

Securing Europe?

Implementing the European Security Strategy

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Editor: Anne Deighton, with Victor Mauer

SECURING EUROPE?

IMPLEMENTING THE EUROPEAN SECURITY STRATEGY

Series Editors

*Andreas Wenger and Victor Mauer
Center for Security Studies, ETH Zurich*

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Introduction

Anne Deighton

In March 2006, a workshop of policymakers, think-tank analysts and academics was convened in Chatham House, London, to assess the substantive impact of the European Security Strategy (ESS). The strategy had been agreed by the Council of the European Union in December 2003, little more than two years previously. The European Programme at Chatham House, under the skilled leadership of Professor Richard Whiteman, prepared the workshop programme, with support from the Geneva Centre for Security Policy, Switzerland. The UK Foreign and Commonwealth Office gave generous financial and logistical assistance. Sven Biscop, Brian Crowe, Candice Dodd, Timo Noetzel and Mateja Peter provided valuable administrative or intellectual support. Victor Mauer, and the Center for Security Studies at the Swiss Federal Institute of Technology, Zurich, played an indispensable role in the preparation of the book. Our debate, under the Chatham House Rule, was also informed by valuable presentations from three practising senior officials from the UK, the UN, and the European Commission. This book is derived from that workshop.

Attendees at the workshop broadly agreed that the European Security Strategy is a document that consolidates the broad outlines of the role of the European Union in the international system thus far. It is also a document which is a rough guide for future action by the Union and about the values upon which action should be based, but it is not a strategy in the conventional sense in which the word is understood.

The discussion at the workshop quickly extended beyond the content and technical aspects of the European Security Strategy itself, to an ex-

amination of the European Union as an international player, and to the developments in the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP). Many were quietly optimistic. The Union has positioned itself in the international system with greater clarity than was the case two years ago. It has started to react to the changing security needs of the post-cold war era. It has acted globally. It has recognised the mutually reinforcing nature of its relations with other international bodies, including both the UN and NATO, as well as human rights bodies and global financial organisations. Recent polls that reveal the widespread acceptance of the Union as an international actor in many spheres of security policy was seen as a very positive sign, especially during a period of other constitutional and economic difficulties in Europe. This is despite the continuing temptations for certain states to work in smaller, ad hoc, groups of states – although state interests were far less intensively discussed than might have been expected.

This book is a partial assessment of this record thus far, and is based around two themes. The first theme relates to the policy priorities of the Union. It was clear that the debate within Europe is increasingly focused upon what it is that a Union foreign policy should actually now be trying to do in the world. Every state and institution acting in the security sector is of course also aware of the magnitude and diversity of human security issues and the difficulties of prioritisation when only limited funds are available. Both short and long-term commitments are required, yet outcomes are notoriously hard to anticipate. The idea that so-called ‘soft’ security issues are in some way easy to resolve is palpably wrong, as both states and institutions have found. So the notion that there can be a ‘quick-fix’ solution to most contemporary security problems is not tenable, not least as there is a frequent lack of agreement both about the causes and the best kinds of solutions to many of the security issues with which the EU is now grappling. The traditional aid and development role of the Union and how this currently dovetails with the apparently growing role of ESDP lies near the heart of this policy debate. It was for this reason that the balance between the use of military force, and aid, development tools, and civilian instruments of power were of particular interest in our discussions.

Strategic policy is very hard to devise and implement during a period of rapid change, despite the Union's possession of a strategic document. More traditional issues relating to intervention; territorial defence; diplomacy between great powers; the relationship with Russia; with NATO, and with the US were also covered by participants, but the emphasis of the workshop reflected a greater concern with so-called 'softer' security issues. It was revealing that our discussion on these problems all took much the same form as they would have done had we been discussing the foreign policy priorities and the balance of interests of any large and activist state.¹ However, it was clear that our interpretation was that security issues resonated far more loudly in the Union than did classic strategic questions. Whether this reflects a new international strategic and political environment or simply the capacities and priorities of the Union and its Member States was not at all clear.

Our second theme related to the effectiveness of the Union, and the construction and implementation of its foreign and security policies. Of course, foreign policy does not consist of perfect plans conceived and executed in optimal circumstances: compromise, as well as muddle are both inevitable in foreign policy decision-making. This is true for states – even for large and self-confident states – but perhaps even more so for the Union. Although the Union is becoming more 'effective' on the ground, many of the underlying institutional and political tensions, and

1 There were other themes that were touched upon, ranging from the management of shared intelligence; the detail of inter-institutional cooperation, especially between the EU, NATO and the UN; and how the EU tries to coordinate the trade, aid, development and 'security' aspects of its overseas policies. It has not been possible to cover all these themes here. A semantic distinction is often made between the 'foreign policy' and the 'external relations' of the EU. This distinction defines foreign policy as carried out through the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP), the so-called Pillar 2 of the EU, which is largely inter-governmental – state-led – in character. Pillar 1 external relations are those conducted by the various departments of the European Commission, acting under the provisions of the treaties of the Union, and which include trade, aid, humanitarian assistance, enlargement, law and (increasingly) some security issues. The distinction creates a complex institutional picture, and has not always been very helpful in the implementation of policy, as we shall see. Contributors have used the terms external, foreign, or foreign and security policy interchangeably.

the technical complications always associated with Union activities have not gone away since the ESS. Worse, a more integrated Union approach to foreign policy-making has been lost, or delayed, with the stalemate on the Constitutional proposals. Nevertheless, there is still enormous pressure on the institutions in Brussels to adapt further to changing priorities in the international system. The strength of Union leadership and the actual diplomatic capacity of the Union to act strategically were both examined – and criticised. The double agenda of Union foreign policy, which is both to sustain and reinforce solidarity within the Union itself while acting in the outside world, necessarily underlines any discussion on decision-making, effectiveness and the division of labour, and the workshop discussions could not avoid this topic.

Part One, ‘European Security in Practice’, examines the setting of Union foreign policy over time, to explain why it is structured in the way that it is, and why it is so complicated. It then considers the aftermath of the US-led invasion of Iraq and the immediate environment in which the ESS was created (Anne Deighton). This section then deals with the development of the ESDP institutions, and the early security operations in which military force was deployed (Graham Messervy-Whiting). The technical, but nonetheless very important issue of funding is then examined, to show how this finance relates both to what and how much the EU can do (Antonio Missiroli).

Part Two, ‘The European Union: A Multilateral Actor’, looks first at two examples of the Union’s recent foreign policies ‘on the ground’ in Bosnia (David Leakey), and in Africa (Pierre-Antoine Braud). Both authors are, or have been senior public officials who have been closely involved with the practical dimensions of the ESDP. Both show clearly that the military is acquiring a new kind of role that is nevertheless, ironically, reliant upon influence and persuasion as much as on brute force. They also reveal that good relations with other institutions, in particular the UN and NATO are central to the success of ESDP operations thus far. Cooperation within the

EU itself is also essential for policy coherence while Member-State power still matters greatly in the formulation and implementation of Union policies. If longer-term missions are to continue, greater preparation and better management will be required.

The role of Non-Governmental Organisations (NGOs) in Brussels is still not widely understood nor generally incorporated into analyses of post-ESS Europe: Damien Helly's chapter outlines the priorities of the humanitarian NGOs, which is an important theme given their growing day-to-day influence on the work of both the Union and the UN. By asking the question for whose security the Union's security policy is intended, Helly forces us to think about the priorities of those to whom Union policies are directed. He examines the relationship between peace and aid (especially between arms sales and development aid), and between the restoration of 'order' in zones of conflict and development /capacity building.

Terrorism has, perhaps mistakenly, become one of the defining policy issues of the early twenty-first century, but, as Victor Mauer shows, it is an issue that remains clouded in ambiguities, for experts remain divided both about causes, and about legitimate and effective policy-responses. He shows that inter-institutional relations, as well as the structural relations between Member States and the EU institutions are in part driving counter-terrorist strategies. However, this can undermine effectiveness in implementation.

The last part of the book, 'And Now?', contains three essays by experienced practitioner-commentators. Kori Schake throws down a provocative and hard-hitting challenge to the Union about European attitudes to hard strategic and defence issues and the use of force in the post-2004 enlargement era. Her essay argues that the EU should articulate those areas of similarity and difference in strategic outlook between the US and the EU. Finally, two senior analysts (Graham Avery, Jim Cloos), both of whom have long service records in the Brussels system, conclude by looking ahead – with some measured optimism – to the immediate and long-term institutional and policy challenges for the enlarged Union in the period since the European Security Strategy was agreed.

PART I EUROPEAN SECURITY IN PRACTICE

1 Foreign Policy and the European Union's Security Strategy

Anne Deighton

The foreign policy of the European Union represents one part of the foreign policy of all the governments and citizens of all the Member States, and is paid for through national contributions and payments made into the EU budget. The external policies of the Union now also affect most states and peoples across the world. Yet it is often said that the Union is too complicated. Many commentators suggest that it does not act like a great state power; that it is slow and relatively expensive; and that, as Timothy Garton Ash once memorably said, European foreign policy appears to have one hundred left hands, none of which know what the right hand is doing. Indeed, the EU has evolved in a way that is often hard even for those who work in Brussels to understand: it is only recently that the telephone directories of NATO officials were put on the desks of relevant EU Commission officials. Even within the EU itself, there are frequent turf wars between the Council, the Commission and the European Parliament.

This chapter first outlines some of the broader contours of EU foreign policy, and gives some indications about why the EU makes its foreign policy decisions in the way it does. It briefly explains how and why Europe's history matters. Our past has affected thinking about the contemporary European institutional structure; there is still a debate in Europe about the use of military and civilian power; and last, the shadow of Europe's imperial history has not yet been completely lost. The chapter then sets the European Union's foreign policy and the emergence of the European Security Strategy into a more immediate policy context by explaining how the meaning and range of foreign and security policy has changed in the context of the rapid technological changes and globalisation over the last fifteen years, and how the European Union has adapted to meet and accommodate these changes.

The place of the past

In the nineteenth century, European states, with their sophisticated political and economic systems and their vast and scattered global empires, ensured that the fulcrum of international power was based in Europe. Trade, empire, culture and war ensured a Eurocentric world. But major wars between 1914 and 1945 brought population loss, undermined trade patterns, speeded up decolonisation and witnessed the rise of new international actors. The rise and collapse of authoritarian and destructive nationalisms and the impact of war, intervention and occupation affected every European country. By 1945, states naturally then sought economic reconstruction, legitimacy, stability and security. Ironically, by the end of the 1940s, this quest was to result in a relatively powerless Europe – both to the west and to the east. The two halves of Europe found themselves as smaller players, and on different sides of a bipolar division between capitalism and communism, and between the United States and the Soviet Union. Both western and eastern European countries were bound into military and security alliances – the North Atlantic Treaty Organisation (NATO) and the Warsaw Pact. New trading arrangements – the European Economic Community and COMECON, also reflected this new bipolar world.¹ West and East Europe was characterised by weakness and the dominance of the two superpowers. Now, a much recovered Europe is seeking to be some kind of global power again - but it is not so easy to shake off the presence of the past.

Institutions of the 1940s and 1950s

The first and most striking feature of the influence of the past is that, after 1989, the victorious Western powers in the cold war did not create new alliances, institutions and trading arrangements, but have instead contin-

1 The European Economic Community (EEC) was created in 1957; with institutional mergers became known as the European Communities (EC) from 1967; and then changed its name to European Union (EU) from 1993. I generally use either EU, or Union for the sake of simplicity.

ued to modify those created after the Second World War. Our continent has a dense ecology of institutions deriving from the 1940s, and there is a wide-spread assumption that these institutions bring peace, and should be encouraged as a way of managing international relations. This may seem very obvious, but it has shaped the way European institutional politics have developed since the end of the cold war. While the Warsaw Pact and COMECON have disappeared, a vast amount of political energy has been expended to enlarge the membership of NATO (after 1949) and the EU (1957), and to redefine their roles. Institutional adaptation through enlargement and reform was not new: what was different was that this pattern of behaviour continued even as the international system itself had changed so spectacularly.²

Why was this so? It was in part because the success of central Europe's major power, West Germany, was based upon its being woven into the already-existing Community and NATO. A subtle political process in the months that followed the fall of the Berlin Wall managed to keep the anchors of the Community and NATO in place, even though East Germany disappeared into a united Germany, the eastern European countries emerged from Soviet control, and the Soviet Union itself crumbled.

That multilateral institutions can be so resilient during a period of profound international change is striking. However, because Europe did not wipe the slate clean in 1989, this now means that policy makers are constantly trying to work with institutional frameworks that may not in fact be optimal for the challenges of the twenty-first century. The basic institutional structures of the Cold War remain largely in place, and although they have been expanded and modified, they still are felt to represent entrenched and influential interests: this is one reason why institutional debates are so intractable.

2 Enlargement of both the Union and of NATO continued throughout the Cold War period, and institutional reform of the Union was almost continuously under discussion, most particularly with the Single European Act of 1987.

Military and civilian power

The second historical inheritance has been a real concern in continental Western Europe about the use of military power. After World War II, there was little enthusiasm to create new competitive European alliances, or to elaborate military structures that might in time be used by states against each other. These states had already been fighting each other over a period of thirty years. It is also true that the United States, as the dominant power in Western Europe, would have opposed the development of autonomous defence capabilities or alliances that might have undermined NATO. Western Europe's defence against outside threats was instead largely taken care of by NATO, and by national defence provisions.³

The European Community was designed as a civilian institution that was under the protective umbrella of NATO. Indeed foreign policy, (apart from external trading agreements) was deliberately excluded by those who created the European Community. Rearmament – especially by West Germany – was one of the most politically sensitive issues in European politics in the late 1940s and early 1950s.

So it is clear today, that moving away from using only civilian tools in overseas policy has been the most dramatic cultural change for the Union as an international actor since 1998. The Union prides itself on its aid, development and humanitarian programmes, and its 'civilian' approach to the resolution of international questions, rather than any traditional 'defence' profile. Further, to return to a situation of 'balancing' between heavily armed major states or groupings is something which most policymakers have sought to avoid, and this has necessarily shaped European strategic thinking.

3 This was an uneven process, marked out by a difficult period of debate and international negotiation from 1950 to 1954 on the ultimately unsuccessful European Defence Community proposal. European neutrality and non-alignment was also expressed in different forms in different countries being, variously constructed around decisions taken in relation to the postwar settlement; fear of US and/or Soviet hegemony; and long-standing national traditions.

Post-imperial reflex

The third striking feature of the influence of the past is that there remains, especially in Britain and France, what we may call a post-imperial global reflex. This is not easy to define, but it principally concerns the former colonial possessions of Britain and France, and how their relations with their old colonies have developed and coloured the wider foreign policies of the EU since the 1950s. Italy, the Netherlands, Belgium, Spain and Portugal also had major overseas colonial possessions, and these, too have affected EU security, economic and diplomatic policy making, but not to the same extent.

The ending of empires in the twentieth century was a long drawn-out, painful and often bloody phenomenon. But while it is one thing to hand over governmental power to former colonies, it is quite another to draw a line under the wider economic and cultural impact of empire. The weight of past empires is represented by the remaining imperial territorial outposts, as well as through various patterns of investment, trade, migration, and cultural and political priorities. For all the above reasons, the post-cold war debate about whether the EU should be a regional or a global power was a very short one: Europe's traditional interests, coupled with globalisation, clearly pointed to at least a global perspective for most, though not all Member States. This fact has been crucial to recent foreign policy debates about the character and extent of the EU's current reach and activities, whether over the 'quasi' imperialist policies in the Balkans; the Middle East including Iraq; Iran; the North African littoral; or in sub-Saharan Africa; as well as in debate about EU trade arrangements, development and humanitarian aid, and the leadership of military operations.

Both states and the Union have had to learn to work with all these historical realities. European institutions, mentalité and policy reach have all been shaped by Europe's historical experiences.

The politics of the post-cold war era

The second set of complexities relate to more contemporary politics. As the cold war ended, it seemed that a period of reduced international tension would follow. Countries took a peace dividend with the end of the armed stand-off that had existed for decades between the superpowers. The spread of democratic, liberal, open-market and capitalist values was widely anticipated. In some respects, however, the 1990s turned out to be very different from these expectations. Far from history ending with the triumph of liberal democracy, new sources of tension emerged, notably as those ethnic tensions buried by the authoritarian regimes which then collapsed with the end of the cold war emerged in sometimes violent forms. So the struggle to legitimise international democratic and human rights norms was taking place even as old states disintegrated and new states were being created, although often through war and civilian displacement.

Security and foreign policy

Indeed, the very label 'security' has taken on new meaning. During the cold war, the discourse on international security had largely been concerned with security between states. Although other security issues were always present, they tended to be characterised and dealt with differently and separately from international security policies.⁴ However, as far back as 1975, the CSCE and the Helsinki Final Act, with its focus upon human rights and state obligations, was already becoming in some respects the leader in turning European international politics to a new kind of thinking. In 1992, and in 1995, the WEU had contributed decisively to this new thinking, with the Petersberg Tasks, and then the Common Concept, in which it was argued that 'security is indivisible, that a comprehensive approach should underlie the concept of security and that cooperative mechanisms should be applied in order to promote security and stability

4 We should not, however, forget the drive in both capitalist and the communist countries to control serious ideological opposition by citizens, and to create 'national security' states.

in the whole of the continent'. Kofi Annan's Human Development Report, and the philosophical contribution of the Canadians, all added to this debate.⁵

By the end of the 1990s, terms such as societal security which extended into concerns about health, culture and identity; economic security; environmental security; human security; and cooperative security all expanded the tasks of states and international organisations. Indeed, security has become a word that relates with equal intensity to domestic and external levels of policy-making. Issues relating to migration and immigration, policing across borders, the abuse of global banking and financial transaction systems, and then terrorism defy easy pigeon-holing as internal or external security issues. Citizens demand security at home as well as from threats overseas.

As a result of this, what we mean by foreign policy is also changing rapidly. The advance of technology has brought the 'foreign' into the domestic, whether through cheap air travel, television, the internet, or global associations of like-minded people. It is increasingly hard to separate the external (foreign) and domestic dimensions of many policies, especially those that relate, for example, to border regimes, travel restrictions, or a desire for legal measures at home that restrict individual freedoms to protect civilians against possible terrorist attacks. Immigration policies are nearly always related to foreign policies as well as to domestic perceptions, whether in a post-imperial context, or because of international and national obligations to protect those who are the victims of repression in their own countries. National and international Non-Governmental Organisations – or 'coalitions of the committed' – are frequently the champions of particular social groups regardless of their nationality and are playing an increasingly large role in the development and implementation of security

5 The Petersberg tasks of humanitarian and rescue missions, traditional peacekeeping and 'tasks of military forces in crisis management' excluded defence proper, so did not cut across NATO, and would be considered general enough to allow non-aligned members of the EU to participate. Ironically, the WEU itself was to be almost completely washed away by 2000, as its functions and many of its staff, were taken over by the EU. 'European Security: A Common Concept of the 27 WEU countries'. WEU Council of Ministers, Madrid, 14 November 1995.

policies. Old fashioned or traditional defence is less often considered by the public given this welter of new issues, whilst some armies now also have to act in ways that are closer to policing than traditional warfare, at the same time as leading territorial invasions such as those in Afghanistan and Iraq. These changes have also transformed, if not ended, the hard fought-for negotiating framework within which the debate about managing the possession of nuclear technology for weapons – either by states, or possibly by non-state actors used to take place.

Meanwhile, globalisation, which is not of itself a particularly new phenomenon, seems to have speeded up. This is in part because of fantastic technological innovations which created an ability – through TV, media outlets, the internet, and mass travel – to see into the lives and working conditions of nearly all states. It seemed that events anywhere in the world could have an immediate impact on Europe and that there was no clear correlation between the importance of developments for Europe and their geographical distance from the Union. At the same time, new markets and centres of economic power and activity – particularly in India, China and Brazil – generated new policy questions for the EU, even though the inherited interests and obligations of European powers relating to their old imperial zones of influence did not disappear.

So the Union, still carrying its historical baggage, had to find a role in an international system whose character was as yet unknown. European decision-makers were also coming to terms with the different kind of ways in which the United States has responded to these systemic changes, and whose increasingly muscular unilateralism presents very great diplomatic and political challenges to the Union and to its Member States.

This thumb-nail sketch of the context of our theme of Securing Europe is important, as it shows that both institution-building and policy-making were being undertaken when there was great uncertainty both about the nature of the international system, about the very purpose of the Union, and how it should position itself in that system. This does not just mean policies towards the United States, but to the other rising powers; as well as the extent to which states should manage economies, protect and strive for equality for its citizens alone or collectively. The Union is unsurprisingly

both criticised for incrementalism, and praised for its model building for a new kind of global foreign and security policy.

The European Security Strategy in context

To St Malo

Analysts have noted the beginnings of a new positioning of the Union as a more pro-active actor in the international system from the early 1990s. At the same time as German unification, the decision was made to embrace a single currency for willing Member States. In 1993, the Maastricht Treaty created an intergovernmental Common Foreign and Security Policy (CFSP) 'pillar' out of the very loose foreign policy cooperation procedures (European Political Cooperation); and also, a 'pillar' within the Union to deal with Justice and Home Affairs. This all indicated that the straightjacket of the cold war, in which foreign policy was not a clear part of the remit of the European Union institutions was being loosened. There was a growing self-confidence that stemmed from the European single market and currency projects, while at the same time the US's traditional interest in European affairs seemed to decline as it became more preoccupied by other parts of the world.⁶

The EU enlargement process of the 1990s was also a profoundly important strategy, embracing first the rich, but neutral or non-aligned countries of Austria, Finland and Sweden, before grappling with the poorer central and eastern countries with much weaker democratic traditions. The 1993 Copenhagen Declaration of core values and benchmarks for applicants was a dimension of a highly articulated strategy towards enlargement that is now often downplayed. Strategies and common strategies – words rather than deeds – were devised to address many important policy areas, including Russia and the Ukraine.⁷

6 Alyson Bailes, *The European Security Strategy: An Evolutionary History*, SIPRI Policy Paper No 10, 2005. The EU was also now using the word 'strategy' to describe its sometimes faltering attempts to define its relations with the big powers in the neighbourhood.

7 Strategies were not considered the prerogative of either the Council or the Commission in the mid-1990s.

But it was not until French and British short-term interests finally converged during a bilateral meeting at St Malo in December 1998, that the major breakthrough for the EU's role in international relations took place. The bilateral proposal to give the Member States of the EU access to military forces for voluntary military operations changed everything. Over the next two years, the Common Foreign and Security Policy was transformed in a stream of decisions at Head of State level: a so-called 'High Representative' for the CFSP was created as a permanent appointment; a full time committee of Ambassadors was established in Brussels (the Political and Security Committee, PSC or Comité Politique et de Sécurité, COPS); and military committees and support procedures were put in place to ensure implementation of CFSP and especially ESDP matters. So the framework for a foreign and security policy for the EU were becoming clearer, even if the content of the policies themselves were not.

