overall objectives of the EU as well as the quality of the programmes, according to internal and external best practices. The Commission has implemented this by producing iQSG guidelines for implementation of a common framework for CSPs.[4] The document mentions that some cross-cutting topics, including conflict prevention, have to be mainstreamed at every stage of implementation of priority activities. This mainstreaming of conflict prevention is facilitated by the

[1] See Thomas ZHETNER, The role of the German Presidency in promoting ESDP, European Security Review (ISIS Europe), No. 32, March 2007. This article mentions that “Steps in this direction area already been prepared for the civilian ESDP mission to Afghanistan.”


iQSG Fiche on Conflict Prevention, which could be an effective and important conflict sensitivity tool if implemented fully. Indeed, according to the Fiche, the iQSG needs to ensure "that EC external assistance and policies are contributing towards tackling the root causes of the conflicts and that EC assistance does not have unintended negative impact on the conflict dynamic". The Fiche then provides the Commission services with a detailed list of “possible objectives” in a wide range of situations, including legitimacy deficit, rule of law, human rights, media, community dialogue, poor economic management, socio-economic inequalities, or geopolitical instability. Unfortunately, the iQSG Fiche on conflict prevention is only used in specifically evident cases such as Somalia or Nepal rather than being applied in all contexts. In particular, the areas of geographic programming, trade, and Economic Partnership Agreements (EPAs) are currently not subject to any conflict analysis, conflict sensitising, or even small scale mainstreaming efforts. With the Financial Perspectives now hampering the European Commission’s direct engagement in conflict prevention, peace, and security overall, the EC might have further difficulties in increasing its efforts on this front.

The recently adopted EU Strategy for peace, security and development in the Horn of Africa is another important step towards more coherence in EU actions in this region. The Strategy will provide support to regional conflict prevention mechanisms such as those developed by the African Union and should guide the implementation of Country and Regional Strategy Papers in the Horn of Africa. The Commission also addressed the specific issue of governance in development cooperation, recognising that weak governance is a root cause of violent conflict and is essential in achieving the Millennium Development Goals.

At the crisis management (CFSP/ESDP) level, the development of comprehensive planning missions is a positive trend that has to be further developed. The German Presidency seems to also have proposed an interesting reform in the Council: EU HR Solana or his staff could chair the COREPER and other CFSP/ESDP working groups, enhancing the coherence of action between the Presidencies. In addition, there are plans to dissolve the current structure in the Council Secretariat on the civilian side implementing more planning and operational coherence for missions. Whether this most recent “Hampton Court” follow-up will enable the desired

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effect remains to be seen, but the efforts surely point in the right direction. Also, the CFSP had already changed its methodologies for improving civilian capabilities. The original four targets (police, rule of law, civilian administration and civil protection) have been extended and they are now more flexible and need-oriented. Different initiatives have broadened the scope of its civilian crisis management. In order to respond effectively to the challenges of civilian crisis, the EU decided in June 2004 to add two priorities for EU civilian missions: support to EU Special Representatives and monitoring. Furthermore, there is recognition that civilian ESDP should benefit from expertise in the field of human rights, political affairs, SSR, DDR, and media policy.

Given the efforts on coherence on all three levels (structural, inter- and intra-pillar), it is fair to state that the EU is cognizant of the coherence problem and has endeavoured in policy/theory to address it. Implementation is in the early stage and results are currently very mixed, but the effort is undeniable. This would indicate that coherence is solely unfinished business in the EU — as it is indeed in all other international organisations and most national governments — no more and no less. However, the EU sports an element that is particular to its institutions: the legalistic nature and structural culture within them, which do often lead to “turf wars” that are subjugating large overriding policy goals to debilitating legalistic arguments. All the mentioned efforts could currently indeed be debilitating and progress stalled for 7 years to come due to a “turf war” on competence that had its playing field in the financial perspectives and between the institutions’ legal services.

4. THE “STORY” OF THE FINANCIAL PERSPECTIVES 2007-2013

As outlined above the need for inter-pillar coherence has been acknowledged, and one can hazard to suggest that those directly concerned with the design and implementation of crisis response measures tend to share the insight that improvements have to be made rapidly. The reorganisation of the Financial Instruments became one of the vehicles of hope for considerable improvement in 2006.

The European Commission decided to respond to the complexification and multiplication of instruments for external assistance. For example, until this reform, there were no less than 13 different regulations for assistance in the Mediterranean and the Middle East. The reform was thus needed and aimed at developing a simpler

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and more efficient framework. Based on two Communications of 2004\(^1\) and on an inter-institutional agreement,\(^2\) the new financial framework aimed at improving the effectiveness, efficiency and synergy of EU action. Under the heading “the European Union as a global actor”, the coherence of EU actions in the world was mentioned, considering that the EU can be active not only in economic and political areas but also in promoting stability and conflict prevention. Based on this need for coherence, the Commission proposed an important simplification with only seven instruments.\(^3\) All those instruments, included in the Commission’s proposals, conflict prevention in one way or another. They attempted, with some flaws, to rationalise an acceptable and, given the EU’s history, a healthy balance on the legally unclear dividing lines between institutional competences, precisely because the two pillars exist and this fact calls for flexibility and constructive ambiguity to achieve the many common policy goals.

However, due to a “turf war” over competences reflecting the long recognized existing institutional problems, this hope has turned into dismay. Reference to peace and security has been deleted from all financial instruments by the Council and only the short-term and financially-weaker Stability Instrument mentions crisis response and conflict prevention.

The background to this unfortunate — and to this date still not widely known — fact is a court case between the European Commission and the Council of the European Union (Case C-91/05) brought in 2005 and due to be resolved very soon. The case brings to a head the long recognized lack of clear demarcation on legal competencies between the European Commission’s development aid and the Council’s Common Foreign and Security Policy (CFSP). In Case C-91/05, the Commission is seeking the annulment of a Council decision to offer financial support and technical assistance to the ECOWAS (the Economic Community of West African States) in its activities on combating the accumulation and spread of small arms and light weapons (SALW). According to the Commission, this measure should not have been taken under Title V of the EU Treaty (TEU) — the part of the treaty concerning the CFSP — but as development aid under the EC Treaty (TEC).

