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**Common security and defence policy: civilian crisis**

**management of the European Union**

**A Geopolitical Perspective**

Autor: PhDr. Tereza Smejkalová

Vedoucí práce: Doc. PhDr. Bořivoj Hnízdo, PhD.

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## **Čestné prohlášení**

Prohlašuji, že jsem práci vypracovala samostatně pod dohledem konzultanta Doc. PhDr. Bořivoje Hnízda, PhD. a že jsem přitom použila literaturu uvedenou v seznamu literatury (bibliography) na konci práce.

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## **1. Introduction**

The Common Foreign and Security Policy (CFSP) and emergence of the European Security and Defence Policy (now the Common Security and Defence policy, CSDP/ESDP) came to existence at the beginning of this millennium. Two events led European governments to rethink the way in which they conceptualised European defence policy and capability as well as their commitment to it.

The first one was the Balkan wars, which underlined that the US had “superior intelligence, surveillance, and reconnaissance assets, plentiful precision-guided munitions, massive air and sealift resources, and solid logistics” (Van Ham 2000:220). The European Union’s frustration caused by its lack of capability to act resulted in the creation of a more efficient EU defence policy. The initiative was taken by France and the United Kingdom. Although the origins of ESDP/CSDP were not necessarily anti-American, French motives were fuelled by the desire to counter-balance the US influence on Europe and to create an autonomous EU.

The second event that was significant in stimulating the EU’s common security policy was the British change in government in 1997. Tony Blair’s Labour government was determined to demonstrate the UK’s central role in Europe and took the “initiative on restructuring European defence cooperation partly to compensate for Britain’s self-chosen exclusion from other major European projects (such as European Monetary Union)” (Van Ham 2000: 215). Tony Blair sought to show the US European readiness to bear a bigger share in the common security burden. The EU wanted to create a

crisis management capacity that would enable it to react to crises such as those in Bosnia and Herzegovina and Kosovo without American support.

At a meeting at Saint-Malo in December 1998, President Jacques Chirac and Prime Minister Tony Blair called for the EU's "capacity for autonomous action, backed by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises" (Maartje, Ruten. 2001. From St-Malo to Nice: European Defence: core documents, Chaillot Paper no. 47: pp 8-9 in Neuhold 2004:111). NATO's Washington summit of April 1999 basically supported the tendency toward a more pronounced and forceful European defence capability. The summit communiqué acknowledged "the resolve of the EU to have the capacity for autonomous action so it can take decisions and approve military action where the Alliance as a whole is not engaged" (Van Ham 2000: 218).

French and British initiatives to create a European Security and Defence Policy were translated into the "Headline Goal" adopted by the European Council at the Helsinki summit in December 1999. It was agreed that the EU would be able to deploy the so-called Rapid Response Force of about 60,000 troops within 60 days to perform the Petersberg tasks<sup>1</sup>.

A year later, the civilian dimension of ESDP/CSDP was defined at the Feira European Council. The Union decided to develop civilian aspects of crisis management in four priority areas: police, strengthening of rule of law, strengthening civilian administrations and civil protection. Across the four dimensions, emphasis was put on

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<sup>1</sup> Petersberg tasks adopted at the 1992 summit meeting of the Western European Union (WEU) comprise humanitarian and rescue tasks, peacekeeping tasks, tasks of combat forces in crisis management, including peacemaking. The EU took over the Petersberg Tasks in May 1999 under the Treaty of Amsterdam. Today they form a core component of the CSDP.

the ability to react quickly by deploying at short notice and on the requirement for Member States to pre-select relevant officials or experts in the four priority areas and adequately train them. Police deployment was identified as central to civilian crisis management missions. At Feira, Member States committed themselves to strengthen their capabilities in this domain and make 5000 police officers available on a voluntary basis by 2003, 1,400 of whom should be deployable within 30 days (Santa Maria Feira European Council Conclusions 19 and 20 June 2000).

Civilian missions, however, have since then been deployed in post-crisis, post-conflict and potential crisis environments. There are currently eight civilian missions deployed on the ground: in Afghanistan, Iraq, Georgia, the Palestinian territories, Kosovo, Bosnia and Herzegovina and the Democratic Republic of the Congo. Despite such a great geographical variety of missions, insufficient attention has been paid to them. The civilian dimension is crucial for current crisis management and peacebuilding and yet remains marginalised, while significantly higher attention has been devoted to the military operations.

Civilian capabilities started to develop quite extensively between 2003 and 2004. In 2003 the first ESDP/CSDP mission was deployed in the Western Balkans and important lessons have been drawn from the serious challenges that occurred in its planning and conduct phase. A second cornerstone was the adoption of the European Security Strategy (ESS) in December 2003. The ESS has become the reference document for successive developments of CSDP, with a focus on synergy among all EU instruments, unity of command and the development of relevant capabilities – the so-called “comprehensive approach”. It mainly concentrates on effective multilateralism, international law and the enhanced role of international institutions

and tribunals. The ESS formulated the so-called “soft power” that was in opposition to the robust proactive policy of the former American president G. W. Bush. Third, the Civilian Headline Goal adopted by the EU in 2004 also defined concrete targets of civilian ESDP/CSDP. The ultimate objective was to speed up deployment of civilian personnel and enable the EU to conduct several different long term missions in parallel. Targets have been agreed in the following priority sectors: civilian police and rule of law, civil administration, civil protection, monitoring missions and support for EU special representatives (Civilian Headline Goal 2008). Fourth, in 2004 the EU expanded to 25 Member States. The largest period of EU enlargement to date, this brought not only additional capabilities but also distinctive experience and expertise, as the new Member States had just completed a long process of political reform and institution-building (Grevi, Keohane, in Grevi 2009: 101).

Drawing from the European Security Strategy, civilian crisis management under ESDP/CSDP was presented as a key component of EU external policy. However, CSDP is not a stand-alone instrument (Martinelli in Merlingen, 2008: 111). “The trilogy of peace, security and development, reinforced by the imperative of good governance, is a principle enunciated in various official documents, notably the EU Security Strategy, which states that the EU is a global actor and as such must be ready to take responsibility for international security and for a better world” (ESS 2003).

The balance between hard and soft components of EU security policy has become clearer. As member states have increasingly come to recognize that security implies far more than force and coercion, they are striving to improve coordination and coherence between the hard and soft tools at their disposal (Grevi, Keohane, in Grevi 2009: 101).



The Lisbon Treaty has changed the institutional framework of the EU, including the CFSP and CSDP, by establishing the European External Action Service (EEAS) headed by the High Representative for Foreign Affairs and Security Policy. In November 2009, the European Council appointed Catherine Ashton as High Representative who is assisted by the EEAS. In her double-hatted role as a chairperson of the Foreign Affairs Council and as Vice-President of the European Commission she aims at ensuring consistency and coordination of EU external action.<sup>2</sup> The Rotating Presidency of Member States in this area has only functioned in a supporting role since the Lisbon Treaty. Thus the Member States, particularly the medium and small sized ones, have lost the opportunity to represent the EU in the international arena. The EEAS staff members originate from the European Commission, the General Secretariat of the Council and the Diplomatic Services of EU Member States. The role of the EEAS is still in a formative phase and this process depends on Member States. At the beginning of its functioning it attempted to establish its own role as the 28<sup>th</sup> Member State as *primus inter pares*. According to the Lisbon Treaty, however, CFSP and CSDP remain solely within the competences of Member States. Moreover, there should be an extensive flow of information between the EEAS and the Member States. So far the EEAS shares important information only with the largest Member States: Germany, France and the United Kingdom.

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<sup>2</sup> In accordance with Articles 18 and 27 of the Treaty on the European Union, the High Representative: „conducts the Union's Common Foreign and Security Policy (CFSP); contributes by her proposals to the development of that policy, which she will carry out as mandated by the Council, and ensures implementation of the decisions adopted in this field; presides over the Foreign Affairs Council; is one of the Vice-Presidents of the Commission. She ensures the consistency of the Union's external action. She is responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action. She represents the Union in matters relating to the Common Foreign and Security Policy, conducts political dialogue with third parties on the Union's behalf and expresses the Union's position in international organisations and at international conferences. She also exercises authority over the European External Action Service (EEAS) and over the Union delegations in third countries and at international organisations.“ (Treaty of the European Union 2009).

Therefore, there is a danger that creation of the EEAS will gradually and significantly increase the power the 'Big 3' Member States at the detriment of the others.

CSDP activities should be derived from the common denominator of geopolitical and geostrategic interests of Member States and should not be the isolated action of a single leading Member State with others tolerating it. EU Member States should take into account the lessons learned from their experiences of missions deployed during the past ten years. CSDP missions are more than a regular foreign policy: they are an embodiment of direct operational engagement through the deployment of the EU personnel on the ground. Geopolitical perspective should be taken into account. For some Member States Northern Africa is not a priority region, but the EU as an entity is naturally interested in Africa due to its proximity and economic ties, issues with migration etc. Each individual Member State should assess future and current actions not only from the national point of view but also from the **European geopolitical perspective**. It is essential to overcome short-sighted national geographical perception and see reality through an EU lens. In particular, countries without colonial backgrounds and former communist countries do not necessarily take this view. In the case of the latter, the surrounding environment had previously been more or less out of their reach.

Political geography of the EU should determine areas to which its experts are deployed. Although the European Security Strategy emphasised its role as a global actor, the Union should focus on its priorities. CSDP missions are a test case of the credibility of the European Union and therefore effectiveness is the main target. At this stage the EU does not possess the capacity to deploy at any location in the world

and sustain its delivery over a longer period. That is why priority areas or the so-called “Grand area” should be determined.

This research will contribute to the knowledge base of political science and political geography as it evaluates civilian CSDP missions and the EU’s role in global politics from a geopolitical perspective. As CSDP is an intergovernmental policy its areas of activities stem from the priorities of individual Member States. The main research question is whether or not CSDP constitutes a projection of the priorities of three leading Member States, i.e. France, Germany and the United Kingdom. The aim is to present a juxtaposition of the national priorities of the “Big 3” Member States and CSDP activity areas. Current practices demonstrate that without consensus of these countries, there is no CSDP. How is it that they possess the largest leverage in the civilian CSDP, even though none of them is the largest contributor in terms of numbers of personnel? What is it that constitutes “civilian power”?

The first part of this paper focuses on the analysis of the National Security Strategies of Germany, France and the United Kingdom in order to identify the main geographical priorities of each country. It is clear that not all Security Strategies are focused geographically, however priority areas can be identified.

Following this identification of the priorities of the “Big 3”, the second part concentrates on the analysis of the ongoing CSDP missions. This section determines which priority areas are set within the EU’s geographical and geopolitical environment, as well as explaining why other non-priority areas should be disregarded in terms of CSDP activities. The core areas for CSDP actions should be based on these priorities because they can ensure that there is both the ambition and required consensus among the Member States. There are a number of additional associated

research issues that follow in accordance with this thesis' research problem. These include the analysis of conflict or crisis situations in the geographical areas that have led to the deployment of particular civilian missions. This research sets out the main criteria for future civilian missions according to which the missions should be assessed and appraised. The criteria are as follows: 1) the geographical proximity of the conflict or crisis; 2) the acceptance of EU staff by the local population and authorities (in line with local ownership); and 3) the strategic priority or security threat for majority of Member states, particularly the leading ones.

“Geography and geopolitics have often been neglected in the Common Foreign and Security Policy. This is a mistake. The rising powers of the twenty first century have already begun to integrate their homelands more effectively and chart the regions where their own geographic and geopolitics lay. The EU's future is dependent on the adoption of a truly comprehensive and preventative approach, which fuses together civilian and military assets for permanent power projection into the regions most vital to the maintenance of European Prosperity and the democratic way of life.” (Rogers, 2011: 25)

Regions forming the “Grand Area” should be placed at the heart of CSDP (see Annex 1). Therefore, the structure of this research will reflect such an approach; it analyses the security strategies of the largest Member States and identifies common denominators among their priority areas. It then presents parallels with current civilian CSDP mission and assesses if these areas should remain the focus of CSDP.

The basic methodology that is used is the empirical-analytical approach and systematic assessment of the CSDP missions according to specific criteria mentioned above. These criteria help to define the geographical priority areas for the future CSDP

missions and policies. Another important aspect of the methodology is the comparison of different CSDP missions and of the geographical areas set out in German, French and British Security Strategies respectively.

The thesis will analyse primary sources such as EU documents related to the civilian missions including Council Joint Actions and Factsheets, the national strategies of Germany, France and the United Kingdom and White Papers of the Governments and Constitutions. These are original sources which indicate current political thinking and EU planning in a real way. Concerning the secondary sources, the focus will be on the analyses and assessments of the CSDP civilian missions such as *An Implementation Perspective of European Security and Defence Policy* by Michael Merlingen and Rasa Ostrauskaitė, EU Institute for Security Studies book on *European Security and Defence Policy – its First Ten Years (1999-2009)* and *EU Conflict Prevention and Crisis Management* by Eva Gross and Ana E. Juncos. Due to my area of responsibility at the Representation of the Czech Republic to the EU, much of the information used comes from daily contacts with EU and EEAS officials, interviews and from the sessions of the Council working group *Civilian Aspects of Crisis Management (CIVCOM)* of which I cover as a national delegate.

## 2. Terminology

### *Common Security and Defence Policy*

This thesis uses the term Common Security and Defence Policy as it stems from the Lisbon Treaty. However, this is not an accurate definition because unlike in other areas (such as the Common Agriculture Policy) the Security and Defence Policy remains intergovernmental. In other words, as opposed to other common policies, Member States have no shared competences under current CSDP. Member States can exercise competence in areas where the Union has done so. For instance, in the Democratic Republic of the Congo the United Kingdom is having its own project in security sector reform next to the CSDP mission EUPOL RDC. Therefore the definition “common” that is used in other areas such as Common Agriculture Policy is highly misleading; Security and Defence Policy has remained a European policy where competences of Member states are decisive ones. If these competences are transferred to a higher authority such as the EEAS it can be detrimental to CSDP. It is Member States’ interests that should remain the driving force of the EU foreign policy. On the other hand, however, a clear strategy with objectives for the Security and Defence Policy has to be set out. The translation of Member States’ interests into priority areas is essential for effective EU action in the field.

The origins of the security and defence architecture of Europe can be found in the post-World War II situation. Starting in the late 1940s, a number of initiatives set the stage for increased cooperation across Europe. Examples of this include the signing of the Brussels Treaty (1948), which was an important stepping stone towards a Western

European Union, and the creation of the European Coal and Steel Community in 1951 which placed strategic resources under a supranational authority. It was in the late 1960s that the European Economic Community (EEC) started to explore ways in which to harmonise members' foreign policies. The Hague Summit held in December 1969 was particularly significant, as European leaders instructed their respective foreign ministers to examine possibilities for closer political integration. In the Davignon Report of October 1970, the foreign ministers responded by introducing the idea of European Political Cooperation (EPC). The objectives of EPC were defined as the harmonisation of positions, consultation and, when appropriate, common actions. The report also presented EPC procedures, including six-monthly meetings of the Foreign Affairs Ministers and quarterly meetings of the Political Directors forming the Political Committee. The overall purpose of EPC was to facilitate the consultation process among EEC Member States. It was European Political Cooperation that served as the foundation for the Common Foreign and Security Policy introduced in the Maastricht Treaty. With its entry into force on 1 November 1993, the Treaty created a single institutional framework, the European Union, based on three pillars – the second of which was labelled Common Foreign and Security Policy. CFSP is broader and further-reaching than European Political Cooperation; for example, it breaks new ground via its Article J.4 which states that CFSP includes “all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.” (Consolidated version of Treaty of the European Union 2010). The European Union set out a range of ambitious external security and defence objectives through the Maastricht Treaty, but it was not until the late 1990s, in the aftermath of the Balkan Wars, that tangible provisions were introduced to give the EU real crisis management capabilities.

Following the St. Malo Declaration in 1998, numerous European Council summit meetings identified the military and civilian capabilities needed to fulfil the Petersberg tasks. With the entry into force of the Lisbon Treaty on 1 December 2009, ESDP was renamed Common Security and Defence Policy (CSDP) (CSDP Handbook). However, at this stage the policy is not common; the Lisbon Treaty aimed at highlighting the goal to create a Common Security and Defence of the EU. As Article 42 of the Treaty of the European Union states, the CSDP “will lead to a common defence, when the European Council, acting unanimously, so decides, in which case it shall recommend to the Member States the adoption of such decision in accordance with their respective constitutional requirements”. Only the formal decision-making process would require unanimity twice: at the European Council, and afterwards, through the unanimous endorsement of that agreement, at least until the probable amendment of the Treaty. This would in fact be tantamount to opening a second constitutional process within the Union, including a number of national referenda. For the time being, the wisdom of initiating such a process, bearing in mind the experience of last years, is somewhat questionable (Lasheras et al 2010: 7).

### *Civilian missions*

As stated in the introduction, “civilian” refers to police, strengthening of rule of law, strengthening civilian administrations and civil protection activities. Civilian missions stem from the peacekeeping concept of the operations and peacebuilding that was defined by the United Nations.

Peacekeeping has proven to be one of the most effective tools available to the UN to assist host countries in navigating the difficult path from conflict to peace. The peacebuilding concept was introduced by the former UN Secretary General Boutros



Boutros Ghali in 1992 in the Agenda for Peace. Its aim is to prevent post-conflict societies from relapsing into chaos, which is achieved by measures designed to consolidate peace and prevent the recurrence of violence. Because peacebuilding must begin as quickly as possible after the end of an armed conflict, modern peace operations combine peacekeeping measures with peacebuilding elements. The crucial aspect of this complex and time consuming process is local ownership, meaning that all actions need to be coordinated with international actors as well as with local partners. That is why local ownership constitutes one of the three criteria set out in assessment of the civilian missions in this thesis.

Peacekeeping has unique strengths, including legitimacy, burden sharing, and an ability to deploy and sustain troops and police from around the globe, integrating them with civilian peacekeepers to advance multidimensional mandates. UN Peacekeepers provide security and support the political and peacebuilding process to help countries make the difficult early transition from conflict to peace. UN Peacekeeping is guided by three basic principles:

- Consent of the parties,
- Impartiality,
- Non-use of force except in self-defence and defence of the mandate.

Peacekeeping operations are flexible and over the past two decades have been deployed in many configurations. There are currently 16 UN peace operations deployed on four continents. Today's multidimensional peacekeeping operations are called upon not only to maintain peace and security, but also to facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration

of former combatants, support the organization of elections, protect and promote human rights and assist in restoring the rule of law. EU civilian missions focus on the same areas concerning the civilian dimension; hence they do not include the protection of civilians<sup>3</sup>. However, a comprehensive approach involving civil-military cooperation is essential in certain geographic areas. Examples of this include operations in the Democratic Republic of the Congo and EUPOL cooperation with EUSEC RDC, which is a military mission of the EU.