The debates surrounding this transformation between 1999 and 2003 were vigorous and multi-dimensional. On the one hand, there were those who had come to see the virtue of the civilian power dimensions of the European Union as the starting point for a new, normative and pacific form of international relations, based rather on peace and development, and not on military 'security' and crisis management. They opposed the St Malo process. They sometimes found themselves on the same side of the debate as some Atlanticists who dreaded anything that might undermine NATO, and also some nationalists who rejected the idea of having to share their national military assets with the EU.

Others saw this tectonic shift more positively as a part of a longer term process of European policy integration which was finally and inexorably beginning to spill over into the sacred bastion of states' foreign – and by implication – defence policies. Still others saw the prospect of a reinvigorated EU as a new 'balancer' for over-mighty American power in the post cold war world; or as a chance for states to take a lead over the non-elected European Commission; for big states with strong military traditions to shape the EU of the future; for non-NATO members to have the hope of common external policies beyond trade and aid; and even for some, as a business chance with the long term prospect of a revived and more integrated European armaments industry.

Given this welter of opinion, it was therefore hardly surprising that the lowest common denominator upon which states could initially move forward on reform was to add to existing institutions, rather than to reassess policy content.⁸ And, all the while, the meaning of foreign and security policy was itself changing, as new challenges from non-state actors, failed states, environmental and health scares, migration, war, military interventions, and weapons proliferation served up a rich, but murky soup of challenges that were not just within, or just beyond its borders, but which were across the world.

The European Security Strategy

It is in this broad context that the European Security Strategy was formulated in December 2003. The story of its creation is now quite well-known.

First, it was clear that strategic thinking was already developing in Brussels. Whether called external relations or foreign policy, there was a huge gap between policy imperatives, and the organisation in Brussels, as well as a lack of a set of foreign-policy principles upon which an EU policy could be based, despite claims and pleas for coherence in this area. The Commission's approach was based upon prevention of conflict through norms, development and good governance tools, rather than crisis prevention or resolution. It had the budget, the trade and aid tools, including a rich practice of cooperation with some of the other international institutions and non-governmental organisations.⁹ Meanwhile, the Petersberg tasks essentially remained the basis for the state-based CFSP/ESDP, which was nevertheless tied up in a process of

8 Sven Biscop, *The European Security Strategy: Implementing a Distinctive Approach to Security*, Royal Defence College (IRSD-KHID), Brussels, 'Sécurité & Stratégie', Paper No 82, March 2004, has an outstanding description and analysis.

9 In 2001 the Commission proposed to address the 'root causes of conflict' by promoting 'structural stability', defined as 'sustainable economic development, democracy and respect for human rights, viable political structures and healthy environmental and social conditions, with the capacity to manage change without resort to conflict', and an integrated policy, surpassing the pillar structure that defined conflict prevention as a priority for all of the EU's external action. COM (2001) 211 final, 'Conflict Prevention', European Council at its meeting in Göteborg, 15-16 June 2001. See generally, Biscop.

committee-creation, and in disagreements with NATO over assets – that is, access to NATO/US military hardware and supplies. There was a clear need to bridge the gap between the two. There were debates about a new European Constitution that covered such issues as the end of the pillar system, the creation of a EU foreign minister, and a EU defence clause, going on during this period.

The US-led invasion of Iraq in March 2003, and the major split between European Member States that this provoked led some commentators to a state of despair, proclaiming that ‘CFSP is in ruins’.¹⁰ The US’ own National Security Strategy of September 2002, with its articulation of the chilling shift to national pre-emption if its own interests were threatened, was also a spur to the EU to devise some form of collective, if indirect European response. The December 2003 European Security Strategy document was then not so much a formal strategy as the term is conventionally understood, but rather a form of sticking plaster for the EU Member States to help to cover their own differences, to find common ground, and to draw up a joint credo with which it could both respond collectively to the Bush administration’s policies, and build upon the developments of the previous four years in the foreign policy, and specifically CFSP/ESDP sphere.

The ESS has essentially three messages. The first is positive. The EU is well positioned as a large and prosperous regional and global actor in a global age. It has embraced a security concept that reflects the traditions of the EU over many decades. The EU is still a normative power, and one that extols foreign policy measures that are intended to instil confidence, partnership and cooperation, and to prevent war. If all this sounds rather saccharine, the ESS also takes account of the profound changes implied by the St Malo process, and discusses the ways in which the use of military force can be embedded in the Union, although it is ambiguous on the exact relation between the use of force and the role of the UN as an upholder of international law. The ESS recognises the impact of the security debate of the previous decade, by addressing the need to promote an area of freedom,

10 The June 2003 Operation Artemis in the Congo was a EU attempt to show that it could act autonomously with military instruments if required.

security and justice within the EU, as well as acting beyond its borders in relations to these same threats.

The second message concerns the threats: always a gloomy inventory. It has to be said that this list is both a catch-all list, and one that was actually revised between the first and final drafts of the Strategy, and so is perhaps an indication of the political sensitivities of the months in which the Strategy was thrashed out in Brussels and national capitals. The list covers terrorism, the proliferation of weapons of mass destruction, and failed states, but also includes environmental and health threats, the threats from non-state actors, as well as the so-called old threats of regional instability.

The third message is to set the EU into the emerging international system, which is/must be 'an effective multilateral system' that includes the UN, NATO, the OSCE and the economic bodies. So, 'a stronger international society, well functioning international institutions and a rule-based international order' is the *sine qua non* for the EU, which is obviously itself part of that very same order.

It is clear that, overall, the Strategy seeks to create a virtuous circle of stronger Union political action that will lead to a greater recognition of its capacities both to act alone, as well as being an influential player within an uncertain multilateral system, and the developments of the Union since 2003 have to be seen in this context. Yet the ESS is not really a strategy at all in terms of the traditional use of the word as an operational document with guidelines regarding the use of military force; but is rather a declaration of principles and of policy tools, a combination of an international SWOT exercise and a '*tour d'horizon*' position paper. It also sets the stage for what was meant to have been the other leg of this exercise, the reform of the EU institutions themselves. But that cohesion-building exercise crumbled in the summer of 2005, when the French and Dutch rejected the EU constitutional package in national referendums. So, while the old institutional questions have not gone away, the debates continue about policy priorities, the use of force, and the areas of focus for EU foreign policy in the twenty-first century.

2 ESDP Deployments and the European Security Strategy

Graham Messervy-Whiting

Introduction

The aim of this essay is to take an overview of the EU's Security and Defence Policy (ESDP) deployments to date, and then to relate these actions to the main strands of the European Security Strategy.

It is only since 1999 that the EU has begun to take on foreign, security and defence policy responsibilities, in a way that brings them into the same security frame as the responsibilities it already held in other areas that touched external relations. These other areas are economic and financial affairs; justice and home affairs, including civil protection; employment, social policy, health and consumer affairs; as well as the full range of other EU areas of activity.

Articles 11 to 28 of the current Treaty on European Union (TEU), the Nice Treaty, cover the Common Foreign and Security Policy (CFSP).¹ The key article is number 11 which covers objectives including these three quite powerful and all-embracing themes:

- Safeguarding the fundamental interests, independence and integrity of the Union.
- Strengthening the security of the Union in all ways.
- And preserving peace and strengthening international security.

It is article 17 of the Treaty that speaks to ESDP specifically. It covers tasks and states that there will be a progressive framing of a common

1 http://www.europa.eu.int/eur-lex/pri/en/oj/dat/2002/c_325/c_32520021224en00010184.pdf (Official Journal (OJ) 325/2 dated 24 December 2002).

defence policy. The tasks to be undertaken should include humanitarian and rescue actions; peace-keeping, and tasks of combat forces in crisis management, including 'peacemaking'. The word 'include' in the Treaty is an important one, as it indicates that this list is not an exhaustive one, and gives scope for further developments for the ESDP whilst it remains within the remit of the Treaty.

The Union's overall approach to crisis management has been consistently to develop coherence in its actions. This means using the whole range of civilian instruments already at its disposal (for a large part under the responsibility of the European Commission) while also being able to use military force. The EU decided at the Helsinki European Council in December 1999, that Member States would contribute not only the military capability to undertake these tasks but also, under the ESDP heading, to the development of the civilian aspects of crisis management in four priority areas: police, strengthening of the rule of law, strengthening civilian administration and civil protection.²

By the end of 2002, the EU had designed, set up, recruited and trained its new ESDP structures, including an intelligence assessment staff, completed all the necessary initial conceptual, policy, planning and legal work, carried out its first crisis-management exercise and started planning its first ESDP deployment. This is all grouped in Pillar 2 of the EU, that is to say, is driven by inter-governmental decision-making, and not by the Commission.

ESDP Deployments 2003–2005

ESDP deployments tend to be small-scale, but within the capability range of the EU, which has to ensure unanimity amongst its Member States before it can act. The chronology of the 15 ESDP deployments to date is as follows. The first-ever operation to be deployed, in January 2003, was non-military in flavour: a police mission to Bosnia and Herzegovina which is known as EUPM BiH, one of the many acronyms that inevita-

2 These specifics were refined by the Feira European Council, June 2000.

bly define these operations.³ This deployment, which took over from the UN's International Police Task Force and which is still ongoing, monitors, mentors and inspects with a view to establishing sustainable policing under Bosnian ownership. EUPM BiH currently consists of 400 police officers and local support staff from 33 EU (24) and non-EU (9) contributing countries. Right from the start, the EU opened up participation in its ESDP operations as widely as possible in each case. Thus, in the case of EUPM BiH, contributions are also being made by some of the countries on the path to joining the EU (Bulgaria, Romania and Turkey); non-EU European countries (Iceland, Norway and Switzerland); and members of the wider Euro-Atlantic community (Canada, Russia and Ukraine). This level of cooperation beyond the actual members of the EU is a striking example of functional cooperation that extends beyond a rigid institutional structure.

The second operation deployed in March 2003 was the EU's first military operation. It was in the former Yugoslav Republic of Macedonia (FYROM) and was given the name CONCORDIA.⁴ The EU made a conscious decision to give those of its operations with a more military flavour an acronym that was a one-word codename, rather than go down the NATO route of two-word names with linkage to the nature of the operation (e.g. ENDURING FREEDOM in Afghanistan). Greece was holding the EU's rotating Presidency in early 2003, so codenames from classical mythology seemed particularly appropriate. CONCORDIA followed on from a NATO operation and made use of NATO assets and capabilities, made possible by the completion of work on EU-NATO cooperation under the so-called 'Berlin Plus' arrangements. The core mission was, at the request of the FYROM Government, to contribute further to achieving a stable and secure environment there. Some 400 military personnel were provided from a total of 27 EU (13) and non-EU (14) countries. The operation was completed in December 2003.

The third operation to deploy was the second military one, called ARTEMIS, and was in the Democratic Republic of Congo (DRC), a short-

3 Details are at http://ue.eu.int/cms3_fo/showPage.asp?id=585&clang=en&mode=g

4 See http://ue.eu.int/cms3_fo/showPage.asp?id=594&clang=en&mode=g

term 'autonomous' operation (that is one conducted without recourse to NATO assets and capabilities).⁵ ARTEMIS was mounted at great speed, in accordance with a UN Security Council Resolution, to provide an interim emergency multinational force in Bunia (in the Ituri region of DRC) until such time as the UN's mission in DRC (called MONUC) could strengthen its presence there.⁶ Some 1400 military personnel took part, from a total of 16 EU (11) and non-EU (5) countries, under the EU's 'framework nation' concept with, in this case, France providing the framework. The operation was completed in September 2003.

The next deployment, and the second police mission, was to FYROM and called PROXIMA.⁷ The objective was to monitor, mentor and advise the country's police with a view to helping in the fight against organised crime as well as promoting European policing standards. PROXIMA was launched in December 2003, in succession to the EU's military CONCORDIA operation, and completed in December 2005. At its zenith, 200 personnel from EU Member States and other countries made up the mission.

EUJUST THEMIS in Georgia was launched in July 2004 and completed one year later.⁸ It was the first 'Rule of Law' mission in the field of ESDP, with the objective of supporting the Georgian authorities, at their request, to address urgent challenges in their criminal justice system. It consisted of around 10 senior and experienced international experts, plus local support staff, who mentored and advised Ministers and senior officials in central government.

Operation EUFOR ALTHEA in BiH is the EU's third military operation and by far the largest to date.⁹ Launched in December 2004 and still ongoing, ALTHEA succeeded NATO's SFOR operation and, like CONCORDIA in FYROM, makes use of NATO assets and capabilities. Following an enabling UN Security Council Resolution, ALTHEA is a

5 See http://ue.eu.int/cms3_fo/showPage.ASP?id=605&clang=en&mode=g

6 Only two weeks elapsed between the adoption of UNSCR 1484 (30 May 2003) and the EU's decision to launch the operation (12 June 2003).

7 See http://ue.eu.int/cms3_fo/showPage.asp?id=584&clang=en&mode=g

8 See http://ue.eu.int/cms3_fo/showPage.asp?id=701&clang=en&mode=g

9 See http://ue.eu.int/cms3_fo/showPage.asp?id=745&clang=en&mode=g

vital strand of the overarching EU General Concept for a stable, viable, peaceful and multi-ethnic BiH, co-operating peacefully with its neighbours and irreversibly on track towards EU membership.¹⁰ ALTHEA is a force of some 7000 troops with a robust mandate to deter, ensure continued compliance with the General Framework for Peace in BiH and to contribute to a safe and secure environment there.¹¹

The next deployment was a police mission to Kinshasa in DRC, EUPOL Kinshasa, inaugurated in April 2005 and also ongoing.¹² The mission of the 30-strong EUPOL, at the request of the DRC Government, is to assist in setting up an integrated police unit to contribute to the protection of state institutions and reinforce internal security.

The EU's technical support to the African Union, to assist it in the mounting of its first-ever large-scale peace support operation (AMIS II) in the Darfur Region of Sudan, was broadened in May 2005 into a consolidated support package.¹³ This included: support to the African Union's civil police element, planning and technical expertise to their military chain of command, airlift, logistic support, training assistance and advisory teams, aerial observation, media support, military observers, finance, and an administration and management coordination cell, all in transparency and complementarity with partners such as NATO. Assistance to the African Union is ongoing.

Next came the EU mission to provide, over a period of one year, advice and assistance for security sector reform in DRC (EUSEC DRC Congo), launched in June 2005.¹⁴ This is the EU's first deployment in the field of security sector reform and consists of around 10 experts attached to key areas, such as the Private Office of the Minister of Defence, the General Military Staff and the National Commission for Disarmament, Demobilisation and Re-assignment.

10 UNSCR 1551 (9 July 2004).

11 From 33 EU (22) and non-EU (11) countries.

12 See http://ue.eu.int/cms3_fo/showPage.asp?id=788&clang=en

13 See http://ue.eu.int/cms3_fo/showPage.asp?id=956&clang=en&mode=g

14 See http://ue.eu.int/cms3_fo/showPage.asp?id=909&clang=en&mode=g

EUJUST LEX in Iraq was launched in July 2005 and is also ongoing.¹⁵ Like its predecessor in Georgia, this is a rule of law mission but, in this case, providing integrated training in the fields of management and criminal investigation to a representative group of senior officials and executive staff from the judiciary, police and penitentiary. The aim after 12 months is to have provided training to some 770 such personnel.

The next deployment and the EU's first monitoring mission launched under the ESDP heading came in September 2005, when the Aceh Monitoring Mission (AMM) started work to monitor the implementation of various aspects of the peace agreement between the Government of Indonesia and the Free Aceh Movement.¹⁶ The mission consists of around 200 personnel and is the first to involve contributions from another regional organisation (ASEAN) as well as from EU Member States and other European countries. Next came 2 border assistance missions (BAMs) launched in quick succession in November 2005. The first, to Moldova and Ukraine at the request of their Presidents, consists of border guards and customs officials from 15 EU Member States deployed to 5 field offices on the border.¹⁷

The second, a BAM at the Rafah crossing point in the Palestinian Territories was, like ARTEMIS in the DRC, mounted at great speed following the conclusion of the 'Agreement on Movement and Access' between Israel and the Palestinian Authority; 70 police officers are on the ground from 15 EU Member States (EU BAM Rafah).¹⁸

Another EU police mission in the Palestinian Territories started its 3-year mandate in January 2006, with a view to supporting the Palestinian Authority in establishing sustainable and effective policing arrangements (EUPOL COPPS).¹⁹ It grew out of a small EU Coordinating Office for Palestinian Police Support (COPPS) established earlier in 2005 in Ramallah. EUPOL COPPS currently consists of 33 police and civilian personnel

15 See http://ue.eu.int/cms3_fo/showPage.asp?id=823&lang=en&mode=g

16 See http://ue.eu.int/cms3_fo/showPage.asp?id=957&lang=en&mode=g

17 See http://ue.eu.int/cms3_fo/showPage.asp?id=986&lang=en&mode=g

18 See http://ue.eu.int/cms3_fo/showPage.asp?id=979&lang=en&mode=g

19 See http://ue.eu.int/cms3_fo/showPage.asp?id=974&lang=en&mode=g

mainly seconded by EU Member States. Both EU BAM Rafah and EUPOL COPPS are, at the time of writing, having a particularly challenging time in delivering their missions.

Launched in December 2005, the fifteenth ESDP deployment is of an EU Police Advisory Team to FYROM, to succeed the successfully completed PROXIMA police mission there. EUPAT consists of around 30 police advisers mandated over 6 months to support the development of an efficient and professional police service, based on European standards of policing (EUPAT FYROM).²⁰

Thus of the fifteen ESDP deployments to date, eleven current and four completed, four (CONCORDIA FYROM, ARTEMIS DRC, ALTHEA BiH and the EU's support to the African Union's AMIS II operation in Sudan) can be viewed as at the military end of the civil-military spectrum, while the other eleven have more of a 'civil' flavour. This list above is also remarkable in showing the variety of place and content of actions. None were susceptible to long term planning before being carried out, and the range of agencies and governments with which coordination was undertaken is striking. Of course, all are relatively small-scale: nevertheless, it is competence and effectiveness that are better indicators of policy delivery, and which are more within the prioritising of civilian policy tools, and the normative boundaries of what the EU has set itself to do.

The European Security Strategy

This succinct 21-page booklet is a 'should read' for all serious students of Europe.²¹ The latter part of the document is the more operative, and speaks of 'Building Security in our Neighbourhood' being best illustrated in the Balkans. It goes on to say that it is not in Europe's interest for the EU's recent membership enlargement to create new dividing lines in Europe, then specifies the need to take a more active interest in the problems of the Southern Caucasus and picks out resolution of the Arab/Israeli

20 See http://ue.eu.int/cms3_fo/showPage.asp?id=994&clang=en&mode=g

21 http://ue.eu.int/cms3_fo/showPage.asp?id=248&clang=en&mode=g click on 'European Security Strategy'. It is also reproduced at the end of this book.

conflict as a strategic priority. It concludes by talking about more effective economic, security and cultural cooperation in the Mediterranean area, in the framework of the 'Barcelona process'. The EU's track record under this heading is that five of the fifteen ESDP deployments have taken place in the Balkans, including two of the four that have a 'military-civil' flavour; two have so far taken place in South Caucasus; and two are taking place in the Palestinian Territories. To complete the picture, the other six are taking place in Sub-Saharan Africa (four), which the Strategy mentions under the heading of 'Global Challenges' in the context of poverty and disease; Iraq (one) and Aceh (one).

The Strategy then goes on to talk of 'An international order based on effective multilateralism', splitting this down into the strands of the UN, the transatlantic relationship, regional organisations, and spreading good governance. If one attempts to give one of these four labels as a principal label to each of the fifteen deployments, one can arrive at the following pattern:

- ARTEMIS in the Congo, EUJUST LEX in Iraq and the Rafah Border Assistance Mission can be related in particular to supporting UN objectives.
- CONCORDIA and ALTHEA, the two Balkan operations of a 'military-civilian' flavour, can be related, through the EU's use of NATO assets and capabilities, to supporting the transatlantic relationship.
- Support to AMIS II in Sudan, the Aceh Monitoring Mission and the Moldova/Ukraine Border Assistance Mission can be related, respectively, to support for African Union, ASEAN and OSCE objectives.
- And the 5 police-type missions, EUJUST THEMIS in Georgia and EUSEC in the Congo can be related to spreading good governance.

The Strategy then goes on to talk about the policy implications for Europe. It talks of a 'strategic culture that fosters early, rapid and when ne-

cessary robust intervention': ARTEMIS in the Congo and the Rafah Border Assistance Mission are good examples of this with, in the latter case, only ten days separating the signature of the border agreement and the opening of the crossing point with the first EU personnel on the ground. The Strategy document also mentions 'preventive engagement', and here the Moldova/Ukraine Border Assistance Mission is perhaps the best example so far of this strand. A 'more capable' policy could be construed to cover a number of fields which, in this context, include:

- 'Greater capacity to bring civilian resources to bear in crisis and post-crisis situations'; a good example of this is EUJUST LEX in Iraq, with its mission of integrated training in the fields of management and criminal investigation.
- A wider spectrum of missions, which might include 'joint disarmament operations, support for third countries in combating terrorism and security sector reform'; EUSEC in the Congo is perhaps the best example so far of the latter. As an aside, the new measures touching on these themes in the Constitutional Treaty²² have not been lost by non-ratification: the non-exclusive nature of the existing Treaty's Article 17 already provides for them and many have also been implemented by separate unanimous political decisions.²³
- 'EU-NATO permanent arrangements', covered already under the heading of the transatlantic relationship. As an aside on this strand, the EU following on with an ESDP operation after a NATO operation is always likely to be a challenging issue: the EU is not a military alliance but a political union and its ESDP action in a certain country or region will always therefore be part of a wider comprehensive EU concept there, such as the General Concept for Bosnia, which will need to be first hammered out, then signed up to unanimously.

22 Articles I-41 and III-309 to 312.

23 For example, an EU concept for ESDP support to security sector reform was noted by Council on 21 November 2005.

A 'more coherent' policy implies bringing together the EU's different instruments and capabilities. This is perhaps one of the toughest nuts to crack but there are signs of progress with, for example, an agreed EU concept for comprehensive planning being noted by the Council in November 2005.²⁴ The new EU Special Representative for FYROM is also double-hatted as the Head of the European Commission Delegation there.²⁵ Coherent policies are also needed within each region. This is indeed developing now with, for example the European Partnership Plans that have been agreed for all the Western Balkan States; the progressive nature of successive ESDP operations within Macedonia (military, to police, to police advisory); and greater linkage of ESDP and other EU activity within Bosnia under the Special Representative.²⁶

Conclusion

There is no prospect of, and indeed no current EU aspiration for the Union to become a great military power with a capability to engage in major expeditionary war fighting. The name of the game is conflict prevention, peace implementation, stabilisation and strengthening the ability of fragile democracies to adopt best practice, all on a case-by-case and solidly law-based basis, worldwide. The EU is in the business of steady, piece by piece construction, sometimes moving slowly but on occasions progressing quite rapidly – but still striving for evolution rather than revolution. The EU is now doing substantial work in the security and defence field in its own near neighbourhood and is also contributing, in modest ways,

24 GAERC of 21 November 2005; the Council also held its sixth debate on improving the effectiveness of EU external action on 22 November 2005.