The Commission argues that if there is a legal basis for community action (the Cotonou Agreement), then Council actions on the same issue (strengthening the


\(^{[2]}\) Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound management, OJ C139 of 14/06/2006.

\(^{[3]}\) The original proposal included only six instruments as the EIDHR was first a thematic programme.
capacity of ECOWAS to deal with small arms and light weapons) are an infringement on Commission powers and illegal under the EC Treaty. The Council’s counter-position makes a legal case for restricting Commission powers to areas that do not come under the objectives of CFSP. Beyond the legal talk, the bone of contention is the border between security policy on the one hand and development policy on the other. Whereas the Commission holds the view that the fight against the proliferation of small arms has become an integral part of its development cooperation policy, the Council remains wary of explicitly granting the Commission competence to pursue objectives such as peacebuilding and political stabilisation through its external assistance programmes. Given that these are also foreign policy objectives of the Union, some Member States fear that by taking peacebuilding measures into its development programmes, the Commission oversteps its competences.

Therefore, the division of competence between the Commission and the Council remains legally unclear, and the fact that legal clarity has officially been sought by one party, the European Commission, has led to the impossibility to further live with the so-called “grey areas” in which both Commission and Council have been active over recent years and could legitimately act through their instruments. Despite a “gentlemen’s agreement” on not hindering implementation until the court case is resolved, the Council Legal Services were on the forefront, supported by a certain number of Member States, in insisting that the Financial Instruments should hinder any future discussion by preventing the Commission from conducting activities in peacebuilding and security at all.

As explained before, the European Union entered a new financial period in 2007 that will last for the coming seven years. Among the main instruments for external action from 2007 onwards, which are thus concerned by this legal dispute, the EU will dispose of an Instrument for Stability; a Development Co-operation Instrument; a European Instrument for Democracy and Human Rights; a European Neighbourhood and Partnership Instrument and an Instrument for Pre-accession Assistance.

Building on the experience of the Rapid Reaction Mechanism, the Instrument for Stability is intended to provide the European Commission with the ability to intervene quickly in situations of erupting conflict or crisis. This instrument represents a rationalisation of funding for crisis response by integrating all different instruments used so far. As with the Rapid Reaction Mechanism, the Instrument for Stability will allow for rapid funding decision for actions up to two years. The instrument also sets mechanisms to ensure the funded actions link with longer-
term initiatives in the region. The Instrument for Stability is the only instrument explicitly mentioning conflict prevention, but its original references to peace and security are all deleted. This instrument will be at the centre of conflict prevention work carried out by the Commission and includes an annex agreement between the EC and European Parliament on setting-up a Peacebuilding Partnership for consultation and implementation agreements with NGOs.

The newly established Development Cooperation Instrument follows the same trend of consolidation of the previous funding mechanisms. The new instrument will provide funding at both geographic level, with funding for five specific regions, and thematic level, according to a list of themes that can be covered. The DCI is, by its very nature, targeting many of the 40 to 50 countries worldwide that can be considered as being “fragile”. Whether formally low income or middle income, these countries are either unable or unwilling to implement policies to reduce poverty and the majority of them are prone to or affected by violent conflict. Best practices as well as official EU documents such as the European Consensus on Development, the Göteborg Programme, and even the European Security Strategy[1] show that peacebuilding and sustainable development are inter-related. Although the initial proposal from the Commission did include conflict prevention, the final version of the instrument does not mention it specifically.

The new European Instrument for Democracy and Human Rights (EIDHR) will replace the European Initiative for Democracy and Human Rights. Within this simplified framework, the instrument will provide funding specifically for civil...

[1] This idea was clearly expressed by the European Union in the Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: “The European Consensus”, published in the OJ C 46 from 24.02.2006, notably in the two following paragraphs:

“35. The EU is fully committed to taking action to advance Policy Coherence for Development in a number of areas (2). It is important that non-development policies assist developing countries’ efforts in achieving the MDGs. The EU shall take account of the objectives of development cooperation in all policies that it implements which are likely to affect developing countries. To make this commitment a reality, the EU will strengthen policy coherence for development procedures, instruments and mechanisms at all levels, and secure adequate resources and share best practice to further these aims. This constitutes a substantial additional EU contribution to the achievement of the MDGs.”

“37. Insecurity and violent conflict are amongst the biggest obstacles to achieving the MDGs. Security and development are important and complementary aspects of EU relations with third countries. Within their respective actions, they contribute to creating a secure environment and breaking the vicious cycle of poverty, war, environmental degradation and failing economic, social and political structures.”

The EU Programme for the Prevention of Violent Conflicts states that “the Commission is invited to implement its recommendations on ensuring that its development policy and other co-operation programmes are more clearly focused on addressing root-causes of conflicts in an integrated way within the framework of the poverty reduction objective”. The European Security Strategy mentions that “Trade and development policies can be powerful tools for promoting reform” (i.e. good governance, social and political reforms needed to ensure a secure international order). The close link between development and security has also been stressed by several UN Reports. See the Jeffrey Sachs’s report: Investing in Development: A Practical Plan to Achieve the Millennium Development Goals (New York, United Nations Development Programme, 2005), available at http://www.unmillenniumproject.org/reports/fullreport.htm and the Kofi Annan’s Report In Larger Freedom: Towards Security, Development and Human Rights for all, A/59/2005 available at http://www.un.org/largerfreedom/contents.htm.
society in third countries to promote stable democratic societies respecting human rights. The EIDHR has the particularity of not requiring the host government’s consent to finance a project, which is important when supporting civil society in non-democratic countries. The previous budget line (under the former “Initiative”) financed a number of conflict prevention activities, including reconciliation, mediation, and media. Despite the insistence of the European Parliament, all references to conflict prevention have been deleted even from this instrument by the Council with no space for any negotiation.\[1\]

The European Neighbourhood and Partnership Instrument (ENPI) aims at providing funding for assistance under the European Neighbourhood Policy (ENP). The ENPI will support cooperation along the EU’s external borders and will focus on supporting the implementation of the ENP Action Plans. Besides the regulatory convergence and economic support, the ENPI will also promote sustainable development and the fight against poverty. The new instrument replaces former budget lines such as MEDA and TACIS. As for the development cooperation and human rights instruments, the final version of the regulation has deleted any reference to conflict prevention.\[2\] This goes against the current trend in the ENP Action Plans which, where relevant, includes important sections on conflict prevention.