Success is never guaranteed, because UN Peacekeeping almost by definition goes to the most physically and politically difficult environments. However, a demonstrable record of success was built up over 60 years of the UN's existence, including winning the Nobel Peace Prize.

By May 2010, UN Peacekeeping operations had more than 124,000 military and civilian staff. Since then UN Peacekeeping has entered a phase of consolidation. The numbers have, for the first time in a decade, started to decline slightly, with the reduction of troops in the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the withdrawal of UN Mission in the Central African Republic and Chad (MINURCAT) at the end of 2010.

However, this by no means indicates that the challenges faced by the UN are diminishing. While the numbers of military peacekeepers may be decreasing, the demand for field missions is expected to remain high, and peacekeeping will continue to be one of the UN's most complex operational tasks. Moreover, the political complexity facing peacekeeping operations and the scope of their mandates, including

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<sup>3</sup> EU civilian missions do not include protection of civilians as such but some missions are involved in protection of civilians indirectly. EU Monitoring Mission in Georgia participates on improving the circumstances of Internally Displaced Persons, EUPOL RDC addresses the problem of sexual violence.

on the civilian side, remain very broad. There are strong indications that certain specialized capabilities – including police – will be in especially high demand over the coming years (UN DPKO website).

The term “peacekeeping” was originally used to describe the deployment of unarmed military observers or lightly armed peacekeeping forces (“blue helmets”) to support a ceasefire or peace agreement. Although this is probably the UN’s best known instrument, it is not actually defined in the UN Charter. The precedent on which all subsequent peacekeeping operations were based was the UNEF deployed during the Suez crisis of 1956. Since then, the peacekeeping has experienced quantitative and qualitative changes. It grew in terms of the number of missions, as well as broadening its spectrum of tasks and increasing the specialisation of its personnel. In order to reflect these developments and draw a distinction from traditional peacekeeping, the term “peace operations” is more commonly used today. Peace operations have gone through four phases in development, from first to fourth generation – from traditional through to multidimensional peacekeeping starting in the late 1980s to the current robust peacekeeping that uses force to defend its mandate and possesses temporary executive powers.

As discussed above, the peacekeeping and peacebuilding tasks of the UN share main objectives with the civilian CSDP. Cooperation between the two and “mutualisation” of experts have been developed by recent initiatives and meetings between UN and EU staff (Further Possibilities for enhancing EU CSDP support to UN peacekeeping operations 2011).

### *Financing of the CSDP missions*

There are three types of financing for CSDP missions: administrative expenditure comes from the CFSP budget (part of Union budget); personnel are financed by the Member States, as most of them are seconded; and projects that for important elements of certain missions are funded by the European Commission, such as the Instrument for Stability. The administrative expenditure of the institutions arising from the implementation of CSDP is for civilian missions charged to the budget of the European Union (CFSP budget). The same applies to operating expenditure, except in cases where the Council – acting unanimously – decides otherwise, or for expenditure arising from operations having military or defence implications.<sup>4</sup> If expenditure is not charged to the Union budget, it will be generally charged to the Member States in accordance with their gross national product, unless the Council unanimously decides otherwise. Mission personnel, which are for in most cases seconded, are paid by the Member States.

A new aspect of mission financing, which was introduced by the Treaty of Lisbon, is the creation of a so-called start-up fund. This fund is, however, applicable only to military operations. Preparatory activities for the tasks referred to in Article 42(1) and Article 43 of the Treaty which are not charged to the Union budget will be financed by a start-up fund made up of Member States' contributions. The Council will then authorise the High Representative to allocate the funds. The High Representative reports to the Council on the implementation of this remit (CSDP Handbook).

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<sup>4</sup> Military operations are financed through Athena mechanism (see Council Decision 2007/384/CFSP of 14 May).

### *Local ownership*

The concept of local ownership, also known as “empowerment” of “participatory development” has a long history. It has become increasingly important in peace operations since 1990s as missions have expended their peacebuilding role. Local ownership describes the goal as well as the process of gradual transference of responsibility to local actors, which is a fundamental precondition for sustainable peacebuilding and therefore a central component of the exit strategy of any peace operation. In civilian CSDP context, local ownership also relates to the invitation by the host country (as legal basis for the mission) and political support throughout the conduct of the mission and in relation to the involvement of the local authorities.

### **3. Political geography of the European Union**

Institutionalising the relations between Member States and the elimination of any possibility of military conflict between them has been central to the aims of the European Community until very recently (Duchene 1972, 1973 in Rogers 2011: 13). Because geopolitics is something that increasing European integration was expected to move beyond and, within Europe at least, render largely irrelevant, the importance of geopolitics has often been played down by contemporary Europeans. However, the continual deepening of European integration has led to questioning of this low estimation of the significance of geopolitics, leading to the argument that it has now become “possible and necessary to see European integration through a geopolitical lens” (Rogers and Simon, 2009:5-6). A superior understanding the possibilities and constraints faced by contemporary Europeans may be gained through geopolitical analysis of the European Union’s geographical position, as well as better informed decision making in terms of foreign policy. It can be seen that the geopolitical lens is highly important for improving the process of policy making by considering the geographical situation of Europe: “The European region is not so much a continent than a peninsula which protrudes out of the Eurasian super continent into the Atlantic Ocean, thus providing Europeans with a primarily maritime geography” (Rogers 2011:13). It is therefore vital that current CSDP civilian missions be assessed and future decisions be made in accordance with a geopolitical perspective.

The key differences between land and sea powers, which are referred to as “tellurocracy” and “thalassocracy” respectively, are identified in a useful analysis

provided by the Dutch-American geostrategist Nicholas John Spykmen. This analysis focuses particularly on the ways in which these two types of power expand:

“Their differing conceptions of the conquest of space indicated one of the outstanding differences between land and sea powers. A sea power conquers a large space by leaping lightly from point to point, adjusting itself to existing political relationships wherever possible, and often not establishing its legal control until its factual domination has long been tacitly recognised. An expanding land power moves slowly and methodically forward, forced by the nature of its terrain to establish its control step by step and so preserve the mobility of its forces. Thus a land power thinks in terms of continuous surfaces surrounding a central point of control, whereas a sea power thinks in terms of points and connecting lines dominating an immense territory” (1938b p. 224 in Rogers 2011:14).

It is entirely clear that the approach to enlargement adopted by the European Union is a continental “land” approach rather than a maritime “sea” one. However, in terms of the external dimension the EU demonstrates a maritime approach to an increasing degree by taking its Member States overseas territories into account. The EU currently stretches over nearly the whole of the European Peninsula, with its neighbourhood reaching across from the Black Sea to the Atlantic, the Baltic Sea and the Mediterranean. The Union’s eastern land border may now be considered quite short at just 5,460 kilometres. Only five countries touch this border: Russia, Belarus, Ukraine, Moldova and Turkey. The EU’s geographical location on Eurasia’s western tip, along with its size and resources, have led to it being referred to as “the world’s axial super continent” or the “World Island”, which serves to compound the EU’s maritime orientation (Brzezinski 1997: 50, Mackinder 1904). Considered geopolitically, therefore, it seems that a dominant Eurasian power would be able to exert its command over the Middle East, Africa and the seas that surround them in virtue of its proximity (Brzezinski 1997:50 in Rogers 2011).

“Given the position of the European peninsula on Eurasia’s western promontory, the sea becomes necessary to reach other parts of Eurasia. Indeed, until

Europeans developed sailing vessels capable of circumventing Africa, the eastern hemisphere remained largely cut off, isolated and unknown. While aeroplanes, railways and energy transmission pipelines have mitigated this problem to some extent, commercial activity still moves between Europeans and Asians primarily through the maritime domain, making the communication line running from the Suez canal to the City of Shanghai particularly significant.” (Rogers 2011).

This demonstrates that the European Union should incorporate behaviour as a power of the sea into its attributes, especially when it comes to considerations regarding CFSP and CSDP. Therefore Member States should move beyond the limitations of logic rooted in the perspective of national interest and instead consider the world from the European maritime point of view, in accordance with which CSDP actions that are most beneficial for the EU should be undertaken. Much of the EU’s economy is based upon the export of high-tech manufactured products, as well as financial services. Because Europeans are among the world’s most trade dependant people, with in the region of ninety per cent of imported and exported goods being transported by sea, there is a clear need to increase and extend Europe’s political and economic bargaining power and influence in neighbouring countries (European Commission, 2006: 1-2 in Rogers 2011:21).

A problem faced by Europeans in the area of imports and exports is the particular vulnerability to long term and short term disruption of seaborne transportation due to the “just in time” approach of container shipping companies (Willet 2008 in Rogers 2011:21). Taking into account that certain powers have entrenched themselves in key regions to their own advantage, yet often to others’ disadvantage, it is vital that the EU makes efforts to determine the minimum geographic area needed for its own continuing and sustained economic expansion. Rogers (2011:21) proposes that from a geopolitical perspective, such a zone would need to meet the following five criteria:



- “It would have to hold all the basic resources necessary to fuel European manufacturing needs and future industrial requirements,
- Contain all the key trade routes, especially energy transmission pipelines and maritime shipping routes, from other regions to the European homeland,
- Have the fewest possible geopolitical afflictions that could lead to the areas’ disintegration and thereby harm future economic development,
- Show the least likelihood of significant encroachment by powerful foreign actors, relative to its importance to the European economy and geopolitical interest,
- Represent an area the EU can work towards defending most cost-effectively through the expansion of the CSDP – in other words, without mandating an excessive and draining defence effort.” (Rogers 2011:21).

The Eastern Neighbourhood, the Caucasus, much of Central Asia, the northern half of Africa and the entire Middle East should all be included in the Grand Area (for further illustration see Annex 1). The Grand Area should form an integrated zone that is beneficial to the relationships among all of entities that exist within it. In addition, the EU must aim to further and enhance the strategic partnerships that it has with smaller powers in the Grand Area, particularly with Georgia, Azerbaijan, Turkmenistan, Iraq, and other energy suppliers and transit nations that may feed or host the Nabucco gas pipeline. Furthermore, integration and success of the Grand Area in the future will depend to a significant degree on high levels of EU and US collaboration in these areas (Rogers 2011: 4).

#### **4. Sources of power in international relations**

As was previously outlined, the main research question of this paper is whether or not CSDP constitutes a projection of the priorities of three leading Member States, i.e. France, Germany and the United Kingdom. In order to properly analyse this it is necessary to look at the sources of power in contemporary international relations and in the European Union. Current practices demonstrate that without the consensus of these countries, there is no CSDP. Why do they possess the largest leverage in the civilian CSDP despite the fact that none of them is the largest contributor in terms of numbers of personnel? What is it that constitutes “civilian power”?

Two dominant approaches to the analysis of power in international relations have been identified by David Baldwin (Baldwin in Carlsnaes 2002). The first of these is the ‘elements of national power’ approach. This presents the view that a state’s power can be understood as equivalent to its possession of specific resources; the combined sum of all important resources owned by a state determine its overall aggregate power. The types of resources most commonly considered as indicators of national power include the level of military expenditure, gross national product, size of the armed forces, size of territory and population. While these kinds of tangible material resources are nearly always recognised as important when assessing national power, some scholars have suggested that certain intangible elements should also be considered, including the quality of the state’s leadership, the effectiveness of its administration, type of government, ideology, social cohesion, international support and bargaining power.

Germany, the United Kingdom and France are the largest net contributors to the EU budget, as shown in the annex 2. Budget for civilian CSDP missions, which is part of the Union budget, amounted to roughly 300 mil. EUR in 2011 and this amount is planned to increase to 406 mil. EUR by 2013 (European Commission 2011). Thus proportionally, the leading Member States are also the major contributors to the CSDP missions despite the fact none of the leading powers is contributing highest number of personnel. As shown in the corresponding table it is Romania followed by Italy and then by Germany which are the largest three contributors in terms of numbers of civilian personnel (see Annex 3)<sup>5</sup>.

Whichever tangible and intangible power resources are recognised as important or relevant, the elements of national power approach proposes that combining and measuring them will be indicative of a state's aggregate power. This approach may be viewed as a presenting a "lump concept of power which assumes that all elements of power can be combined into one general indicator" (Guzzini 2002:55).

One difficulty with the elements of national power approach, however, is to do with *power conversion*. This concept refers to "the capacity to convert potential power, as measured by resources, to realized power, as measured by the changed behaviour of others" (Nye 2003:59). The issue here is that it is not only the possession of resources that is significant in terms of power, but also the ability to convert resources into actual influence. Another problem is the difficulty of determining the relative values of the various components of national power or how they may be interchanged. The fact that a state possesses a particular type of power resource does not necessarily mean that it

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<sup>5</sup> France, however, decreased its contribution recently (in June 2011) withdrawing almost all its gendarmerie forces.

can be used to gain a particular benefit or to exert influence over other actors. An example of this is the possession of nuclear weapons; this will surely be recognised as a significant power resource, but may not be useful for gaining influence in an area such as trade. Because the elements of national power approach is based around a “lump concept of power” it makes the assumption that power is fungible. The accuracy of this assumption is difficult to demonstrate, leading critics of the elements of national power approach to suggest that it is conceptually flawed.

An alternative to the power as resources approach is the ‘relational power’ approach, which was formulated by the behavioural-oriented scholar Robert Dahl during the 1950s and 1960s. According to this approach, “A has power over B to the extent that he can get B to do something that B would not otherwise do” (Dahl 1957: 202). Thus, power is considered in terms of the ability to change the outcomes of behaviour. The relational power approach sees power as a process of interaction through which one state is able to exert influence over the actions of another; as such, power as the ownership of material resources is viewed as being much less significant than the ability of an actor to change the behaviour of another actor.

One of the motivating reasons for the development of this relational approach to power was to address the fungibility problem faced by the lump concept of power. Where the elements of national power approach takes power as being a “one size fits all” category, the relational approach instead breaks the concept of power down into component parts so as to offer an explanation of how it is exercised in particular issue areas. The aspects of power typically recognised in this approach include “its scope (the objectives of an attempt to gain influence; influence over which issue), its domain (the target of the influence attempt), its weight (the quantity of resources), and its cost

(opportunity costs of forgoing a relation).” (Guzzino 1993:453). Those who support this relational concept of power argue that it allows the investigation of how influence and control is achieved in various particular settings and issue areas. Because the relational approach equates power with outcomes, the aim of analysis is to identify how an actor is able to cause another to behave in such a way as they otherwise would not. (Schmidt et al 2011).

In the European Union, particularly in Brussels institutions, the primary source of power is information. Information, be it about planned events, documents, or meetings, is a tool of power. Information regarding upcoming strategies is always discussed in advance with the leading Member States as all the institutions are understand that they have the capacity to block any step that is not favourable to their interests. Information is also linked to the representation of particular nationals in key positions. This “vicious circle” is very difficult for smaller or new Member States to break. In the crisis management institutions (the Civilian Planning and Conduct Capability and the Crisis Management Planning Directorates), the United Kingdom, France and Germany occupy key positions and have implicit agreement regarding implementation.

By contrast, new Member States are underrepresented and their attempts at higher nominations have not been successful. Concerning the key civilian missions such as EULEX Kosovo or EUMM Georgia, a “gentleman’s agreement” among the “Big 3” has been implemented regarding the Head of Mission, Deputy Head of Mission, Head of Operations and Administration positions.

It is the case that in both large and small Member States, governments regularly experience frustration and successes as they attempts to manoeuvre the final outcome

of decision-making in the direction that they favour. Even very small countries such as Luxembourg may experience this kind of process. For instance, while the Grand Duchy was mostly successful in blocking attempts to harmonise capital taxation across Member States, it was unable to stop advances in the coordination of indirect taxes (Genschel, 2002). This raises a theoretically important question as to why a Member State can block an important decision in one domain almost single-handedly, yet may be unable to do the same with similarly key decisions in other areas? So far, models of EU decision making are unable to explain whether bargaining power, the importance of an issue or simply luck account for such divergences. Furthermore, the international relations literature has not reached agreement regarding how bargaining power affects the relative outcomes for each of the parties involved in negotiations.

According to William Zartman and Jeffrey Rubin, the dispute would be settled 'if popular discussions did not leave them surrounded by misleading common places and folk wisdom and if the various disciplinary attempts to provide answers were not incomplete and contradictory'. Although the decision-making processes within the EU have received increased scholarly attention within the past few years, we are still a long way from possessing a convincing set of systematic and empirically grounded explanations (Thomson et al., 2006 in Schneider 2010).

Bargaining approaches have been quite successful in explaining negotiations within the European Union. However, for the most part these studies have just focused on the intergovernmental meetings of the European Council; it is not yet understood what type of bargaining resource will be of most value in the case of the decision-making

processes of the Council of Ministers, which is perhaps the EU's most significant actor in terms of legislation (Schneider 2010).

In the area of CFSP and CSDP in particular, decisions are taken on the basis of consensus. Tangible sources therefore provide a basis or a tool for exercising power in terms of blocking decisions. However, such steps have to be based on an adequate amount of background information and sufficiently compelling supporting arguments. Bargaining power is also a highly important factor; for instance, Germany, the United Kingdom and France will often exchange their views on important matters informally in order to bargain for each other's support.

## **5. Priority areas - in line with interests of the individual Member States, particularly of the “Big 3” – France, Germany and the United Kingdom**

Following the hypothesis that without consensus of the “Big 3” there is no CSDP action, this section will analyse the national security strategies of those individual countries with the aim of identifying their priorities. The Grand Area of CSPD action should be based on the common denominator of the geographical areas that are most important for these countries. It is important to note that only France presents its priority areas geographically, while Germany and the United Kingdom leave room for geographical interpretation depending on the location of particular threats. As terrorism can no longer be identified geographically, these countries do not focus on specific geographical regions. Considering that the EU cannot act “globally” in real terms, neither can the United Kingdom and Germany afford to ignore geostrategic and geopolitical interests. Germany, in this respect, still avoids taking into account of geopolitics as a result of mid-20<sup>th</sup> century events that may be perceived as highly discrediting to such a discipline. However, it is now time to move forward, analyse the delivery of CSDP and focus the effective deployment of civilian experts to certain areas of the World.