25 Erwan Fouere was appointed, by the Council and the Commission, EU Special Representative and Head of EC Delegation in the Former Yugoslav Republic of Macedonia (FYROM) on 17 October 2005; this is the first such double-hatted appointment.

26 General Affairs Council of 30 January 2006 adopted decision on principles, priorities and conditions for European Partnerships with: Albania (15263/05), BiH (15267/05), FYROM (15288/05) and S&M including Kosovo (15283/05); together with Croatia (first EU-Croatia SA Council took place on 26 April 2005), these are all members of the Stabilisation and Association Process (SAP).

worldwide. But supplanting NATO and rivalling the military might of the US seems unlikely.

This essay has shown that there is congruence between actions in the field, and the precepts of the European Security Strategy, and there are some good signs that ESDP deployments to date can indeed be seen as supporting the various strands of the Strategy. One has, however, to ask whether the decision-makers in the EU sit with the European Security Strategy in their left hand as they raise their right one in the corridors of power. The answer must be that they do not. However, the Strategy is essentially a policy priority document, and the detailed output of foreign policy is rarely conducted according to a rule book. It is also clear that, as this chapter has shown, as case by case windows of opportunity arise, the EU is working within the general framework of the European Security Strategy.

3 Money Matters: Financing EU Crisis Management

Antonio Missiroli

The financing of crisis management operations is an important, if sometimes neglected factor contributing to the effectiveness of the European Security and Defence Policy (ESDP) and Common Foreign and Security Policy (CFSP). The European Union (EU) is engaged in a growing number of different kinds of crisis management operations on the ground in third countries as demands upon the EU to act beyond its borders increase.¹ Yet the financial underpinning of these operations has largely been improvised; does not provide a sustainable and coherent framework for future actions; and could indeed threaten the overall credibility of EU foreign policy. This chapter shows that seemingly technical funding issues actually raise powerful institutional tensions both between states and the Brussels institutions, and also between the institutions themselves. These tensions have been aggravated by the stalemate over the Constitution, and require addressing for political reasons, for reasons of sound financial management, and to create a more effective foreign policy.

Background

Since the inception of CFSP, inter-institutional disputes between Council and Parliament on questions related to financing have been frequent. Originally, art.J.II of the Maastricht Treaty stated only that ‘administrative’ expenditure would be charged to the EU budget, while ‘operating’ expenditure would either follow the same principle or be charged to the Member States ‘with a scale to be decided.’² In either case, the decision had to be unanimous.

1 A complete list of past and current EU operations can be found at: <http://www.consilium.europa.eu>.

2 Art.268 TEC refers to revenue and expenditure of the Community, which is legally correct, but it is more commonly referred to as the budget of the Union – and so it will in this paper.

At that initial stage, the key problem already laid with the interpretation to be given to ‘operating’ as distinct from ‘administrative’ expenditure (which covers *at least* the costs of all the EU personnel involved). It did not become important, however, until the Union decided, in October 1993, to embark on its first, small, ground operation which was the two-year civilian administration of the contested South-Western Bosnian town of Mostar in former Yugoslavia (EUAM, 1994–96). The operation had an initial budget of up to ECU 32 million for 1994, 17 million of which were charged to the Member States according to the GDP scale of contribution. Later on, up to ECU 80 million was budgeted for 1995, and further 32 million up to July 1996. However, after having encountered major efficiency problems with the initial allocations that were to be made by the Member States, it was soon unanimously decided that all the costs for 1995–96 be charged entirely to the EU budget. The Council eventually accepted that CFSP ‘operating’ expenditure be classified, as a general rule, as *non-compulsory*, thus indirectly allowing the European Parliament to be equally involved in the budgetary procedure, if there were not adequate and prompt additional allocations by the Member States. As a result, the overall expenditure for EUAM from the EU budget amounted to ECU 44 million, to which the costs of the WEU police force and the civilian personnel sent (and paid for) by the Member States were to be added.

Shortly afterwards, the Amsterdam Treaty widened the possible scope of CFSP operations to include the so-called ‘Petersberg tasks’ (art.17 TEU). This added an explicit military dimension to CFSP, although it was not yet ESDP proper. In the light of the experience made with EUAM and of the new tasks, art.J.11 was also modified and became art.28 TEU, which is still in force. The new provisions maintained that ‘administrative’ expenditure would be charged to the EU budget under a Community instrument. Regarding ‘operating’ expenditure, the Treaty envisaged two main options: a) it could be charged to the EU budget as well (under the separate line for CFSP proper within the ‘External Action’ heading); b) or not. The latter was expected to be always the case with operations ‘having military or defence implications’: for these also the provisions laid down in art.23 on ‘qualified’ abstention (commonly referred to as ‘constructive’) apply, whereby abstaining Member States are exempted of financial contribu-

tions. Yet no stringent indication is given on the scale of contributions for such military operations: the relevant expenditure, in fact, can be shared either according to the GDP ‘key’ or otherwise, if ‘the Council acting unanimously decides’ so.

Such a complicated system was clearly the result of an inter-institutional compromise between Council and Parliament. While preserving almost all options open for future missions, it did not throw much light on the exact interpretation of what ‘operating’ expenditure is expected to be.³ So on 6 May 1999, in the wake of the entry into force of the Amsterdam Treaty, the main institutional actors tried to patch up a new arrangement. This was intended to substitute for the ‘gentlemen’s agreement’ of 1970 on budgetary discipline and procedures, whereby Parliament and Council refrained from modifying each other’s budgets, but it also included a chapter on the financing of CFSP. Parliament and Council, in particular, agreed on a special treatment for CFSP expenditure in line with its peculiar character (need for a margin of manoeuvre, confidentiality, resort to national capabilities). Classified as ‘non-compulsory’ expenditure (as distinct from strictly Community expenditure), it is determined by a special co-decision procedure between the two ‘arms’ of the budgetary authority within the framework of the annual procedure. As a consequence, each year Parliament and Council must agree on the overall amount of CFSP expenditure and its breakdown into the specific budgetary articles. In the meantime, Council and Commission agreed on particular rules for the information and consultation of Parliament on CFSP matters, involving regular reports and financial forecasts.

3 In theory, therefore, the following options are conceivable for such ‘operating’ expenditure: 1) the EU budget (Community); 2) the EU budget (CFSP chapter, for non-military operations); 3) an additional financial arrangement based on the GDP or any other ‘key’ (non-military operations), upon unanimous Council decision; 4) an additional financial arrangement based on the GDP or any other ‘key’ (operations with military implications), including 5) a specific ‘key’ for military operations decided with ‘qualified abstention’ (25-minus). To date, however, art.23 TEU has never been used.

State of play

The Inter-Institutional Agreement (IIA) of May 1999 entered into force on 1 January 2000. It soon became clear, however, that the Council and all Council Presidencies were reluctant to deliver timely financial reports and forecasts to the European Parliament. Further tensions over the financing of CFSP would eventually lead to another compromise (reached in the budgetary conciliation of 25 November 2002) whereby the Council agreed to send to Parliament an immediate and comprehensive 'estimate of the costs envisaged' whenever 'a decision in the field of CFSP entailing expenditure' was adopted. This provision relates to *all* decisions in the CFSP area including, for the first time, ESDP, which was now close to becoming truly operational. Yet, at that stage, the main issue was less how expenditure related to actions 'having military or defence implications' than how differently foreign policy/external activities were to be financed.

In addition to those CFSP operations included under art.28 TEU, there are those that come under a Community instrument and within the first 'pillar', and are financed under the appropriate Community budgetary line for External Relations proper (as part of the broader 'External Action' heading). They may include such actions as de-mining and DDR (demobilisation, disarmament and reintegration), civilian emergency assistance and humanitarian aid, human rights, institution building, election monitoring, consolidation of democracy and the rule of law, which are all potentially identifiable as 'CFSP'. As a result, in purely budgetary terms, there can be as many as three main possible kinds of external operations (with further sub-options if the Council decides unanimously otherwise), and several grey areas.

Moreover, the actual practice of financing external actions has further increased the potential fuzziness of the whole system. A good case in point is the activity of the so-called CFSP 'special representatives' or envoys. In principle, they fall under the CFSP budgetary chapter (as 'administrative' expenditure) and the exclusive supervision of the Council, following a Council decision of 30 March 2000. In practice, they are often financed in a mixed and improvised way, combining: a) funds formally earmarked

for first-pillar regional programmes; b) the Community emergency reserve fund; and, last but not least, c) more or less explicit national secondments and contributions.⁴

Needless to say, this juggling with allocation lines – while it indirectly underlines the ‘inter-pillar’ nature of EU crisis management and ‘foreign policy’ – does not help scrutiny or accountability. It also makes the planning of comprehensive and durable operations very difficult and particularly liable to all sorts of contingent and national interests. However, it is because the procedures for resorting to the CFSP budgetary chapter proper are so slow and tortuous that the current state of affairs exists. Not only is the negotiation process between Council and Parliament time-consuming and fraught with skirmishes but, even where agreement is reached, the ultimate administrative responsibility for the execution of the EU budget – in line with art.274 TEC – lies with the Commission.

Inter-institutional turf battles have thus created a situation in which most Member States (and the Council) both dislike negotiating with Parliament over detailed annual allocations or being too reliant on the Commission for spending. As a consequence, the European Parliament (EP) progressively reduced the CFSP chapter – down to a ludicrous EUR 30 million in 2002 – in order, *inter alia*, to draw the Council to the negotiating table and increase its leverage over CFSP. In fact, only the onset of real ESDP operations since 2003 forced the Parliament to increase it again to the EUR 60 million allocated for 2005 and approximately EUR 100 million for 2006, with the implicit expectation that its scrutiny over CFSP/ESDP would also increase. The European Commission, in turn, has been interested in keeping the CFSP chapter as low as possible because it was not within its formal jurisdiction, although administering it is the only real lever the college has in second pillar activities. In order to be a more effective player in crisis management, instead, the

4 Notable and precedent-setting cases in point re secondments were François Léotard and Alain Le Roy in FYROM (2001) and Klaus-Peter Klaiber in Afghanistan (2002). These also show how such a practice may engender a further imbalance among member States in that only the bigger and/or richer ones may afford to send their representatives to a foreign EU posting. The EU currently has up to ten such special representatives in place, plus two ‘personal representatives’ (on human rights and non-proliferation, respectively), who are EU civil servants. Cf. <http://www.consilium.europa.eu>.

Commission set up in 2002 a new financial instrument for short-term actions, the ‘Rapid Reaction Mechanism’ (RRM), and loosened up the rules for using the emergency reserve funds. For their part, interestingly, most Member States tend to resort to first-pillar allocation lines whenever it is simple and fast – but prefer to do so *derriere les coulisses*.

A typical case in point is represented by the so-called ‘fact-finding’ missions that normally precede the decision to launch a specific operation and its implementation: as the funding of any CFSP/ESDP operation is secured only through a dedicated Joint Action (a legal act that must be approved unanimously and translated in all official EU languages), preliminary expenditure for such missions – which may or may not (as it happened with Darfur) lead to an operation proper – can only be covered by Community lines, which in turn requires some understanding at least between Council and Commission.

The Aceh dispute

Occasionally, however, old ‘theological’ disputes re-emerge and put into question the feasibility of especially *civilian* operations on which political agreement has already been reached. This was notably the case with the Aceh Monitoring Mission (AMM) in the summer of 2005. By then, the CFSP budgetary chapter for 2006 was already almost entirely allocated. After some initial cooperation between Council and Commission on the funding of the so-called Initial Monitoring Presence (IMP), controversy erupted over the Commission’s offer to make available extra funds from both the RRM and the Asia and Latin America Programme and to transfer them to a prospective ‘framework’ Member State who would lead the EU civilian operation in the region. The offer led to a bitter confrontation between the legal service of the Council and the Commission: the former objected that there was no legal basis for that, and considered the offer as a take-over bid capable of setting a dangerous precedent, affecting amongst other things the Political and Security Committee’s prerogative of political control. In response, the Commission decided to resort to the European Court of Justice against the Council in defence of its own al-

leged ‘exclusive’ competences in the DDR domain, which was also related to the scope of the Aceh operation.

Arguably, the dispute was exacerbated by the overall political climate created by the crisis over the ratification of the EU Constitutional Treaty (EUCT). The rejection of the treaty in the French and Dutch referenda of May/June 2005 had suddenly thrown into question the prospect of pooling Council and Commission resources under the umbrella of the ‘EU Minister for Foreign Affairs’ and related External Action Service, as foreseen in the new text, thus temporarily reigniting the old turf battles. On top of that, the stalemate over the funding jeopardised the launch of the operation, that was due to start within weeks and involve a number of Asian countries and the UN itself, thus inflicting a serious blow to the credibility of EU ‘foreign policy’. In the end, an ad hoc arrangement was reached whereby the overall costs of the AMM would be covered by the residual funds available for CFSP *plus* the voluntary contributions (in money and kind) of ‘willing and able’ Member States and also third countries. This made it possible to carry out the operation – and successfully so – but ended up partially applying to a civilian operation the logic of military ones. Not surprisingly, in the run up to the adoption of the relevant Joint Action, no less than ten EU Members made clear that such a solution would not set a precedent for the future.⁵

The ‘ATHENA’ framework

As for *military* operations proper, the General Affairs Council of 17 May 2002 reached a preliminary agreement on their funding that translated into the Presidency Conclusions of the Seville European Council of 20 June 2002. Accordingly, a distinction was introduced between ‘common’

5 At around the same time (summer 2005), another ‘creative’ solution was found to solve some problems that had arisen in the Union’s security sector reform mission in the Democratic Republic of Congo (EUSEC DRC). Council staff members that had been detached to the administration of the ATHENA ‘mechanism’ (see below) were temporarily tasked with the management of other extra funds made available by some member States, to fund a new structure that was meant to secure the payment of wages to local army soldiers. In this case, ‘ad-hocery’ was both of a financial and an administrative nature.

costs – meant to include costs for headquarters (transport, administration, locally hired personnel, shelter, and communication facilities) and costs for the back-up of the armed forces (infrastructure and medical care) – and ‘individual’ costs (troops, arms, equipment) to be borne by each Member State involved following the ‘costs lie where they fall’ principle. The Council would decide on a case-by-case basis whether the costs for the transportation of the forces and their accommodation should be funded in common.

Such agreement was to be revised by June 2004 in light of the actual operational experience, which eventually led to the approval of the so-called ‘ATHENA’ mechanism ‘to administer the financing of the common costs of EU operations having military or defence implications’, finalised through successive revisions between February 2004 and January 2005. The mechanism consists of a dedicated non-profit making authority with legal responsibility, open to all EU members (bar Denmark, by virtue of its special status) and other ‘contributing’ States that is set to administer the costs of various missions and operations (including military exercises) related to EU crisis management. It creates an overall framework of reference and also some rules for getting early and timely down payments from the Member States that make the planning and launching of military operations much easier. It is also meant to tackle the issue of preliminary and *materiel*-related expenditure – often crucial for the speedy deployment of forces – that was also concentrating the minds of the drafters of the Constitutional Treaty.

The only modification that both the European Convention and the ensuing Intergovernmental Conference inserted into art.28 TEU, in fact, concerned the possibility of creating a ‘start-up fund for preparatory activities’: interestingly, such fund could be established and run by qualified majority voting (art.III-313 EUCT). This was not and is not the case with ATHENA, of course, but the mechanism largely fills the vacuum left by the stalled ratification of the Constitutional Treaty and also meets the basic requirements for the funding of EU military operations as separate from civilian ones.

Prospects

In all likelihood, such distinction between military and civilian expenditure is there to stay, in spite of the growing demand for ‘integrated’ structures and concepts for EU crisis management. Both the doctrinal principles and guidelines set in the European Security Strategy of December 2003, which significantly broaden the original scope of CFSP and ESDP⁶, and the latest organisational developments regarding the setting up of a ‘civil-military’ planning cell in the EU Council Secretariat, in fact, point to an ever closer cooperation and coordination between the two ‘arms’ of European crisis management, in Brussels as well as on the ground. However, this does not seem to affect its funding arrangements. On the contrary, a combination of operational needs and residual inter-institutional animosities may lead to further complications.

Still in the wake of the AMM dispute, the High Representative for CFSP Javier Solana presented to the ‘informal’ European Council held in Hampton Court in late October 2005 a paper illustrating the main problems connected to the funding of ESDP. On the military side, the emphasis was almost exclusively on the development of common capabilities – especially for strategic lift, transport and communications – that now falls within the remit of the newly established European Defence Agency (EDA). On the civilian side, the paper highlighted the structurally poor endowment of the CFSP budgetary chapter as well as the inadequacy of current procedures for mobilising extra resources with the speed required by crisis management decisions. It also hinted at the possibility of devising supplementary mechanisms to tackle such problems, made more acute by the uncertain fate of the EUCT provisions and the growing role of the EU on the international stage. While a broad consensus was reached on beefing up the CFSP chapter for the forthcoming budgetary exercise covering 2007–13 (on the occasion, outgoing German Chancellor Gerhard Schroeder went as far as to mention a ceiling of EUR 300 million per year), the debate remained open – at Hampton Court and afterwards – over the

6 The same applies also to the original ‘Petersberg tasks’, as now enshrined in art.III-309 EUCT.

possibility of setting up a sort of 'ATHENA' mechanism for civilian operations, to be administered by the Council Secretariat without any involvement of the Commission and the EP (as happens with ATHENA proper). More Community-minded members, in particular, objected i.a. that such a solution might end up further weakening the overall coherence and also accountability of ESDP while unnecessarily duplicating decision-making structures across the Union. Instead, more attention should be devoted to finding ways to render the transfer of funds from one line to another within the 'External Action' heading (and arguably from one budgetary year to another, as already happens with humanitarian aid through ECHO) much easier and faster.

In the meantime, after months of wrangling among the Member States, the European Council of 15–16 December 2005 came to a deal on the so-called Financial Perspectives 2007–13, i.e. the EU budget for the next seven years. Following the co-decision procedure, the draft deal was then submitted to the European Parliament for ratification. After an initial rejection by the EP and protracted 'trilogue' negotiations (involving Parliament, Commission and EU Presidency), a new Inter-Institutional Agreement has been eventually sealed in late March and adopted by the EP on 17 May 2006. Accordingly, the old 'External Action' heading has been re-branded as 'The EU as a global player' (Heading 4): its overall endowment amounts to approximately EUR 50 billion over seven years (between 6 and 7 billion p.a.), i.e. almost 6 per cent of the overall EU budget, but covers such diverse activities as pre-accession funding, neighbourhood and partnership relations, and development aid.

The CFSP chapter proper has been refurbished and raised to a total of 'at least' EUR 1980 million for the entire period 2007–13, which means an initial endowment of more than 200 million for 2007, with a progressive annual increase. The chapter is expected to cover: crisis management operations (civilian only, of course); conflict prevention, resolution and stabilisation; monitoring and implementation of peace and security pro-

cesses; non-proliferation and disarmament⁷; emergency measures; preparatory and follow-up measures; and EU Special Representatives.

In addition, within the general EU budget two other lines have been devised to cover actions related to humanitarian aid, namely: the Emergency Aid Reserve, intended to allow a rapid response in third countries affected by emergencies of various sorts (more than EUR 200 million p.a.); and the EU Solidarity Fund, meant to play a similar role but only 'on the territory of a Member State or a candidate country' (up to a maximum of EUR one billion per year). These look quite consistent with the emphasis the Union has recently put on emergency management and disaster relief both inside and outside EU territory.

On the whole, the improvement on the previous budgetary cycle is significant, partly due also to the extra pressure used by the European Parliament in the 'trilogue' negotiations. Moreover, a higher degree of flexibility in the mobilisation and reallocation of funds seems to have been accepted by all sides and enshrined in the new IIA. However, it looks difficult to assess whether these figures live up to the declared ambitions of the EU on the international stage, especially since the overall actual and foreseeable 'costs' of European crisis management cannot be evaluated due to the 'costs lie where they fall' principle for military operations. In terms of personnel (and equipment) on the ground, in fact, military operations still largely outnumber civilian ones, although the latter are formally more numerous. On top of that, the rules and procedures adopted by the individual Member States for financing the deployment of their military forces abroad vary enormously across the Union and rarely produce reliable official figures, thus rendering any reliable comparison and calculation virtually impossible.

Last but not least, crisis management entails a certain degree of unpredictability and therefore requires a measure of improvisation and reactivity. In this respect, a multi-annual budget with somewhat constant allocations

7 This item has enormously increased since 2005, amounting e.g. to approximately 40 per cent of the overall CFSP chapter in 2006. Such a development is not universally welcome as it consists mainly of grants and contributions to research projects and training schemes that have little media visibility and an impact that is often hard to assess.

represents a quintessentially inflexible tool. Finally, some uncertainty remains over the exact scope of such budgetary lines as the so-called 'Instrument for Stability' – meant to address 'crises and challenges with a stability and security aspect' – and over the real amount of flexibility for 'horizontal' transfers and speedy reallocations, as they keep depending on ad hoc inter-institutional negotiations. It may therefore be wise to plan a comprehensive reassessment of expenditure under Heading 4 on the occasion of the general review already planned for 2008–09: agriculture is not the only policy whose resources and priorities could be revisited.

Yet all this may not necessarily be a bad thing, especially if both the institutions and the Member States decide, in light of the growing responsibilities and commitments of the Union in this domain, to stress 'common ownership' of EU foreign policy, regardless both of the differences in means and capabilities across the 25 and of resources at the disposal of the various bodies and institutions. Such a broad task as 'institution-building', for instance, can hardly be the exclusive domain of one or the other 'pillar': Community funds should be used to this end without raising intra-institutional legal and political disputes. Similarly, individual Member States should be able to put extra resources at the disposal of the Union, if and whenever necessary, without triggering suspicion or jealousy among Commission officials.

Yet nothing would help achieve such sense of 'common ownership' more than a specific political agreement among the Member States over the early implementation of the 'EU Minister for Foreign Affairs' and related External Action Service. This could well occur ahead and independently of any comprehensive institutional reform along the lines of the EUCT, e.g. by 'double hatting' the High Representative for CFSP as senior Commissioner for external policies (the role Chris Patten played in the Prodi Commission) and vice-President of the college. Doing so would establish a single line of responsibility and accountability for EU crisis management (and 'foreign policy' at large) that, in turn, could also generate a more coherent and synergic approach to its budgetary and financial dimension.