The Instrument for Pre-accession Assistance (IPA) is the new financial instrument for all pre-accession funding by the European Commission as of 1 January 2007. The IPA is bringing together various instruments such as Phare, CARDS, ISPA, SAPARD or the Turkey pre-accession instrument under one single mechanism. Funding provided by this instrument will focus on five components: transition assistance and institution-building; cross-border cooperation; regional development; human resources development; and rural development. It goes without saying that accession countries such as Croatia are clearly still in a post-conflict phase, and it is a missed opportunity as well as a misguided development effort to omit reference to peacebuilding and conflict prevention in the relevant instrument.

As outlined above, effective peacebuilding has to have short, medium and long-term components and, thus, has to be addressed with integrated short, medium and long term financial instruments. For this reason, the Stability Instrument should not be the only instrument enabling the EC to foster its medium and long-term

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\[1\] Gladly the draft programming document for the EIDHR does include reference to conflict resolution. It cannot use the terminology of peacebuilding or conflict prevention, but the Commission has found ways to include the work areas of peacebuilding NGOs.

\[2\] This apparently happened at a very late stage in the negotiation when the EC and a number of MS had already left the meeting assuming the core deal was struck when the UK forced the deletion.
peacebuilding and conflict prevention engagement. The initial proposals for the regulations drafted by the Commission allowed for more coherence between these instruments, but the internal struggles and the legal battle instigated by the Commission for competences over conflict prevention activities have undermined this attempt. Obviously, instigating legal action on currently institutionally unsolvable grey areas of competence made foreseeable a worsening of the operational tolerance between the EC and the Council on the “greyness of competences,” and some backlash comes as no surprise. However, it is equally arguable that the reactions of Member States and the Council Legal Services show a blatant lack of any vision on the impact of crisis management and conflict prevention, sacrificing the much needed progress in the coming seven years to a ‘turf war’ which should seem as petty to policy makers as it does to on-looking and engaged European NGO actors. This lack of political will to enhance or even maintain the place of conflict prevention in external assistance is contrary to the spirit of and the engagements taken by Member States themselves in the Göteborg Programme, which clearly states that “development of policy options must start with clear political priorities and direction” and asks for the mainstreaming of conflict prevention in all relevant policies of all relevant institutions of the EU. It is also in contradiction with all the positive steps we have seen these last years, which are described above. This stalemate is generated to a large extent from within the institutions, in particular from their legal services rather than the services involved in policy creation and implementation. It reflects the reality of the legalistic culture of European integration and demonstrates an unprecedented degree of organisational dysfunctionality vis-à-vis agreed policy objectives. The case reveals how organisations within the EU have the power to shape policy outcomes and how institutional infighting can significantly undermine broader agreed policy goals.

5. WAYS TO OVERCOME THE IMPASSE

Evidently, the picture is not quite as bleak as it might seem at first sight. The deletion of the wording on conflict prevention from the instruments does not automatically mean that all conflict prevention activities are impossible through these instruments. However, they are seriously under threat and if the EC now misses the opportunity to ensure the mainstreaming of conflict prevention with alternative wording in the programming of these instruments, it will encounter a stalemate on the progress
towards conflict sensitive approaches in its own engagements and agreements, as well to the projects it funds.

Some hopeful steps have already been made, for example in the programming document for the Human Rights Instrument EIDHR. The Strategy Paper for 2007-2010\(^1\) states that “The response strategy seeks to be ‘conflict sensitive’” and highlights the importance of building conflict prevention and mediation capacities within civil society, helping to tackle “root causes” of conflict and ensuring the link with the short term new Instrument for Stability. Furthermore, the “peaceful conciliation of group interests” is mentioned as one of the objectives for this instrument. Unfortunately, the programming documents for the other instruments were not available when writing this article, resulting in the impossibility to confirm this positive trend.

Evidently, beyond programming, much could also be achieved through more direct will at the operational level of planning ESDP missions and their integrated flanking mechanisms, exit strategies, and goal continuation. A constructive “gentlemen’s agreement” to overcome individual legal competence obscurities in a spirit of trust at the policy and operational levels would need to be achieved in a manner that overcomes temporary national fears and reservations belonging to the larger political picture of the future of CFSP and joint External Action. This larger political debate, predominantly its connection to the Constitutional Treaty, will have to be addressed when the time comes. However, one would hope the time for an effective reform in any shape will come soon. Only a solution offering a chance to overcome the lack of clarity in the EU pillar structure on External Relations, which contributes in itself to the lack of coherent and integrated approaches to conflict prevention and crisis management,\(^2\) will eventually render the EU capable of pulling its full weight.