### **France**

In August 2007, President Sarkozy set up a Commission entrusted with the crafting of a new White Paper on Defence and National Security. At the outcome of the process in 2008, the Paper redefined strategy in a 15-year perspective, embracing both defence

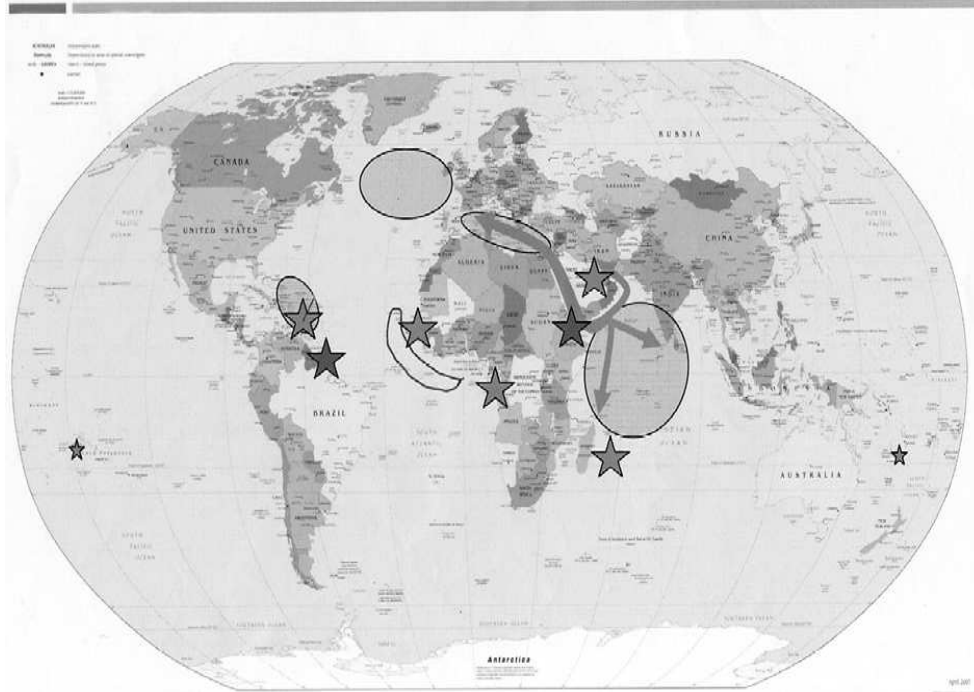


and national security. It included foreign security and domestic security, military means and civilian tools. Some of its key findings involve the following:

- The world has changed and as a consequence Europe and France are more vulnerable than before. “As we look to the 2025 horizon, France and Europe will fall within the range of ballistic missiles developed by new powers; new risks have appeared, be it intentional in the case of cyber-attacks or non-intentional, such as health-related or environmental crises amplified by the deterioration of the biosphere.”
- Knowledge and anticipation represent a new strategic function as the world is characterised by uncertainty and instability.
- Protection of both the French population and territory is at the very heart of the strategy.
- As regards the conflict prevention and intervention capabilities, the Paper provides for the concentration on a priority geographical axis from the Atlantic to the Mediterranean, the Arab-Persian Gulf and the Indian Ocean. This axis corresponds to the areas where the risks relating to the strategic interests of France and Europe are the highest. The Paper takes account of the growing importance of Asia for national security but at the same time action capabilities should remain on the Western and Eastern seabords of Africa.
- Nuclear deterrence remains an essential instrument of national security. France is particularly active in the fight against the proliferation of chemical, biological and nuclear weapons as well as the delivery missiles. It also took the initiative in the area of nuclear disarmament.

- The European ambition stands as a priority for France. In the White Paper several goals are proposed for European defence in the coming years:
  - Set up an overall intervention capability of 60,000 soldiers, deployable for one year in a distant theatre with the necessary air and naval forces.
  - Achieve the capability to deploy for a significant duration two or three peacekeeping or peace-enforcement operations and several civilian operations of lesser scope in separate theatres.
  - Increase the European planning and operational capability both military and civilian.
  
- The White Paper also emphasises that the EU and the North Atlantic Alliance are complementary. France in 2009 decided to fully participate again in the military structures of NATO. Since 1966 when General de Gaulle decided to withdraw French forces from the NATO, integrated military command in NATO has changed considerably. However there are three conditions of its full participation: “complete independence of nuclear forces, French authorities must retain full freedom of assessment which implies the absence of automatic military commitment and maintenance of assets allowing for strategic autonomy in particular by increasing intelligence capabilities. And lastly, permanent freedom of decision which means that no French forces shall be permanently placed under NATO command in peace time.” (The French White Paper on defence and national security).

## The main strategic axis : from atlantic to the indian ocean



Source: The French White Paper on defence and national security 2008

In geographical terms, four areas are singled out as being critical with major implications for the security of France and Europe:

- “the **arc of crisis from the Atlantic to the Indian Ocean**, characterized by a combination of instability, multiple sources of inter-state and non-state violence, the prospect of proliferation and the concentration of energy resources, against the backdrop of new and disturbing connections between the crisis-points of the region.
- the **Sub-Saharan Africa**, where the existing problems of development are increasingly overshadowed by the combination of widespread state-failure, the scramble for raw materials drawing in new players, runaway urbanization and the consequences of climate change.
- the situation in the **Eastern part of the European Continent** with the ongoing quest for stabilization in the Balkans but also the consequences of the domestic evolution of Russia and the assertion of its political, strategic and economic role in Eurasia with knock-on-effects vis-à-vis its European neighbours.
- the prospect of major conflict in **Asia**, the key role of which in the global economy has not yet been matched by the emergence of robust regional institutions to mitigate and defuse the causes of strategic tensions in South and

East Asia. As the world's strategic centre of gravity is shifting to Asia any conflict in the region would have vast consequences for our own prosperity and security". (The French White Paper on defence and national security 2008).

All of the main priorities confirm the areas that were set as the EU priorities. The Middle East is covered by the arc from the Atlantic to the Indian Ocean, with only Asia being defined quite broadly. Although there is a prospect of the rising importance of Asia as a whole, for civilian CSDP South and East Asia do not represent a priority.

### **Germany**

Weissbuch on German Security Policy and the Future of the Bundeswehr from 2006 focus firstly on new threats and emphasise multilateral engagements. One of the primary goals of German security policy is the strengthening of the European area of stability through the consolidation and development of European integration, including the European Union's active neighbourhood policy with the states of Eastern Europe, the southern Caucasus, Central Asia, and the Mediterranean region. Equally important for Germany are the development and reinforcement of a durable and resilient security partnership with Russia. Russia is important in terms of bilateral and multilateral aspects of foreign policy.

“Russia takes a special place in this bilateral cooperation, this being due to the formative experiences in the course of our common history and that country's special role as a prominent partner of NATO and the European Union, its size and potential. For many European nations, Russia is an important energy supplier and economic partner. Without Russia, security, stability, integration and prosperity in Europe cannot therefore be guaranteed. It is in Germany's special interest that Russia's modernisation is supported by intensified political, economic and societal cooperation. Germany therefore promotes the improvement of Russia's political, economic and cultural cooperation with the European Union and supports an even closer cooperation with the North Atlantic Alliance.” (German National Security Strategy 2006).

Moreover, peace and stability in the Western Balkans are important prerequisites for Europe's security and are in Germany's special interest due to its proximity to the

region. To contain future conflicts it is also necessary to resolve the dichotomy between the national state principle and ethnic diversity. This can only be achieved, with any modicum of success, through reconciliation and integration into the Euro-Atlantic structures.

“The South Caucasus and Central Asia are located at the interface between Europe, the broader Middle East and Asia. The Central Asian region also plays an important role in the field of security policy, not least in the supply operations for the International Security Assistance Force (ISAF) in Afghanistan. The main goal there is to create sustainable stability by promoting democracy, the rule of law, economic development and regional cooperation, as well as to expand cooperation in the fight against international terrorism, organised crime and international drug trafficking.” (German National Security Strategy 2006).

Moreover, the Middle East is a very significant area for Germany. The broader Middle East has become a hotspot for international politics due to its historical development, political-religious and cultural differences, its societal and social problems associated with modernisation, the political and military unpredictability of individual states, and its rich energy sources. The potential for conflict already present in the region is increased by the involvement of parts of the region in international terrorism, the striving for the possession of weapons of mass destruction and the development of long-range means of delivery.

“It is crucial for the international community to support the parties concerned in seeking ways to resolve the key conflict between Israel and the Palestinians, to stabilise Iraq and to convince Iran to work towards a constructive solution to the nuclear conflict. A preventive and comprehensive political approach is needed to support the modernisation of the Islamic societies and thus also cut the ground from under the feet of fundamentalist terrorism. German-Israeli relations take on a special duality against the background of our history. Germany has maintained diplomatic relations with Israel for 40 years and during this time has developed a dense network of political, societal, economic, cultural and even politico-military contacts. The cultivation of these contacts is an unshakeable component of German politics, and Germany will continue to stand up for Israel’s right to existence.” (German National Security Strategy 2006).

Lastly, in the past few years, the rapid economic development of states in the Asian-Pacific area has led to an intensification of the political and economic relations of that area with Germany and Europe. In the field of security policy, too, the Asian-Pacific area has become increasingly important for Germany. A political-strategic dialogue with key states in the region is therefore required.

Compared to France, Germany is highly focused on the Eastern neighbourhood. Together with the Western Balkans and the Middle East, these are the most highlighted priority areas. The main reason for engaging abroad is the security of Germany and the European continent as a whole. This emphasis is connected to the fact that the German Constitution (Article 87a Establishment and powers of the Armed Forces)<sup>6</sup> states that the army can only be deployed in cases of defence.

This is one of the reasons why Germany was not willing to deploy either to Iraq or Libya. In Libya, there was little in terms of an ethnic dimension to the violence, no genocide, no claim for national secession and no particular historical complexity in comparison with Eastern Europe.

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<sup>6</sup> (1) The Federation shall establish Armed Forces for Defense purposes. Their numerical strength and general organizational structure shall be shown in the budget. (2) Apart from Defense, the Armed Forces may only be used insofar as explicitly permitted by this Basic Law. (3) While a state of Defense or a state of tension exists, the Armed Forces shall have the power to protect civilian property and discharge functions of traffic control insofar as this is necessary for the performance of their Defense mission. Moreover, the Armed Forces may, when a state of Defense or a state of tension exists, be entrusted with the protection of civilian property also in support of police measures; in this event the Armed Forces shall cooperate with the competent authorities. (4) In order to avert any imminent danger to the existence or to the free democratic basic order of the Federation or a Land, the Federal Government may, should conditions as envisaged in paragraph (2) of Article 91 obtain and the police forces and the Federal Border Guard be inadequate, use the Armed Forces to support the police and the Federal Border Guard in the protection of civilian property and in combating organized and militantly armed insurgents. Any such use of the Armed Forces shall be discontinued whenever the Bundestag or the Bundesrat so demands. (German Constitution).

## **United Kingdom**

The United Kingdom published its new National Security Strategy in 2010 and it was presented by the Coalition government led by new Prime Minister David Cameron and his deputy Nick Clegg. It firstly emphasised Britain's place in the world, as any strategy for national security must begin with the role Britain wants to play globally. Britain is an open, outward-facing nation that depends on trade and has numerous nations around it. As one in ten British citizens now live permanently overseas, Britain is country whose political, economic and cultural authority far exceeds its size. In particularly the strong economy is a vital basis for its security. "Our location and our time zone position us as a link between the economic centres of Asia and America, as well as forming part of the European single market. We have a global reach disproportionate to our size. This brings tremendous opportunities for trade, building relationships, and working with partners. We have strong historical and economic links with emerging markets in Asia, Africa and the Middle East as well as an unparalleled transatlantic relationship with North America. London is a world city, acting as a second home for the decision-makers of many countries. This provides an unrivalled opportunity for informal influence of the kind that matters in the networked world." (Britain's National Security Strategy 2010: 21). The National Security then emphasises the role of the English language which gives the British the ability to share ideas with millions – perhaps billions – of people and to build networks around the world.

"We are also connected to many parts of the world through our diverse population. This includes large communities whose ethnic origin derives from many countries; and a range of family links to people of British heritage in parts of the Commonwealth, a network spanning 54 countries and the US." (British National Security Strategy 2010).

Some commentators refer to this open community as the “the Anglosphere”. It is a broader term than Anglo-Saxon civilisation (which refers to countries of Anglo-Saxon descendents) as it includes all English-speaking countries that were influenced by the British Empire and the Commonwealth of Nations. It embraces populations of countries that have much in common – language, culture and values, democratic traditions and political and legal institutions, which enable them to form some sort of closer association (Fullilove 2004:58). Advocates of the Anglosphere, such as Robert Conquest or James Bennett, differ in the exact list of the included countries, but most of them consider the United States and the United Kingdom as its ‘nodes’. The Anglophone regions of Canada, Australia, New Zealand, Ireland and South Africa are its ‘outliers’ and the educated English-speaking populations of the Caribbean, Oceania, Africa and India constitute its ‘frontiers’ (Bennett 2000). Anglospherists have differing views on the form of the association. Conquest suggests it is ‘weaker than a federation, but stronger than an alliance’ (Conquest in: Black 1999). Bennett (2000) envisages an open and non-exclusive arrangement called a ‘Network Commonwealth’. Conrad Black (1999) proposes formalising the Anglosphere, by suggesting that the United Kingdom should withdraw from the European Union and instead join NAFTA. The Anglosphere is, however, not a new concept. Even Winston Churchill referred to a ‘fraternal association of the English-speaking countries’ (Churchill in: Fullilove 2004: 58). But in the aftermath of the Cold War, this association has become even more important. It has re-emerged because of the lack of an agreed organising principle for the international system (Fullilove 2004: 58). This re-emergence is also linked to its fundamental principles:



“The Anglosphere requires adherence to the fundamental customs and values that form the core of English-speaking, [Common Law nations]... These include individualism, rule of law, honouring contracts and covenants, and the elevation of freedom to the first rank of political and cultural values.” (Bennett 2001).

The existence of Anglosphere is pertinent in every aspect of British relationships, particularly with its overseas partners. Intelligence relationships are deeply rooted and will further develop with the US, and the “Five Eyes” cooperation with the US, Australia, Canada and New Zealand (British National Security Strategy, 2010: 42).

Concerning the intelligence arrangements, the US Army’s most dependable allies in the global war on terror have been committed to a standardization program for more than half a century. Known as ABCA (for the armies of America, Britain, Canada and Australia, with New Zealand as an associate member), this standardization program is changing in response to new threats. Like the US Armed Forces, ABCA is undergoing radical transformation as comprehensive requirements for combat interoperability emerge. The ABCA armies have been deployed in countries such as Kosovo and Somalia. British and Australian forces were integral part to Operation Iraqi Freedom, while troops from Canada and New Zealand shared the burdens in Operation Enduring Freedom. The original ABCA program was established with the 1947 signing of the Plan to Effect Standardization among the American, British, and Canadian armies. One of the first standardisation agreements coming out of the 1947 program was a standard thread pattern for nuts and bolts, the so-called “unified American-British-Canadian screw thread”. The 1947 plan was replaced by several versions of the Tripartite Armies’ Standardization Agreement until 1964. The current agreement, The Basic Standardization Agreement among the Armies of the United States, United Kingdom, Canada and Australia, 1964, became effective on October 1, almost a year

after Australia joined the program. New Zealand gained associate membership through Australian sponsorship in 1965 (Maginnis 2003:56).

The main objective of the ABCA is to reach as much coalition effectiveness as possible based on member army budgets. The new program is established to maintain contact with the transformation revolution put in motion by US Secretary of Defense Donald Ramsfeld. The transformation revolution is grounded in the conclusion that the threat requires the US land force to become lighter and more lethal and be able to move quickly to combat zones. Transformation is distinct from modernisation, which focuses on equipment. ABCA members were interoperable in Iraq primarily because of shared procedural measures, liaison officers and doctrinal compatibility. It is therefore necessary to keep transforming while fighting the war on terror. As British former ABCA Head of Delegation said, ABCA is about “interoperability of the spirit and the mind” and this represents change (Maginnis 2003:57). That is why the allied forces are so effective. This proves the bond among Anglo-Saxon countries through their interconnection and close relationship.

Strategically, the top priority of Britain’s National Security Strategy is to counter the threat from terrorism at home and abroad. The key to this is using the trade networks with partners abroad for securing the country. The Strategy also stresses the most important aspect which should be taken seriously by the European Union and its Member States:

“A Strategy must be based on creative insight into how best to achieve our own objectives and prevent adversaries from achieving theirs. It must balance the ends, ways and means. The ways and means by which we seek to achieve our objectives must be appropriate and sufficient and the objectives must also be realistic in light of the means available.” (British National Security Strategy 2010:14)

Specifically, the UK is targeting Al Qaeda in Afghanistan but also at home residual terrorist groups linked to Northern Ireland. As regards to the changing world, the UK has strategic and economic imperatives to build closer ties with the new economic powers. “The balance of geopolitical power will gradually change over the coming decades. The world of 2030 will be increasing multipolar, with power distributed more widely than in the last two decades... To respond we need to enhance our reach and influence.” (British National Security Strategy 2010: 14). The reinforcement of existing institutions (EU, G 20, NATO) will be key in multilateral forums, while the bilateral relationship with US will remain central but it can be expected to evolve.

While the UK’s Security Strategy addresses evolving thematic trends, such as strategy, demographics and climate, it does not specify geographical interests. This is probably linked to its colonial past and global influence. Deployment of civilian or military personnel is, however, based on thorough assessment and delivery capability. Regarding the identification and prioritisation of threats, Britain has developed the National Security Risk Assessment. “A Truly strategic approach to national security requires us to go further than just assessing domestic civil emergencies ... We have conducted the NSRA to assess and prioritise all major areas of national security risk – domestic and overseas.” (British National Security Strategy 2010: 14). The process of evaluation and the so-called “benchmarking” is highly valued in British policy in every aspect. Also, in EU civilian CSDP it is the UK that emphasizes benchmarking or criteria for assessment and measuring progress.

## **Comparison of the Security Strategies of Germany, France and the United Kingdom**

Following the analysis of the three countries security strategies, it is quite apparent that all of them share similar priority areas. Each of them, however, has its own preferences and arranges the areas according to its own perception of their order of importance. France clearly puts its axis of geography above other areas, with the key remaining the Mediterranean and the sub-Saharan region. Germany, on the other hand, prioritises the Eastern dimension and the relationship with Russia. The key is the security of the mainland and Europe as a whole, thus all the actions are directed towards such goal. The United Kingdom, on the contrary, focuses on its trade and economy. Security is connected to the maintenance of economic links that Britain established hundreds of years ago. This open-faceted approach towards the world and the emphasis placed on transatlantic relations distinguishes Britain from the others. Its National Security Strategy also emphasises the British values that Britain needs to promote further, as well as its distinctive role in the world in terms of bonds with other Anglo-Saxon countries and those who promote its shared values.

To summarise, the priorities which are shared by the “Big 3” EU Member States are the geographical proximity areas, such as the Western Balkans, the Eastern dimension and the Middle East that are considered by all of them to be vital strategic areas. Afghanistan embodies the fight against terrorism and organised crime that is so crucial to Europe’s security, which is why it is necessary to pursue the efforts to establish rule of law and stability in that area. The core areas for CSDP actions should be based on these priorities because they can ensure that there is both the ambition and required

consensus among the Member States, as well as significantly enhancing efforts for successful delivery and effectiveness.

## **6. Analytical assessment of the current missions in priority areas**

“In the last decade European forces have been deployed abroad in places as distant as Afghanistan, East Timor and the Democratic Republic of the Congo. 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.” (ESS 2003: 1).