PART II THE EUROPEAN UNION: A MULTILATERAL ACTOR

4 ESDP and Civil / Military Cooperation: Bosnia and Herzegovina, 2005

David Leakey

Introduction

Operation Althea in Bosnia and Herzegovina (BiH) is the third and, so far, largest EU military operation. At its outset, the Secretary General and High Representative for the EU's CFSP Dr. Javier Solana, insisted that EUFOR should be 'new and distinct' and should 'make a difference' when it took over the peacekeeping role from NATO's SFOR in BiH.¹ By undertaking orthodox peacekeeping military operations, EUFOR has been the essential security reassurance in BiH maintaining the stable conditions to allow BiH's political, social and economic development. The new and distinct part of EUFOR's mandate came in its novel 'key military task' to support the High Representative's Mission Implementation Plan and in its 'key supporting task' to support the fight against organised crime. Both of these tasks were to be undertaken in close coordination with the EU family of instruments in BiH.

The question for the Commander of EUFOR was how to give effect to these new mandated tasks using EUFOR's military capability to undertake essentially civil responsibilities. There were difficulties but by adopting pragmatic principles and setting some guiding objectives, these were largely overcome and EUFOR achieved a significant impact in supporting the ambitions of the High Representative's Mission Implementation Plan and in supporting the fight against organised crime. Overall, EUFOR and its civil/military cooperation was a success story in 2005. Above all EUFOR established itself as the military force in charge and has continued to guarantee stability in BiH.

1 EUFOR, European Union Force in Bosnia and Herzegovina; SFOR, Stabilisation Force in Bosnia and Herzegovina.

EUFOR – Making a difference

Shortly after I was appointed to be the Commander of EUFOR (COMEUFOR) in 2004, Dr. Javier Solana, the Secretary General and High Representative for the EU CFSP, summoned me to receive his guidance on the third and, so far, largest EU military operation. He gave me two particularly strong messages. The first was that EUFOR was to be ‘new and distinct’; the second, that EUFOR was to ‘make a difference’. This seemed at first to be somewhat unusual and rather vague guidance. In fact it was highly pertinent.

NATO had run a very successful mission with the Implementation Force in Bosnia and Herzegovina (IFOR) and SFOR, in which the military Annexes of the Dayton Agreement were implemented, and BiH was stabilised over a nine year period. Why change a winning formula? Why did the EU volunteer to take over this mission which NATO itself described as ‘mission accomplished’? The reasons were neatly described by Lord Ashdown, the High Representative of the international community and the EU Special Representative in BiH (EUSR): Bosnia was reaching the end of the road from Dayton and was now at the beginning of the road to Brussels. Put another way, BiH was out of ‘emergency surgery’ following the end of its war, with a major emphasis on NATO’s military stabilisation to create the conditions for civilian reconstruction. It was now in ‘rehabilitation’, with the main emphasis on civil institution building supported by a military and security reassurance. Nevertheless, a robust international military presence was still necessary to guarantee Bosnia’s stability.

So, what was EUFOR’s role to be? How was it to be new and distinct? How was it to make a difference?

In 2005 there were some remaining potential instabilities in BiH: the divisive nature and dominance of the mono-ethnic politics; unsettling regional influences from Kosovo and Montenegro; a depressed economy; plentiful holdings of illegal weapons amongst the communities; and the debilitating influences of organised crime, corruption and failings in the rule of law. Therefore, EUFOR’s primary *raison d’être* was to provide a security reassurance. It had to continue to maintain the safe and secure environment and to deter the possibility of a resumption of violence; in

short, to continue the stabilisation established by NATO. In order to do this, EUFOR continued many of SFOR's military operations such as confidence patrolling in remote or unsettled areas; 'harvesting' weapons from the community; supervising the BiH Armed Forces' and the Defence Industry's compliance with the Dayton Agreement; and assisting the BiH police security operations in the community. EUFOR continued to undertake these tasks, and established its military credibility early on thanks to high operational tempo and widespread visibility.

But one other of EUFOR's tasks, and very different to NATO's mandated tasks, was to 'support the High Representative's Mission Implementation Plan' in close cooperation with other International Community actors, especially with the EU family of instruments under the coordination of the EUSR, Lord Ashdown.² Most surprising to me as military commander was that this task was not a 'key supporting task' but rather one of the 'key military tasks'. As is normal in military operations, my mission was broken down by the authorities in Brussels into 'key military tasks' and 'key supporting tasks'. Key military tasks are those to which the commander has to give priority.

Eager to satisfy this key military task, I looked in the High Representative's Mission Implementation Plan (MIP) for areas in which EUFOR's military capability could give 'support', as ordered. The MIP was in four sections, dealing respectively with: the economy, the rule of law, the police, and defence reform. The first two seemed unlikely areas for military engagement. The police section seemed to be more properly a concern of the EU Police Mission. Finally, assisting the defence reform process was the main role reserved for the small residual NATO presence in BiH. So how could EUFOR appropriately give its military 'support' to the MIP? In other words, how could EUFOR be 'new and distinct' and 'make a difference'?

Lord Ashdown was talking about the obstructionism which was preventing BiH's progress and process towards membership of the EU and

2 Such as the EU Presidency, the EU Police Mission, the EU Monitoring Mission, the EC's CAFAO (Customs and Fiscal Assistance Office), and the European Commission Delegation.

of NATO. This obstructionism manifested itself and was reflected in the organised crime and in the vested interests and corruption of many of the political leaders which pervaded the political and administrative establishments – at all levels. The organised crime, corruption and failings in the rule of law were undermining the integrity of good governance in BiH and hampering the development of its economy. These constituted much of the ‘obstructionism’ hindering BiH’s progress and also delaying the conditions or end-state for EUFOR’s exit from BiH.

Among its key supporting tasks, EUFOR was also mandated ‘to support the fight against organised crime’, another new and rather different task for the military in BiH. These two tasks ‘supporting the fight against organised crime’ and ‘supporting the MIP’ were two sides of the same coin in the context of BiH. Although not routinely orthodox military tasks, such operations would contribute to fostering the security and stability of BiH, which was of course EUFOR’s main role. Additionally, they would also contribute to the whole EU effort to promote BiH’s progress towards the EU. Finally, combating organised crime would also have an impact on the networks supporting the fugitive Persons Indicted for War Crimes (PIFWCs) – another of EUFOR’s key supporting tasks.

Still there remained the questions of how EUFOR could use its military capability to contribute in this area and how to coordinate with the other EU instruments and International Community actors.

To explain this, EUFOR’s role needs clarification. EUFOR was not mandated to fight crime but to *support* the fight against organised crime. This means that EUFOR would not substitute itself for the local authorities. EUFOR would only *support*, for three reasons: political (the common objective of all the EU actors in BiH is to develop local capacities), legal (EUFOR does not operate under local law) and practical (soldiers cannot generally be transformed into law enforcement agents). EUFOR already possessed a gendarmerie style unit of battalion strength and principles for its use in supporting the fight against organised crime.³ These police-trained soldiers were ideal for undertaking police-style operations, just as they had been as part of NATO’s SFOR. But a battalion is not enough to

3 Known as the Integrated Police Unit or IPU.

make an impact on the resolve and the capacities of the numerous Bosnian law enforcement agencies to tackle organised crime and corruption in a country of the size and population of BiH. It seemed obvious, therefore, to use the capability of the whole of EUFOR. That capability included: the considerable surveillance capabilities (day and night, ground-based and overhead); the capacity of the headquarters at all levels to coordinate and plan operations, and to conduct 'after action reviews'; the agility of the force to deploy to and concentrate in any part of BiH at any time; the capacity to undertake protracted operations without such limitations as overtime payments for long working hours; the flexibility of the military's communications; the availability of a large number of soldiers (6,500) to cover big geographical areas; the huge intelligence database and intelligence gathering capability; and finally, the professional approach of the officers and soldiers to adapt military skills to unorthodox operations.

It is true that some contingent commanders were reluctant, under instructions from capitals, to undertake operations to give effect to these tasks. They complained that these were police activities and were not appropriate for soldiers. However, during 2005, most contributing nations released many of their written and unwritten national caveats and restraints against such operational tasks. Much credit for this goes to the Operation Commander in Mons, Belgium, who energetically lobbied CHODS and ministers.⁴ The effect of this has been a major step forward for the European Security and Defence Policy (ESDP) and marks a distinction between the SFOR mandate (mainly military) and the 'new and distinct' mandate of EUFOR (which combines a robust military posture and extensive EU supporting tasks).

It was, however, important to make a distinction between what was an appropriate military activity for EUFOR soldiers and what was a police task. I laid down one clear principle to guide EUFOR: soldiers would create the conditions in which the BiH law enforcement agencies not only 'could' but 'would have to' do their duty. In other words, EUFOR would help discover a crime or illegality (e.g. fuel smuggling or illegal timber cutting), but would 'freeze the scene' and hand it over to the BiH authorities to deal

4 CHODS, Chiefs of Defence Staff

with the legal and law enforcement technicalities. This avoided EUFOR soldiers being involved in the specialised police work of handling evidence or appearing as witnesses in subsequent legal proceedings. This is not to suggest that EUFOR was acting on its own. On the contrary, the emphasis was to act together with the Bosnian Law Enforcement Agencies. To give added meaning and guidance to this principle that EUFOR should not cross the line into police work, I set out three objectives.

EUFOR's objectives in support of the fight against organised crime

First and foremost, in undertaking these operations EUFOR was to support, strengthen and embolden the BiH law enforcement agencies, and to help them tackle some of the 'untouchables'. The idea was to create the conditions so that, although EUFOR might be in the lead at the outset, the BiH authorities would gradually take over, lead and initiate operations which they had not previously undertaken. The local law enforcement agencies had respect for EUFOR and were eager to cooperate with it and learn from the way it planned, conducted and reviewed operations. Over the year 2005, the BiH authorities did indeed gradually take over, leading and initiating operations.

Second, EUFOR had to have an impact on the networks of organised crime and corruption. This was important, since our soldiers needed to have some results from their efforts not least in order to motivate them. But also, EUFOR needed to be adding tangible and visible value to the fight against organised crime. Results were modest given that the problem of organised crime and corruption is not to be solved in the course of a year or so! But some significant and visible results were achieved.

Third, EUFOR was to change attitudes – within the BiH Law Enforcement Agencies, within the media, and amongst the general public. Once again, changing the Balkan culture and attitude to endemic crime and corruption was not going to take place overnight, but some measurable changes were achieved both through the highly professional example of EUFOR's soldiers on the ground and through EUFOR's public information activities.

Assessing the impact of EUFOR

On the ground

The EU Police Mission (EUPM) in BiH was not initially unanimously in favour of EUFOR's approach, although there were many individual police officers who threw themselves wholeheartedly behind EUFOR and assisted in EUFOR's operations with the BiH law enforcement agencies. But there was a tendency from the leadership downwards of antipathy to military engagement in operations which targeted crime and law enforcement so closely. Partly this was because the military routinely plays no such role in developed states, and to do so in BiH was seen by some as setting a poor example to an aspiring member of the EU. Perhaps this was an issue on which the EU Police Mission could have received unequivocal direction from Brussels. Indeed, by the end of 2005 this antipathy to EUFOR's operations was largely reversed.

Of course, EUFOR was working to support the fight against organised crime beyond the EUPM's own 'police arena'. Organised crime together with corruption and failings in the Rule of Law spanned many other non-police agencies such as the customs and tax authorities, the trading standards authority, the many state and cantonal forestry authorities, as well as the BiH intelligence service and the prosecutors. EUFOR was operating with all these agencies too, often coordinating activity between them. This argued for a strong civil body, not EUFOR, to coordinate amongst the EU family and other international actors and also to encourage a coherent pan-agency approach to organised crime and corruption by the BiH government; this role was for the European Union Special Representative in BiH (EUSR).

What was particularly 'new and distinct' in EUFOR was our close relationship with other international organisations, and particularly European ones. For example, EUFOR worked in very close collaboration with the Customs and Financial Assistance Office (CAFAO) which works with the BiH customs authorities and which was invariably supportive. But CAFAO's law enforcement capacity and expertise was limited to a small

staff of just a few individuals. Their purpose was to combat fiscal fraud and corruption, with a special concern about the smuggling of fuel and other commodities, a massive fraud in BiH and a major source of income for organised crime and war criminal support networks. Larger numbers of CAFAO to combine with EUFOR in the arena of revenue fraud would have paid handsome dividends.

The EU Monitoring Mission was also present in BiH, and shared their reporting with EUFOR, and vice versa, which contributed significantly to EUFOR's political and local situational awareness. Relations between EUFOR and the EC Delegation on a personal and institutional level were also good. EUFOR cooperated with the EC Delegation on a number of high value CARDS projects (e.g. infrastructure and engineering projects, funded by the EC and using EUFOR engineers to implement them). These were of major local benefit and could not have been realised without EUFOR's engineers and Civil-Military Cooperation (CIMIC) experts. However, I felt that the EC Delegation was bound by their particular role and EU treaty position, and kept itself at arms length from a closer synergy and engagement with EUFOR and even with other EU actors in BiH.

Personal leadership on the ground was obviously needed in the uncertain, fluid and complex situation in BiH. It was essential that EUSR Lord Ashdown was kept in very close contact with the EUFOR mission. Indeed, there was no activity or operation undertaken by EUFOR which was not first coordinated or synchronised politically with the EUSR. However, it was only in the last months of 2005 that there was an exponential and successful increase in energising the cohesive impact of the EU instruments, at least in the crucial area of the fight against organised crime.

Institutional support

There was strong support for EUFOR and its new role within BiH from the EU Special Representative, the EU Presidency and the EU Ambassadors. This unity of EU family support was also helpful in encouraging the BiH authorities to engage constructively with EUFOR in its new tasks. However, I do not wish to give the impression of total success. There were some EU Member States which remained sceptical about the use of

soldiers in the sort of operations to support the fight against organised crime which EUFOR undertook in 2005. Moreover, there are officers and soldiers whose military culture and training also make them reluctant to engage in these non-warrior and police-like tasks. The military role and engagement in 'reconstruction and stabilisation' in post-conflict situations, such as in BiH, is an issue under debate and development on both sides of the Atlantic. The key is that ministers need to be clear on what they expect the military to undertake; and the military need to be flexible and to adapt their conventional military skills and capabilities to new and unorthodox tasks, just as they have so often done in the past for humanitarian relief operations or natural disaster situations. A military force cannot stand apart and aloof from the main challenges to the rule of law facing the society to which it is deployed. Otherwise it risks irrelevance and erosion of its credibility.

It is, however, also true that the instruments of the EU family acting relatively independently in BiH is a reflection of their supervising 'compartments' within the EU institutions in Brussels. But perhaps the main reason why it took a while to work up a high level of coherence and synergy was that EUFOR was doing something 'new and distinct' in Dr. Solana's words. Multi-national institutions are conservative, and constrained and limited by mandates written in isolation of each other. It takes time for them to adapt to new and unorthodox approaches, even though the logic and the benefits are clear.

Conclusion

The first year of EUFOR was a multi-dimensional success story. EUFOR established itself as the military force in charge in BiH and continued to be at least as militarily effective as its predecessor NATO forces. There was no loss of military credibility or drop in local confidence, as some feared, in the transition from NATO to EUFOR. EUFOR also successfully took up the challenge of its mandate to be new and distinct and to make a difference. The EU, through combining its military and civil operations, achieved a collective and politically significant impact in

BiH during 2005, especially through promotion of the EU 'brand' in the public perception. Civ/Mil cooperation and coordination within the EU family was a success from which some helpful signals for its development in the future can be drawn.

5 Implementing ESDP Operations in Africa

Pierre-Antoine Braud

Out of the fifteen ESDP operations that have been mounted to date, five have been implemented in Africa. In addition to EU civilian-military intervention supporting the African Union (AU) in Darfur, three of them have taken place in the Democratic Republic of Congo (DRC). Artemis (June-August 2003) was the first autonomous military operation under EU flag. EUPOL (since April 2005) and EUSEC (since June 2005) have been contributing to the Security Sector Reform (SSR) of the Congolese police and army. EUFOR DRC will be a fourth mission, and the second autonomous military operation of the EU. It will support the UN during the electoral period in July 2006.

As African conflicts have served as a 'laboratory' for conceptualising intra-state conflicts and their management in the 1990s, this African 'sample' of ESDP operations can be considered as one of the 'testing grounds' for key aspects of the European Security Strategy (ESS).¹

This chapter draws on the Union's Africa experience to make three observations. The first observation relates to issues of implementation and the use of new EU instruments as they become available. When reviewing these, various paradoxes appear. Limited resources for ESDP operations exist in practice, although the Union presents itself as a global player. As building new instruments draws attention to budgetary issues and structures in Brussels, these priorities can overshadow some challenges of implementation, in particular when an operation faces political and logistical obstacles. The second observation uses a case study on the Congo operations to demonstrate that the African experience shows that necessarily small-scale operations nevertheless can have value. The third concerns the

1 Concepts such as 'failed states', 'war economy' or 'warlords' were initially based on African conflicts. Although they are now significantly questioned by various researchers, they continue to be extrapolated to non-African situations, like Iraq.

importance of the partnerships that are formed with other multilateral organizations, 'effective multilateralism' as this is called in the ESS. These partnerships may either be with other regional organizations – according to the principles of 'African ownership' and support to the AU, or be with international organizations, which in practice means cooperation with the United Nations in DRC.

Overshadowed issues? The challenges of implementation

Finance

As the EU has implemented fifteen ESDP operations on three different continents, it might be considered as a global player. However, the financial limits of CFSP/ESDP are obvious.² In 2005, with €62.6 million, the CFSP budget only accounted for 0.05% of EU spending. For 2006, it has been increased to €102.6 million. This puts this budget at the level of medium-size humanitarian players: the French section of *Médecins Sans Frontières* had a budget of €150 million in 2005.³

As a consequence of these financial constraints, the ESDP operations in Africa are necessarily small-scale level in terms both of budgets and numbers of deployed staff: €4.37 million and 30 staff for EUPOL; €1.6 million and 8 staff for EUSEC; military deployments for Artemis encompassed 1,800 soldiers and the coming EUFOR DRC will not be above 2,000.

If these financial constraints also stem from ongoing debates on the precise role of CFSP/ESDP, complementary financial instruments have also been established to support ESDP operations and their partners. The African Peace Facility was thus created with an initial budget of €250 million for a three-year period.⁴ It has been crucial in financing the AU mission in Darfur (AMIS): in 2005, €80 million were disbursed. Though significant, this amount cannot cover the whole budget for an AU opera-

2 On this issue, cf. Giovanni Grevi, 'The Future of ESDP', February 2006, available at www.iss-eu.org/activ/content/rep06-02.pdf.

3 77% of this budget – i.e. €88.5 million – were spent in operations and 23% on management and headquarter costs, including wages. Altogether, the branches of *Médecins Sans Frontières* had a budget of €500 million in 2005.

4 It will reach €300 million over the next three years.

tion that encompasses 5,609 military and a ceiling of 1,560 civilian police.⁵ *Ad hoc* complementary funding has hence been necessary for AMIS. Such well-identified financial issues, coupled with institutional questions, have tended to overshadow other challenges relating to implementation.

National spoilers, political support and leadership issues

Like any international intervention, an ESDP operation has to deal with the political agendas of the various national factions. Agendas of key national players and the operation can of course be complementary.⁶ However, international interventions can also be shaped by the agendas of national players who can even turn an intervention into a surrogate. More frequent is a scenario in which there is both support, but also opposition for a mission and how to implement it. This can lead to strong reactions from national players, from open opposition to recurrent delaying tactics. Both Artemis and EUSEC in DRC encountered such situations, but benefited from different levels of political support.

The Rwandan, Ugandan and Congolese presidencies were considered potential spoilers to the Artemis mission. Rwanda and Uganda had rival proxies in Ituri where Artemis was deployed. The Congolese presidency did not oppose Artemis, as Ituri was in a rebel-held area at that time. However, some concerns arose in diplomatic circles, as it was feared that some presidential advisers might resort to 'dirty tricks' against Artemis in order to blame the rival governments of Rwanda and Uganda. Various Member States were able to use their national contacts to pass on strongly deterrent political messages to these three potential spoilers. This significantly contributed to avoiding any casualties among the deployed EU troops, although their military capabilities were 'tested' by various local armed groups.

5 As a comparison, the aviation budget alone of MONUC (the UN peacekeeping mission in DRC) in 2002 reached \$200 million (€160 million). As for Darfur, most of the supplies of MONUC were made by air; the number of military and police staff was only 20% higher than AMIS. The MONUC budget (including the civilian branch) was \$600 million in 2002.

6 Which is the case with the Aceh Monitoring Mission, whose mandate fitted in with the agenda of the Indonesian Presidency. Most of the obstacles could therefore have only arisen from local players in Aceh, either local rebellion commanders or officers of the Indonesian army and its intelligence service.

A slightly different situation occurred with EUSEC. As part of its SSR mandate, EUSEC established a programme to improve the chain of payment within the Congolese army. This initiative encountered major resistance due to corrupt practices and the financial interests of key players within the army (see below). Various delaying tactics were used by Congolese players, which postponed Congolese approval of this EUSEC project for five months. Such a delay in a one-year mandate might show an insufficient follow-up from the decision-makers.

Logistics and operation-headquarters relations

Small things matter in determining the nature of relations between deployed staff and their headquarters. Logistical issues are at the core of these everyday relations. Beyond working conditions – and the impact of these on motivation of deployed staff – their cumulative experiences contribute to establishing a certain image of what it is like to serve in ESDP operations. This issue is reinforced by the difficulties experienced by the EU in filling vacancies in ESDP operations, in spite of the Helsinki Headline Goals.

Implementation also highlights certain constraints regarding capacities to support operations on a daily basis. Three issues may be extrapolated from ESDP operations in Africa. First, staff, particularly military staff, are often deployed without preliminary briefings in Brussels, while some of the administrative staff in Brussels might not be briefed about operational constraints. An insufficient knowledge of respective constraints and procedures can lead to misunderstanding and uncoordinated working relationships.

Second, the problem of lengthy procurement procedures is frequently raised. As a consequence of this slow procurement process, the operational capacities of EUPOL were significantly hampered, and EUSEC could have faced similar problems if it had not benefited from EUPOL logistical support. EU staff attached to the AU in Addis-Ababa also encountered similar problems.

Third is the issue of local recognition of an EU mission. Unlike states or multilateral organizations, EU staff do not benefit from a legally and

internationally recognized status, which would entitle them to diplomatic passports or to *laissez passer*. This may lead to recurrent difficulties, in particular when crossing borders. Consequently, EU staff assigned in Darfur regularly face significant delays in obtaining a Sudanese visa. These various issues might cumulatively fuel a feeling among deployed staff of being neglected by Brussels. Logistical and political supports need to be combined to efficiently implement a mandate and establish an effective relationship between operations and their headquarters.

Small can still be powerful: ESDP operations in DR-Congo

Artemis

Despite the constraints in operations that have been discussed above, Operation Artemis provides an example of an effective small-scale operation. As previously mentioned, a military instrument backed up by political support yielded efficient results. These synergies led to two major achievements.