It is unlikely that the EU (both pillars) will effectively want to withdraw from its peacebuilding objectives, regardless of the outcome of the court case. But it would be helpful to recognise the debacle of the Financial Perspective for what it is: an unfortunate display of inter-institutional dysfunctionality which merits constructive implementation counter-measures that prevent the history of “2006 bureaucratic debates across the street in Brussels” from becoming a guiding principle for seven years. In the meantime, inter- and intra pillar coherence can be enhanced by the willingness of EU officials and Member States understanding the importance

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of it and willing to argue that flexibility and constructive ambiguity is currently the only way forward to fulfil the enormously important role of the EU as global player for sustainable peace. Just as a number of officials from the institutions and Member States have the power to shape policy, they can also use their concerted power of interpretation. And given the broad goals set out in the Treaties and in large policy frameworks, the actual conflict sensitivity and coordination within and across the pillars largely depends on the culture and policy aims of the bureaucrats implementing them.
1. INTRODUCTION

In the few years since its inception following the 1998 Franco-British Saint-Malo Summit, the European Security and Defence Policy (ESDP), the military arm of the EU, has progressed enormously, certainly when compared with the preceding 50 years. A whole new politico-military dimension has been added to the EU.[1]

The Petersberg Tasks, already incorporated into the Treaties at Amsterdam in 1997, define what the EU can do: peacekeeping, peace enforcement or crisis management, and humanitarian and rescue operations — in other words, everything but collective defence. The original Headline Goal (HG), adopted in Helsinki in 1999, and the subsequent HG 2010, adopted in Brussels in 2004, define how the EU will accomplish that: which types and quantities of capabilities are needed within the overall objective of acquiring the ability to deploy 60,000 troops within 30 to 60 days and sustain that for a year. New bodies have been created to guide and monitor capability development and to advise on and run operations: at the decision-making level, the Military Committee (EUMC); within the Council Secretariat-General, the Situation Centre and the Military Staff (EUMS), which includes the Civilian-Military Cell, the core of an operational headquarters; and directly responsible to the High Representative, the European Defence Agency (EDA). In mid-2006, no less than 11 EU operations were ongoing involving about 8000 troops and 500 civilians. If other operations in which EU Member States participate are counted as well (national, NATO, UN and ad hoc coalitions) the total of Member States’ armed forces that is constantly deployed stands at between 70 and 80,000.[2] With over two million men and women in uniform and a defence budget of over 200

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[1] This paper focuses only on the politico-military or ‘hard’ security dimension of the EU’s much broader, holistic approach; for the sake of brevity, it is referred to as ‘security’ throughout the paper.

billion euro, the EU if taken as a block is a global military power, second only to the US.

Yet the huge gap between these impressive overall figures and the numbers actually deployed indicates that in spite of ESDP’s rapid development all is not well. Out of two million, only about 10% or 200,000 are estimated to be deployable as front-line forces — exactly the same estimate as in 1998. Since because of the need for rotation only one third of those can be deployed at any one time, the 70 to 80,000 currently deployed thus also seems to be the maximum that the EU Member States can deploy. Yet quantitatively ESDP is still geared to this number, which back in 1999 was decided upon only because it fitted a ‘typical’ Balkans scenario — ESDP does not have a vision for the total number of two million. The capability-building process of ESDP is thus not linked up with the ambitious objectives of the 2003 European Security Strategy (ESS), which clearly puts forward a global role for the EU that obviously requires more deployable forces.\[1\]

This paper will set out to assess two issues. First, taking into account that it has only been in existence for eight years, is the capability-building process of ESDP sufficient to generate more deployable capabilities in the future? Second and perhaps more importantly, even if more capabilities would be available, would the Member States display the ambition and muster the political will to actually use them, for the full spectrum of Petersberg Tasks, including high-intensity operations? For today, the EU’s ambition to be a global security actor seems ambiguous at best.

2. A FRAGMENTED DEFENCE EFFORT

The answer to the first question is that in the field of ESDP until today the EU does not operate as a block — nor is it the aim of ESDP in its present shape to alter that.

Capability-building in ESDP is a fundamentally bottom-up process. On the basis of the list of capabilities required to achieve the HG (the Helsinki Headline Goal Catalogue or HHC), Member States are requested to declare on a voluntary basis which capabilities they are willing to make available to the EU; their replies are listed in the Helsinki Force Catalogue (HFC). This is indeed no more than a catalogue: for each Member State it lists types and quantities of capabilities, but it does not identify specific units; hence there is no permanent link between the different

national capabilities listed, such as combined training and manoeuvres, apart from the fact itself that they are on the list. Only for actual operations, participation in which is decided individually by each Member State on a case-by-case basis, are specific units identified; availability is thus not automatic. Far from a ‘European army’, however defined, there is only an assumption of availability of national capabilities. True, many Member States participate in one or more of the numerous multinational frameworks, such as the Eurocorps, which often have declared their availability to the EU. But in reality most of those are just ‘catalogues’ as well, with limited integration of the participating national capabilities and usually only a small permanent staff element.\[1\]

Obviously, the comparison between the two catalogues, HHC and HFC, leads to the identification of a number of shortfalls at the aggregate level of the EU25, listed and assessed twice yearly in the Capability Improvement Chart; these concern areas such as strategic air- and sealift, deployable force headquarters, and advanced command, control, communications and intelligence. In order to fill those capability gaps, ESDP again appeals to the Member State initiative. Under the 2001 European Capability Action Plan (ECAP) initially 19 ‘panels’ of experts, with at least one lead nation each, were to propose solutions to remedy the shortfalls. In 2003, because of the limited progress, these were transformed into 15 ‘project groups’, each with one Member State in the lead, which were to focus on the implementation of concrete projects.