The 2003 European Security Strategy titled “A secure Europe in a better world” clearly separates the two main areas of security challenges. First, in a new era of international relations there are new threats that are no longer limited to states, but instead become global threats. Terrorism and organized crime cannot be fought as they were in the past and are no longer associated only with individual states, but with networks of groups whose cells are very difficult to define. In response to these challenges, the EU deployed forces and experts in remote places like Afghanistan; a country that after the 11th September 2001 is a primary security focus for most countries in the international community.

Besides these threats, however, immediate or more distant neighbourhoods still occupy a position of primary importance. The priority of political or security crises occurring in close geographical proximity always outweigh those occurring in more distant areas. The Western Balkans and the EU neighbourhood constitute the priority areas of interest for most EU Member States, therefore when disturbances occur in these areas, the EU should be the first responsive entity. However, due to issues with the EU’s inability to act, this objective has not been fulfilled on several occasions. It was the Balkan crisis that caused the emergence of the European Security and Defence Policy (now the Common Security and Defence Policy).

Therefore, the following section focuses firstly on Western Balkans and evaluates why this area is so vitally important that a total of six operations/missions have been deployed. The subsequent parts concentrate on the Eastern Neighbourhood, the Middle East and Afghanistan and evaluate how relevant these areas are vis-à-vis the above outlined criteria. Furthermore, the particular interests of the leading nations, that is, France, Germany and the United Kingdom, will also be looked at.

### **The Western Balkans**

In the wake of the violent conflicts that marked the recent history of the Western Balkans region, the EU considers it a priority to promote the development of peace, stability, prosperity and freedom in the South Eastern European countries of Croatia, Serbia, Montenegro, Bosnia and Herzegovina, Macedonia, Albania and Kosovo (EEAS official website). In the early 1990s, Europe failed to prevent and stop the violent conflicts and related atrocities in the Western Balkans after the dissolution of Yugoslavia. That failure led to some 250,000 casualties and the biggest wave of refugees in Europe since the Second World War. The conflicts had come too early for the newly emerging international security player. In the Maastricht Treaty of 1991, the EU had just taken the step from a mainly economic association in the form of the European Community to a still nascent political union, including a CFSP. With good intentions, the EU started many mediation initiatives.

“However, at that time, it did not yet have any collective means to underpin its aims, and it thus remained rather toothless vis-à-vis the parties to the conflicts. What was left for the Union after the US-led intervention to end the war was to invest massively in post-conflict reconstruction and support the development of the new states in the regions.” (Muehlmann in Merlingen 2008, p.43).

Following the break-up of Yugoslavia, the EU established the Stability Pact for South Eastern Europe to stimulate economic and political reform in the Western Balkans, Bulgaria, Romania and Moldova. At the Thessaloniki European Council of June 2003 all of the countries that comprise the Western Balkans<sup>7</sup> were considered as potential future EU Members States. Since this time they have varied in their levels of progress regarding integration with the EU. For instance, the status of “candidate country” has already been given to the former Yugoslav Republic of Macedonia and Montenegro, while the other countries remain as potential candidates. The relations between the EU and Croatia, which finished accession negotiations on 30 June 2011, are based upon Stabilisation and Association Agreements. These agreements establish free trade areas with the EU and between the countries of the Western Balkans. Under UN Resolution 1244, Kosovo has a special status; it has not yet signed Stabilisation and Association Agreement, but is engaged with the Union nonetheless as the EU currently operates a rule of law and a policing mission there (EEAS official website).

According to the 2009-2010 Enlargement Strategy that was published on 14 October 2009, the European Union's current enlargement process is taking place against the backdrop of a deep and widespread recession, with the financial and economic crises affecting both the EU and the enlargement countries themselves (EEAS official website).

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<sup>7</sup> European Union institutions and Member States define the "Western Balkans" as Albania and the former Yugoslavia, minus Slovenia. The European Bank for Reconstruction and Development uses "Western Balkans" to refer to the above states, minus Croatia. Today Western Balkans is more of a political than geographic definition for the region of Southeast Europe that is not yet in the European Union.



In December 2010, the Council restated the EU's readiness to facilitate a process of dialogue between Pristina and Belgrade, which was welcomed by UN General Assembly Resolution 64/298. "The aim is to promote cooperation, achieve progress on the path to the EU and improve the lives of people. The Council welcomed Kosovo's and Serbia's commitment to engage on this basis and called on them to display a constructive spirit." (CFSP Report 2010). Despite some recent troubles, the EU facilitator Robert Cooper is optimistic and is determined to pursue the dialog.

The following section will focus on the assessment of the civilian missions in the Western Balkans, the EU Police Mission in Bosnia and Herzegovina (EUPM) and the EU Rule of Law Mission in Kosovo (EULEX). They are very different from each other as BiH has progressed very significantly in the reform of its law enforcement agencies since the launch of the mission in 2003. The EUPM has achieved its major aims in terms of crisis management and has consequently shifted towards other EU instruments such as the Instrument for Pre-Accession Assistance (IPA) led by the European Commission as of July 2012. Kosovo, however, is a different case and recent incidents demonstrate that the continued presence of the international community and even an international military presence are vital for the peaceful settlement of disputes. EULEX Kosovo, the largest CSDP civilian mission, is certain to remain important for at least several more years.

### **Bosnia and Herzegovina (EUPM Bosnia and Herzegovina)**

Due to its recent history, Bosnia appeared to be an ideal candidate for the deployment of the first ever EU crisis management mission, replacing the UN International Police Task Force (UN-IPTF) which had led international efforts to reform the local police since 1995. At the invitation of the Bosnian authorities and with the approval of the

UN SC as well as the Peace Implementation Council (PIC) Steering Board, the EU launched the EU Police Mission in Bosnia on January 1 2003. It began with a three year mandate, which has subsequently been extended for further period with its mandate refocused to concentrate on police restructuring as well as combating corruption and organised crime (Muehlmann in Merlingen 2008, p.43).

## Background

The war in Bosnia, which had started in 1992, ended after three years with the Dayton Peace Agreement which shaped the political constitution and practices of the new country. The governance structure was primarily designed to ensure that the three main ethnic communities in Bosnia – the Bosniak-Muslims, the Bosnian-Serbs and the Bosnian-Croats – could live peacefully together, rather than being focused on efficient policy-making (Solioz 2001:14). A High Representative (OHR)<sup>8</sup> was appointed to oversee the implementation of the civilian aspects of the peace settlement. In 1997, the Steering Board of the PIC endowed far-reaching executive powers on the OHR; these so called “Bonn” powers included the power to dismiss officials and impose laws. This has allowed the OHR, who has been in a double-hatted role as EU Special Representative (EUSR) since 2002, to persuade, pressure and force an often-reluctant political elite to reform the country in accordance with EU requirements (Muehlmann in Merlingen 2008, p.43).

“The overall effect of these contradictory tendencies is that the country remains ethnically polarized and internationally mandated reforms have been obstructed and undermined by local actors at every opportunity.” (Merlingen in Grevi 2009, p. 163).

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<sup>8</sup> Office of High Representative OHR needs to be distinguished from the current High Representative of the Union for Foreign Affairs and Security Policy (HR/VP C. Ashton)

Furthermore, this structure was supported by a massive international presence on the ground, incorporating not only the EU civilian mission but also the executive military operation EUFOR Althea. The Dayton Peace Agreement had the effect of bringing about a complex, costly, multi-level and fragmented political order and this fragmentation was reproduced in the area of policing. First, the Republika Srpska, being the more centralised police entity, developed into one unified police body with regional subdivisions. Second, the fragmented Bosnian-Croat Federation formed eleven distinct, independent police forces: ten cantonal police apparatuses and one Federation police designed to deal with cross-cantonal crime. Third, the Brčko district which had been placed under international supervision had police of its own. Each of these law enforcement agencies differed considerably in size and each operated under different rules and regulations (Muehlmann in Merlingen 2008: 44).

Since the Dayton Peace Agreement was signed in December 1995, Bosnia and Herzegovina's (BiH) multiple, disjointed police forces have been a major obstacle to their implementation and consequently to the country's progress toward integration into the European Union. Police reform has perhaps been the last major policy issue that needs to be dealt with in order that the international community can begin to scale down or look towards ending its decade-long engagement in Bosnia. Furthermore, it has been made explicitly clear by the EU that police reform is a crucial precondition for Bosnia's negotiations regarding a Stabilisation and Association Agreement (SAA). A challenging issue in this area relates to the fact that police forms a key leverage in terms of governmental power and this is something that the Republika Srpska in particular was unwilling to give up. Strongly backed with support from Belgrade, Republika Srpska politicians have sought to negotiate the annexing of the police by

way of compensation for Kosovo; they have claimed that the police reform sought by the international community should not take place on the grounds that it constitutes an infringement on “sovereignty” (ICG Report on Bosnia and Herzegovina 2005).

“In the aftermath of the October 2006 elections, which reaffirmed the grip of nationalist politicians on the electorate, the political climate in the country deteriorated, making a fundamental overhaul of policing even more difficult. It required strong pressure by the HR/EUSR and the European Commission to get the coalition government at state level to agree finally to move ahead with police restructuring in order to meet the last outstanding condition for signing the SAA. The Mostar Declaration on police reform was followed up, in April 2008, by the approval of two new police laws by the country’s parliamentary assembly. The adoption of the laws paved the way for Bosnia to sign the SAA with the EU in June 2008.” (Muehlmann in Merlingen 2008:44).

In November 2008, opposing parties (SNSD of Milorad Dodik and HDZ) produced a joint statement expressing their willingness to come to a political compromise on particular issues facing the country. This process contributed significantly to the progress that followed with regards to meeting the five objectives and two conditions that the PIC Steering Board set out in February 2008.<sup>9</sup> This progress may now be questioned to some extent, however, as the ongoing political crisis since the last elections in 2010 has been the deepest in the country’s history; state institutions have been under attack from all sides and there has been no government formation. The authorities of the Federation were formed controversially in March and are disputed by Croats who have created a parallel Croat National Assembly. Republika Srpska called for a referendum on laws created by OHR and which could have yielded to its

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<sup>9</sup> The so-called 5+2: five objectives – acceptance and sustainable resolution of the issue of apportionment of property between the state and other levels of government, acceptable and sustainable resolution of defense property, completion of the Brcko Final Award, fiscal sustainability, entrenchment of rule of law. Two conditions – signing the SAA and positive assessment of the situation in BiH by the PIC Steering Board on full compliance with Dayton/ Paris Peace Agreement.

autonomy (ICG Report on Bosnia). However, after an intervention by HR Ashton, this referendum was ultimately called off.

#### The mandate and challenges

The mandate of the EUPM has evolved gradually. In its first years (2003-2005), the mission had a broad mandate with the strength of over 500 international personnel. It aimed at establishing sustainable policing arrangements in line with best European and international practices. However, this catalogue of best practice was not clearly defined even within the EU. The EUPM engaged in a range of mentoring, monitoring and advising activities, but usefully applying the results of these inspections was problematic as the mission did not dispose of or allocate executive powers. Particular problems then arose when EUFOR Althea was put in place with its executive mandate.

“What followed had not been anticipated, neither by policy makers in Brussels nor by the EUPM leadership. Interpreting its mandate liberally, Althea drew on its own armed police force (Integrated Police Units) as well as regular troops to carry out anti-organized crime operations, often without informing either the local police or the EUPM. This resulted in confusion both in the EU family and among Bosnian authorities over who was in charge of improving local law enforcement. (Merlingen in Grevi, 2009: 164).

This confusion led to a bad relationship between the leadership of Althea and the EUPM. From the perspective of the EUPM, the executive approach of the military had an undermining effect on its goal of capacity building based on local ownership. An agreement between the two ESDP/CSDP missions served to resolve this problematic situation, and both later adjusted their mandates, leading to the EUPM being designated as the leader on this issue (Merlingen in Grevi 2009: 164).

The mission also experienced difficulties in its early years in matters to do with coordinating with other EU and international actors on the ground. Due to political

sensitivities of police restructuring relating to its connection to governmental powers, the EUPM's influence in the matter was limited. As a result, the OHR then took the political lead with the EUPM acting in a technical support role. For instance, the head of mission contributed to the deliberation of the police restructuring commission as a full member and EUPM staff served in the commission's secretariat. In that capacity they provided technical advice when requested, as well as supporting the media campaign that followed the release of the commission's report. In addition, the EUPM became involved with the police trade unions in order to present the case for police restructuring. Despite its involvement in these activities, the strategic potential of the EUPM as a means to offer neutral, expert-based advice to Bosnian politicians and interested parties was never fully utilised.

“This was due to the policy of the OHR to sideline the mission as well as mistakes by the latter such as the lack of internal communication and the failure of the leadership to mobilize the right expertise within the mission for the task. Hence, the EUPM missed the opportunity to make use of its co-location structure to explain to local police officers the advantages of police restructuring. Had it played a more active role, the mission could have helped the OHR avoid some of the mistakes it made in this long and difficult process” (Muehlmann in Merlingen 2008: 52).

Subsequent revisions to the EUPM's mandate have refocused the mission to some extent and have slimmed down the workforce to about 200 international police officers. The focus of the EUPM has been on coordination and assisting in the fight against organised crime and corruption, as well as contributing to police reform. The inclusion of the task of police reform in the mandate was based on the expectation that the necessary laws would be passed by the parliamentary assembly; such new laws were passed in April 2008, but this was much later than had been anticipated (Council Joint Action of 17 February 2005 on the EUPM, 2005/143/CFSP).

Policing in Bosnia was characterised by institutional fragmentation, ethno-political interference and a dysfunctional organisational culture which led to security issues beneficial to criminals. Organised crime was present in many facets; in this respect, the country was very similar to others in the region. Because of its geographic location, the Western Balkans has traditionally facilitated the trafficking of narcotics from the Middle East, human trafficking from Central Europe and in recent years the trafficking of arms, which are a leftover from the recent conflicts. Serbia and Bosnia and Herzegovina are source countries for arms and ammunition for criminal groups in the EU (OCTA Report 2011).

The current EUPM's mandate until the end of 2011 focuses on providing strategic advice to Bosnia's law enforcement agencies and also has a presence in the field. Strategic advising, which is the mission's primary aim, is achieved through a coordination mechanism designed to facilitate an adequate flow of information between all of the entities involved. The State Investigation and Protection Agency (SIPA) was successfully transformed into an operational police agency and was given enhanced executive powers to fight organised crime and corruption. Furthermore, the Directorate for Police Coordination was established at the state level with the aim of developing further local ownership police reform. The latest mandate of the EUPM, which will start in January and expire by the end of June 2012, should focus on the delivery and sustainability of these recent achievements (Factsheets EUPM 2011).

The development of strategic issues was limited due to the political situation following the October 2010 general elections which led to a deadlock on government formation. The sharp rhetoric from Republika Srpska officials continued to question the State level law enforcement and judiciary system, which impacted the work of the EUPM

(ICG Policy Briefing 2011). On the other hand, the Council of the EU's decision to lift the visa requirement for citizens of Bosnia and Herzegovina to make short-term stays in the Schengen area was very well received in the country and has had a positive effect on the Mission's work. The emergence of regular operational cooperation among senior law enforcement officials has also led to tangible positive results as numerous cases of corruption and deliberate crime have been successfully dealt with. The main reason for this was the increase in overall capability that resulted from domestic efforts as well as EU and international assistance that have occurred over the last decade. Despite such progress and results achieved in its law enforcement system, BiH remains insufficient in terms of cohesiveness and is still subject to political pressure. Firstly, therefore, it is important that the momentum which has been gained is not lost, and secondly, that conditions are secure enough to ensure that forward-moving existing processes cannot be reversed (Factsheets EUPM, EEAS official website). The year 2012 will be an example of a transitional period; the Police Mission will be phasing out and an Instrument for Pre-Accession Assistance (IPA) project led by the European Commission, together with an enhanced team of EUSR focusing on police restructuring and coordination, will be phased in. The decision on future of the Mission took a considerable amount of time as the three leading countries were divided on the issue. The UK, Italy, Poland and others were keen on extending the mandate of the Mission for another full mandate (one year). Their main arguments concern the political crisis putting the results of the Mission in jeopardy. The UK in particular favours maintaining its presence in BiH, including the military presence (EUFOR Althea and its executive mandate). On the other hand, Germany and France are determined to close the Mission as soon as possible and transfer some of its tasks to the IPA project and EUSR office.



This analysis demonstrates that Bosnia and Herzegovina is moving along the path to European integration, although due to unusual circumstances after the civil war it is to be considered as a special case; as such, it requires special treatment and assistance to be given by the EU. The CSDP mission is currently closing as the crisis management tasks which were its core objectives have been resolved, while the structural, technical and political assistance will continue even after such a lengthy presence in the country. The aim of this is to ensure the irreversibility of the many significant achievements that have been attained.

#### Assessment Criteria

EUPM proved its effectiveness particularly at the end of its mandate. All the criteria, such as proximity, local acceptance (despite the rhetoric of Republika Srpska leaders) and also the strategic importance were fulfilled. Potential conflicts or disorder in the Balkans can negatively affect the stability of the EU, which is a matter of great priority to all EU Member States, particularly the three leading ones; the external and internal aspects of security are in this case evident. The EU should in this regard set up a legal basis for a general framework for cooperation between the CSDP and Justice and Home Affairs domain. Despite a first analysis and some important steps being taken on this issue, certain member states (particularly Germany and Spain) are hesitant due to concerns about the potential misuse of Foreign Policy for internal aims.

Moreover, lessons learned from the functioning of the Mission need to be acknowledged and acted upon, such as the requirement for better coordination among EU actors (the EU family) on certain projects but also with local authorities. Furthermore, the planning phase of the mission was not adequately accomplished and

as in other missions Member States did not provide enough qualified police officers and other civilian experts.

### **Kosovo (EULEX Kosovo)**

The launching of the EU Rule of Law Mission in Kosovo (EULEX Kosovo) was agreed by the Member States on 4 February 2008. With 3,000 staff, EULEX is the biggest civilian mission to date under the ESDP/CSDP. Following the unilateral declaration of independence of Kosovo authorities on 17 February 2008, the Mission deployed and entered its operational phase under very difficult conditions (Asseburg 2009: 30).

### **Background**

“The Milosevic regime abolished the autonomous status of the Kosovo province within Serbia in 1989 and implemented discriminatory policies against the Albanian majority in Kosovo. With no political solution in sight, simmering tensions broke out into civil war between the Kosovo Liberation Army and the then Yugoslav army in 1998.” (Grevi in Grevi 2009:355).

KFOR is the NATO-based international peacekeeping mission in Kosovo, to which 39 countries contribute. KFOR's mandate comes from the Military Technical Agreement that was signed in June 1999 by NATO and Yugoslav command as well as from UN Security Council Resolution 1244, which was only approved after the air campaign in 1999.