Artemis significantly participated in ‘saving’ the credibility of MONUC. In May 2003, the Ugandan army was compelled to withdraw from Ituri according to the terms of the Luanda agreement. In spite of the rather ambiguous role of the Ugandan army in Ituri between 1998 and 2003, this led to a security vacuum. MONUC was only able to deploy one battalion in Bunia, the main city of Ituri. Various local armed groups then unleashed violence. Pogroms and localized ethnic cleansing occurred, while MONUC did not have the military capacity to prevent them. Although the deployment of EU troops was limited to Bunia, it had a major impact on local armed groups, as the troops resorted to well-targeted and appropriate use of force.⁷ Air monitoring significantly limited the supply of weapons that were mostly delivered by air. Moreover, highly efficient ‘psy-ops’ (psychological operations) reinforced the impact of the military and air monitoring. This was a quite effective ‘bridging operation’ with

7 In particular the French and Swedish Special Forces.

MONUC, whose mandate and ceiling of troops were reinforced during the Artemis operation.⁸

Artemis also facilitated the defusing of regional tensions: when Artemis was launched, Rwanda and Uganda were on the brink of war. The Ugandan presidency was feeling 'besieged' by Rwanda to the South; its proxy and Ugandan armed opponents in Ituri to the West; and anti-government rebels to the North. An efficient international intervention in Ituri was perceived by Kampala as breaking this 'siege' and lowering the 'Rwandan threat'. As a by-product of Artemis, diplomatic mediations between the two countries were eased and reduced regional tensions.

EUSEC

EUSEC provides a different kind of example of the potential value of small-scale operations. This operation is only composed of eight staff. However, it has been quite successful in tackling a targeted problem of corruption in the Congolese army. The Congolese authorities claimed that their army was composed of 350,000 men. A first EUSEC assessment, with South African support, downsized this figure to 150,000. A second and more in-depth assessment led to a figure of 90,000. The pay of the 'ghost soldiers' – as well as that of some of the actual soldiers – was being embezzled at different levels of the chain of command. By eventually being able to impose its chain of payment programme, EUSEC has been able to partially address this issue.

Moreover, a reform in a key institution could also lead to improved governance and reduced human rights abuses. Corruption has been an overlooked issue during the Congolese transition, although it is at the core of destabilizing governance. EUSEC provides a template for a targeted approach to this issue in key institutions. Unpaid Congolese soldiers usually extort goods from the civilian population to feed themselves, while Congolese leaders from all the warring parties justified such a situation

8 Following the first major ethnic cleansing in Bunia in August 2002, a first diplomatic attempt to reinforce the mandate and the military capabilities of MONUC was blocked by the US Administration which was opposing any increased costs for the UN mission.

as being part of understandable practices stemming from a war situation and logistical constraints. Improved payment of soldiers could thus ease disciplinary measures against abusive soldiers, if indeed improved payment does not have the effect of improving the everyday behaviour of the military towards the civilians.

Efficient partnership? EU relations with the United Nations and the African Union

‘Effective multilateralism’ and ‘working with partners’ are two key principles of the ESS. ESDP operations in Africa can shed light on these two intertwined principles, and some opportunities and challenges regarding their implementation. Support to the African Union Mission in Sudan (AMIS) – that is deployed in Darfur – constitutes a case study for relations with a regional organization and the ‘African ownership’ principle. Artemis and EUFOR DRC provide two examples of relations with the United Nations and, in particular, with its Department of Peace Keeping Operations (DPKO).

‘African ownership’ is an ambivalent concept.⁹ It can be conceptualised as an African solution to African problems, but also as a camouflage for western countries to avoid direct involvement in African conflicts. In such circumstances, the AU initiative to tackle the Darfur issue has appeared as an appropriate alternative to direct involvement. Hence, the AU has benefited from significant EU support, which was complemented by financial contributions by Member States, and other western governments.¹⁰

AMIS has been occasionally strongly criticized. The conflict is still ongoing, and significant abuses against civilians are still being perpetrated. Nevertheless, levels of violence have not increased although this was expected before the deployment of AMIS, and the AU mission should be credited for part of this containment of violence. In particular, monitoring of camps of internally displaced persons and some AMIS officer participation in local mediations have occasionally contributed to defuse tensions.

9 On this issue, cf. EUISS seminar on conflict and post-conflict management, 7 April 2006. The report is available at www.iss-eu.org in the seminar section.

10 In particular Canada and the United States.

However, in spite of these relatively positive elements, current relations with the AU might need to be partially reviewed. It is becoming clear that money does not systematically buy influence: the EU is the main donor of the AU for its mission in Darfur, but has not been able to obtain recommended changes in the management of this mission. In March 2005, an assessment mission was sent to Darfur, charged with reorganizing AMIS structures and its logistical support procedures. Its recommendations were not implemented. In December 2005, a second assessment mission was sent. Similar recommendations were made, again without success.

Moreover, by focusing on the AU as an African partner to the detriment of other regional organizations, the EU might also reduce its room of manoeuvre by limiting its capacities to work with the most appropriate organization. To the opposite, for decades, exploiting competition between international players has been a recurrent tactic among African leaders.¹¹ While the EU favours the AU, some AU leaders have called upon NATO, among others, to create a competitive situation. Although NATO support to the AU is much more limited than that given by the EU, its visibility is higher and enjoys greater favour in AU public relations.

In the wake of Artemis, relations with the UN took a different path. In the UN headquarters in New York, Artemis was perceived as a fruitful precedent: obtaining support for peacekeeping operations from well-equipped and trained armies, as well as getting an increased political support from the EU Member States. Since Somalia and Bosnia, western armies usually refuse to have troops under a UN chain of command. So, in spite of contributions from well-trained armies such as those of India and Pakistan, DPKO faces constant difficulties in assembling the military capabilities that would be required for the implementation of its mandates. In this other kind of transatlantic relationship, EU Member States welcome support to the UN, as shown when DPKO asked for EU support in DR-Congo during the electoral period in December 2005. This has led to the establishment of EUFOR DRC in support of MONUC.

11 Competition between former colonial powers – or between them and the US, and more recently between traditional international players in Africa and countries with emerging economies that are looking for African natural resources.

Nevertheless, as with any partnership in its early stages, several misunderstandings can ensue from an insufficient knowledge of each side's constraints, procedures and capabilities. This could partially hinder the development of relations between the EU and the UN. Following the Artemis operation, DPKO seemed to have perceived ESDP as an instrument – or even a front – for the deployment of European armies in Africa. The debates around ESDP in Brussels are not always well known in New York. Artemis is also not a precedent that is easy to replicate. France was a Framework Nation that provided the bulk of troops, and thus funded it. Both costs and the existing deployments of Member States troops restrain the EU and national armies from supporting UN peacekeeping missions.

In addition to these institutional and military constraints, misunderstanding initially occurred with regard to logistical and administrative matters. In order to limit costs and maximize military deployment, the EU asked DPKO to provide logistical support from existing resources within MONUC.¹² In order to simplify the administrative and legal context, the EU also asked if it could benefit from the legal agreement of MONUC with the Congolese government.

Both of these issues show that the EU and the UN are still 'discovering' each other. The first request did not fit in with UN procedures.¹³ The second request would have included EU troops in a legal 'package' agreed between MONUC and the Congolese government. As part of this agreement – *inter alia* –, disciplinary measures against EU soldiers would have become a prerogative of the head of MONUC. As with Artemis, these misunderstandings have eventually been overcome.

Conclusion

The various constraints and paradoxes described above are serious, but should not overshadow the actual positive impact an ESDP operation can have. An ESDP operation can be a complementary instrument that

12 MONUC currently has the largest aircraft fleet on the African continent.

fits in with other international interventions. There are benefits if a small-scale operation is designed with realistic and well-defined goals that are adapted to the capabilities of an operation. Qualified staff, whose profiles are adapted to the challenges of an operation, can make a significant difference. From this point of view, the EU can potentially benefit from a highly diversified pool of human resources: diplomats, military personnel, police officers, as well as former staff of NGOs – in particular human rights and humanitarian organizations. This provides a significant potential for multi-disciplinary and complementary teams.

Moreover, the EU and its Member States are the main international donors, either directly or via International Financial Institutions (IFIs).¹⁴ Even if heterogeneous approaches in the same country may occur, the EU is perceived as a key financial player in most of the African countries. Moreover, several EU Member States remain influential in Africa. When similar or complementary approaches are developed, these political and economic tools reinforce locally the perception of the EU as a major player that should not be significantly challenged. Although the operations in Africa have been on a small scale, perceptions by local players of the EU can significantly increase the usefulness and the deterrent role of an ESDP operation. As on other continents, the 'African sample' underlines both some key opportunities as well as existing constraints for ESDP operations. In particular, it remains easier to adapt instruments to operational constraints in the context of small-scale operations. This is especially true while the operational culture of the EU is still ongoing.

13 DPKO cannot plan any operational expenses without a preliminary agreement of the UN Security Council.

14 More than 50% of international aid to Africa comes from the EU and its Member States. The cumulative contributions of EU Member States represent 32.2% of the IMF budget and 27.36% of the World Bank budget.

6 Assessing the Impact of the European Union as an International Actor

Damien Helly

The context

In the context of twenty-first century international politics, one can rephrase Clemenceau by stating that peace is now too important to be left solely in the hands of the European Union institutions. EU militaries themselves have dared to admit this in the context of the Cote d'Ivoire, for example, when it was recently argued that all actors, including local stakeholders, the military, political actors, civilian players and Non-Governmental Organisations (NGOs), are complementary to each other in the policy process. No one actor can claim the sole responsibility for managing and resolving the kind of crisis that the Cote d'Ivoire presents.¹ This admission raises very fundamental questions about the role of states, of the Council and Commission, and about the role of NGOs, whose involvement with the consideration, prioritisation and implementation of EU external policy actions, particularly in the aid and development sector, has grown exponentially. NGOs have been developing a significantly greater role in Brussels, and have, generally speaking, sought to encourage the Brussels institutions to think and act more holistically about international development and peace issues, as well as those that relate to a more narrowly defined international crisis-management function. This chapter examines the impact of the CFSP/ESDP upon outcomes in the field from the Non-Governmental Organisation (NGO) perspective.

1 General Beth (France) – now Chief of the Planning and Rapid Reaction Cell in the French MoD, formerly commander of the LICORNE operation in Ivory Coast, WEU Defense and Security Parliamentary Assembly, Seminar on EU and Peacekeeping in Sub-Saharan Africa, 20–21 September 2005.

It has never been easy to assess the political impact of a foreign policy action despite the many attempts made by academics to invent conceptual tools to square the circle. In the case of the actions of the Union the challenge is even harder than it is for an individual state, given the complex institutional arrangements, and relationships that exist within the Union; with its Member States, partner and non-member states; as well as with other organisations like the UN and NATO.² Furthermore, some assumptions about the Union's foreign and security policy need to be adjusted before considering the issue of its impact. The first assumption that requires re-examination is that there is a causal relation between the Union's coherence and its influence. Recent research has shown that in fact, incoherence can co-exist with influence and indeed that coherence does not necessarily result in more influence. Second, the Union's visibility does not automatically mean that it has influence. It may mean (negative) impact but not necessarily positive influence.

Several general lessons regarding the Union's influence can be drawn from the short existence of CFSP and ESDP. First, its influence is strong when the main policy-makers, implementers and agenda-setters have become Europeanised in their working methods and have played the role of genuine political entrepreneurs. Second, bottom-up lesson learning from the field to the capitals and to Brussels has increased levels of both field-informed and EU knowledge among Union staff. Third, the Union's impact is real and positive when Member States accept that they will not veto EU-centred initiatives, and are prepared to delegate their foreign policy to the EU flag. Fourth, the EU's added value grows when it is mirrored by genuine interest from third parties. When this combination of factors is reached, the so-called political dwarf's soft power appears sometimes more efficient and influential than a giant's hard power.

However, when these factors are not there, the Union's influence is rather weak and can be hampered by several factors. When Member States' policies are only made in European capitals and are under the influence

2 Roy Ginsberg, *The European Union in International Politics, Baptism by Fire*, (2001). See in particular, 51.

of individuals who appear to be mesmerised by the value of national diplomacies; and when these policy makers are unaware of, or not properly trained to evaluate and acknowledge national foreign policies' limits on the ground, there is barely room for the effective influence of the Union. When this happens, it seems that the Commission then has to try to manage 'non-decision' situations, which in turn means that it loses credibility because of its own structural weaknesses. These weaknesses include a high staff turn-over, a lack of a genuine institutional memory, in-fighting between departments within the Commission, and counter-productive cultural, economic and political implicit messages.³ The Commission can also face a lack of commitments from third parties, and of course exogenous factors (regional or other global players that are more influential than the Union in a given country) who often play a major role, and who can limit or 'spoil' the Union's influence.

In this complex framework CFSP and ESDP constitute only one piece of the EU system of external action. As a bureaucracy, those who have been in charge of the ESDP have been struggling for its legitimacy until a common external service is created. It is probable that even a major budgetary increase for the CFSP will not solve the Union's structural problems, as they are essentially related to the absence of a common external service and of a common culture of and approach to foreign policy. Meanwhile, CFSP/ESDP has been only one channel of action for Union Member States that sometimes prefer not to use it or even struggle to veto its use. Because of inter-institutional tensions CFSP/ESDP have been engaged in a race for legitimacy against the Commission. The constitutional stalemate has worsened this state of play. However one can try to draw lessons from experience thus far by emphasising key challenges for the future from the perception of the NGO world.

3 A large literature is available on implicit messages and the lack of (conflict) sensitivity, much of which is discussed on the Berghof Centre's website <http://www.berghof-center.org/english.htm>

The challenges

Assessing the impact of CFSP and ESDP must be done with clear indicators of short and long-term positive influence that is measurable against existing EU commitments to peace and development.

It is crucial to distinguish the Union's influence from a mere EU presence in any one part of the world. The Union may have a strong impact or effect by creating change but without necessarily having the influence it would like to have. Influence requires the ability to work with and make third parties implement constructive policy changes that are coherent with broad EU objectives, and which address the real roots of conflict. The development paradigm, which lies so close to the heart of the EU exercise, and which forms a central part of ESS norms, is one that the Union needs to build into its policy formation on a more regular basis.

In practice, it seems that the EU's Conflict Prevention programme adopted under the Swedish Presidency of the Union in 2001 has, however, been steadily replaced by a short-term attitude towards conflict. 9/11, the invasion of Afghanistan in 2001, and wars in the Greater Middle East have generated a de-facto redefinition by European policy-makers of the very term 'conflict prevention' that no longer links it to long-term development priorities. Peace and security issues and their interaction with development are currently mostly only understood in the context of urgent peacekeeping interventions. For those interested in the broader issues relating to development and peace-sustenance, it would seem that crisis response, unfortunately, today actually reflects the failure of conflict prevention policies.

Conflict Prevention and Crisis Response/Management should constantly complement each other and Crisis Management operations need to reflect conflict-prevention approaches as Javier Solana's contribution to the EU Strategy for Africa stated.⁴ Where does prevention start, where

⁴ Contribution by EU High Representative Javier Solana to the EU Strategy for Africa, 21 November 2005, Council Doc. S377/05. 'For sustainable ESDP missions, civil and military initiatives need to be better linked to the EU's longer term conflict prevention and development programs and vice-versa. We should develop integrated military and civilian [security sector reform] teams, including the full spectrum of necessary competencies.'

does it end, what are the appropriate conditions to use force? These are significant questions to which EU's foreign policy makers constantly need to try to find answers. These questions are particularly acute for those NGOs working in the field, and in areas of activity where the lines between the prevention and the resolution of conflicts are especially narrow.

There is a clear need to fill the cultural gaps between experts inside the Union.

Security and defence professionals tend to import their own working culture into the Union while diplomats, development assistance policy makers and non-governmental peacebuilding networks develop different ones. To bridge these gaps, the debate on the creation of a common EU external service and on qualified majority voting for CFSP should be re-invigorated as soon as possible. Cross-agency pools on crisis management, conflict prevention and peacebuilding would facilitate coherence and co-ordination between pillars. A common external service would hopefully help to make balanced decisions between various Union Member States, agencies and pillars and to define which security CFSP/ESDP and other instruments should be preserved, and the relationship between them. It would also help to strike a balance between security and development priorities as well as between military and civilian instruments. In this context, the Commission's plans to adopt measures aimed at improving co-ordination with Member States ought to be welcome as an indicator of a nascent Union foreign policy culture.

More attention needs to be paid to actual recipients of the Union's policy and assistance. Assessing the impact of CFSP/ESDP should be done primarily by assessing third parties' perceptions and especially those of 'recipient' populations.

Many NGOs are concerned about the wider need to reassess exactly whose security the EU's foreign security and defence policy is responsible for. Of course, the security of Union citizens is paramount. However, the security of third parties seems unfortunately to be all too often forgot-

ten, misunderstood or neglected in Brussels-based debates on CFSP and ESDP. Understanding the Union's external action thus requires a systemic approach that includes all EU institutions and Member States, non-state actors and Union's direct interlocutors in third countries.⁵

Taking the perceptions of third parties into account means including civil societies, communities, media as well as state authorities in those countries where EU actions are taking place. Addressing strategic partnerships as case-studies allows us to think of other types of relationship between the Union and third-parties: renewed political dialogues, more open partnerships, genuine efforts to make local ownership work and support to participative approaches from communities and societies.

By considering all stakeholders and interacting more deeply and regularly with them, it will be easier for CFSP/ESDP to assess its own results. At the last session of the Political Committee of the ACP-EU Interparliamentary Assembly on 23 February 2006, one MP from Barbados emphasised the contradiction between, on the one hand, the existence of European arms production and exports facilities and, on the other, alleged EU commitments to peace. Crisis response is necessary but it is not enough if arms exports controls are not strengthened. With the increasingly numerous crisis response operations that the Union is now undertaking, there is a growing risk that it will lose its image as an impartial donor, and a conflict-sensitive actor that invests on trust-building and soft power rather than on hard power.

One has to bear these fundamental and structural challenges in mind in order to avoid complacent comments and analyses about the Union's successes and failures simply on the basis of several tiny ESDP missions that have been undertaken thus far. These missions may be highly symbolic, especially for certain Member States, but also for the development of ESDP structures, but there is little evidence that they are intimately connected to, and reflective of the stated needs of local populations and beneficiaries.

5 David Easton, *The Political System*, (1964), and *A system analysis of political life*, (1965); Ginsberg, *The European Union in International Politics*; Damien Helly, *L'action extérieure de l'Union européenne. Modes d'action, influence et légitimité*, PhD thesis, Institut d'Etudes Politiques de Paris, 2003.

Conclusions

There is no doubt that the Union's foreign and security policy is having a direct impact on other aspects of its international role. How this develops is of great importance to the future character of the Union as an international player. However, it is still not clear how these different facets of EU foreign policy will balance one another. It is already well-known that the Commission's external action has a huge effect on individual Member States' development co-operation and foreign policy priorities.⁶ The recent activities of the Union in crisis response and management have now highlighted the obvious needs for development and peace-construction tools as mechanisms to ease conflict and generate a virtuous circle of peace. Like the UN, the Union is fully aware of the requirements not only of external support after crises, but also that capacity-building and aid before a crisis breaks out could be more useful. However, the arrival of ESDP and the ESS could also point to the emergence of a more traditional foreign policy actor, with an emphasis upon military tools.

The evidence thus far points in both directions. Progress has been made in joint planning and fact finding with the Commission – in the case of EUJUST THEMIS and the Aceh Monitoring Mission, even if this has been done as an emergency action.⁷ Some of the Commission's work has also raised its political profile, for example with its border monitoring assistance in Ukraine/Moldova, and the Rule of Law project in Georgia. In DRC, CFSP has been co-ordinated with the Commission's own Rapid Reaction Mechanism, and with electoral observation activities as well as with Security Sector Reform commitments. In Aceh, the Monitoring Mission has contributed to the launch of the disarmament process, supported by the EU Commission.

At a multilateral level, the EU has a mixed record but success stories deserve to be mentioned here as illustrations of best practice. Non-proliferation and small arms work in Cambodia; and small arms projects in the

6 Damien Helly, Franck Petiteville (eds), *L'Union européenne, acteur international*, (2005).

7 Damien Helly, *EUJUST THEMIS, an ambitious bet on Rule of Law*, Chaillot Paper, EU-ISS, forthcoming; Nicoletta Pirozzil, Damien Helly, 'Aceh Monitoring. Mission: a new challenge for ESDP', *European Security Review*, 27, October 2005.

Balkans through the Stability Pact and SEESAC (South Eastern European Small Arms Clearinghouse) have both shown that scarce CFSP resources can be used wisely and efficiently. All these show there is a clear impact, but the challenge is to ensure that these activities do actually have a positive ongoing influence and that they are dealt with and improved when possible. As long as the political will is there to ensure clear strategies and visions, these experiences could be generalised in other regions with first or second pillar money, wherever resources are available.

However, other cases provoke less enthusiasm. A priority given to the newly created African Peace Facility and its focus on peace-keeping operations rather than on long-term capacity-building objectives has become a clear concern for the Development NGO community. More broadly, short-term crisis response and management seems to have been put higher up on the agenda than long-term conflict prevention and peacebuilding. The Commission (DG RELEX in particular) has had to mirror the Council's policy structures by renaming a new Department a 'crisis platform'. This was perhaps needed, but it should not lead to lesser attention being given to preventive action. Finally and very often, a lack of conflict-sensitivity, negative implicit messages and lack of attention to the cultural components of EU foreign policies have weakened the Union's impact in the eyes of local populations. Not for this reason alone, the work of NGOs is important, both in the field, and by continuous dialogue with Brussels institutions about specific foreign policy priorities.

For example, Saferworld, an NGO that is active globally, also does advocacy work to promote changes in implementation practices by informing Brussels-based and country-based EU diplomats, civil servants and civil society organisations. In co-operation and partnership, it draws from the lessons learnt from its own programmes in the Horn of Africa, the Balkans, Eastern Europe and South Asia on arms transfers controls; the fight against the proliferation and misuse of small arms and light weapons (SALW); community safety and security sector reform or conflict sensitive approaches to foreign aid. Through practical projects, research and dissemination, it, like many NGOs, aims to contribute to the EU's own expertise in prevention and peacebuilding impact.

It is therefore increasingly acknowledged that civil society has a role to play to contribute positively to the Union's impact abroad. Remaining challenges ahead to maximise the CFSP/ESDP's positive impact on the outside world therefore are now less about pushing the EU and its Member States to adopt new strategies or policy concepts; what needs to be done now is to translate existing political commitments in support for prevention and peacebuilding into concrete changes in day-to-day working practices in Brussels and above all in EC delegations and European embassies but also amongst ESDP missions' staff.