The centre of gravity thus clearly lies in the Member States, which decide in which capabilities their national armed forces are to invest or to disinvest. The bottom-up nature of the process and the resulting lack of coordination are the cause of the lack of progress in addressing the shortfalls, which the move from ECAP panels to project groups has not been able to remedy. The first Capability Improvement Chart for 2006 lists only 7 out of 44 listed shortfalls as solved and 5 where the situation has improved; of the remaining 32 shortfalls, 20 are considered as ‘significant in the assessment of capability’.\[2\] The fact is that an individual Member State is not motivated to procure additional capabilities in order to meet a specific shortfall and create sufficient capacity at the EU-level if it already is capable in that particular field, or to procure a larger quantity than is necessary to meet its national needs if it is not, which given the strained defence budgets usually implies invest-

\[1\] The Eurocorps e.g. saw its headquarters, 970 strong and including a multinational support battalion, certified by NATO as a Rapid Deployable Corps HQ; it has been deployed to Kosovo and Afghanistan. None of the constituent frontline forces (mostly armoured units) have ever been deployed in a Eurocorps framework however.

ing less or not at all in another field. The reason is that it cannot be certain that such an investment would be recompensed by other Member States’ investments in other fields or, if it would, that the resulting capabilities would be available for the operations in which it would participate itself. Consequently, most Member States continue to maintain a wide range of national capabilities in army, navy and air force. National thinking still dominates defence spending.

The overall result is one of fragmentation, duplication and very low cost-effectiveness. Because with the exception of France and the UK the national scale of each Member State is limited, and because the defence budgets of all are under heavy pressure, only limited quantities of each capability can be maintained, resulting in what Pilegaard has tellingly dubbed ‘mini-mass armies’. Each small-scale front-line capability needs supporting services and many of the overhead costs are fixed: whether a Member State operates 1 or 100 tanks or fighters — in both cases a base is needed, personnel must be recruited and trained, supplies bought, and the paperwork done… If only 10% of Member States’ armed forces are deployable as frontline troops, it is because small-scale capabilities cannot man a full rotation cycle if full units (battalions, squadrons) are deployed and will afterwards be out of the loop for a longer time or alternatively will only deploy sub-units in very limited numbers. Too large a share of personnel is devoted to overhead and supporting services that are unnecessarily duplicated within the EU — the true duplication debate. The budgets that are absorbed by those unnecessary duplications cannot be spent on the ongoing transformation from territorial defence to expeditionary warfare, which requires investment in equipment, recruitment, and training and manoeuvres — needs that are reflected in the capability shortfalls. And as Member States continue to think in terms of national needs and prestige, when they do invest it is often in capabilities of which at the EU-level there already is a surplus or which are less useful for the new tasks of expeditionary warfare, such as frigates and submarines, rather than in areas where shortfalls exist. In the same logic, for the greater part R&T and procurement budgets are spent on national programmes, often favouring the national defence industry and ignoring duplications with other initiatives. Thus even the budget that is being invested is not all well spent. Another impediment is that a number of Member States among them still maintain more than 400,000 conscripts, which in many cases cannot be deployed but absorb a large part of their defence budgets nonetheless; Germany is the typical


[2] The simultaneous development of the Eurofighter, Gripen and Rafale is a case in point.
case. Moving to professional armies is urgent. As a result of this combination of factors, transformation is only incremental and has to be spread over many years while without more coordination, although a lot of money is spent, there is no guarantee that by 2010, when the updated HG has to be achieved, the current shortfalls will have been resolved.

Ironically, the continued maintenance of ‘mini-mass armies’ that is the cause of this fragmentation rests on a false premise, for it creates only the illusion of independence. In reality, no Member State has the capacity to mount any sizeable operation on its own, except for France and the UK, and even they need others’ assistance in specific fields. As good as all operations undertaken by Member States are combined, i.e. multinational operations to which different States contribute different capabilities and which therefore require a great deal of coordination. The need to abandon the bottom-up approach in which the initiative is left almost exclusively to the Member States is self-evident.

3. INCREASING COORDINATION IN CAPABILITY-BUILDING

This is where the new European Defence Agency (EDA), created by Council Joint Action of 12 July 2004, has to play its part. The EDA uniquely combines four functions in as many directorates: capabilities development, armaments cooperation, industry and market, and research and technology.

In the EDA, which has taken over 8 of the ECAP project groups, there now is a European — as opposed to national — actor that can take the initiative and propose concrete solutions for specific EU-level capability shortfalls. Decision-making power remains with the Member States, therefore it is up to the EDA to present as attractive a proposal as possible to convince Member States to harmonize requirements and agree on specific solutions for the capability shortfalls and then to sign up to specific multinational programmes. Its combination of four functions allows the EDA to take a long-term perspective and initiate things far upstream, in the R&T phase, potentially generating maximal effectiveness. The development of the Airbus transport aircraft (A400M), which predates the creation of the EDA, can serve as an example of a successful project: 6 Member States (Belgium, France, Germany, Luxembourg, Spain and the UK), plus 3 non-EU States (Malaysia, Turkey and South Africa), have agreed to acquire a total of 192 aircraft. Multinationalisation allows to reduce overhead and unit cost and significantly increases interoperability.

[1] The remaining ones will continue to operate following the ECAP principles and under the guidance of the EUMC.
between the participating States — all on the condition that these refrain from
adding too many national specifications to their part of the order. Following the
informal European Council meeting at Hampton Court in October 2005, the
EDA has identified a much reduced set of priorities — as compared to the 15
ECAP project groups — on which the Capabilities Directorate will next formulate
proposals: command, control and communication, strategic airlift, and air-to-air
refuelling. The Armaments Directorate focuses on the field of armoured fighting
vehicles (AFVs).

In view of its very young existence, it is far too early to judge the EDA already,
although it can certainly be said that in the short time since it has become opera-
tional it has established itself as a key actor in the minds of all concerned. The first
experiences demonstrate however that it remains difficult to persuade Member
States to commit to necessary but expensive measures. Hopeful results have been
achieved in the field of command, control and communications, which could lead
to two concrete projects: on Software Defined Radio (SDR), where the hope is to
acquire a capability by ‘piggy-backing’ harmonized national requirements on civil-
ian development, and on a Theatre Imagery Exploitation System (TIES), which
could analyse imagery from a variety of sources (Unmanned Air Vehicles, reconnais-
sance aircraft etc.). These are useful, but relatively small-scale projects. Member
States are very reluctant however to consider the much larger investment required
for strategic transport and air-to-air refuelling, while the hoped for short-term
switch to one cooperative AFV programme to replace existing national initiatives
proved impossible and had to be replaced by a longer-term focus on identifying
technologies for the next-generation of AFVs.