The bombings lasted for 78 days and broke after the failure of negotiations in Rambouillet to provide autonomy for Kosovo, the leadership of the Federal Republic of Yugoslavia and Kosovo under the supervision of the Contact Group. Acting mainly according to the initiative of France and Britain, NATO commenced aerial strikes

against Yugoslavia March 1999, primarily concentrating on military targets. Because of the Alliance's awareness that Russia and China would veto the decision to launch these air strikes, the attacks were not granted UN Security Council approval. The initial attacks did not cause Slobodan Milosevic to surrender as quickly as had been anticipated, therefore at the end of March civilian targets were also included in the bombing raids.

The military attack was justified in the following way: international law evolves and military action directed against a sovereign state can be justified on humanitarian grounds and the fight against ethnic cleansing. NATO's decision to intervene in Kosovo was indicative of a fundamental change in the way Western powers may respond to ethnic cleansing within a sovereign state: it introduced the principle of the supremacy of such interventions over the previously unquestioned sovereignty of law and respect for its territorial integrity.

Those who supported NATO argued that ethnic cleansing must not be tolerated and the spirit of the UN Charter calls for such intervention (Article 53, Chapter VIII enable the legal basis for military involvement of regional organizations such as NATO). Those who opposed NATO's actions claimed that such attacks against a sovereign state had poor legal basis, that they had terrible consequences, that a new set of rules had been created to serve the purposes of NATO or some of its members, and also that international law had been ignored.

NATO's actions in Kosovo also had ramifications relating to international law due to the fact that NATO had for the first time engaged in conflict outside its security perimeter as defined by Article 5 Washington Treaty. The crisis in Kosovo crisis also led to the defining of new goals and a new direction in the Alliance's crisis

management priorities, i.e. fight against ethnic cleansing and opposition to those dictators whose actions may threaten the safety of the North Atlantic region.

On 10 June 1999, UN Security Council (UNSC) Resolution 1244 established that an international civilian and security presence would be deployed in the Kosovo territory under the support and protection of the UN. NATO's 60,000 strong-KFOR operation took over the area of military security, which still remains on the ground today in a scaled back capacity of around 6,000 personnel. The UN Interim Administration of the UN Secretary General (SRSG) was mandated to take over the interim civilian administration of Kosovo (Grevi in Grevi 2009: 355).

The mandate of United Nations Interim Administration Mission on Kosovo (UNMIK) was aimed at advancing regional stability in the Western Balkans and ensuring that conditions were in place for all inhabitants of Kosovo to live a normal, peaceful life. This extended not only to the promotion of substantial autonomy and self-government in Kosovo, but also to performing basic civilian administrative functions and to maintaining law and order. Furthermore, the mandate included the aim of facilitating the political process designed to determine Kosovo's future status. UNMIK remains headed by the Special Representative of the Secretary-General, who has civilian executive power granted to him by the Security Council through Resolution 1244 (1999) (UNMIK website).

Despite the Mission having greatest authority on the ground, the sovereignty and the territorial integrity of the then Federal Republic of Yugoslavia was not questioned from a legal standpoint. During its time in Kosovo, UNMIK has set up provisional institutions of self-government and gradually sought to transfer competences to them. Since 2002, these reform efforts have been driven by the so-called "standards-before-

status” approach that has generated some progress but could not replace the need for a political perspective on the future of Kosovo. The absence of self-government meant that real local ownership of reforms could not occur and was also detrimental to achieving sustainable progress (Oisin 2009).

In November 2005, in an attempt to unlock the political stalemate, the UN SG presented former Finnish President Martti Ahtisaari with the task of exploring available options that could settle the future status of Kosovo and producing a report on his findings. The subsequent mandate initiated a two year process of intensive negotiations under the overall guidance of the Contact Group that included France, Germany, Italy, Russia, Great Britain and the US. In December 2005, at the same time as this process was starting, the Council of the EU welcomed a joint report by the HR Solana and Commissioner Rehn on the future EU role and contribution in Kosovo that envisaged, among many other measures, the need to prepare for a possible integrated ESDP/CSDP mission in Kosovo in the field of rule of law (Communication from the Commission 2005). An EU Planning Team intended to prepare the way for this mission was set up in the Kosovo capital Pristina in April 2006 (Council Joint Action 2006/304/CFSP).

The Ahtisaari package was presented in March 2007. The Report recommended “supervised independence” as the only possibility for Kosovo and also presented a “comprehensive proposal for the Kosovo status settlement” which outlined the main principles relating to Kosovo’s independence and the structures that should be in place to supervise it (Letter from the UN SG to President of the SC, UN doc S/2008/168, 26 March 2007). Crucial to this plan was the role of the International Civilian Representative (ICR) functioning in a double-hatted capacity as EU Special

Representative (EUSR); their purpose was to supervise the implementation of the settlement agreement and also to hold “strong corrective powers” to assist them in that purpose, similar to the way the OHR operates in Bosnia. It was also envisaged that an ESDP/CSDP mission would be put in place to mentor, monitor and advice on all areas related to the rule of law in Kosovo and would be given limited executive authority in the fields of justice, police and borders.

These recommendations faced constant opposition from Serbia and Russia threatened to veto any UN SC attempt to endorse them. By way of response to this difficult situation, a US-EU-Russia diplomatic troika led by German Ambassador Wolfgang Ischinger was send by the UN SC in order to try to draw the parties into an agreement by the end of 2007. The troika failed to lead to the negotiation of a mutual agreement, however, which led towards the unilateral declaration of Kosovo independence by Pristina on 17 February 2008.

On 4 February, the EU Council had adopted the Joint Action establishing EULEX Kosovo and had appointed the senior Dutch diplomat Pieter Feith as EUSR in Kosovo (Council Joint Action 2008/124/CFSP). On the day following Kosovo’s declaration of independence, the Council stated that each EU Member State should decide on their relations with Kosovo in accordance with international law and also with their own national practices (External Relations Council meeting, Brussels, 18 February 2008). While consensus could be achieved within the Union to launch an ESDP/CSDP mission mandated to reform and support Kosovo’s rule of law institutions, there was divergence among Member States when it came to recognising Kosovo as an independent state.

The International Court of Justice then examined the Kosovo declaration of independence and on July 2010 reached the verdict that it did not violate international law. This conclusion was based on the grounds that the declaration had not been issued by the Assembly of Kosovo, the Provisional Institutions of Self-Government, or any other official body and thus the authors, who named themselves “representatives of the people of Kosovo” were not bound by the Constitutional Framework (promulgated by UNMIK) or by UNSCR 1244, which is addressed only to United Nations Member States and organs of the United Nations (International Court of Justice Ruling, 2010).

To date, almost 80 countries have recognized Kosovo, although five EU Member States, namely Cyprus, Greece, Romania, Slovakia and Spain, have not. Russia used its Security Council veto to block a new resolution that would have legitimised changes in the international community’s presence in Kosovo. As a result, SC Resolution 1244 remains in place until such time as a new resolution can be passed.

#### Mandate

The eventual adoption of EULEX’s mandate came in February 2008. The mandate is quite vast; it sets out that the central aim of EULEX is to assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent multi-ethnic justice system and multi-ethnic police and customs service. It is explicitly stated that the Mission in no way aims to govern or rule in Kosovo. The Mission’s key priorities include the addressing of immediate concerns relating to corruption, the fight against organised crime, fraud and financial crime and ensuring that all cases of serious crime cases, including war crimes, are investigated and

prosecuted in a proper manner (Council Joint Action 2008/124/CFSP on the EULEX Kosovo). EULEX is characterised primarily as a technical mission that functions by monitoring, mentoring and advising. Some limited executive powers are retained, however, particularly in the judicial field. These include carrying out sensitive investigations, conducting prosecution and running trials, as well as overruling where necessary the decisions of local authorities. This mandate is ambitious, and the success of the Mission in implementing it is dependent to a large extent on favourable political circumstances, which has in many instances not been what EULEX has encountered.

The final phase of negotiations concerning the status of Kosovo had been postponement for around a year, concluding in February 2008 with the unilateral declaration of independence of Pristina that turned many of the original planning assumptions on their heads. The declaration of independence stressed its “full accordance” with the Ahtisaari plan and the commitment to its implementation. Such a plan, however, had not been endorsed by the UNSC, the independence of Kosovo was firmly opposed by Serbia and Russia (among others), and the Serbian minority in Kosovo, who form around six percent of the population of two million, rejected the declaration of independence. Kosovo Serbs ceased to participate in public services and started to establish their own structures for self government. The region to the north of the Ibar River, where half of the Kosovo Serbs live, was a key area where this occurred. The new state of play had five main, closely interrelated implications for EULEX which at the same time created serious challenges for the Mission.

## Challenges



First, the expectations that EULEX would assume responsibility for security sector reform and institution building in the area of rule of law within the wider context of the implementation of the Ahtisaari plan was undermined. The comprehensive proposal indicated a transitional period of 120 days for the new Constitution and relevant legislation to be adopted by the Kosovo Assembly. While the new Constitution did come into force on 15 June with a range of legislation adopted alongside it, Kosovo Serb municipalities rejected these new laws and the comprehensive proposal itself became a matter of dispute at the international level. Second, it had been expected that EULEX would be able to deploy all across Kosovo, but at first this proved not to be possible. In the area North of the Ibar River, Kosovo Serbs attacked and destroyed two border points, gates 1 and 31 (these kind of attacks occurred a number of times, with the last such incident occurring in July 2011) and in March 2008 occupied the UN courthouse building in Northern Mitrovica, which made the exercise of jurisdiction in the North as well as customs collection temporarily impossible. This resulted in a dilemma for EULEX; whether to deploy only in some parts of Kosovo, running the risk of paving the way towards the eventual split of the country along ethnic divides, or instead to hold out for an improvement in the political situation and then deploy Kosovo-wide. The result was that EULEX entered a period of operational hibernation until December 2008, when initial operational capability was finally declared. The lengthy path that led to this turning point generated a considerable sense of ambiguity regarding the Mission. Despite the fact that during the years 2010 and 2011 law enforcement presence in the North increased considerably due to new Task Force Mitrovica (which is able to exercise certain degrees of executive power), the North remains an economic grey area with limited jurisdiction. Unless a robust agreement is reached between Pristina and Belgrade, it seems likely that the North of Kosovo will

remain a gateway for illegal activities such as smuggling of goods and trafficking of arms, humans and drugs.

Third, this political fragmentation led to considerable confusion regarding the applicable laws in police, judicial and customs activities, among other public services. Kosovo Serb authorities insisted on applying the so-called UNMIK law; that is, the legislation adopted under the rule of the SRSG between 1999 and 2007, or earlier Yugoslav codes and regulations. The new Kosovar authorities, on the other hand, implemented fresh legislation across a range number of fields which were intended to be applied country-wide (Grevi in Grevi 2009: 359).

One symbol that is representative of the divisions that exist in Kosovo, not only of ethnicity but also of property and legal disputes, is the industrial complex Trepca that was once among the most significant mining centres of the former Yugoslavia. During the war it was quite severely damaged and has since remained functionless. A solution to this issue, and to the revival of a healthy economy, would be its privatisation. However, neither the authorities in Pristina nor Northern Kosovo are willing to enable this to happen. The reason for this is as follows: the authorities of Northern Kosovo consider UNMIK to be the decisive institution which took over competences from KFOR, while Pristina claims that EULEX, or the Kosovo Property Claims Commission, should now be considered the principle authority. Both sides would like benefit from the potential profit that the mining complex offers, with Pristina being rightly concerned about the negative consequences that parallel structures may bring to financial resources.

Furthermore, the anticipated transition of authority, information, equipment, vehicles and buildings from UNMIK to EULEX failed to occur. The two missions were

uncomfortable in their side-by-side co-existence during the course of 2008, with UNMIK unable to scale down as fast as envisaged and EULEX unable to deploy according to the planned schedule, which led to inevitable frictions; it is said that these tensions persist to the present day.

Finally "...the political impasse squeezed the new position of the double-hatted ICR/EUSR and complicated its relations with EULEX. On 28 February, the EUSR Pieter Feith was appointed International Civilian Representative, heading the ICO by a group of 25 like-minded countries (the International Steering Group). The ICR was supposed to assist the Kosovo government with the implementation of Ahtisaari's comprehensive proposal. However, the legality and legitimacy of the ICO are questioned by Serbia and Russia and the UNSG still makes no reference to this office in his reports on the situation in Kosovo. As EUSR, on the other hand, Feith could continue to hold and develop contacts with the parties that do not recognize the ICR authority". (Grevi in Grevi 2009, p. 359)

At the current moment, Peter Feith remains only in ICR as an EUSR and a new interim EUSR, Fernando Gentilini, was nominated in May 2011.

In his June 2008 report on UNMIK, the UNSG recognised the need for a "recalibrated international presence" to confront the "new reality in Kosovo". Due to the stalemate in the UNSC regarding the question of Kosovo's status, however, he did not go further than acknowledging that the EU would perform an enhanced operational role in the field of rule of law under the framework of resolution 1244 (1999) and the overall authority of the UN (UN SC, Report of the SG on UNMIK, S/2008/354, 12 June 2008). The "reconfiguration" of UNMIK, which was in fact a scaling down, was initiated on 26 June 2008. It was not until the UNSG's UNMIK report in November

that he was able to confirm that the reconfiguration of the international presence in Kosovo, along with the consequent operational role of EULEX throughout Kosovo, had been accepted by all parties. Along with noting this acceptance, it was emphasised once again that EULEX would function in accordance with UN Security Council Resolution 1244 and would “operate under the overall authority and within the status neutral framework of the United Nations” (UN SG, Report on UNMIK, S/2008/692, 24 November 2008, Para 21-29 and 48-51) (Grevi in Grevi 2009: 359).

In summary, Resolution 1244 formally remained the legal framework of a mission originally envisaged to assist in the implementation of the comprehensive proposal that would succeed the Resolution itself. This was the somewhat paradoxical political situation that enabled the launch of EULEX, however, during the Mission’s mandate this paradox had detrimental effects on its effectiveness.

#### Unique mission

EULEX Kosovo may be considered as a unique mission that has indicated a significant shift forward in the level of ambition seen in civilian ESDP/CSDP, particularly because of its unprecedented scale. The work of the EU Planning Team that was launched to set up the Mission produced a realistic estimation of the mission strength required if EULEX was to fulfil its broad mandate. Three possible options concerning the scope and size of the Mission were outlined in September 2006 and, somewhat reluctantly, Member States came to endorse the most demanding one. It was concluded that, when at full strength, EULEX should comprise of 1,900 international and 1,100 local staff. As of September 2011, the Mission staff number at 1,590 international and 1,186 locals; at present the country making the largest contribution with 202 staff is Romania. EULEX is also unique in terms of the composition of the

Mission staff, as it is the first ESDP/CSDP civilian mission that has included US personnel among other contributions by third countries. American civilian police and judges have been placed under EU command for the purposes of the Mission. It should be noted that in many cases the contributions made by Third countries are larger than those made by EU Member States; for instance, Turkey and the US contribute 81 and 64 personnel respectively, while the Czech Republic by comparison contributes 30 at most (EEAS Information).

Second, as was emphasised above, EULEX has a very large and in many ways unprecedented mandate in the context of civilian ESDP/CSDP. For example, based on previous operational experience it had been thought that a clear-cut distinction between the fields of police and judicial affairs was untenable. However, EULEX is a fully integrated rule of law mission that spans the areas of civil and criminal justice, police and customs and as such may be considered and the first of its kind. Furthermore, EULEX is the first civilian mission mandated not only with the traditional tasks of monitoring, mentoring and advising but also with the power to perform limited executive tasks, as were detailed above. In addition to this, EULEX is the first ESDP/CSDP mission to include a customs component. This is a highly important element of the work done by EULEX, because approximately two thirds of Kosovo's revenue is related to the collection of customs duties (Grevi in Grevi 2009: 365).

Third, EULEX has centralised a wide range of important horizontal tasks at its headquarters in Pristina, which is a significant achievement considering the size of the Mission and the consequent management requirements in the field. These centralised tasks include the following areas: training and best practices, programming approach, procurement, personnel, counselling (which is not yet treated at the horizontal level in

the EU but for CSDP staff it is indispensable), human rights and gender policies, the anti-corruption unit and the bodies responsible for communication and outreach to civil society and NGOs. Fourth, EULEX may be considered unique on the basis of the thorough programmatic approach designed by the European Union Planning Team (EUPT) which was devised in accordance with the expressed aims and objectives of the Mission (EULEX Programme Strategy). Briefly summed up, the approach taken consisted of a detailed set of programme activities accompanied by performance indicators designed for the police, justice and customs sectors. Considering these indicators and working in cooperation with their relevant counterparts, EULEX officials undertake a process of assessing the performance of Kosovo's institutions over successive periods of six-months. The goal of this is to enable EULEX and Kosovo's institutions to adjust their activities in a flexible manner based on the conclusions of each six-month report. Utilising this approach, the first six months of the mission were dedicated to a major stocktaking exercise aiming to identify specific priorities for future action (Grevi in Grevi, 2009: 365).

Despite the array of challenges that were mentioned previously, the Mission has achieved a number of positive results. Within the police sector, as Kosovar authorities have improved, the Mission has chosen to restructure in such a way as to focus on operational, rather than functional, MMA. EULEX has increased its activities in the North by giving Task Force North executive powers in the areas of justice, customs and police. It is also launching a Task Force for the investigation of Senator Dick Marty's report on the trafficking of human organs. However, it has proven difficult to attain prosecution for crimes due to the lack of adequate witness protection; the Mission has a unit for this, but it is insufficiently staffed and unable to ensure that the

required level of protection is provided for all witnesses. If this problem is to be resolved, Member States must provide more police officers that could be trained by the Mission for witness protection or, alternatively, become involved in the witness protection programme through Europol and offer protection in their own territory. The EEAS has already begun a process of implementing deeper cooperation between areas of the EU's former second and third pillars, but due to certain legal complications this is proving difficult to achieve.

Incidents that occurred in July 2011, however, have proved that EULEX remains trapped in difficult circumstances. In contrast to KFOR, the Mission refused to become involved in the implementation of an embargo which Kosovars and Serbs imposed on commercial products. The EU responded to this matter with legal statement claiming that the embargo was an illegal act which violated the CEFTA rules. KFOR, on the other hand, held a different opinion and assisted Kosovo police and customs in moving towards the North of Kosovo. As a result several disturbances occurred, resulting in one casualty. The paradoxes and tensions facing EULEX can only be resolved if there are fundamental changes in the wider diplomatic picture, including a decision of principle in the Security Council on the question of Kosovo's independence and the international presence there. In the short to medium term, at least, the chances of this occurring appear to be slim. However, the EU has been facilitating dialog between Belgrade and Pristina which is a highly significant and successful step forward. It should be hoped, then, that recent negative incidents will not prevent these dialogs from progressing in a positive way.