7 The European Union and Counter-Terrorism

Victor Mauer

The European Security Strategy (ESS) of December 2003 identifies terrorism as part of a raft of more diverse, less visible, and less predictable threats that the EU faces at the beginning of the twenty-first century: 'The most recent wave of terrorism... is linked to violent religious extremism. It arises out of complex causes. These include the pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies.' The ESS does not prioritise threats however, and so gives no more specific guide to how the EU should react to terrorism, beyond arguing for concerted action in Europe. This chapter looks at the EU's counter-terrorism policy. It describes the distinctive nature of the threat of contemporary terrorism and how this is different from earlier terrorist threats. It examines policy responses since 11 September 2001, and the problems of combining a legitimate and yet efficient counter-terrorist strategy. It concludes with an assessment of some of the challenges for developing a consistent and coherent counter-terrorism policy within the wider framework of the EU's domestic and international actions. Most European governments have never been at ease with the notion of a global 'war' on terrorism, since that term implied the need for a largely military response, and thus failed to capture the full complexity of political, diplomatic, intelligence, law enforcement, economic, and military actions required. What is revealed here is a counter-terrorism policy that is indeed multi-faceted, but which is nevertheless hindered by institutional constraints as well as some inertia.

The threat

The EU is not a newcomer to counter-terrorism, and the terrorist attacks on New York and Washington did not mark the beginning of a completely new era. Rather, the shock of 11 September 2001, now deeply ingrained in

the world's public memory, reflected an increasing, if often neglected trend of the 1990s, which found its expression in the collapse of the World Trade Center. The vulnerability of the US as the world's only superpower at the height of its military strength demonstrated that asymmetric threats had become a feature of a globalised security system in which the distinction between internal and external security had become blurred.

Terrorism, as a tactic offensively employed by the weak to promote a revolutionary objective, had already plagued a number of EU Member States in the 1970s and 1980s, in particular the United Kingdom, Germany, Spain, Italy, and France. It was concern about domestic terrorism in the 1970s that brought the interior ministers of the European Community together to set up intergovernmental consultative forums, such as the TREVI group, a framework for internal security cooperation, and the Police Working Group on Terrorism (PWGOT). With the conclusion of the Schengen Agreement, the notion that terrorism was increasingly an internal security problem of the Community gained ground. Joint initiatives remained strictly limited however, and until today, the fight against terrorism is largely perceived as a 'Third Pillar' issue.

Since the second half of the 1990s national intelligence services in Europe had been aware of al-Qaida's clandestine character, its largely horizontal, multinational, and heterogeneous network, its decentralized command-and-control structure, and its transnational dispersal of personnel with semi-autonomous cells, which have become increasingly 'virtual' and therefore even harder to identify. However, national intelligence services emphasised the fact that these groups were primarily intent on toppling the existing state and government structures of their respective countries of origin and replacing them with their own Islamist order.

It was not until December 2000, when police arrested four Islamists of the so-called Meliani Group in Frankfurt, Germany, and prevented a plot to attack the Strasbourg Christmas market on New Year's Eve 2000, that the intelligence services realised for the first time that European countries were being used by Muslim extremists as a base for rest, recovery, transit, preparations, and possibly recruitment. However, until the attacks on New York and Washington, the real potential of the Islamist groups remained unclear.

The attacks of 11 September 2001 revealed that the transnational terrorist threat was more dangerous than most had previously believed. Al-Qaida had challenged the West and thus become a strategic threat. And it seemed that Europe – from the United Kingdom, Germany, France, Italy, Spain, the Netherlands, and Belgium to Poland, the Czech Republic, and Bulgaria – had evolved into a nerve centre for the global jihad.¹ It was also clear that the terrorism of 11 September 2001 had little in common with the largely domestic terrorism of the 1970s and 1980s, although neither of these two forms of terrorism – one of which had primarily domestic roots, though with international ramifications, while the other was thoroughly transnational in nature – was amenable to negotiation, let alone to diplomatic or political compromise.

It is possible that the first crucial feature that distinguishes the new transnational terrorism from the highly selective domestic terrorism of earlier times – the appetite for mass killings irrespective of the victims' background, and the determination to instrumentalise elements of the national infrastructure for this purpose – might yet repel and diminish the global jihadist movement's own constituency. More practically, the second distinguishing feature – its fundamentally different organizational, logistical, and operational structure – requires counter-terrorism measures that lie beyond the reach of diplomatic, and in most cases military, instruments. This made and still makes it all the more important to empower moderate forces within the larger community in order to 'diminish [the terrorist] constituency, its political strength and ultimately its operational efficacy.'²

The EU response

On 21 September 2001, ten days after the terrorist attacks on New York and Washington, the EU heads of state and government assembled in Brussels for an extraordinary meeting to consider the implications of the

1 Jonathan Stevenson, *Counter-terrorism: Containment and Beyond*, Adelphi Paper 367, 2004, 11; Peter R. Neumann, *Europe's Jihadist Dilemma*, *Survival*, 48(2), 2006, 71-84.

2 Stevenson, *op. cit.*, 7.

events of 9/11. The summit resulted in calls for more efficient measures and worldwide action. Both efficient measures and worldwide action became central notions in the ensuing European campaign against international terrorism. Within weeks rather than months after the attacks of 11 September 2001, Member States introduced new and wide-ranging counter-terrorism legislation at home, and joined in the international collaboration in multilateral institutions. However, terrorism was too intangible and complex to present obvious policy proposals for clear counter-terrorist action; and it was too important to be left to the EU decision-makers alone, as the security of each EU state was potentially threatened in different ways. Yet terrorism was, at the same time, a threat that defied conventional definition as domestic or international politics, and that also resisted rational attempts to assess its causes – terrorists seem to know no boundaries, and existing institutions had no obvious responses. This was the case in 2001, and the ESS's assessment of the causes reflects this continuing uncertainty about how best to respond strategically to terror.

The ESS tried to set the general parameters of an EU-wide fight against the terrorist threat. In general, it called for a more active, more capable, and more coherent Europe, and it emphasizes the need for improved sharing of intelligence and for better co-ordination between external action and Justice and Home Affairs, that is between the two intergovernmental pillars of the EU in particular.

The EU's approach reveals a comprehensive, though still not integrated counter-terrorism concept that combines the national with the international level, and civilian with military instruments. On the one hand, this holistic approach to counter-terrorism policy reflects the new characteristics of the terrorist threat, which in turn corresponds with a general expansion of the concept of security. On the other hand, it fits in with the conceptual principles that have shaped the multilateral character of Member States' foreign policies over the past decades. Purely national efforts to provide security are even less practical today than ever before, although national measures still form a large part of the European counter-terrorist response.

So in many respects, the EU approach reflects, and indeed depends on, the counter-terrorism approaches of individual Member States. First,

the powerful images of the terrorist attacks channeled the development of public opinion, and there seemed to be little doubt among the public that the terrorist attacks warranted immediate legislative measures. Thus the external shock, which was particularly jarring in Germany, dovetailed with individual and collective perceptions of the terrorist threat, and with a self-imposed urgency to act quickly. This led to efforts to accelerate the legislative process in order to adopt measures such as the European Arrest Warrant as well as other activities that had long been on the EU's Pillar Three agenda.

Second, the new form of transnational terrorism is essentially treated as a law-enforcement problem, and terrorists are regarded as criminals. The focus is therefore on legislation and on the coordination of the heterogeneous activities of the Member States to improve counter-terrorism capabilities at the European level for action within and beyond the EU's own borders – be it within the realm of Europol, Eurojust, or the Police Chiefs' Task Force. In addition, the EU has concentrated on efforts to reduce terrorist access to finances and other economic resources and pushed for an improved exchange of information amongst Member States that would make European criminal databases truly interoperable. And, third, the new legislation reflects that the lion's share of counter-terrorism against transnational terrorist threats is to be conducted on intelligence as well as the law enforcement front, rather than on the military battlefield, where the EU as a military-strategic actor in its own right has not been involved in the fight against terrorism.

In addition to more institutionalised processes on the international level, the EU's role in countering the terrorist threat has had a legitimising effect on Member States' own domestic and international counter-terrorism action. However, this approach has not been without its problems. Combating terrorism jointly as well as separately is partly hindered by the substantially different experiences that EU Member States have had with terrorism as part of their national histories. In a number of EU Member States, terrorism has been hitherto virtually unknown, and they therefore perceive the terrorist threat very differently and are reluctant to impose drastic counter-terrorism laws. Furthermore, while some have virtually no Muslim communities and are therefore unconcerned about the thought

of alienating them by implementing new laws, others – given the numerical size of Muslim diasporas on their soil – must be at pains to strike a balance between securing the public without upsetting peaceful parts of society. There were also wider concerns in some European capitals about the further impact of US activity upon European national politics, and that the US assessment of the need to deprive al-Qaida of a potential state supplier of weapons of mass destruction in Iraq might become a self-fulfilling prophecy, in the process also heightening the terrorist threat in their own countries.

However, a clearer sense of direction had emerged by the beginning of 2006. The ‘EU Plan of Action on Combating Terrorism’ with its almost 200 counter-terrorism measures, grouped around the four key concepts ‘Prevent, Protect, Pursue, Respond’, came to symbolise this.³ It was the last in a series of reports on counter-terrorism that dated back to October 2001, followed by an update of March 2004, after the Madrid bombings; December 2005 (a draft update), and February 2006. Counter-terrorism has thus been firmly on the EU’s agenda since 9/11, has identified measures, the responsible bodies involved, and the (hoped-for) deadlines that were to be adhered to. Similar to the comparable UN committee, the EU Action Plan served as an instrument for monitoring the implementation of the agreed measures and, if need be, for ‘naming and shaming’ Member States that fail to live up to their obligations.

It is in implementing anti-terror measures that authorities have had to confront some of the new realities and dilemmas of their work. The maxim of ‘legitimacy and efficiency’, which the bigger EU states claimed to follow has only been partially realised. Intelligence services are confronted with perpetrators who hide behind the guise of completely unremarkable behaviour as there is nothing to indicate that their lives might lead

3 Monica den Boer, ‘The EU Counterterrorism Wave: Window of Opportunity or Profound Policy Transformation?’, in Marianne van Leeuwen (ed.), *Confronting Terrorism. European Experiences, Threat Perceptions and Policies*, 2003, 185-206, esp. 189. EU Plan of Action on Combating Terrorism, available at http://ue.eu.int/uedocs/cmsUpload/EU_PlanOfAction10586.pdf The updated version of 13 February 2006 is available at <http://register.consilium.europa.eu/pdf/en/06/st05/st05771-re01.en06.pdf>. Cf. also the European Union Counter-Terrorism Strategy, 30 November 2005, available at <http://register.consilium.europa.eu/pdf/en/05/st14/st14469-re04.en05.pdf>

to any kind of terrorist crime. As a consequence, the protection of state and society through preventive measures is hampered by the grave lack of knowledge as to the perpetrators. Threats or dangerous individuals are normally identified by conspicuous or previous illegal behavior.⁴ Previous illegal behavior, however, cannot serve as an indicator of the danger emanating from individuals who make a particular effort to live law-abiding lives, only to be able to strike more efficiently when the moment is right. Discrimination against certain population groups thus appears to become almost inevitable, while the legal quality and legitimacy of some of the new counter-terrorism laws has, according to some specialists, turned out to be rather questionable.⁵

While investigative strategies must, therefore, be readjusted, some Member States have also demonstrated a tendency that appeared to run rampant in the aftermath of the 11 September 2001 attacks, and overemphasised the fundamental primacy of the state's 'national security' paradigm over the legal right to liberty. The need for legislative action was never in doubt. However, some authorities failed to conduct a careful analysis to determine which measures could possibly have prevented the attacks and which legislative changes would have been necessary to create these measures. Seen in this light, new counter-terrorism laws constituted, above all, a political act.⁶

The efficiency principle in the fight against the terrorist threat is impeded by the extremely heterogeneous security architecture both within Member States and amongst them. For example, as part of the German federal structure of police and intelligence services protecting the state, no less than thirty-six independent authorities deal with the protection of the state and the constitution (federal and state offices for the protection of the constitution; federal and state criminal police offices; Federal Intelligence

4 Wolfgang Hoffmann-Riem, 'Freiheit und Sicherheit im Angesicht terroristischer Anschläge', *Zeitschrift für Rechtspolitik*, vol. 35, no. 12 (December 2002), 497-501, esp. 499f.

5 Ibid.

6 Oliver Lepsius, 'Freedom, Security and Terror: The Legal State in Germany', *German Law Journal. Review of Developments in German, European and International Jurisprudence*, vol. 5, no. 5 (May 2004), 435-460, esp. 437.

Service; Military Counterintelligence). There is a significant tendency towards jumbling competencies. There is no single authority generating a complete picture, and the significance of information details can therefore be overlooked. In addition to the vertical separation of power, a mandatory horizontal separation between police and intelligence services has been in place since the foundation of the Federal Republic.

All in all, the EU has pursued three major objectives: First, it has aimed to extend the authority of the security organizations and intelligence services. Secondly, it has set out to improve cooperation between police organizations, especially concerning the exchange of data. And third, in doing so, the counter-terrorism law has aimed at preventing the infiltration of potential terrorists into the EU, or – in cases where this fails – at better identifying those who are already in a Member State. Despite partly successful attempts to subsume counter-terrorist intelligence expertise and operative measures in single institutions on the national level, the phenomenon of fragmentation is multiplied within the intergovernmental framework of the EU, where Member States tend to be reluctant to share their respective intelligence information. In other words: EU counter-terrorism efforts are deprived of a robust executive mandate: at best they rely on a policy of ‘naming and shaming’, and are hindered by inter-pillar competition. Despite the new EU office of Counter-Terrorism Coordinator, these efforts are essentially driven by national agendas. As a consequence, the respective domestic debates are multiplied on the international level, where competing visions of counter-terrorism – derived from each country’s specific experience and convictions – tend to result in a policy of the lowest common denominator.

This also relates, at least in part, to a policy that aims at fighting the root causes of terrorism. In this context, the EU, a relative newcomer and untested actor in the realm of foreign affairs, still has to evolve agreed, long-term policies towards the greater Middle East, in particular about how to encourage democratic reform throughout the region as a hoped-for contribution to the challenge of terror. It will have to do this by bringing the various instruments of the three pillars together. The challenges that the EU of 25 faces in its fight against terrorism remain substantial, and the contribution of the ESS remains somewhat peripheral as a guide to

further action. While some of these challenges relate to the fundamental change in the nature of modern terrorism, others are due to the specifics of the EU's internal workings.

Conclusion

The ESS suggestion of a comprehensive counter-terrorist approach driven by the 'legitimacy and efficiency' paradigm still needs to be refined in order to succeed. So the real challenge for decision-makers in the EU and its Member States still lies in achieving an EU-wide consensus on what constitutes legitimacy with efficiency. Given the domestic/overseas interface of terrorism; the variety of Member State priorities; the administrative hurdles confronting decision-makers at the EU level, and the continuing lack of consensus on how to deal strategically with the phenomenon of terrorism, it has to be said that legitimacy and efficiency have yet to be fully reconciled. In sum, the terrorist attacks on the World Trade Center and the Pentagon were, as Peter Katzenstein has perceptively remarked, 'a strong beam of light that gets filtered by national lenses, of different self-conceptions and institutional practices, which create distinctive political responses.... In contrast to the Cold War, the relative importance of different self-conceptions and institutional practices appears to be larger and the systemic effects constraining national divergences smaller.'⁷ There are no indications that Member States will lightly abandon their respective national courses, for 'European states have been determined to retain their sovereign prerogative in matters of national security and law and order.'⁸ On the contrary, they are likely to continue to adhere to self-conceptions and existing institutional practices – even if this implies an occasional parting of ways with allies and partners.

7 Peter J. Katzenstein, 'Same War – Different Views: Germany, Japan, and Counterterrorism', *International Organization*, vol. 57, no. 4 (Fall 2003), 731-60, 732.

8 Paul Wilkinson, *International Terrorism: The Changing Threat and the EU's Response*, Chaillot Paper 84 (Paris: EU Institute for Security Studies, October 2005), 30.

Part III AND NOW?

8 An American Eulogy for European Defence

Kori Schake

The European Union has had an extremely successful foreign and security policy for the past ten years. It focused almost exclusively on giving the newly democratic countries of central and southern Europe incentives to adopt norms of behavior that would keep the European continent peaceful, and rewarding those countries that embraced positive changes with EU membership – and it worked magnificently. Through the desire of newly-democratic states to become ‘European’, they have created the basis for lasting stability and peace among European states. It is an historic accomplishment to be marveled at, applauded, and copied wherever possible.

It takes nothing away from what the European Union has achieved that the approach appears to be nearing the end of its usefulness. Attitudes expressed during the Constitutional ratification suggest European publics are worried about further expanding membership, either as a general expression of concern for their own economic welfare or because they believe membership now just about encompasses the states that constitute their view of a cultural or social Europe. Both explanations would require changes in what used to be called Western Europe before EU expansion will again be a credible policy tool for shaping state behavior outside its membership.

The EU’s success in security policy for Europe makes the absence of an EU defence policy all the more surprising, for clearly common action on difficult security problems requiring elegance of orchestration has been achieved. Why has CFSP not actually engendered a real ESDP? The missing D is not merely a semantic vestige of the different names the feuding EU and NATO insisted on giving the undertaking of crafting a common policy, for the EU has succeeded in crafting a common security policy but made almost no progress toward a common defence policy.

EU partisans will protest that characterization, and can rightly point to a steady drum beat of activity:

- the 1992 Maastricht Treaty provisions on responsibility for all questions relating to security;
- elucidation of the Petersburg tasks of peacekeeping and crisis management in 1997;
- the call at the 1998 St Malo meeting for the EU to have a ‘capacity for autonomous action’ in defence;
- incorporation of the WEU into the EU and agreement to a common defence strategy at the 1999 Cologne summit;
- commitment at the 2000 Nice European Council to develop a 60,000 troop Rapid Reaction Force;
- development in 2002 of a European armaments research and development agency;
- EU High Representative Javier Solana’s strategy document, *A Secure Europe in a Better World*, released in 2003;
- agreement at the Military Capabilities Commitment Conference in 2004 to establish 13 EU Battle Groups of 1,500 troops each for rapid deployment outside the NATO framework.
- successful conduct by EU military and police forces of 15 operations.

Amidst all this activity, however, the horizon line for EU defence policy has been receding. The rhetoric is not nearly as heated as during the proud days of the mid-1990s, but the debate has now taken on an ethereal quality because over the past decade European governments have chosen to do so little, even though they have such substantial ability. EU countries constitute eight of the largest 25 defence budgets in the world – the defence spending of just France and Germany combined is greater than any country other than the U.S. Moreover, the professionalism and fighting quality of European militaries leaves little doubt they could defeat any military in the world except for the U.S. Yet, it is difficult to imagine

the European Union deploying the 60,000 troops so proudly called for at Nice, or nations committing themselves to abide by and provide forces for the terms outlined in Solana's strategy. It is difficult to name a single European military deployment except for the Balkans, and that was undertaken only after eight years of NATO operations. Where did Europe lose its ambition for a real defence policy?

Early on, supporters of an autonomous European defence capability argued that while European publics would not sustain defence spending for NATO, they would do so for EU defence activity. That has not proved to be true. Publics have demonstrated no greater enthusiasm for increased defence spending to build capacity or undertake operations in the EU than in NATO, which should tell us it is not the institution, but the activity we have failed to persuade publics is important.

Another explanation for the slow pace of progress has been the need to get the EU's 'plumbing' right. This has the feel of rationalization, however. The EU indulges far too many descriptions of the process being passed off as progress. It is not unique to the EU (after all, the overlapping federal, state and local authorities in the U.S. are equally Byzantine) nor does it constitute policy. If there were a common vision for EU defence and a sense of urgency about organizing it, we would not still be having the same conversation that we did ten years ago. The obscurity of long-term objectives that has served other causes in building an ever closer union is impeding progress on defence. States cannot be expected to commit to conflicts blood and treasure based solely on a vague sense of obligation: the penalty for committing easily is too high. The sacred trust governments have when they put their soldiers and their national interests at stake requires a higher standard than even issues of wealth and domestic well-being.

A Secure Europe in a Better World provides an eminently sensible strategy on the basis of which to structure European defence. It identifies the key threats, outlines its main objectives for protecting and advancing Europe's interests, and makes a compelling case for Europe to 'share in the responsibility for global security.' It is a magnificent statement of the values Europe holds and promotes in the world, and a clarion call to activity that will advance them.

Strategies serve not only as statements of values, but also as means to prioritize governmental (or, in this case, intergovernmental) effort. A good strategy tells us how a government will spend its money and its effort, and *A Secure Europe in a Better World* is a good strategy. The resourcing consequences of *A Secure Europe in a Better World* are clear: investing in intelligence, policing and immigration to manage terrorism and organized crime; activism in international institutions to develop law, encourage adherence to international treaty regimes and dissuade WMD acquisition; diplomacy to resolve the root causes of regional conflict; and building capacity for governance in weak states.

The role of military forces in carrying out the strategy is also clear from *A Secure Europe in a Better World*. Force is nowhere evident except as the fourth element in dealing with terrorism, as a means to restore order in failed states, and as an element that ‘may be needed’ in the post-conflict phase of regional disputes. Given the clarity of strategic vision evidenced in *A Secure Europe in a Better World*, it must be purposeful to give military power a very limited role in protecting and advancing the EU’s interests.

It may be that the international order no longer requires a central role for military force, but that is not the international order the United States believes it is facing. As the guarantor of the order, it is not surprising the U.S. strategy weighs military force more heavily than does the EU. However, the breadth of difference on the centrality of force is striking between the U.S. *National Security Strategy* and *A Secure Europe in a Better World*. In fact, *A Secure Europe in a Better World* outlines a strategy of defence by other means.

It includes the requisite call for ‘more resources for defence and more effective use of resources,’ but nothing in *A Secure Europe in a Better World* actually justifies the call. In fact, the military tasks directed in the EU’s strategy should be achievable for considerably less than the \$160 billion Euros currently spent by the EU member states. If European Union states do not believe they need war-winning armies, navies, air forces, and corps of marines, they can have the narrow slice of the spectrum military forces derived from *A Secure Europe in a Better World* at much lower cost.

What the Strategy does not say and what the EU is not doing suggest modest ambitions for a defence policy. That may be appropriate. It is certainly consistent with what European publics seem to want, which leaves the EU with an important choice to make: should it continue on its current line of undertaking mostly small-scale, ‘unimportant’ missions or should it redirect its efforts to bring them into closer alignment with public concerns in order to build public support for greater activism?

The argument for small-scale missions that have predominated among EU operations is that they are sure to be successful and therefore create a sense of accomplishment and greater willingness to undertake future operations. The argument against this approach is that marginal efforts in Aceh or Darfur are not central to Europe’s security nor are they sufficient to solve the problems in those crisis areas; as a result, they are unlikely to build the kind of public support their advocates envision.

By choosing marginal activities, the EU has actually increased skepticism about its seriousness of purpose rather than built a foundation for more complex and demanding undertakings. The choice of missions suggests they are luxury indulgences. One way to build support for common EU defence and build a record of achievement would be to focus ESDP on those security issues of greatest concern to European voters. Redirecting defence activity to visible tasks valued by the public would better achieve the seriousness of purpose the EU is striving for.