The EDA faces the same challenge that NATO has faced for a long time: how
to ensure that Member States in their national decision-making effectively take
into account the guidelines developed at the ‘supranational’ level? That the EDA
Steering Board consists of the Defence Ministers — incidentally, the only formal
EU forum where they meet — in itself is no guarantee. In practice, most decisions
are still taken on the basis of national considerations, which in many cases equal
budgetary considerations. Furthermore, even when Member States do sign up to
multinational projects, such as the A400M, many of the negative effects of the
small-scale ‘mini-mass armies’ remain if the acquired capability is afterwards again
hacked into separate national pieces. If the cost-effectiveness of European defence
spending is to be optimized, something more is necessary — the EU25 must really
start to operate as a block.

4. TOP-DOWN COORDINATION BEYOND THE HEADLINE GOAL

Operating as a block means *shifting* the focus from the national to the European level: the objective should be to have full military capacity at the aggregate level of the EU25 rather than at the level of each individual Member State. It also requires *widening* the focus of ESDP: from the numbers required for the HG to the total of two million troops; only by starting from the complete military potential can maximum cost-effectiveness be achieved.

The first step is then to take a political decision on the ambitions of the EU as a security actor, i.e. closing the gap between ESDP and the ESS and translating the political objectives of the latter into quantifiable military objectives for the EU as a whole based on the combined military potential of the 25:

- Which forces do the 25 want to have available at any one time for rapid response in crisis situations, including at the high end of the spectrum?
- Which forces do they want to contribute to long-term peacekeeping operations?
- Which reserves do these commitments require?
- Which capacity for territorial defence must be maintained?

Once the order of magnitude has been decided upon, on that basis a new, longer-term HG — horizon 2030 e.g. — can be defined. Presumably, the total required will be under two million — further downsizing is thus implicit in this scenario.

Within the resulting framework and under the coordination of the EDA, each Member State can contribute according to its possibilities, increasing cost-effectiveness by a much higher degree of specialization and, particularly, pooling than currently. Specialization already is a fact, for although Member States maintain a wide range of national capabilities, many have never had or have abandoned capabilities in specific fields; aircraft carriers and submarines are the obvious examples, but a country like Belgium e.g. has even abandoned all tanks and self-propelled artillery in favour of wheeled armoured vehicles. Further specialization is met with reluctance, because Member States are not willing to give up expertise and tradition and a seat at the decision-making table in fields where they have long had a capability. For reasons of solidarity it should also be avoided that Member States specialize to too large an extent in non-combat capabilities.

Member States can maintain a wider range of capabilities however if they opt for pooling of resources. Rather than continue to organize every capability in small quantities at the national level, groups or clusters of Member States that are active in the same field and share the problem of having a limited scale can create
one larger-scale multinational capability instead. Contrary to most of the existing multinational formations, these must be truly integrated capabilities, permanently co-located on a reduced number of bases, and operating as one unit, with single arrangements for training, logistics etc., which allows for a drastic reduction of overhead. The integration of the Belgian and Dutch navies under one operational command, ‘Admiral Benelux’, can serve as an example. Via pooling the percentage of deployable capabilities could be greatly increased within the existing aggregated defence budget of €200 billion thanks to effects of scale and reduction of duplications and overhead. By focussing on the resulting capability clusters, which in turn would focus on the identified shortfalls, the capability gaps would be much more effectively addressed than by the current process with its focus on the national level.

A three-tier set of capabilities would thus emerge:

- capabilities which almost all Member States will contribute and which most will continue to organize at the national level, e.g. the basic infantry battalion. Brigade level formations and above could be pooled though, out of necessity, for the smallest Member States, or out of choice, e.g. by further integrating the Eurocorps and similar formations;
- capabilities which will be grouped in a limited number of multinational clusters, with national formations continuing only in the largest Member States, e.g. fighter aircraft;
- capabilities which are so capital-intensive that they surpass the capacity of even the largest Member States and are best organized at 25, e.g. all space-related assets.

Pooling is greatly facilitated if Member States operate the same equipment, as will be the case with the A400M, and in turn stimulates harmonization of requirements and armaments cooperation. Supporting capabilities such as airlift lend themselves to pooling more easily, but it applies just as well to front-line capabilities. This is actually demonstrated by the creation of the Battlegroups (BGs). In a departure from the ‘catalogue system’, these 1500-strong multinational rapid reaction formations consist of pre-identified units, including command & control and transport. In order to be able to deploy effectively as one unit, which is essential for the types of high-intensity operations that the BGs are to undertake, the constituent national forces will inevitably have to have combined manoeuvres in the period leading up to the stand-by phase. As a case of pooling at a smaller scale, the BGs have an important exemplary function and could pre-configure larger-scale pooling of front-line capabilities. Pooling need not happen at 25: in most fields a number of clusters of a few Member States each can co-exist, with the composition based on
geographical proximity, tradition and shared interests. At the same time the process can remain voluntary: Member States that in a specific field have a sufficient scale at the national level need not be obliged to join in a pooled formation.

The impact of pooling on the transatlantic alliance should be positive. If through pooling more deployable capabilities can be generated, that reinforces both the EU and NATO. Pooling is more likely to succeed though as part of the wider and deeper integration project of the EU than in the fully intergovernmental Alliance. Pooled capabilities can still be deployed for NATO operations in those cases when the EU Member States and the US decide to act jointly. The use of pooled capabilities and the shift of focus from Member States’ to EU participation in a NATO operation would actually fit in with the gradual shift of the centre of gravity from the Alliance as such to its two main constituent pillars, the US and the EU, and the de facto evolution to a two-pillar Alliance, even though the EU is often internally divided. Vice versa however the use of common, i.e. NATO-owned assets for EU operations would be much less certain, as the Berlin Plus mechanism requires a unanimous decision by the North Atlantic Council for every individual operation.