The EU faces the challenge of finding a *modus vivendi* for EULEX that provides greater proactive options for the EU both in terms of the strategic political and

operational levels. When it comes to the strategic political level, the priority for the EU must be to widen its available options regarding the open questions of justice, customs and policing by aiming at swift conclusions of the talks with Belgrade. This would allow the EU to politically strengthen the technical approach of EULEX through clear political decisions on the open questions of the mandate, such as those concerning the applicable law. Although from Belgrade's perspective the talks may be seen as a way to revitalise status negotiations –possibly resulting in it to be resistant towards a pragmatic approach by EULEX – all parties involved recognise that the process of Kosovo becoming an independent state is now irreversible. As such, despite the EU's official position of neutrality in respect of Kosovo's status, in reality it is effectively impossible for the Mission to operate in status-neutral manner (setting aside the question of what the details of a status settlement between Pristina and Belgrade will actually be in international law). These realities being clearly accepted by states that do not recognise Kosovo's independence would give greater political weight to EULEX, because these states would in effect be acknowledging the role of the Mission in the process of building a constitutional justice, police and customs system. This may however require a certain amount of careful diplomatic balancing within the EU in order to avoid the matter of the finality of the EULEX's activities. (Asseburg 2009: 45).

On the practical operational level this would open up an opportunity for EULEX to apply political pressure on the national actors. Taking into account the difficulties that have occurred to date with regards to establishing rule of law, the EU must surely understand that there are usually political interests at the root of persistent "technical" difficulties. The Mission must be capable of applying political pressure swiftly when



required and be able to reach the highest political level, as well as not leaving measures for discipline or restructuring solely in the hands of the local institutions; this is in accordance with the cooperative MMA approach of the majority of the EULEX's activities. If local authorities fail to cooperate, or do so only superficially, the EU should also use its own hierarchy to put the Kosovars under pressure to justify or reform their actions with the threat of sanctions, such as the withdrawal of financial support, or public naming and shaming. In particular, the Quint group (Germany, France, Great Britain, Italy and the US) and the "Big 3" should play an active role in this process. EULEX is an excellent instrument for such an approach as it embodies the power projection of the leading countries in terms of its composition. Since the Mission's inception France has held the Head of Mission position (Yves de Kermabon, Xavier Bout de Marnhac), the United Kingdom occupies the post of Deputy HoM, Germany Head of Operations, Italy Head of Justice and the United Kingdom Head of Customs. This composition has been created by the implicit agreement which allows the leading "3" to influence EULEX's role and development.

Furthermore, EULEX and EU states should keep in mind the incentives offered by the EU (Stabilisation and Association Agreements, visa liberalisation) and the corresponding (Copenhagen) criteria, and not be overly reluctant when it comes to expressing open criticism of the Kosovo elites who fail to comply with their obligations in justice reform. It is also necessary to reduce the gap between the large structural deficits that exist within Kosovo's justice system and the comparatively minor capacity of EULEX to deal with these deficits using qualitatively and quantitatively enhanced intervention. The prospects of successfully establishing a

functioning policing system are good enough that EULEX can consider the possibility of reassigning resources in a medium term timeframe (Asseburg 2009: 45).

In terms of ESDP/CSDP, the EU can draw important lessons from its experiences with EULEX about the design, implementation and deployment of civilian missions. Dependency on actors outside its sphere of influence has turned out to be a crucial weakness in the structure of the EULEX mission, and great care should be taken to minimise this in future (Asseburg 2009: 45).

#### Assessment Criteria

Regarding the criteria of effectiveness, EULEX fulfils this particularly in the aspects of proximity and strategic interest. However, acceptance by local population could be improved. There is very clearly a difference between how EULEX is perceived by Kosovo Albanians and by Kosovo Serbs. Kosovo Albanians view the mission with mistrust and in his public speeches Premier Thaci rarely mentions EULEX and its activities. On the other hand, the Serbian population is appreciative of the EU's neutral role. However, recent incidents have demonstrated that Mission with its neutral status is not adequately able to respond to confrontations. It is thus crucial to move towards achieving agreements through political dialogue which will have a significantly positive impact on the successful delivery of the Mission.

#### **Eastern Neighbourhood**

This section deals with Eastern Neighbourhood, which is another priority region for the EU and of particular concern for the Central and Eastern European Member States. Successive enlargements have brought the EU closer to Eastern European countries, resulting in these countries' security, stability and prosperity becoming increasingly

important in terms of the impact they have on the Union. The potential these countries offer for diversifying the EU's energy supplies is one example.

To varying degrees, all of these Eastern European countries are carrying out political, social and economic reforms and have expressed their hope of becoming closer to the EU. The vulnerability that they can face was made apparent by the August 2008 conflict in Georgia, which also provided a clear example of how the EU's security begins outside of its borders.

The European Commission put forward concrete ideas for enhancing our relationship with the following countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova and the Ukraine within its scope of competence. The new association agreements that this implies are quite extensive, including comprehensive free trade agreements with those countries willing and able to engage deeply and move towards gradual integration into the EU economy. Easier travel within the EU would also be gained through gradual visa liberalisation, accompanied by measures to tackle illegal immigration.

These partnerships offer other positive effects, such as promotion of democracy and good governance, strengthening energy security, promoting security sector reform and environment protection, encouraging people to people contacts, supporting economic and social development as well as offering additional funds for projects aimed at reducing socio-economic imbalances and increasing stability (EEAS official website).

### **Georgia (EUMM Georgia)**

Relations between the EU and Georgia were initiated in 1992 shortly after Georgia regained its sovereignty following the break-up of the Soviet Union. EU-Georgia

relations they have developed further since the "Rose Revolution" of 2003 from which a new Georgian administration came to power, bringing a commitment to the pursuit of an ambitious programme of political and economic reforms.

EU-Georgia bilateral relations are regulated by the Partnership and Cooperation Agreement (PCA) which entered into force on 1 July 1999. On 14 November 2006, the EU-Georgia Cooperation Council endorsed the European Neighbourhood Policy (ENP) Action Plan, which covers a period of five years. The aim of the Action Plan is to fulfil the provisions of the PCA and to develop a closer relationship with Georgia, particularly focusing on building a significant degree of economic integration and deepening political co-operation (EEAS website).

Of all of the "new" neighbours of the EU, Georgia is one of those demonstrating the highest enthusiasm in developing closer ties to the Union. It has long made clear its interest in joining the EU and has, in comparison to other partners in the ENP made significant progress in undertaking political and economic reforms. However, within its own territory Georgia is involved in frozen conflicts.

Since Georgia gained its independence in 1991, the regions of Abkhazia and South Ossetia have become contested territory between Georgia, which is a former republic of the Soviet Union, and the Russian Federation. Armed Russian military personnel are continuously present in these regions, which were once considered the industrial heartland of the South Caucasus, and have been increasing in number. These tensions have had a serious impact on the political and economic stability of Georgia, which in turn has hindered the reform process. From the EU's perspective, the region has become of increased interest in recent times due to the successive energy "crisis" between Russia and Ukraine in 2007 and 2008, and the Western European

governments' recognition of the urgent need to diversify their energy supplies. Although Georgia is strategically important as a transit country for gas from Central Asia, the EU has previously been lacking a coherent policy towards Georgia and showed great reluctance to involving itself in any attempt to settle the frozen conflicts. In 2004, for example, the Russian Federation vetoed the extension of the mandate of the OSCE Border Monitoring Mission in Georgia. The EU subsequently received a request from the Georgian government to assume control of the mission. France, Spain, Italy, Greece and Germany cautioned against the EU involving itself in such a capacity and as a result the mission was discontinued.

In 2005, however, having recognised the need to develop a stronger partnership with the South Caucasus, the EU's heads of state and government decided to include Georgia, alongside Azerbaijan and Armenia, in its new ENP. While the provisions of the ENP were originally directed at political and economic reform in the EU's neighbourhood, the inclusion of the South Caucasus into the policy led to new security provisions being incorporated, including crisis management and conflict resolution (Bosse in Gross 2011, p. 133). This is an indication of the gradual movement towards coherent policy relating to all instruments that EU has at its disposal; such coherence is in accordance with the approach prescribed by the Lisbon Treaty.

The development of the European Security Strategy (ESS) was another significant factor in the shift that occurred, primarily in terms of rhetoric, within the ENP. The ESS identified "Building Security in our Neighbourhood" as one of three key challenges facing the Union's external relations over the coming decades (Council of the EU 2003d). The ESS document stated that violent conflict occurring around its borders was one of the major problems confronting Europe. Strategic priorities

emphasised by the ESS included extending economic and political cooperation and attempting to resolve the Arab/Israeli conflict, as well as highlighting continued engagement with the Mediterranean partners through building more effective cooperation in economic, security and cultural matters within the Barcelona Process. The conflicts in the South Caucasus were, however, not explicitly mentioned in the ESS (Bosse in Gross 2011: 133)

Nevertheless, the EU has made encouraging, if somewhat general, progress towards civilian crisis management in Georgia. In July 2003, the Council appointed the Finnish diplomat H. Talvitie as the first EUSR for the South Caucasus. The EU Rule of Law mission (EUJUST THEMIS) was launched one year later, in July 2004. The mission's main aims were the reforming of the criminal justice sector and legislative reform in Georgia. The team that was formed to implement these objectives consisted of thirteen experts contributed by various EU Member States (although not the Czech Republic) and also from Georgia (Bosse in Gross 2011:135).

In August 2008, the frozen conflict in South Ossetia developed into a large-scale open conflict with the Russian Federation. This event has been identified by many commentators as a pivotal point for the EU's strategy, with some claiming that the Russo-Georgian War shook the "foundations of the post-Cold War security order" and "constituted an impetus for more soul-searching among the main European security actors" (Popescu 2009:1 in Bosse in Gross 2011: 131). Others were more negative in their appraisal of the EU in relation to the conflict, however, claiming that: "for years, the EU has neglected the region and there is no overarching strategy for it. It only paid attention after the war had broken out, prompting French President Sarkozy, on behalf

of the EU presidency, to embark on a frantic shuttle mission”. (Vogel 2009:2, in Bosse in Gross 2011: 132).

Over the course of five days the violence spread swiftly throughout other areas of Georgia. A report produced by the EU’s Fact Finding Mission on the Conflict in Georgia claims that around 850 people lost their lives in the conflict, including over 200 civilians, and a further 1747 people were wounded. 100,000 civilians fled their homes, of which 35,000 remain unable to return (IIFFMCG 2011).

At first, the response to the outbreak of the Russo-Georgian War by the EU27 was divided and varied; at the centre of disagreements in this matter were questions about relations with the Russian Federation. On the one end of the spectrum, the British government argued that it was necessary for the EU to impose heavy sanctions on Russia, including temporary exclusion from the G8. Prime Minister Gordon Brown stated that “the EU should review – root and branch – our relationship with Russia (Brown, quoted in *The Guardian* 2008). Similar views were expressed by the governments of the new EU member states in Central and Eastern Europe, as well as the Baltic states. At the other end of the scale, the French, German and Italian governments were resistant to the idea of the EU27 implementing any strong sanctions which, they argued, would be likely to provoke the Russian government and result in further escalation of the conflict. The HR Javier Solana, the French EU presidency and the Commission each issued separate statements in response to the escalation of the conflict in South Ossetia on 7 and 8 August, respectively.

“These first reactions demonstrated that the ENP did not immediately offer a new platform for coherent conflict management. Instead, the lack of a unified EU response

to the escalation of the conflict in South Ossetia disclosed the incongruence between the positions of the member states". (Bosse in Gross 2011, p. 135)

Using the capacity of its EU Presidency, the French government proceeded to cover up these inconsistencies before responding to the crisis. Bernard Kouchner, the French Minister for Foreign and European Affairs, was the first to be sent to Tbilisi and Moscow, accompanied Finish Minister for Foreign Affairs and Chairman-in-Office of the OSCE. A Six Point cease-fire Agreement was arranged under the leadership of the French President Nicolas Sarkozy, which was signed on 12 August 2008 (Six Point Agreement and Implementing Measures 2008).

The decision of the Russian government to recognise the independence of South Ossetia and Abkhazia, which occurred at the end of August 2008, had serious ramifications for the possibility of reaching a settlement of the conflict. On 29 August the Georgian government formally denounced both the Sochi Agreement and the Moscow Agreement stemming from conflicts in 1992, resulting in diplomatic ties between Georgia and Russia remaining severed to the present day. Since this took place, Nicaragua, Venezuela and Nauru have followed the Russian Federation in recognising the independence of South Ossetia and Abkhazia.

It is interesting to note the parallels that exist between the case of Kosovo and the de facto territories of Abkhazia and South Ossetia. Regarding the former, the Western countries headed by the US recognised Kosovo's independence soon after its declaration in February 2008, which radically changed the environment for the CSDP Mission. With regards to the latter case, it was Russia that recognised the two territories and thus produced significant alterations to the political environment; this may be viewed as a parallel between the two cases. However, occupation by the



Russian Federation should not be considered as the equivalent of the International Community's "supervised independence" which was conducted on the basis of the UNSC resolution.

Russian military bases have now been established within both South Ossetia, in the capital of Tskhinvali, and Abkhazia, in the ports of Gudauta and Ochamchire. Following the agreement on military cooperation which was signed on 15 September 2009 with both Abkhazia and South Ossetia, Russia was allowed to establish and maintain military bases for 49 and 99 years respectively. At present, there are thought to be approximately 5000 troops in Abkhazia and around 4000 in South Ossetia, including border and coastal guards, although the precise numbers are difficult to assess with certainty (ICG Update Briefing on Georgia-Russia 2011).

President Sarkozy, still acting through the EU Presidency, then entered into a new round of negotiations with Moscow. On 8 September 2008, an agreement was reached on the "Sarkozy-Medvedev Plan", which set out that Russian troops would be withdrawn to the positions that they were located in prior to the outbreak of hostilities (Implementation measures, 9 September 2008).

On 15 September, the General Affairs and External Relations Council decided to launch a ESDP/CSDP civilian crisis management mission consisting of 200 observers, aiming to deploy to the conflict region by 1 October 2008. The Council also endorsed a Commission proposal to mobilise over 500 million euros in financial aid for Georgia between 2005-2010, as well as building the EU's relations with Georgia by "expediting the preparatory work on the facilitation of visas and on readmission, as well as on free trade" (GAERC 2008 in Bosse in Gross 2011: 138). Within the space of just a few days, the required personnel were gathered and arrangements were made

with Member States for the loaning of vehicles and equipment necessary for the mission. A headquarters/contact centre was also set up in Tbilisi. The mission succeeded in launching on 1 October as scheduled, leading Solana to comment that “this has been the fastest deployment that the EU has ever undertaken. States made a tremendous effort ... in this short period of time. The EU has shown its capacity to act with determination and speed (Solana 2008:1-2). The unprecedented speed of the deployment of the EU Monitoring Mission has brought the EU much praise and led some commentators to suggest that “EUMM could become quite a milestone in the development of Europe’s crisis management” (Korski 2008:1 in Bosse in Gross 2011: 135). Georgia, and the Eastern neighbourhood in general, have in this regard proved to be an opportunity for the EU to demonstrate its capabilities and strengths. The leading countries have used this opportunity, as they again projected their power into the composition of the EUMM. Until recently, Germany occupied the Head of Mission position, France Deputy holds HoM and the United Kingdom is the Head of Operations. Such a constellation provided the “Big 3” adequate amounts of power and information in decision-making.

Despite achieving some success early on, the EU’s engagement with Georgia quickly became entangled in vertical and institutional inconsistencies once again. In its conclusions, the European Council in Brussels in mid-October 2008 tasked the Commission and the Council to “continue an in-depth evaluation of EU-Russia relations” (European Council 2008:9). The Member States which had been in favour of “engagement” with Russia subsequently began to try pressuring the EU into resuming negotiations over the Partnership and Cooperation Agreement, which the conflict had interrupted. At the EU-Russia summit which followed in Nice in

November 2009, the EU made no references to the Russian intervention in Georgia; the only criticism came from Lithuania's Deputy Minister of Foreign Affairs, who sought to warn the Member States that "we are questioning the timing and we are questioning this U-turn of our (the EU's) positions ... is it right signal to send to Kiev, to Moldova, to Belarus, even to the Baltic States today, that by military force you can change borders?" (Pavilionis 2008, quoted in Mikhelidze 2009:17 in Bosse in Gross 2011: 140).

On the ground too, the EU mission had to face serious challenges. Since the deployment of the Mission EU monitors were no longer allowed to enter Abkhazia or South Ossetia, following the Russian government's recognition of their independence, despite access to both regions being a crucial part of the mission's mandate. Furthermore, the Russian government was somewhat liberal in its interpretation of the terms set out in the Six Point Agreement, failing to provide information relating to the withdrawal of their troops to the EU mission; in fact, point 5 of the Agreement, which specified withdrawal to the position held before the outbreak of hostilities, was not complied with (Bosse in Gross 2011: 140). This serious non-compliance, along with the denial of access to Abkhazia or South Ossetia, continues to have a hindering effect on the implementation of EUMM's mandate. Several times the EU has restated its policy of non-recognition and engagement towards the regions, however, no significant progress has been achieved on this.

Regarding the humanitarian situation, more than 158,000 people were registered as Internally Displaced Persons (IDP), about 128,000 within Georgia and some 30,000 who fled to the Russian Federation. As of March 2010, the World Food Programme has indicated that most of the IDPs living in Communal Centres continue to be food

insecure due to the unavailability of employment, inability to resume livelihoods and the fact that productive assets have not been restored; only 8% of these IDPs have a fixed income. While 65% of the IDPs in settlements now have productive kitchen gardens and 14% have access to farm land, around 94% of are still considered food insecure (UNHCR – Georgia Country Profile 2011). The EU has provided 6 million Euros in humanitarian aid for people affected by the conflict. An international donor's conference for assisting Georgia's economic recovery was held in Brussels on 22 October 2008.

#### EUMM's mandate and challenges

Following Russian's veto in OSCE and UN, the EUMM since June 2009 is the only international monitoring mission on the ground. As outlined in the Joint Action, the objectives of the mission are firstly “to contribute to long-term stability throughout Georgia and the surrounding region”, and secondly “in the short term, to the stabilization of the situation with a reduced risk of a resumption of hostilities, in full compliance with the Six Point Agreement and the subsequent implementation measures”. In order to achieve these aims, the Joint Action focuses the EUMM's activities on four main tasks:

- Stabilisation – The mission monitors, analyses and reports on the situation pertaining to the stabilization process, centred on full compliance with the Six Point Agreement and on the freedom of movement and actions by spoilers, as well as on violation of human rights and international humanitarian law.
- Normalisation – The mission monitors, analyses and reports on the situation pertaining to the normalisation process of civil governance focusing on rule of

law, effective law enforcement structures and adequate public order, including Freedom of movement across the Administrative Boundary Lines. The mission also monitors the security of transport links, energy infrastructures and utilities, as well as the political and security aspects of the return of IDPs and refugees.

- Confidence building – The mission contributes to reduction of tensions through liaison, facilitation of contacts between parties and other confidence building measures.
- Information – mission also contributes to informing European policy and contributes to EU future engagement. (Factsheet, EEAS April 2011).