Immigration is a major concern, and the porousness of borders in Europe’s south is a preferred route of entry – rather than continue to build a European Army, why not create an EU coast guard to patrol the Mediterranean approaches to Schengen countries? Or create the equivalent to the National Guard in the US: military forces under state control but able to be mustered into federal service with the approval of state authorities for specific purposes. That approach would be naturally suited to the shared sovereignty and pooling of resources of the EU.

There are two surprising omissions in *A Secure Europe in a Better World*. An approach that favours having the EU address the security problems that voters are most worried about should encompass Russia, and the U.S.

Given that these are the two countries the foreign policy choices of whom most affect Europe's security, it would be sensible for the EU to build consensus on how to deal with each of them. They are addressed with polite detachment in *A Secure Europe in a Better World* in terms of the importance of the relationships and all that can be achieved together. An aversion to describing the threats posed by the U.S. and Russia is certainly understandable, as it would require the EU to explain and justify and act on its findings. However, careful analysis of, for example, how U.S. commitments to the defence of Taiwan are likely to affect European security, or the way patterns of reserve holdings of central banks may change the relationship of the U.S. with other countries would give wider scope to the transatlantic relationship. This kind of strategic thinking would likely make for greater commonality across the Atlantic in approach on security issues.

Iran will be the first test case of the EU strategy. It has so far proven a success. The EU was concerned about a problem (proliferation) highlighted in *A Secure Europe in a Better World*, and the direction U.S. policy was trending. The EU Three took the initiative, developed a common approach, and began negotiations. The EU negotiators offered good terms that Iran has opted not to select, and the EU has worked diligently and with great sophistication to build international support for graduated pressure on the Iranians. The EU has worked simultaneously bilaterally, multilaterally, through institutions and outside them, making use of a wide range of tools. The only tool that the EU seems not to be encompassing in its approach to Iran is the use of force. For now, that is appropriate, especially since the U.S. will keep that element in Iranian calculations.

After all, the EU has now invested in finding a better way to prevent Iran from crossing the nuclear threshold. If Iran continues nuclear reprocessing and we are unable to prevent their nuclear weapons programme, it will damage the credibility of a strategy prejudiced in favour of political, diplomatic, economic, and other non-military means. But even if the EU effort does not halt the Iranian nuclear programme, efforts to persuade the Iranian government to give up its programme will not have prevented military action against Iran but will have built considerable international opposition to Iran. It will have been a net gain, but will be more difficult

to repeat if force is not integral to the approach at some point. And in retrospect, it may signify the point in time at which it was clearly seen that the European Union had developed a common foreign and security policy that did not actually lead to a common defence.

9 Securing Europe after Enlargement

Graham Avery

Before the EU's enlargement in May 2004 to include ten new members there was much discussion of the effects which this major structural event – the biggest increase in numbers ever experienced by the EU – would have on the conduct of its policies. There was apprehension that in the field of foreign affairs the advent of so many new actors would make the development of common positions even more difficult. In some quarters the Central and East European countries, with their Atlantic sympathies, were seen as Trojan horses for Washington.

The experience of the last two years has belied many of these fears. The EU has continued to function and make progress in foreign policy, as in other fields, and enlargement has not led to the paralysis which some predicted. It is true that the new members experienced a 'learning curve', and that enlargement has sometimes worked to the detriment of cooperation and team-spirit; the understanding and communication that comes through Ministers and senior officials working closely together as colleagues is obviously more difficult with more people. But the risk that meetings would become interminable and unmanageable with 25 representatives has not materialised. In fact, the increase in numbers has led to some self-discipline, in the sense that participants realise that if everyone insists on speaking, discussion becomes impossible.

But although the machinery of EU foreign policy has proved capable of absorbing enlargement, some of the tensions below the surface have nevertheless been exacerbated. The enlargement brought in many small countries: the addition of ten countries with a total of 75 million people resulted in an increase of only 20 percent in the size of the EU's population, but it led to a shift in the balance within the EU between big and small Member States. In EU-15 there were five Member States with a population of 40 million or more, plus ten smaller States; the enlargement to EU-25

has altered the balance of five big plus ten small, to six big plus nineteen small, so almost doubling the number of smaller States.

Against this background, some of the new members feel frustrated in their efforts to influence EU positions on foreign policy and suspect that the big Member States effectively decide what happens. Poland with its population of 40 million, which is about the same size as Spain, is the only new country capable of aspiring to be one of the 'big' Member States, but it too has problems when it wants to make its voice heard. The same is true for Spain and Italy when the 'big three' of France, Britain and Germany decide to cooperate closely in questions of foreign policy, as they have been doing publicly in the case of relations with Iran, and more discreetly in other cases. The fear of EU affairs being managed by a *directoire* has thus been given a new impetus by enlargement.

It has been remarked that one of the tasks of the EU's High Representative for Common Foreign and Security Policy (CFSP) is to establish what should be the common view of the big three Member States on a given question, and then persuade the other members that that they have the same view. Although this is a caricature, it is sometimes not far from reality.

The unanimity rule of intergovernmental decision-making, under which the EU's CFSP is operated, means that each country has an equal right to make or block decisions. So in principle small states operate on the same basis as big states. But in practice there is plenty of scope for bigger countries, with their greater economic, diplomatic and military resources to influence foreign policy. Paradoxically the scope may even be wider than under the majority voting system that characterises the 'Community method' applied in other fields of EU activity.

One response to this situation on the part of the new members could have been to cooperate in decision-making as a coordinated group, to compensate for their small individual size. But they have not formed a separate group in a systematic way. Their behaviour in the field of foreign affairs, as in other fields, has been shaped primarily by their perception of their own national interests, and so they have formed ad hoc alliances among themselves, and with other members, according to the specific circumstances of important decisions.

So much for the process of policy-making. What effect has enlargement had on the substance of policy? The arrival of the countries of Central and Eastern Europe has certainly inflected the aims and priorities of EU foreign policy. It has tended to focus the EU's interest more on questions related to neighbouring countries, and in particular Russia, towards which the attitude of the new countries is influenced both by their geographical proximity and by their historical experience in the twentieth century. It may indeed seem ironic that, even as the EU enlarges, its regional, as opposed to its global priorities are emphasised.

Indeed, the European Neighbourhood Policy, the EU's most recent strategic initiative in the field of foreign policy, was a direct consequence of the enlargement of 2004. The new borders created by the formation of EU-25 gave rise to a need for an intensified relationship between the EU and its neighbours. Wanting to avoid new dividing lines on the European continent – the replacement of the old Iron Curtain by a new Velvet Curtain – the EU plans to promote prosperity, stability and security in the neighbouring countries. This is being done through the creation of a joint agenda aimed at promoting good governance and reform in the neighbouring states, and offering progressive economic integration and deepening political co-operation with the EU.

The new members strongly support this policy, since it is in their long term interest to strengthen the stability, security and wellbeing of their neighbours. Apart from geographic proximity, they share with them the experience of transition from socialism, and they tend to understand better the problems and concerns of these partner countries.

Moreover the new members are, in general, supporters of the accession of at least some of the other east European countries, in contrast to old EU members who perceive the Neighbourhood Policy as an alternative – at least, for the foreseeable future – to the perspective of further enlargement. Ukraine, for example, is seen as a future candidate for accession by many new members, including its neighbours Poland and Lithuania which played an important role during Ukraine's Orange Revolution. By the same logic, neighbouring countries which believe they can one day join the EU are not so enthusiastic about the European Neighbourhood Policy, which is perceived as a substitute for their real objective, which is membership.

The enlargement of 2004 lengthened the Union's land border with Russia, resulting in more interaction between the EU and Russia in terms not only of trade but of people-to-people contacts and border traffic. While enlargement has increased EU dependence on Russia for its energy supplies, it has also had the result that Russia depends on the EU for almost 60% of its trade, as well as for investment and technology. Economic interdependence has thus been strengthened by the last round of enlargement.

But the economic relationship is coloured by political and historical factors, and the distrust which some new members have for Russia has been increased by projects such as the Baltic Sea Gas Pipeline, which reinforce their suspicion that the big Member States prefer to deal directly with Moscow, without taking into account the interests of other EU members. The new members generally prefer the EU to adopt common positions, clear messages and realistic alternatives – after all, they have had long experience of dealing with the Russians.

Finally there is the question of the influence of the United States on EU foreign policy following the last enlargement. After the experience of Soviet domination and the Cold War, the countries of central and eastern Europe perceived Washington in the 1990s as their prime ally and protector. Their desire to join the EU was matched by an equally passionate desire to join NATO, and for reasons of security the latter was deemed more urgent than the former. At the time of the invasion of Iraq, they generally took the side of the US. Although many commentators interpreted this as a sign of future attitudes, and French President Chirac delivered his famous rebuke that they had missed their chance to stay silent, their behaviour on that occasion was not an appropriate test. At that stage, they were not yet even EU members, and the EU itself was deeply split, with no common position on the Iraq question.

The United States supported the recent EU enlargement primarily for geo-strategic reasons, but also it naturally hoped to benefit from the pro-Atlantic attitude which existed in many new Member States. Indeed, the US has continued to lobby the new members as another means of entering into the internal discussions of the EU. But in practical terms this has made little difference to foreign policy issues. EU-US bilateral relations mainly concern economic questions, and in that field the new members have realised that

their interest is served by aligning with EU positions, and profiting from being part of the European single market.

New and old security risks

Let us consider next whether the problems and risks which confront the EU have changed significantly since its enlargement in 2004. Are the key threats different? These threats were summarised in the European Security Strategy approved by the EU's leaders at the end of 2003 as: terrorism, proliferation of weapons of mass destruction, state failure, regional conflicts, and organised crime.

The 'traditional' threats of inter-state conflict and aggression, experienced for generations on the European continent, were not even mentioned. Those old sources of insecurity still remain valid for Europe, in the strict sense of protection of the well-being of its citizens from acts of force, invasion and violence. However, the concept of 'security' in politics has been expanding systematically to include other fields of well-being, including even economic security – a trend which is facilitated by the absence of traditional security threats.

Three such new aspects of security have particularly attracted the attention of the public and the politicians in Europe in recent years: immigration, the environment (especially climate change), and energy supply. With the arrival of avian flu in Europe, human and animal health can be added to this list, as was the case with 'mad cow' disease in the late 1990s. As it becomes more difficult to handle such questions on a national basis, it is increasingly difficult to draw a clear dividing line between domestic policy and foreign policy in these fields of security. The phenomenon of globalisation is not limited to economics and trade, and foreign ministries today have to take account of the international concerns and aims of many other 'domestic' ministries.

In these areas, the EU, with its experience of integration and mechanisms of cooperation, is very well equipped in principle to develop effective policies of control and protection, both between its Member States and on a global scale. Seen from this angle, the conventional distinction between

the EU's CFSP and its other common policies is becoming less and less valid when it comes to handling the threats to Europe's security.

European diplomacy

The EU's Constitutional Treaty contained important innovations in the field of foreign affairs, but after the negative results of the referendums in France and the Netherlands in 2005, the prospect of the Constitution coming into force has receded some way into the future. How then should the EU proceed without the reforms which would have resulted from the Constitutional Treaty?

The Treaty's new 'architecture' for foreign affairs had three basic aims:

- To improve the coherence and consistency of the Union's policies and actions in international affairs, and augment their effectiveness and visibility.
- To ensure that the Union and its Member States cooperate more effectively in the formation and execution of external policies.
- To create for the EU a Minister of Foreign Affairs, who would also be a Vice-President of the Commission, with a 'European External Action Service' to help him to perform his tasks.

It can hardly be disputed that the first and second of these aims are still valid. Although there are differing views why the people in France and the Netherlands said 'no' to the Treaty, it is clear that few voted against it because of its provisions for foreign affairs. In fact, public opinion in all the EU's Member States wants it to have a more effective voice in the world. According to the Eurobarometer opinion poll, 69% of the population of EU-25 are in favour of 'a common foreign policy among the Member States of the EU towards other countries'.

So we should not abandon the quest for better coherence simply because the Treaty has fallen in the water. The EU needs a more coherent organisation of its foreign policy, whether or not we have a Constitutional

Treaty. If the path of structural or ‘institutional’ advance is blocked, we should exploit all the practical possibilities for ‘functional’ improvement. Even without the Treaty, the EU could do much more to ensure coherence of its policies and its actions, and to bring closer together the national and European levels of policy-making and implementation. In fact, this is a chance for ‘pragmatists’ to succeed where the ambitions of the ‘institutionalists’ have failed.

Without the Treaty there remain important differences between the functioning of the ‘first pillar’ and the ‘second pillar’ of EU foreign policy – the first consisting of the common policies coming under the ‘Community method’ (trade, development, humanitarian aid etc.) and the second of the ‘intergovernmental’ CFSP. In fact, even with the Treaty and its ‘double-hatted’ Foreign Minister there would remain differences between the decision-making procedures for the two policy areas.

But with or without the Treaty, what do these distinctions between pillars really mean? In EU jargon the expressions ‘external relations’ and ‘foreign policy’ – denoting the first and second pillars respectively – have a specialised meaning which is hardly understood outside the professional circles of Brussels. For the European public the distinction means practically nothing, and outside the EU it signifies even less. In relations with the EU, non-member countries are not much interested in our internal arrangements and operating procedures; indeed, they find the multiplicity of our modes of external representation confusing, and generally prefer to talk with a single interlocutor – though naturally some of them are tempted to exploit our incoherence to their advantage.

There are a number of practical measures which the EU could now take to improve the coherence of its action in foreign affairs. In Brussels, the European Commission and the High Representative for CFSP could and should work more closely together. The participation of Mr Solana in meetings of the Commission’s group of external relations Commissioners, presided over by the Commission’s President, Mr Barroso, is a good example. Much more could be done to bring together the work of officials in the Commission and the Secretariat of the Council, and thus to bridge the gap in Brussels between the two sides of the rue de la Loi.

Outside Brussels, the appointment of a Special Representative of the EU for Macedonia who is also Head of the Commission's Delegation – a kind of 'double-hatting' in the Union's external representation – is already improving the visibility and effectiveness of the EU in the region. This is an innovation which could be followed in other appropriate situations.

The creation of an EU Foreign Minister would hardly be possible without the Constitutional Treaty in place, and the same is true of the Treaty's reform under which the Minister would preside sessions of the Council of Ministers of Foreign Affairs in place of the present rotating six-monthly Presidency. But why not consider the possibility of also appointing the next High Representative, due to take office in 2009, as a Vice-President of the next Commission? This would be a useful means of improving the coherence of the formation and the execution of EU policy at the highest levels. Although legal questions could be posed by such 'double-hatting' (compatibility of membership of the Commission with other tasks) a political decision by the European Council on such an appointment would surely solve them.

Finally there is a need to bring together more effectively the 'national' and 'European' dimensions of the EU's diplomatic activity. The 'European External Action Service' envisaged by the Constitutional Treaty would have brought together personnel from the European institutions on the one hand, and from the diplomatic services of Member States on the other hand, in an organisation with a common European task. In such a situation national diplomats would have learned about the organisation and methods of the European Union and personnel of the Commission would have learned by working side-by-side with colleagues having experience in national diplomacy.

The potential benefits of bringing national and European officials together in this way are considerable. Working together can help to bridge the gap between national and European approaches to foreign policy. It can create the conditions for a better understanding of what Europeans have in common, and how they can achieve more by acting together. In brief, it can contribute to developing a European diplomatic culture.

That is why the Commission has been considering how to promote more regular and organised exchange of personnel between the European

institutions and national foreign services, both at headquarters and in the field. Schemes for exchange and secondment already exist among Member States, and between Member States and Brussels. The EU should now plan to go further, so that for the next generation it would be normal in a diplomatic career to spend some years in the European service – in Brussels or in a Delegation outside Europe – and other years in a national service – in the national capital or in an Embassy elsewhere in the world.

Together, the EU's 25 Member States and its institutions have considerable diplomatic resources, at home in Europe and abroad in embassies and missions throughout the world. Although they amount to at least twice the diplomatic resources employed by the United States, they do not yet have a corresponding impact. The Europeans need to reflect on how to deploy these assets more effectively, and since all foreign ministers are under constant pressure from finance ministers to rationalise the work of their diplomatic services, this is not a question which can be postponed indefinitely.

While the creation of a European diplomatic service – for which the Constitutional Treaty provided an embryo – is a long way in the future, the logical solution for the Europeans must surely be to improve their coherence and effectiveness in foreign affairs by closer cooperation between each other, and by more interchange of personnel between the national and European levels, in order to strengthen the logic and effectiveness of European policy.

10 EU Foreign Policy: Where Next after the European Security Strategy?

Jim Cloos

It is evident that the ESDP has evolved quickly over the last few years. New structures and instruments and capabilities have been created, and this has translated into a whole range of crisis management operations on the ground. As is often the case in the EU, developments have happened in a slightly haphazard way, and have been driven by events, rather than emerging as a carefully thought through strategy. The question now is where to go next. Will the EU develop into a major actor on the international scene, equipped with a fully-fledged and hard-headed foreign policy? A friend asked me some time ago whether the EU could have a Machiavellian foreign policy. The answer is probably 'no': the very nature of the EU, its foreign policy structures, and the multiplicity of actors make it very difficult to define clearly what the common interests are, and then ruthlessly to defend them. Maybe that is the reason why the EU tends to concentrate so much on structures, process, and principles, and why it prefers to speak about values rather than interests. This will not change in the foreseeable future. The contention of this essay, though, is that the EU will almost inevitably have to become a bit more Machiavellian as new challenges arise, while still preserving its basic philosophy.

The present approach of the EU has its good sides, no doubt. Ruthlessness can bring results, but it also brings enemies. Attachment to international law, compromise, long term investment has many advantages. But the lack of sheer strength and determination also has downsides. The modern world is fast moving. The old East-West game of chess has made place for a more anarchic kind of play, with hidden actors and unforeseen crises. It is not a coincidence that the ESDP was born at least to some extent in reaction to the unfolding Balkan crisis, which suddenly confronted the EU with a new kind of challenge in its own back yard. The

EU was found to be sorely lacking. It is true that the basic framework for a CFSP had been laid at the Maastricht Treaty, itself a political reaction to German reunification. But it was the Balkan crisis that brought home the need to actually implement the Maastricht treaty and to show that, in the unpredictable politics of the post-cold war world, the EU had a real role to play in foreign policy.

What makes the real difference, though, in the EU's Balkan policy nowadays is the perspective of enlargement. This is our most powerful tool. It is interestingly a 'foreign policy' tool that is essentially about abolishing foreign policy by absorbing willing non-Member States, and this is something that the EU has been extremely good at. But as such, it is of course a finite tool. It is true that the European Neighbourhood Policy or even the COTONOU approach are in many ways attempts at applying the lessons learned from enlargement to a wider region. But the need for a foreign policy that is equipped with the right instruments remains and grows, despite enlargement.

The slow emergence of a more strategic outlook

Working in the direction described above takes time. It was only with the Amsterdam and Nice Treaties that the structures were created which would allow the EU to begin to implement its embryo foreign policy. Of paramount importance was the creation of the post of High Representative for the Common Foreign and Security Policy (CFSP), adding visibility and drive to the EU's foreign policy activities. At the same time, the EU set up new structures such as the Political and Security Committee, composed of Ambassadors based in Brussels and meeting at least two days a week, a Military Committee, a Committee for civil crisis management (CIVCOM), an EU Military Staff, a Situation centre (SITCEN) providing analytical intelligence. The importance of this development was to add to the external toolbox of the EU (trade, economic relations, development aid) a whole new range of instruments, allowing it to react to crisis situations while at the same time adopting a far more political and strategic stance.

However, having means and instruments, though a necessary ingredient of any meaningful foreign policy, is not enough. What is also needed is a strategy of where the EU wants to get to, coupled with a vision of what it wants to achieve with its instruments, and how this should be done.

In the Balkans, as time went on in the 1990s, this was beginning to happen, helped on by the US. In other areas, this was not the case. The example of Iraq is the most extreme, where EU Member States failed to interact collectively at all. More generally, the EU has also been slow in defining what use to make of its ESDP instruments. How it has reacted to emerging needs has, in practice shaped how developments occurred. This has been quite successful, and we are beginning to get a clearer picture of what it is we can achieve with ESDP operations. The fourteen or so (civil and military) operations reveal that the EU has acted in a way that has been driven by three major objectives: to accompany a peace process; to react to crises; and to do nation-building. Out of *ad hoc* actions and reactions, a doctrine is slowly emerging.

Two developments are important in this context. One is the adoption of a European Security Strategy at the end of 2003, which was a direct consequence of the Iraq crisis. It provides, for the first time, a collective framework for our external action, based on a common threat assessment. This is very welcome, even though it is more of a framework with general principles than a strategy. The fairly quick agreement on this paper revealed a much greater convergence of interests and views than was commonly assumed. It may also have revealed that divergences between Member States were – and are – often more tactical than strategic. It can be argued that the ESS also showed that the interests of the US and the EU are in fact closer together than many people thought.

The second development was the reform debate within the UN. One of the most important conceptual outcomes of that debate has been the explicit acknowledgement of the very close link that exists between development, security, and human rights. This provides a welcome underpinning to what the EU is trying to do in its crisis management. The ambition of the EU is to cover the whole spectrum of activities relating to crisis management, that is to say, activities that cover conflict prevention

to peace-making; peace-keeping to post-conflict reconstruction, and then back to development. The EU is uniquely placed to provide the holistic approach that underpins the creation of the Peace-building Commission within the UN framework.

Security and foreign policy-building

A closer look at the evolution of the EU's policy towards the Balkans provides useful insights into the necessary ingredients of a successful foreign policy. After a disastrous start in the early nineties, the EU has made progress in this region. The reasons for this are four-fold: a consensus on its basic interests and objectives; the existence of important and varied means through which progress could be made; delegating of the daily running of the policy to the High Representative and the Commission; and finally a very close and well-functioning transatlantic cooperation. There are also lessons to be drawn from this.

The EU has to have a strategy, or at the very least a strategic outlook

The ESS is a useful framework, but it cannot substitute for the development of concrete strategies. In some policy areas, like the Balkans or the Middle East, or the areas of counter-terrorism and non-proliferation, this has happened. The way of handling Iran is also encouraging, in that the EU took the initiative early on, and in the absence of a clearly defined US strategy. While the debate about the lifting of the China arms embargo could have been handled better, it generated a welcome strategic dialogue on China and the wider region with the United States, and indeed within the region itself. There is a need for more substantial strategic and policy debate within the EU that does not avoid the difficult questions, which are so much easier to pose than to resolve. These questions include, for example, energy security and relations with Russia. What should the response be to the current Russian attitude? Is the answer to work towards lowering EU dependence on Russian oil and gas, or is it rather to engage more strongly with the Russians? What is the EU doctrine on democracy

promotion? Do we want to associate ourselves wholly with our US partner, or should the EU develop its own brand of democracy promotion? Do we place stability in the Middle East above democracy or vice versa? Can the EU develop a common position on India and the Non-Proliferation Treaty? Those are difficult questions in themselves; they are even more difficult because different Member States may have different views or experiences or means. But the EU cannot avoid controversial debates if it is to move forward.