Member States are already very much mutually dependent today — although not all are as yet willing to recognize it. Pooling would therefore only institutionalize — and bring order to — an existing situation. Today, only the largest Member States — basically France and the UK — can mount national operations; to the extent that they wish to maintain nationally organized capabilities they would continue to be able to do so. For all others, their forces would to a much larger extent than today be integrated into multinational frameworks. These multinationals units or part of them could then be deployed as such, for operations under the EU, NATO or UN label, but if Member States so wish national elements could still be temporarily detached as well. Ideally however, whenever the question is raised who will contribute to an operation, the focus should shift from the national to the European level. In the framework of the CFSP, the first question should be: what should the EU do? Only then should be decided which national and multinational capabilities will be deployed to provide an EU-contribution for the specific case at hand, as a stand-alone EU-operation, as an EU-led component of a larger UN force (in view of most Member States’ reluctance to contribute blue helmets to UN-led operations), or as part of a NATO-led operation when the EU and the US decide to act jointly. The existence of several capability clusters in each field would mean that Member States would not necessarily be involved in every single operation.

At the same time, if Member States know that their investment in a specific cluster will be met by proportionate contributions by the other participating States, and that thanks to the coordination by the EDA the sum of all clusters will constitute a full capacity at the EU-level, at which level any operation will be considered, they should be less reluctant to orient their investments on the objectives and shortfalls identified by the EU rather than on their national needs.

Military integration thus goes hand in hand with political integration. A political decision on the level of ambition of the EU as a security actor is required as the starting point for top-down coordination of capability-building. The will to act as EU is required to make the most effective use of the resulting integrated capabilities. In this regard, the EU is singularly lacking however.

5. HIGH EXPECTATIONS, LOW AMBITIONS

Reading the introduction to the ESS, the ambitions of the EU seem clear:

As a union of 25 states with over 450 million people producing a quarter of the world’s Gross National Product (GNP), and with a wide range of instruments at its disposal, the European Union is inevitably a global player. […] Europe should be ready to share in the responsibility for global security and in building a better world.

But in practice many Member States are much more ambiguous about the role they see for the EU. Often they are not very willing to see the military instrument that ESDP provides it with actually used by the EU.

First, although it plays a global trade, development and diplomatic role, the EU is hardly a world-wide security actor. As shown above, EU Member States are certainly not averse to deploying their forces. Yet the large majority is deployed on the Balkans, in Europe’s backyard where the EU and its Member States logically assume responsibility, and in Afghanistan and Iraq, as a follow-up to the interventions — one rather more controversial than the other — initiated by the US and a number of EU Member States themselves. The number of European troops in sub-Saharan Africa on the contrary is marginal. This contrasts sharply with the importance allocated to the continent in numerous EU strategy documents, from which the EU appears as an actor willing to commit forces to peace support operations in Africa — very much the only actor, apart from the African Union (AU). The UN is therefore likely to appeal to the EU when troops are needed. The example of the Democratic Republic of Congo (DRC) shows that
in order to maintain its credibility, the EU cannot but except such a request, but has done so rather reluctantly. The January 2006 UN request to make available a deterrent force during the elections in the DRC, a potentially risky operation if disturbances would occur, was certainly not well-received by all Member States. In the end, Germany accepted to lead an operation, EUFOR RDC, which has seen the deployment of somewhat fewer than 1000 troops to Kinshasa, with a further 1500 ‘on call’ in Libreville in Gabon, almost 900 km away. EUFOR RDC is thus of similar size as the 2003 Operation Artemis, but has a much wider mandate: rather than securing just one town and its surroundings, it now has responsibility for all but the RDC’s 4 easternmost provinces — where MONUC, the UN force, is concentrated — an area the size of Western Europe with little or no infrastructure which it cannot seriously hope to cover. In reality therefore, EUFOR RDC looks more like a ‘classic’ evacuation operation, ready to take out European citizens in case of trouble. In view of the responsibilities of the EU as a global actor, future force planning ought to take into account a greater contribution to peace support operations worldwide.

Second, there still is no consensus on deployment under the EU flag for peace enforcement or crisis management, even though most Member States do put their forces in harm’s way in national, NATO or coalitions-of-the-willing operations. Although legally the Petersberg Tasks include operations at the high end of the spectrum of violence, politically the Member States are still extremely divided over the EU’s level of ambition in this field. British officials don’t hesitate to state e.g. that the BGs will never undertake high-intensity missions, in spite of the fact that they are clearly built for that purpose, but should leave those tasks to NATO.\[1\] This lack of consensus is indeed very much related to the much deeper divide between ‘Atlanticists’ and ‘Europeanists’ on the degree of autonomy of the EU as an international actor vis-à-vis NATO and the US. As long as in a crisis situation some Member States will look to Washington before taking a position, the EU cannot be a consistently resolute actor. As Member States rest divided, in crisis situations the EU-level is more often than not out of the loop and it is up to the individual Member States to adopt a position. Consequently, even though with Operation Artemis the EU has proven that it can mount high-risk operations if the political will is present, other EU-led operations are mostly low-intensity and often of smaller scale. This has also to do with the fact that the still very young ESDP needs a number of successes to legitimize itself, hence the tendency to select operations with a large chance of success. And perhaps in some capitals the use of force is felt to contradict

the soft power image of the EU. To some extent therefore the criticism is justified
that the EU takes on important but mostly ‘easy’ operations, in the post-conflict
phase, in reaction to a settlement of a conflict. The slow reaction to events in Darfur
demonstrates that this criticism can in fact be applied to the international com-
munity as a whole. The EU should work proactively towards conflict resolution,
through its diplomacy, and when necessary contribute forces in earlier stages of a
crisis or conflict. EU policy towards Iran and the strong EU participation in the
reinforced UNIFIL in Lebanon are examples of such a proactive stance.