Alongside the monitoring activities connected to security development, the mission also encompasses “soft” areas such as monitoring and reporting on the normalisation of civil governance with a focus on the rule of law, human rights and the humanitarian situation of the local population. Examples of this can be seen in the close contacts that monitors have established with local administrations, schools and universities in order to create a network through which to distribute information about the mission and its activities. They are divided into three teams focusing on the following aspects:

- confidence building in the areas adjacent to the Abkhazian and South Ossetian Administrative Boundary Lines;
- compliance with the Memoranda of Understanding signed between the Mission and the Georgian Ministries of Defence and Internal Affairs;
- Human Rights and Humanitarian Issues. Direct interaction with Georgian government has been established by the mission, with the aim of achieving

normalisation and stabilisation in the conflict zones. The EUMM is guaranteed a constant flow of up-to-date information on developments and occurrences in the conflict zones due to an agreement on the exchange of liaison officers, as well as direct contact with the Ministry of the Interior.

The Memorandum of Understanding signed between EUMM and the Georgian Ministry of Internal Affairs in October 2008 introduced a degree of transparency on the equipment used and the activities performed by the Georgian police forces in the adjacent areas, as well as imposing certain restrictions on them. The EUMM and the Georgian Ministry of Defence signed the Memorandum of Understanding (MOU) in January 2009 and it was amended in July 2010, limiting the Georgian Armed Forces' positioning of troops and heavy equipment in the areas adjacent to the Administrative Boundary Lines. In keeping with the Six-Point Agreement, the Georgian government has demonstrated commitment to the principle of non-use of force through this unilateral engagement.

Similar measures being introduced by the Russian Federation in response would surely lead to further enhancement of security (Factsheet on EUMM, EEAS, 2011). The MOU also anticipated a cooperation mechanism being formed between law enforcement agencies on either side of the administrative boundaries; this was a notion that came to fruition later on in the Geneva talks, eventually leading to the agreement on the Incident Prevention and Response Mechanisms for both regions (IPRM).

These mechanisms are designed to facilitate regular meetings between the parties of the conflict regions and also those international actors involved where discussion can be had over the security situation in the conflict zones. So far the IPRM for Abkhazia

has succeeded in meeting regularly, whereas the South Ossetian IPRM has experienced numerous suspensions of potential meetings (Bosse in Gross 2011: 140).

Despite having made such significant progress, the full implementation of EUMM's mandate has been held back by a number of factors. The denial of access to Abkhazia and South Ossetia continues to be highly problematic and has limited the EUMM's ability to report directly on developments within those key regions.

Furthermore, Russia has continually failed to comply in full with point 5 of the Six Point Agreement; in fact it has acted contrary to it by increasing its military presence in Abkhazia and South Ossetia and establishing new military bases in both regions. In addition, on 30 April 2009 a treaty was signed in Moscow between Russia and the de facto territories, providing for Russian border troops to be stationed along the administrative borders to Georgia (or the "rest of Georgia"). Russia has thus done everything in its ability to entrench and legalise the division of Georgia and the definitive separation of the two regions from Tbilisi (Halbach in Asseburg 2009: 115).

The situation is now blocked and frozen, leading some commentators, including the EU Civilian Operations Commander, who was formally the Head of Mission, to suggest that the EUMM itself may have in some respects contributed to this "frozenness". There needs to be a move forward from both sides, otherwise the objectives of the mission cannot be further pursued.

The enthusiasm of Member States to contribute to the EUMM has decreased steeply since the time of its inception, with some questioning whether the mission should continue at all due to possible "burn out syndrome". Some countries such as Italy, Greece and even France, which was the driving force at its inception (the EUMM has

frequently been referred to as “Sarkozy’s baby”), have initiated withdrawal from the mission. The mission’s area of responsibility is limited to the Tbilisi Administered Territory and it is not allowed to go to the de facto territories, which severely restricts its actions and effectiveness. However, Central and Eastern European countries that have experienced Russian or Soviet occupation are supportive of the mission even in its current form, calling for the continuation of the “knocking on the door policy” towards Abkhazia, South Ossetia and Russia.

#### Criteria assessment

Georgia and South Caucasus in general should remain one of the key priorities for the EU, not only due to its proximity and its resources, but also because the population sees the EU as the model for its future. Moreover, when it has come to crisis situations in this region, the EU has shown a surprising unity of action and determination. The record speed of implementation in the case of Georgia proved the Union’s capability to react quickly in a situation of serious crisis, provided that sufficient political will and strong leadership exist. Through the creation of the EUMM, the EUSR for the crisis in Georgia and South Caucasus and the Geneva talks, the EU has considerably increased its profile in conflict resolution in Georgia. The mission has quickly delivered on its first and most prominent task, the stabilisation of the situation after the war. As such, it represents a success for the CSDP.

The following chapter will focus on the Middle East and Southern Neighbourhood which have been recently put on the top of the EU agenda due to the recent Arab Spring uprisings.



## **Middle East and Southern Neighbourhood**

Throughout 2010, substantial progress on the Arab-Israeli conflict remained elusive. Indirect and subsequently direct negotiations between Israelis and Palestinians were brokered by the US. However, these discussions came to a halt at the end of September due to the expiry of the Israeli settlement moratorium. After repeated efforts by EU representatives to convince the parties to re-launch the negotiations, the EU expressed regret at the non-extension of the moratorium and reiterated the December 2009 Conclusions on MEPP in December 2010, stressing the importance of intensified coordination within the Quartet.<sup>10</sup> The EU's objective is a two-state solution with an independent, democratic, viable Palestinian state living alongside Israel and its other neighbours. The EU wants to see progress, not just process. To this end, the EU is undertaking a range of activities – both political and practical – and is the largest donor to Palestinian state-building efforts (CFSP Report, EEAS 2011).

Palestine is a key test of the EU's credibility as a supporter of a democratic reform. However, the EU has refused to recognise the victory of Hamas in the 2006 Palestinian elections in spite of the fact that were indisputably declared as "free and fair" by EU observers. This has eroded the Union's credibility and contributed to the notion that it would rather back authoritarian regimes than face the risk that free elections might return Islamist parties as those favoured by the people. As M. Pace stated, "only a truly political reform agenda in the Middle East can prevent the further democratisation of the region" (Vasconcelos in Bulut, 2010:2).

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<sup>10</sup> The Quartet on the Middle East is a foursome of nations and international and supranational entities involved in mediation the Middle East Peace Process. The Quartet comprises of the US, the UN, the EU and Russia and it was established in 2002.

In June 2010 the Foreign Affairs Council called for an urgent and fundamental change of policy and repeated an earlier call for the immediate, sustained and unconditional opening of crossings so as to allow a flow of humanitarian aid, commercial goods and persons. The solution must, at the same time, address Israel's legitimate security concerns over violence and arms smuggling. Despite some progress following the Israeli government's decisions to ease the closure, the EU maintained that further measures remained necessary for the economic recovery of Gaza. A comprehensive package was proposed for Gaza focusing on the upgrading of the Kerem Shalom crossing point and provision of equipment and training to PA border authorities (EEAS website). However, some parts of this package, such as training, could not be implemented as the respective parties were not in favour of it.

The ESS had already stated that resolution of the Arab/Israeli conflict is a strategic priority for Europe. This makes it clear that the Middle East is a priority region of interest for the EU Member States. Until the resolution of conflict is achieved, there will be little chance of solving other problems in the Middle East. The resolution of the Middle East Peace Process has therefore become even more urgent than ever before.

As well as the Middle East Peace Process, another priority for the EU is the security of the Southern neighbourhood, where recent events have proven to be very turbulent. Change has come to Tunisia, Egypt and other countries in the region with a speed and scope that few predicted. While tragic violence continues in countries like Libya and Syria, on the whole the "Arab Spring" has opened up the potential for people to live better and more dignified lives, with greater respect for human rights, pluralism, rule of law and social justice, along with greater prosperity. This is an opportunity for

Europe to assist in building a democratic, more stable and free neighbourhood (CFSP Report 2010, EEAS).

The following section will focus on the two CSDP missions that aim at achieving the establishment of effective police and justice sectors in the Palestinian territories. Due to varying political circumstances these missions have attained different results.

### **Palestinian Territories (EUBAM Rafah and EUPOL COPPS)**

#### Background

Since the 1993 Oslo Agreement the EU has provided considerable technical and financial assistance to support the Middle East peace process and the practical implementation of a two-state solution. From the beginning of this process, the establishment of Palestinian governance structures has been a priority for Europe. In recent years the EU has increasingly turned its attention to the Palestinian security sector, pursuing a twin-track approach. This has involved, firstly, rebuilding institutions and capacities that were largely destroyed in the course of the Second Intifada (2000-2003), and secondly, building up the effectiveness of the security organs by reforming the unclear and fragmented structures left over from the Arafat era, which lacked transparent hierarchies, clear competencies and political oversight. The Europeans – acting in close cooperation with US colleagues who were responsible for training and equipping security forces to make them more robust – were particularly focused on enabling the Palestinian Authority (PA) to meet the obligations it has in accordance with the 2003 “Road Map” to effectively restore order and combat terrorism, and this remains an area of concern to the present day (Asseburg in Asseburg 2009: 84). The second intifada interrupted this process, bringing substantial damage to the newly developing security sector infrastructure during Israeli-

Palestinian and intra-Palestinian violence, and Israel's tightening of its control over the Palestinian Territories and reoccupation of Palestinian cities. The short and longer term benchmarks that the Road Map set out included the requirement that the Palestinian security services be restructured and made effective, thus making the Palestinian security sector a central focus of international attention and assistance to the PA.

In this context the EU decided to deploy an ESDP/CSDP mission in 2006, the EU Police Mission for the Palestinian Territories (EUPOL COPPS), to support the civil police with training measure, advice and equipment. Previous efforts led by the UK to identify areas in which Palestinian civil policing should be supported, along with the EU Coordinating Office for Palestinian Police Support (EU COPPS) which had been established in 2005, provided a foundation upon which the deployment of the mission could initially be built. Based within the office of the EUSR Marc Otte, and located in the PA Ministry of Interior and in the Civil Police Headquarters in Gaza through a satellite office, EU COPPS worked closely with the PA in the development of the Palestinian Civil Police Development Programme 2005-2008 (PCPDP). The aim of the PCPDP was to produce a "transparent and accountable police organization with a clearly identified role, operating within a sound legal framework, capable of delivering an effective and robust policing service, responsive to the needs of the society and able to manage effectively its human and physical resources" (EU COPPS and Palestinian Civil Police Development Programme 2005-8 Factsheet, undated). Work relating to the rule of law builds on projects developed and substantially supported by the European Commission (Bulut in Grevi 2009: 289).

After the Israeli withdrawal from the Gaza Strip in August/September 2005, the EU gave its support to the implementation of the Israeli-Palestinian Agreement on Movement and Access which followed on 15 November. By doing this, the EU sought to help preserve access to Gaza as well as territorial continuity between Gaza and the West Bank, thus contributing to the use of Israel's unilateral withdrawal as a way of moving towards restarting the peace process (Agreement on Movement and Access 2011). Under the agreement the EU took on a third party responsibility to ensure that the border crossing was managed in accordance with Agreed Principles for the Rafah Crossing set out in the annex to the agreement, and to this end set up the European Union Border Assistance Mission for the Rafah Crossing Point (EUBAM Rafah). The EU monitors were put in place very quickly, with full operational capacity on the ground accomplished in less than ten days following the EU's decision to take on its third party role. Although at first regular opening of the border was ensured successfully, operation of the crossing became much more limited due to the June 2006 kidnapping of Israeli soldier Gilad Shalit. An almost complete blockade followed Hamas' seizure of power in Gaza in June 2007, with the only exceptions being made for a minimal amount of humanitarian aid. The ESDP/CSDP operations have in practice been suspended since this situation occurred (Asseburg in Asseburg 2009: 84).

In contrast, EUPOL COPPS was only able to get to work properly in mid June 2007 – and then only in the West Bank – because the EU refused to work with a Hamas-led interior ministry. However, security in the cities of the West Bank has seen steady, significant improvement due to the cooperative efforts of Europe and the US with Salam Fayyad's transitional government (Asseburg in Asseburg 2009: 84). On 27

April 2011, Fatah's Azzam al-Alhmad announced the party's signing of a memorandum of understanding with Hamas' leadership, a major step towards reconciliation effectively paving the way for a unity government. After its official announcement in Cairo, the coordination of the deal was mutated by the new Egyptian intelligence director, Murad Muwafi. The deal came of an international campaign for statehood advanced by the Abbas administration, which is expected to culminate in a request for admission into the General Assembly as a member state in September 2011. Part of the deal involves both factions agreeing to elections being held in the two territories within a period of 12 months from the creation of a transitional government. Israeli Prime Minister Netanyahu responded to the deal's formal announcement by warning that the Palestinian Authority must decide whether it wants peace with Israel or peace with Hamas; as a consequence the Quartet is trying to re-launch the peace talks between Israel and PA, with the aim of convincing the PA to postpone its campaign for statehood.

Both EUPOL COPPS and EUBAM Rafah are highly noteworthy, albeit cautionary, undertakings that considerably raised the EU's profile in relation to the sensitive policing, rule of law and border dimensions of the conflict. The security domain is dominated by the continuing power struggle between Israel, the PA and Palestinian faction, while at the same time being shaped by a number of other international actors, in particular the US. European polices are guided by the long-term objective of achieving an independent, democratic and viable Palestinian state living in peace and security alongside Israel; however, Europe's more immediate conflict management and counter-terrorism objectives can sometimes appear contradictory (Bulut in Grevi 2009: 289).

## The Mandates

The EUPOL COPPS works with the Palestinian Authority towards building the policing and criminal justice institutions of the future State of Palestine. The assistance that the EU provides is aimed at improving safety and security for the population of Palestine as well as contributing to PA's domestic agenda of reinforcing the rule of law. EUPOL COPPS promotes civilian police primacy, meaning that the civilian police should be the organisation that is ultimately charge of policing and that civilian control for security forces should be guaranteed. The primary objective is to ensure that the Palestinian Civil Police (PCP) are built into a competent security force of the future Palestinian State, based on the principles of democratic policing, neutrality and community-service (Factsheet on EUPOL COPPS, EEAS 2011).

EUPOL COPPS also supports the development of a sustainable criminal justice sector which is in full compliance with international standards of human rights. The mission aims to assist the Palestinian Authority with the development and consolidation of the criminal justice system, to develop professional capacity within the judicial institutions, enact modern legislation and facilitate other activities to increase the standard of their performance. The Mission finalised its internal restructuring in the last semester of 2010; this was designed to correspond with and compliment the programmatic approach that the Palestinian National Police (PNA) had begun to utilise in accordance with the Security Sector Strategy and Justice Sector Strategy. The efficiency of cooperation was enhanced though the co-location of six mission experts with partners in the Palestinian Civil Police, Ministry of Justice, Ministry of Interior and General Attorney, an approach that was considered as highly successful by the local authorities (Factsheet on EUPOL COPPS).

The Mission has focused its efforts on providing assistance and advice at the strategic level order to strengthen its impact. As it moves forward, successfully implementing the reform projects that the PNA has produced will be a key challenge; the political environment within which the Mission takes places remains extremely complex, involving numerous different donor countries, as well as even some overlaps between EU Member States bilateral projects and EUPOL COPPS. The EU should aim to ensure that the use of different tools at EU and Member State levels is done in a highly coherent way, as failing to do so impacts negatively on its credibility. Both new and already existing EU programmes administered by the EU Representation Office in the security sector area must rely on specific expertise available within EUPOL COPPS, thereby ensuring a united approach to PNA, based on the principle of local ownership (Assessment by EEAS 2011, private archive).

### Challenges

Despite many considerable improvements, a major shortcoming with the involvement in the security sector is that it remains far away from leading to Palestinian ownership. Workshops with security force members found that they largely welcomed the measures in the security sector, but complained that both the legal framework for their work and the strategic direction of the reforms were still not clarified. Another issue was that they felt exposed to considerable mistrust from the public. This is largely due to the legitimacy of their efforts being undermined by the common view among the Palestinian population that Palestinian security forces' first priority was serving Israeli security interests. This perception is compounded by the lack of progress in the peace process, because without a political process heading towards independence, the strengthening of the security forces is not perceived as a state-building exercise.



Continuing Israeli army operations in the West Bank, sometimes jointly or concurrently with PA security operations, also reinforce such negative impressions, and sustainable institution building is unrealisable under such circumstances. In a situation where two illegitimate governments face off, parliament is defunct and the security forces are perceived to be taking sides in the power struggle – especially where they are conducting politically motivated mass arrest of supporters of the respective oppositions – it is simply impossible to build security apparatus that meets international standards and is under democratic control, nonpartisan, citizen-oriented and unified. It seems that ultimately, Europeans have associated themselves with a policy line that places a higher priority on supporting the compliant President Mahmud Abbas and the Fayyad government rather than supporting institutions that are accountable and democratically controlled (Asseburg in Asseburg 2009:95).

The EUBAM Rafah monitors were quickly deployed and initially able to ensure regular opening of the border. In this early stage the mission was generally successful in meeting its objectives, although a number of basic problems with cooperation persisted. The Agreement on Movement and Access did not enter into full force in all of its protocols; the protocol on passage of persons was put into action, but those concerning the passage of goods and security were never signed. As a consequence there were ultimately no clear guidelines for dealing with suspicious objects and persons and EUBAM staff had to make do with ad hoc arrangements. The EUBAM's training measures proved effective in speeding up Palestinian controls, soon leading to the opening hours of the crossing being extended. Cooperation as a whole initially proceeded smoothly and without any major incidents, as all parties involved stood to benefit from the successful implementation of the arrangements. According to the EU,

280,000 people used the crossing between 25 November 2005 and 25 June 2006 (Asseburg in Asseburg 2009:95).

After around six months of the EUBAM's operation, the circumstances and the partners' willingness to cooperate began to change decisively. It was initially possible to keep the crossing open following the Hamas-led government coming to office in March 2006, as Hamas and Fatah agreed that the Fatah-controlled Presidential Guard could continue to man the border post. This situation meant that none of the international actors had to have any dealings with Hamas security forces. However, after Israeli soldier Gilad Shalit was kidnapped by Hamas militia on 25 June 2006, Israel responded by ordering that the border be shut down. This was followed by military operations to free Gilad Shalit and destroy Hamas infrastructure; an almost total blockade was imposed on Gaza, with the Rafah crossing being opened only for exceptional reasons. Subsequent attempts by the EU to have regular opening times restored found limited success, only leading to the crossing being briefly opened on occasions for humanitarian and religious purposes. In the year following the kidnapping (until 13 June 2007), the Rafah crossing was opened on only 83 days, with around 165,000 Palestinians being able to enter or leave. Therefore, in the eighteen months of the EUBAM deployment in Rafah, nearly half a million people passed through the border crossing (Factsheet for EUBAM Rafah, updated in March 2009).