Means and instruments

Developments in ESDP have been extremely encouraging over the last few years, but a lot remains to be done, especially in terms of capabilities. Work on the setting up of some 18 battle groups is continuing. The civilian-military cell recently created in Brussels for crisis management planning and better coordination of civil and military instruments will provide added efficiency.

A consensus is also emerging on the need to increase the budgetary means devoted to CFSP and ESDP activities. The figure presently stands at €102million, which represents a tiny fraction of the funds available for external assistance in the Community budget (which is more than €5 billion, not including European Development Fund money). More important, the link between the political objectives defined in the ESS and the actual use of Community funds should be strengthened.

The question has also to be asked whether we get good value for money for our external assistance and development aid. The EU (EC and Member States) provides 54% of the world's ODA, and has pledged to do even more. But the results achieved in terms of development and in terms of the EU's influence and visibility are not commensurate with that effort. One of the reasons for this failure is the piecemeal approach taken in the pursuit of seemingly unrelated objectives in the areas of development, security, human rights. There is in fact an intimate link between them. The ESDP operations should be seen in that light. The less than 1% of external assistance money spent on them should allow us to better spend the remaining 99%.

Institutional aspects

It is difficult to run a foreign policy by committee; a committee can be a board of foreign policy, but you need a Chief Executive Officer. That could be a strengthened High Representative, or hopefully a minister one day. The troika system used by the EU for external representation purposes is simply not an adequate way of handling foreign policy. The draft constitutional treaty was meant to remedy some of the present weaknesses, by proposing the creation of a new post of foreign minister, a joint diplomatic service, EU delegations, and also more budgetary flexibility. The reasons behind these reforms have not gone away, and meanwhile, the EU will have to work on the basis of the present treaty arrangements. As the recent experience has shown, a lot of progress has been achieved on that basis, and there is no reason to believe that this progress should now stop. Moreover, there are a certain number of measures that can be taken within the realm of the existing treaties to further enhance efficiency. More joint Commission and CGS papers can be done; better use can be made of existing EC delegations; more staff exchanges can be envisaged between institutions and with Member States.

A well-functioning and efficient transatlantic partnership

Two major developments have changed the traditional transatlantic paradigm that came out of the Second World War and which dominated fifty years of international politics. The first was the internal evolution and gradual strengthening of the European Community institutions, and the second was the fall of the Berlin Wall and the end of the East-West confrontation. These developments have not diminished the need for transatlantic cooperation, but they have modified the relative weight of the three main elements that make up the relationship. With the disappearance of the Soviet threat, NATO and collective security are no longer at the centre of the relationship. The increasing role of the EU meanwhile limits the scope for bilateral relations between EU Member States and Washington and instead translates into a strengthening of the EU-US component. Many observers feared that the crisis around the Iraq war heralded a shift for the worse in that relationship. It certainly was a crisis, but both sides

have been quick to draw the right lessons and to set the EU-US relationship on a more traditional and beneficial path. Both sides share too many interests to remain at odds for too long.

Major geo-strategic challenges

Work in the Balkans is far complete. Despite the progress that has been made, the mission is far from accomplished. 2006 is a crucial year for the future status of Kosovo and the futures of Serbia and Montenegro. Bosnia today is peaceful, but the nation-building is far from accomplished. The situation in the FYROM needs close supervision. This is all a massive task for the EU, and the complexity and depth of the issues here would be a challenge for any foreign policy actor in the international system. A cooperative, multi-institutional approach is clearly the best way forward, but it does not make day-to-day decision making any easier.

The Middle East Peace Process is the second major challenge; and this is not a new one, alas. The EU has a joint vision with the US and other partners in the roadmap. It has in the past been the main financial supporter of the Palestinian Authority. It has developed its presence on the ground, via EU COPPS and the RAFAH border crossing operation. The recent Palestinian elections that gave victory to Hamas is however, a major challenge. In the wider region, the Barcelona process remains a crucial forum, bringing together EU countries and the countries around the southern and eastern shores of the Mediterranean, including Israel. The overall concept, reinforced by the European Neighbourhood Programme, remains highly valid.

It is a platitude to remark that the situation in Iraq remains worrisome. Whatever the past disagreements on this country, the EU has an interest in a stable and peaceful Iraq. That is why it is active with the training of police and lawyers. And concerning Iran, the EU, despite all the recent setbacks, has not abandoned hope of achieving its primary objective of preventing Iran from developing nuclear weapons. This is an area where Europeans and Americans have recently been working together very closely, in spite of differing sensitivities.

One of the major new and old challenges is Africa. This really is the place where the new thinking about the interdependence of development, security and human rights is of particular relevance. The December 2005 European Council adopted a new Africa strategy based on these ideas. The new crisis management tools can make a difference here and add the extra bit needed to render development aid more efficient.

Despite this global emphasis, it would nevertheless be a mistake to omit among the many challenges the EU faces in its relations with its neighbours in the east. Official relations with Russia are multi-faceted and are and growing in scope. However there remain profound tensions, both with the EU-Moscow relationship, and also between EU Member States themselves. Quite naturally, the newer Member States have a slightly different sensitivity here, although all EU countries want close and productive relations with Russia, and they also want a democratic Russia that respects human rights and democratic values. They want trade and investment and a mutually beneficial energy policy. Recent tensions between Russians and Ukrainians over the transit of gas underscore the importance of energy security. Developments within the Ukraine are of great importance to the EU. The EU played a helpful role during the political crisis in this country and continues to engage with Kiev.

Conclusion

Ironically, given the timidity with which West European States approached issues of common foreign policy during the cold war, foreign policy is currently one of the more promising policies of the future at the EU level. It seems that the European public understands the added value it provides to the Member States, and that EU foreign policy means policies held in common by the Member States, rather than a single, over-riding policy that has been imposed from Brussels. Given this, it is fair to argue that the creation of a CFSP/ESDP actually adds to the external toolbox of the EU, as it builds upon this acceptance of an EU foreign policy in a way that does not appear to threaten unduly the Member States' individual, as opposed to 'European' interests. The European Security Strategy and further

ESDP development will allow the EU to adopt a far more comprehensive approach to external relations than was possible before, although, as explained, there remain the problems of policy formulation as this relates to core and fundamental policy decisions, and the issue of how tough and ruthless – or Machiavellian – EU Member States wish to be.

APPENDIX

A Secure Europe in a Better World: The European Security Strategy

Introduction

Europe has never been so prosperous, so secure nor so free. The violence of the first half of the 20th Century has given way to a period of peace and stability unprecedented in European history.

The creation of the European Union has been central to this development. It has transformed the relations between our states, and the lives of our citizens. European countries are committed to dealing peacefully with disputes and to co-operating through common institutions. Over this period, the progressive spread of the rule of law and democracy has seen authoritarian regimes change into secure, stable and dynamic democracies. Successive enlargements are making a reality of the vision of a united and peaceful continent.

The United States has played a critical role in European integration and European security, in particular through NATO. The end of the Cold War has left the United States in a dominant position as a military actor. However, no single country is able to tackle today's complex problems on its own.

Europe still faces security threats and challenges. The outbreak of conflict in the Balkans was a reminder that war has not disappeared from our continent. Over the last decade, no region of the world has been untouched by armed conflict. Most of these conflicts have been within rather than between states, and most of the victims have been civilians.

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. In the last decade European forces have been deployed abroad to places as distant as Afghanistan, East Timor and the DRC. The increasing convergence of European interests and the strengthening of mutual solidarity of the EU makes us a more credible and effective actor. Europe

should be ready to share in the responsibility for global security and in building a better world.

I. The security environment: global challenges and key threats

Global challenges

The post Cold War environment is one of increasingly open borders in which the internal and external aspects of security are indissolubly linked. Flows of trade and investment, the development of technology and the spread of democracy have brought freedom and prosperity to many people. Others have perceived globalisation as a cause of frustration and injustice. These developments have also increased the scope for non-state groups to play a part in international affairs. And they have increased European dependence – and so vulnerability – on an interconnected infrastructure in transport, energy, information and other fields.

Since 1990, almost 4 million people have died in wars, 90% of them civilians. Over 18 million people world-wide have left their homes as a result of conflict.

In much of the developing world, poverty and disease cause untold suffering and give rise to pressing security concerns. Almost 3 billion people, half the world's population, live on less than 2 Euros a day. 45 million die every year of hunger and malnutrition. AIDS is now one of the most devastating pandemics in human history and contributes to the breakdown of societies. New diseases can spread rapidly and become global threats. Sub-Saharan Africa is poorer now than it was 10 years ago. In many cases, economic failure is linked to political problems and violent conflict.

Security is a precondition of development. Conflict not only destroys infrastructure, including social infrastructure; it also encourages criminality, deters investment and makes normal economic activity impossible. A number of countries and regions are caught in a cycle of conflict, insecurity and poverty.

Competition for natural resources – notably water – which will be aggravated by global warming over the next decades, is likely to create further turbulence and migratory movements in various regions.

Energy dependence is a special concern for Europe. Europe is the world's largest importer of oil and gas. Imports account for about 50% of energy consumption today. This will rise to 70% in 2030. Most energy imports come from the Gulf, Russia and North Africa.

Key threats

Large-scale aggression against any Member State is now improbable. Instead, Europe faces new threats which are more diverse, less visible and less predictable.

Terrorism: Terrorism puts lives at risk; it imposes large costs; it seeks to undermine the openness and tolerance of our societies, and it poses a growing strategic threat to the whole of Europe. Increasingly, terrorist movements are well-resourced, connected by electronic networks, and are willing to use unlimited violence to cause massive casualties.

The most recent wave of terrorism is global in its scope and is linked to violent religious extremism. It arises out of complex causes. These include the pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies. This phenomenon is also a part of our own society.

Europe is both a target and a base for such terrorism: European countries are targets and have been attacked. Logistical bases for Al Qaeda cells have been uncovered in the UK, Italy, Germany, Spain and Belgium. Concerted European action is indispensable.

Proliferation of weapons of mass destruction is potentially the greatest threat to our security. The international treaty regimes and export control arrangements have slowed the spread of WMD and delivery systems. We are now, however, entering a new and dangerous period that raises the possibility of a WMD arms race, especially in the Middle East. Advances in the biological sciences may increase the potency of biological weapons

in the coming years; attacks with chemical and radiological materials are also a serious possibility. The spread of missile technology adds a further element of instability and could put Europe at increasing risk.

The most frightening scenario is one in which terrorist groups acquire weapons of mass destruction. In this event, a small group would be able to inflict damage on a scale previously possible only for States and armies.

Regional conflicts: Problems such as those in Kashmir, the Great Lakes Region and the Korean Peninsula impact on European interests directly and indirectly, as do conflicts nearer to home, above all in the Middle East. Violent or frozen conflicts, which also persist on our borders, threaten regional stability. They destroy human lives and social and physical infrastructures; they threaten minorities, fundamental freedoms and human rights. Conflict can lead to extremism, terrorism and state failure; it provides opportunities for organised crime. Regional insecurity can fuel the demand for WMD. The most practical way to tackle the often elusive new threats will sometimes be to deal with the older problems of regional conflict.

State failure: Bad governance – corruption, abuse of power, weak institutions and lack of accountability – and civil conflict corrode States from within. In some cases, this has brought about the collapse of State institutions. Somalia, Liberia and Afghanistan under the Taliban are the best known recent examples. Collapse of the State can be associated with obvious threats, such as organised crime or terrorism. State failure is an alarming phenomenon, that undermines global governance, and adds to regional instability.

Organised crime: Europe is a prime target for organised crime. This internal threat to our security has an important external dimension: cross-border trafficking in drugs, women, illegal migrants and weapons accounts for a large part of the activities of criminal gangs. It can have links with terrorism.

Such criminal activities are often associated with weak or failing states. Revenues from drugs have fuelled the weakening of state structures in several drug-producing countries. Revenues from trade in gemstones, timber and small arms, fuel conflict in other parts of the world. All these activities undermine both the rule of law and social order itself.

In extreme cases, organised crime can come to dominate the state. 90% of the heroin in Europe comes from poppies grown in Afghanistan – where the drugs trade pays for private armies. Most of it is distributed through Balkan criminal networks which are also responsible for some 200 000 of the 700 000 women victims of the sex trade world wide. A new dimension to organised crime which will merit further attention is the growth in maritime piracy.

Taking these different elements together – terrorism committed to maximum violence, the availability of weapons of mass destruction, organised crime, the weakening of the state system and the privatisation of force – we could be confronted with a very radical threat indeed.

II. Strategic objectives

We live in a world that holds brighter prospects but also greater threats than we have known. The future will depend partly on our actions. We need both to think globally and to act locally. To defend its security and to promote its values, the EU has three strategic objectives:

Addressing the threats

The European Union has been active in tackling the key threats.

1. It has responded after 11 September with measures that included the adoption of a European Arrest Warrant, steps to attack terrorist financing and an agreement on mutual legal assistance with the U.S.A. The EU continues to develop cooperation in this area and to improve its defences.
2. It has pursued policies against proliferation over many years. The Union has just agreed a further programme of action which foresees steps to strengthen the International Atomic Energy Agency, measures to tighten export controls and to deal with illegal shipments and illicit procurement. The EU is committed to achieving universal adherence to multilateral treaty regimes, as well as to strengthening the treaties and their verification provisions.

3. The European Union and Member States have intervened to help deal with regional conflicts and to put failed states back on their feet, including in the Balkans, Afghanistan, and in the DRC. Restoring good government to the Balkans, fostering democracy and enabling the authorities there to tackle organised crime is one of the most effective ways of dealing with organised crime within the EU.

In an era of globalisation, distant threats may be as much a concern as those that are near at hand. Nuclear activities in North Korea, nuclear risks in South Asia, and proliferation in the Middle East are all of concern to Europe.

Terrorists and criminals are now able to operate world-wide: their activities in central or south-east Asia may be a threat to European countries or their citizens. Meanwhile, global communication increases awareness in Europe of regional conflicts or humanitarian tragedies anywhere in the world.

Our traditional concept of self-defence – up to and including the Cold War – was based on the threat of invasion. With the new threats, the first line of defence will often be abroad. The new threats are dynamic. The risks of proliferation grow over time; left alone, terrorist networks will become ever more dangerous. State failure and organised crime spread if they are neglected – as we have seen in West Africa. This implies that we should be ready to act before a crisis occurs. Conflict prevention and threat prevention cannot start too early.

In contrast to the massive visible threat in the Cold War, none of the new threats is purely military; nor can any be tackled by purely military means. Each requires a mixture of instruments. Proliferation may be contained through export controls and attacked through political, economic and other pressures while the underlying political causes are also tackled. Dealing with terrorism may require a mixture of intelligence, police, judicial, military and other means. In failed states, military instruments may be needed to restore order, humanitarian means to tackle the immediate crisis. Regional conflicts need political solutions but military assets and effective policing may be needed in the post conflict phase. Economic

instruments serve reconstruction, and civilian crisis management helps restore civil government. The European Union is particularly well equipped to respond to such multi-faceted situations.

Building security in our neighbourhood

Even in an era of globalisation, geography is still important. It is in the European interest that countries on our borders are well-governed. Neighbours who are engaged in violent conflict, weak states where organised crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems for Europe.

The integration of acceding states increases our security but also brings the EU closer to troubled areas. Our task is to promote a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations.

The importance of this is best illustrated in the Balkans. Through our concerted efforts with the US, Russia, NATO and other international partners, the stability of the region is no longer threatened by the outbreak of major conflict. The credibility of our foreign policy depends on the consolidation of our achievements there. The European perspective offers both a strategic objective and an incentive for reform.

It is not in our interest that enlargement should create new dividing lines in Europe. We need to extend the benefits of economic and political cooperation to our neighbours in the East while tackling political problems there. We should now take a stronger and more active interest in the problems of the Southern Caucasus, which will in due course also be a neighbouring region.

Resolution of the Arab/Israeli conflict is a strategic priority for Europe. Without this, there will be little chance of dealing with other problems in the Middle East. The European Union must remain engaged and ready to commit resources to the problem until it is solved. The two state solution – which Europe has long supported – is now widely accepted. Implementing it will require a united and cooperative effort by the European Union, the United States, the United Nations and Russia, and the countries of the region, but above all by the Israelis and the Palestinians themselves.

The Mediterranean area generally continues to undergo serious problems of economic stagnation, social unrest and unresolved conflicts. The European Union's interests require a continued engagement with Mediterranean partners, through more effective economic, security and cultural cooperation in the framework of the Barcelona Process. A broader engagement with the Arab World should also be considered.

An international order based on effective multilateralism

In a world of global threats, global markets and global media, our security and prosperity increasingly depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule-based international order is our objective.

We are committed to upholding and developing International Law. The fundamental framework for international relations is the United Nations Charter. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority.

We want international organisations, regimes and treaties to be effective in confronting threats to international peace and security, and must therefore be ready to act when their rules are broken.

Key institutions in the international system, such as the World Trade Organisation (WTO) and the International Financial Institutions, have extended their membership. China has joined the WTO and Russia is negotiating its entry. It should be an objective for us to widen the membership of such bodies while maintaining their high standards.

One of the core elements of the international system is the transatlantic relationship. This is not only in our bilateral interest but strengthens the international community as a whole. NATO is an important expression of this relationship.

Regional organisations also strengthen global governance. For the European Union, the strength and effectiveness of the OSCE and the Council

of Europe has a particular significance. Other regional organisations such as ASEAN, MERCOSUR and the African Union make an important contribution to a more orderly world.

It is a condition of a rule-based international order that law evolves in response to developments such as proliferation, terrorism and global warming. We have an interest in further developing existing institutions such as the World Trade Organisation and in supporting new ones such as the International Criminal Court. Our own experience in Europe demonstrates that security can be increased through confidence building and arms control regimes. Such instruments can also make an important contribution to security and stability in our neighbourhood and beyond.

The quality of international society depends on the quality of the governments that are its foundation. The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order.

Trade and development policies can be powerful tools for promoting reform. As the world's largest provider of official assistance and its largest trading entity, the European Union and its Member States are well placed to pursue these goals.

Contributing to better governance through assistance programmes, conditionality and targeted trade measures remains an important feature in our policy that we should further reinforce. A world seen as offering justice and opportunity for everyone will be more secure for the European Union and its citizens.

A number of countries have placed themselves outside the bounds of international society. Some have sought isolation; others persistently violate international norms. It is desirable that such countries should rejoin the international community, and the EU should be ready to provide assistance. Those who are unwilling to do so should understand that there is a price to be paid, including in their relationship with the European Union.

III. Policy implications for Europe

The European Union has made progress towards a coherent foreign policy and effective crisis management. We have instruments in place that can be used effectively, as we have demonstrated in the Balkans and beyond. But if we are to make a contribution that matches our potential, we need to be more active, more coherent and more capable. And we need to work with others.

More active in pursuing our strategic objectives. This applies to the full spectrum of instruments for crisis management and conflict prevention at our disposal, including political, diplomatic, military and civilian, trade and development activities. Active policies are needed to counter the new dynamic threats. We need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention.

As a Union of 25 members, spending more than 160 billion Euros on defence, we should be able to sustain several operations simultaneously. We could add particular value by developing operations involving both military and civilian capabilities.

The EU should support the United Nations as it responds to threats to international peace and security. The EU is committed to reinforcing its cooperation with the UN to assist countries emerging from conflicts, and to enhancing its support for the UN in short-term crisis management situations.

We need to be able to act before countries around us deteriorate, when signs of proliferation are detected, and before humanitarian emergencies arise. Preventive engagement can avoid more serious problems in the future. A European Union which takes greater responsibility and which is more active will be one which carries greater political weight.

More capable. A more capable Europe is within our grasp, though it will take time to realise our full potential. Actions under-way – notably the establishment of a defence agency – take us in the right direction.

To transform our militaries into more flexible, mobile forces, and to enable them to address the new threats, more resources for defence and more effective use of resources are necessary.

Systematic use of pooled and shared assets would reduce duplications, overheads and, in the medium-term, increase capabilities.

In almost every major intervention, military efficiency has been followed by civilian chaos. We need greater capacity to bring all necessary civilian resources to bear in crisis and post crisis situations.

Stronger diplomatic capability: we need a system that combines the resources of Member States with those of EU institutions. Dealing with problems that are more distant and more foreign requires better understanding and communication.

Common threat assessments are the best basis for common actions. This requires improved sharing of intelligence among Member States and with partners.

As we increase capabilities in the different areas, we should think in terms of a wider spectrum of missions. This might include joint disarmament operations, support for third countries in combating terrorism and security sector reform. The last of these would be part of broader institution building.

The EU–NATO permanent arrangements, in particular Berlin Plus, enhance the operational capability of the EU and provide the framework for the strategic partnership between the two organisations in crisis management. This reflects our common determination to tackle the challenges of the new century.

More coherent. The point of the Common Foreign and Security Policy and European Security and Defence Policy is that we are stronger when we act together. Over recent years we have created a number of different instruments, each of which has its own structure and rationale.

The challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from Member States and other instruments. All of these can have an impact on our security and on that of third countries. Security is the first condition for development.

Diplomatic efforts, development, trade and environmental policies, should follow the same agenda. In a crisis there is no substitute for unity of command.

Better co-ordination between external action and Justice and Home Affairs policies is crucial in the fight both against terrorism and organised crime.

Greater coherence is needed not only among EU instruments but also embracing the external activities of the individual member states.

Coherent policies are also needed regionally, especially in dealing with conflict. Problems are rarely solved on a single country basis, or without regional support, as in different ways experience in both the Balkans and West Africa shows.

Working with partners. There are few if any problems we can deal with on our own. The threats described above are common threats, shared with all our closest partners. International cooperation is a necessity. We need to pursue our objectives both through multilateral cooperation in international organisations and through partnerships with key actors.

The transatlantic relationship is irreplaceable. Acting together, the European Union and the United States can be a formidable force for good in the world. Our aim should be an effective and balanced partnership with the USA. This is an additional reason for the EU to build up further its capabilities and increase its coherence.

We should continue to work for closer relations with Russia, a major factor in our security and prosperity. Respect for common values will reinforce progress towards a strategic partnership. Our history, geography and cultural ties give us links with every part of the world: our neighbours in the Middle East, our partners in Africa, in Latin America, and in Asia. These relationships are an important asset to build on. In particular we should look to develop strategic partnerships, with Japan, China, Canada and India as well as with all those who share our goals and values, and are prepared to act in their support.

Conclusion

This is a world of new dangers but also of new opportunities. The European Union has the potential to make a major contribution, both in dealing with the threats and in helping realise the opportunities. An active and capable European Union would make an impact on a global scale. In doing so, it would contribute to an effective multilateral system leading to a fairer, safer and more united world.

Source: Council of the European Union, 'A Secure Europe in a Better World: European Security Strategy', Adopted in Brussels, 12 December, 2003,
http://ue.eu.int/uedocs/cms_data/docs/2004/4/29/European%20Security%20Strategy.pdf

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