In the present state of affairs one must question however whether in view of this lack
of consensus on EU-led high-intensity operations, all Member States are willing
to fully accept the implications of the strong diplomatic support of that same EU
for the principle of ‘responsibility to protect’ (R2P) that was endorsed at the UN
Millennium+5 Summit in September 2005. R2P implies that if a State is unable
or unwilling to protect its own population, or is itself the perpetrator of genocide,
ethnic cleansing, war crimes or crimes against humanity, national sovereignty must
give way to a responsibility to protect on the part of the international community.
In such cases, the Security Council must mandate intervention, if necessary by
military means, which per definition implies high-intensity operations. Following
its diplomatic support for the principle, it is to be expected that to implement it
the UN will appeal to the EU, and more specifically to the BGs, which are config-
ured for high intensity operations and which the EU has declared will be primarily
deployed at the request of the UN. Furthermore, R2P scenarios are probably most
likely to occur, again, in Africa. The use of force can be required in other scenarios
as well, even though in the framework of the EU’s holistic approach to security it
is an instrument of last resort and of course requires a UN mandate. In the event
of renewed escalation on the Balkans e.g., a region for which responsibility is pro-
gressively being transferred to the EU, one can hardly imagine that the EU would
not act, including forcefully if necessary. Further east, in the Caucasus or Central
Asia, and in the EU’s southern periphery, peace enforcement is much less likely,
in view of the sensitivity of intervening in Russia’s self-declared sphere of interest
and in the Arab world respectively, which is not to say that robust peacekeeping
is out of the question. Will all Member States readily accept the risks associated
with such operations and contribute the forces and command & control capabil-
ity required?

EU-led operations or visible contributions of integrated multinational capabilities
to NATO or UN-operations would be the logical complement of EU diplomacy.
But the fact is that because of its many internal divides, most notably on issues of
security and defence, the EU all too often does not have a foreign policy.
sequently, contrary to the European focus called for above, in practice the large majority of Member States’ forces are still being deployed in other frameworks. Out of 70 to 80,000 currently deployed, only 8,000 are so under the EU-label. Clearly, the EU is not always first on capitals’ minds when military operations are being considered.

6. CONCLUSION

When ESDP was created, in 1998-1999, Member States went ahead with setting up a capability-building process, on which there was a strong consensus that something needed to be done, and consciously avoided the strategic debate, on the conditions for the actual use of those capabilities, out of fear that it would just rekindle the Atlanticist-Europeanist divide and block progress on all fronts. Thus originated a disconnect between the capability-building process and the operational capacity of ESDP on the one hand and the political objectives of the EU on the other hand. In spite of the adoption of the ESS, that very much still is the case. The political objectives of the ESS have not been translated into corresponding military objectives — quantitatively ESDP is still oriented on the 60,000 of the original 1999 HG, a figure which bears no connection with the ambitions of the ESS. The underlying cause is that in fact Member States remain highly divided over the level of ambition of the EU as a security actor and the desired degree of autonomy vis-à-vis NATO and the US. This divide is the main obstacle for the CFSP/ESDP, most notably with regard to peace enforcement and crisis management.\(^\text{[1]}\) In a vicious perpetuum mobile the EU keeps swinging back and forth between high ambitions, as expressed in the ESS and put into practice with Operation Artemis, and great internal divides, with the result that the EU as such is absent from the debate as during the Iraq.\(^\text{[2]}\)

The result of this inability to choose — for an equal partnership between the US and the EU as a security actor in its own right or for a continued role of policy-taker in NATO — is that all too often it is up to the Member States to wage their separate national policies. Yet, in a globalized world even the largest Member States individually do not carry enough weight to impact on the course of events and safeguard their interests. One can hope that this pragmatic recognition will in the


\(^{[2]}\) And with each swing, for those familiar with Edgar Allan Poe’s The Pit and the Pendulum, the blade gets closer and closer to the soft underbelly of the CFSP…
End strengthen the gradual, but real trend towards deeper integration and cause a shift of focus from the national to the EU-level.

Perhaps a core group of like-minded Member States could accelerate this process by a successful demonstration of deeper integration. A core group, building perhaps on an existing multinational formation, could take the lead and pool certain military capabilities into a more permanent and integrated framework. If successful, such military integration could convince more reluctant Member States of the viability of the model. At the same time, the participating States in any core group should share a political outlook on the role of the EU as a security actor in its own right — their pooled capacity would thus be the obvious candidate for the implementation of any operation that the EU would decide upon. And of course if a group of Member States is a priori willing to deploy its capabilities, the chance of such a decision being arrived at substantially increases. A core group willing to shift the focus from the national to the combined level, both in the field of capability-building and operations, could ultimately produce the required shift of mind to the European level.
The EU and the European Security Strategy
Forging a Global Europe

Edited by Sven Biscop, Royal Institute for International Relations, Belgium and
Jan Joel Andersson, Swedish Institute of International Affairs,
Stockholm Sweden.

This is the first book to analyze the EU as an international actor through the perspective of the European Security Strategy (ESS), now the reference framework to judge all of the EU's external actions. Covering both the concepts underlying the ESS and its implementation, it offers a comprehensive vision of how the EU can achieve the ambitious objectives of the ESS and become an effective global actor.

The authors examine the long-term impact of the ambitious global agenda set by the ESS from humanitarian aid, development cooperation and trade, to the Common Foreign and Security Policy and the European Security and Defence Policy. The chapters address the conceptual basis of the ESS, putting it in a clear context of the post-Cold War environment, analyzing its own assessment of the security environment. The book also examines each ESS objective in detail:

- effective multilateralism at the global level
- a secure neighbourhood
- an effective military capacity
- establishing strategic partnerships
- increasing the coherence of EU external action.

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