Certain preconditions set out for the re-opening of the crossing have not been fulfilled. First, Hamas and Israel have been unable to succeed in negotiating an exchange of prisoners in order to free Gilad Shalit, which was Israel's key precondition for lifting the total blockade. Second, talks mediated by Egypt failed to lead to an agreement between Fatah and Hamas on a new arrangement that would allow the Presidential

Guard to return to the Rafah crossing. Despite the recent reconciliation, Hamas is still in full possession of power in Gaza. Despite Egypt's decision to reopen the crossing following this reconciliation, at present the EU is not in a position to reactivate the Mission; as the EU is only a third party in AMA, the consent of the two main parties of the agreement is essential in this matter. Considering that the Mission has been in a "dormant" state for four years, it seems that if the EU is unable to reactivate it in the relatively favourable current conditions then there may be little reason for it to continue. Furthermore, although the Mission is now technically extended until the end of 2011, the Israeli government would prefer it to be closed. With regards to the future, some Member States, France in particular, have suggested either merging the two Missions in the Palestinian Territory or else creating a new EU SSR Palestine designed to encompass all of Palestine as a future sovereign state. This suggestion, however, is not favoured by Israel.

On May 28 2011 the Rafah border was open for Palestinians to cross into Egypt. For the first time since the blockade was put in place in June 2007, Palestinians were given unrestricted freedom to move out of the Gaza Strip. Most travel restrictions were dropped, although men between the ages of 18 to 40 entering Egypt are required to apply for visas, while others are obliged to obtain travel permits. Shortly after the 2011 Egyptian revolution, Egypt's foreign minister Nabil el-Araby initiated talks with Hamas in the hope of improving relations with them and relaxing the travel restrictions that existed between the two. This has seen limited success, because even though passenger restrictions were loosened, the shipment of goods into Gaza remains blocked. Furthermore, Israel has expressed concerns about the opening of the border, claiming that weapons will be smuggled through. If these current conditions do not

allow re-activating EUBAM Rafah it is high time for the EU to close it. Wasting of resources cannot last forever and due to economic crisis that has spread throughout Europe maintenance of a dormant mission is unacceptable.

For a long time, however, Member States did not share a common vision. France, Italy and Greece were and still are strong supporters of the mission's maintenance. France still holds its Head of Mission role and together with Italy, the Netherlands and Greece reiterate the view that EUBAM has the capacity to reactivate. On the other hand the United Kingdom, supported by the Czech Republic, argued in favour of closing the mission as reactivation does not seem to be imminent in the medium or long term. Germany stood in the middle and argued that any withdrawal in the current political situation would send a negative signal. Following the initial debate, France brought a proposal of a merger of the two missions which seemed to be a reasonable solution for everybody. However, due to quite turbulent developments in the region, such a proposal does not have an approval by the parties – the Israelis and the Palestinians.

The two CSDP missions to the Palestinian territories have so far produced very different outcomes. Whereas EUBAM Rafah has been in a state of suspension since mid 2007 and can effectively be said to have failed due to political conditions, EUPOL COPPS has succeeded in making a significant contribution to rebuilding the Palestinian civil police and improving the security situation in the West Bank. Through co-location, training, advice, and infrastructure and equipment aid, EUPOL COPPS has certainly contributed to strengthening the capacity of the PA in policing and fighting crime, in addition to working in close cooperation with other international actors such as Canada, US and the UN. Deeper cooperation is needed, however, in order to avoid overlaps in the area of the justice sector. What has become clear is that

the missions cannot achieve the level of lasting impact that they aim for unless they are accompanied by measures in place to overcome geographical and political divisions in the Palestinian Territories, restart the peace process and facilitate movement towards Palestinian independence. European conflict management measures need to be backed up much more strongly by conflict settlement activities.

#### Assessment criteria

The Middle East should certainly be seen as a priority area as it clearly fulfils the criteria of proximity and a strategic interest. However, due to political reasons, acceptance of local population is ambiguous. Israel still relies more strongly on US than EU support, while it is a common view of Arab countries that the “West” in general is an intruder. On the other hand, it should be noted that the EU is the largest donor to the Palestinian territories.

#### **Iraq (EUJUST LEX Iraq)**

EUJUST LEX is a civilian CSDP mission that is deployed in Iraq. Given Iraq’s significant geopolitical position and proximity to the EU, it is and should remain an important partner. Iraq holds enormous potential for the future, which if managed well, stands to make it one of the most influential players in the Middle East and Gulf region. The EU therefore needs to ensure that its interests are carefully and clearly defined, to build upon the existing momentum in its relationship with Iraq and to develop the new partnership in several areas. Three key reasons behind Iraq’s importance are: 1) Democracy – even with one of the region’s most religious and ethnically complex societies, Iraq has the potential to become the biggest pluralistic democracy in the Arab world; 2) Energy resources – Iraq has the world’s third largest oil reserves and is rich in gas, as well as being a potential supplier to the Nabucco

pipeline; 3) Regional context: stakes are high in this complex region and Iraq's leverage in it will increase if improvements in security and stability are sustainable, as so will its influence, including on Iran (GSC document on Iraq 2010).

The European Union has made quite considerable levels of investment in Iraq since 2003. The European Commission's projects related to Iraq has seen one billion Euros put into the areas of reconstruction and humanitarian assistance. The majority of this funding has been channelled via the Multi-donor trust fund IRFFI, which is managed by the UN and the World Bank. The EC has primarily focused on the political and electoral process, rule of law support to refugees and Internally Displaced Persons (IDPs), basic services, human development and building the capacity of Iraqi institutions.

Launched in 2005, civilian mission EUJUST LEX Iraq and is the first "integrated" rule of law mission; that is, a single mission aimed at reforming the police, the penitentiary and judicial sector simultaneously. The Mission operates in a purely advisory capacity and its work is restricted to the criminal justice system. Its origins are closely connected with EU's decision in 2004 to support reconstruction efforts in Iraq after an initial period of paralysis following the US-led invasion. As initial European support consisted only of financial assistance, EUJUST LEX may be considered the first more substantial measure in the EU's joint policy towards Iraq (Steinberg in Asseburg, 2009: 125).

Background

Since the 1980s Iraq has experienced an uninterrupted series of conflicts and crises. The 2003 invasion by the “Coalition of the Willing” and its aftermath generated a new regional geopolitical balance in a highly strategic area.

The United States’ campaign to the overthrow Iraq's dictatorial president Saddam Hussein began in 2002, justified on the grounds argued that he was a threat to global peace, a vicious tyrant and a sponsor of international terrorism. The Bush Administration also believed that Saddam Hussein had been developing weapons of mass destruction, something explicitly forbidden under the UN Resolutions that followed the end of the 1991 Gulf War.

The Iraq War was viewed very differently between nations; some felt that the US failed to prove that Hussein had an active program for developing weapons of mass destruction, while others saw Iraq as an insignificant and militarily weak country that was not worth going to war over. Furthermore, some viewed the war as an act of imperialism and claimed that the US was motivated by a desire to obtain Iraq’s oil.

Those countries that supported the war have claimed that Saddam Hussein was one of the most brutal dictators of the 20th century and that it should be seen as the responsibility of free countries to overthrow such despots. Countries that supported the war on these grounds included some of the post-communist countries that had had their own experiences of similar dictatorships and occupation under the Communist regime. There were others countries claiming that Hussein had well-established links to terrorist groups and that his weapons programs were very real.

In late January 2003, leaders of Britain, Spain, Italy, Portugal, Hungary, Poland, Denmark and the Czech Republic released a signed statement to various newspapers

expressing support for the United States, stating that Saddam Hussein should not be allowed to violate U.N. resolutions. The statement proceeded to claim that Hussein was a “clear threat to world security”, urging Europe to stand united with America to ensure that the Iraqi regime was disarmed. This was later followed by ten more Eastern European countries, Estonia, Latvia, Lithuania, Slovenia, Slovakia – all now members of the EU – Bulgaria, Romania, Albania, Croatia, and the Republic of Macedonia, issuing another statement on Iraq, expressing general support for the US’s position but without making comment on the possibility of a war without the UN Security Council’s backing.

However, US Secretary of Defense Donald Rumsfeld noted that Slovenia and Croatia were in fact members of the US led coalition, prompting Slovenia's government to rejected the Eastern European nation’s statement and its Prime Minister, Anton Rop, to state that Slovenia would considered the decision to go to war to be based on a go-ahead from the UN Security Council. Furthermore, Croatia’s President Stjepan Mesic claimed that the war illegal. French President Jacques Chirac responded to the statement of the ten Eastern European countries by saying: “It is not well brought up behaviour. They missed a good opportunity to keep quiet” (BBC News 19/2/2003). It was believed by some that Jacques Chirac’s criticism could be presumed to imply that Romania and Bulgaria, with whom accession negotiations were not yet concluded, should not be allowed to join because of the statement. Chirac retracted his remark following media criticism and Romania and Bulgaria's chances for EU accession have suffered no setbacks because of the issue.

Romanian President Ion Iliescu called Chirac's remarks irrational, saying “such reproaches are totally unjustified, unwise, and undemocratic”. Bulgarian Deputy



Foreign Minister Lyubomir Ivanov told reporters “it is not the first time that pressure is being exerted upon us in one or another form but in my opinion this is not the productive way to reach unity and consensus in the Security Council” (Garamone 2003).

It was France and Germany that expressed the most vehement opposition to the war. Donald Rumsfeld attempted to dismiss the French and German governments’ objections by referring to them as the opinion of “Old Europe”, relying instead on a change in situation after EU enlargement took place. However, opinion polls at the time indicated that the majority of the public in Central and Eastern Europe were not in favour of the war either, despite most of their governments supporting it. This can be explained by high levels of public sympathy towards a general wave of anti-military and pacifist movements, while their Governments, on the other hand, perhaps supported the US position due to the feeling of inferiority among the New Member states in the EU. These feelings were enforced all the more after Chirac’s statements mentioned above.

However, a year after the war in Iraq, discontent with America and its policies had intensified rather than diminished. French and German opinions regarding the actions of the United States in France were at least as negative as they were at the conclusion of the war, and British views had become considerably more critical. Therefore, the war in Iraq seems to have undermined America’s credibility abroad. Doubts about the motives behind the U.S.-led war on terrorism abound, and a growing percentage of Europeans want foreign policy and security arrangements independent from the United States (Pew Research Centre 2004). This led to the emergence of the EU’s European Defence and Security Policy.

From 2005-2008 international support aimed at regional stability and improved Iraq's relationship with its neighbours was developed in a series of neighbour process meetings. One instrument was the Multinational Force in Iraq (MNF-I) which assisted with Iraq's border security, which aims to be completely withdrawn by the end of 2011.

In general, relations between Iraq and other states in the region are improving. Relations with Kuwait are still affected by unresolved issues going back to the 1991 Iraqi invasion. Relations with Syria are hampered by allegations of the Syrian role in a recent Baghdad bombing which has led to a lack of trust between the two countries. Relations between Turkey and Iraq are very healthy and a high-level Strategic Cooperation has been established. Iran remains a key player in the area (CFSP Report 2010).

Even though the countries oil revenues guarantee relevant funding for Iraq's reconstruction, only national reconciliation can secure the way towards national stability and sustainability. Iraq must also address the plight of the more than 1.5 million Iraqi refugees – this is an issue that will have significant consequences for the Middle East Region, as well as for the future stability and identity of the Iraqi state. Mostly settled in Syria and Jordan, these refugees are also present in Lebanon, Egypt and the Gulf countries, as in some EU Member States. Iraq also has approximately two millions internally displaced persons.

Although Iraq remains a long way from being a stable country, there has been a fairly positive consistent trend since end of 2008. Despite a relapse in politically motivated violence especially in the run up to the March 2010 elections, the overall security situation has significantly improved. With the election drawing closer, a large-scale

bombing campaign took place in the second half of 2009, primarily targeting government institutions. However, in January and February 2010, bomb attacks also took place against crowds of civilians. Prior to this, the civilian death toll had been decreased by half between 2008 and 2009, with inter-sectarian violence, a major problem in 2006 and 2007, also being significantly reduced (CSDP report 2010).

After a period of turbulence triggered by the 2010 elections, the situation in Iraq during the first half of 2011 was relatively settled and peaceful. The Iraqi government formed nine months after the elections includes parties and alliances which are, to put it mildly, not natural allies. These include incumbent Prime Minister Al Maliki's State of Law (SoL) list, the Shia/nationalist Sadrists and the federally driven Kurdistan Alliance. Overall, it appears that inclusiveness has come at the expense of efficiency.

In the wake of uprisings in the Arab world, many Iraqis also took to the street demanding reform and change. However, the situation in Iraq essentially different from countries such as Tunisia, Egypt, Syria and Yemen; whilst in the latter countries the populations have been attempting to rid themselves of decades of largely authoritarian rule, Iraqis were liberated from their dictator in 2003.

Thus those protestors who take to the streets are not demanding the downfall of the government as such, but rather protesting about particular issues and grievances including the widespread corruption in the country, the lack of public services, unemployment and human rights abuses committed in prisons and detention centres. Prime Minister Maliki responded by offering assurances of change and announced that reforms would take place over period of three month period, which expired in May 2011. While the results of these reforms cannot yet be assessed, it is apparent that a continuous, long-term process is required if significant improvement is to be achieved.

The agreed withdrawal of all US forces from Iraq by the end 2011 has proven to be a highly controversial issue. A number of senior US politicians and military have gone to Iraq to lobby for an extension of the Status of Forces Agreement, hoping that at least a limited number of troops will be allowed remain situated in Iraq after the current deadline. The influential Islamic political leader Muqtada Al Sadr responded to this possibility by declaring that the presence of any US soldiers in Iraq after 31 December will lead to an armed resistance by the Mahdi Army (a paramilitary force created by Muqtada). Officially, even Iraqi politicians who may favour an extension of the US military presence are reluctant to say so in public, since the majority of the Iraqi people are clearly opposed to this option. There has been some unconfirmed information in the media suggesting that a way for US military to remain in Iraq has been found, but any confirmation of such a decision is not expected to be announced until very close to the December 31 deadline (Interview with HoM, private archive).

#### Iraqi Criminal and Justice Sector

During Saddam Hussein's time in power, all three branches of the Iraqi Criminal and Justice Sector attained notoriety on account of their many violations of Human Rights and fundamental freedoms. This situation contributed to the fact that each Ministry grew to be distrustful of the others and Ministry "affairs" were kept strictly internal.

The current Iraqi constitution was approved by a referendum that took place in 2005. It described the state as a "democratic federal, representative republic" (article 1) and a multi-ethnic, multi-religious and multi-sectarian country (article 3). Under considerable pressure from the United States, the Coalition provisional authority had banned the Baath party in July 2003; the Constitution reaffirmed this ban, stating that: "No entity or program, under any name, may adopt racism, terrorism, the calling of

others infidels, ethnic cleansing, or incite, facilitate, glorify, promote, or justify thereto, especially the Saddamist Baath in Iraq and its symbols, regardless of the name that it adopts. This may not be part of the political pluralism in Iraq” (Constitution of Iraq 2005). As Iraq progresses towards becoming a democratic state, it is growing increasingly apparent that these Ministries can no longer function separately and in isolation from each other, meaning that they must establish lasting relationships if they are to move forward. An effective Criminal Justice System operating in line with international standards is needed to effectively address criminality and impunity. To date, much has been achieved by the ICJS to redress the institutional weaknesses they were faced with, especially in terms of management and technical skills (Information from the Mission 2011, private archive).

The outlawing of the Baath party meant that many senior Iraqi police officers immediately became outlaws; this, in addition to the releasing of criminals from jails by the collapsing Hussein regime and the tolerance of looting that followed the invasion, led to Iraq becoming a near lawless country.

Despite the fact that police reform work had started just weeks after the Coalition Provisional Authority (CPA) had been formed, the resources and techniques utilised were nowhere near adequate for such a complex task. It has been noted that “goals such as hiring 30,000 new policemen in 30 days were announced and implanted with little regard for the quality or vetting of recruits” (R. Perito, Iraq’s Interior Ministry: Frustrating Reform, US Institute for Peace Briefing, May 2008). By this stage, the remnants of the Iraqi police were struggling to deal with the rapidly increasing levels of crime and instability. In March 2004 the Coalition addressed the deteriorating situation by rethinking the policies it had been pursuing, resulting in the transfer of

responsibility for reforming the Ministry of Interior and training and equipping the Iraqi police from the State Department to the Department of Defence and the US military. Multi-national Security Transition Command (MNSTC-I) and its subordinate command, Civilian Police Advisory Training Team, were set up to take charge of the 'Train and Equip' programme (Korski in Grevi 2009: 233).

#### The mandate of the Mission

The history of the EU rule of law mission in Iraq's mandate must be considered in the context of the strongly conflicting views among EU Member States in 2002 and 2003 about the invasion of Iraq. The reactions of the various European states made it entirely clear that there were two very different perspectives within the EU, not only on this particular conflict, but also on the whole future of the ESDP/CSDP. One camp was led by the United Kingdom, which joined the Americans to invade Iraq and subsequently provided forces for stabilising the country. Spain, Italy, the Netherlands, Denmark, Poland, Czech Republic and others joined the British and sent troops to Iraq after Saddam Hussein had been removed from power. France and Germany, along with several of the smaller Member States, publicly rejected the war, causing serious division within the EU. The quarrel over Iraq exposed broader differences, with the British-led camp seeing ESDP/CSDP conceptually as an extension of transatlantic ties and NATO, whereas the Franco-German group favoured to put a more strongly and independently European approach to security and defence policy (Steinberg in Asseburg, 2008:126).

This background added considerable weight to the question of what the EU's involvement in post-war Iraq should be. The EU wanted to prove, in the very country that was central to the quarrel between Member States that the ESDP/CSDP could still

function successfully. From 2004 onwards the initiative was taken by the Commission, which wanted to demonstrate that the EU had recovered from the 2003 stalemate over Iraq and was still capable of acting on foreign policy issues. States that were already present in Iraq expressed the wish for stronger EU involvement and to cooperate with the EU, even though some of them even if some of them subsequently withdrew their troops after 2004. The United Kingdom led this group, which included Denmark, the Netherlands and others, with London becoming the driving force behind EUJUST LEX Iraq in 2004-2005. The British pressed for an EU contribution to the efforts in Iraq in order to prevent European relations with America from any further deterioration, as well as to have European activities taking on some of the burden and complementing the training that they were giving to Iraqi police (Steinberg in Asseburg, 2008:126).

On the opposing side in 2003, Germany initially expressed stronger objections than ever about France engaging in the slightest involvement in Iraq; Berlin had rejected the notion of any EU role, while France was leading a group of Member States, including Belgium and Luxembourg that were against direct engagement in Iraq. This position was intended to avoid the possibility of retrospectively legitimising the invasion, while still being able to offer support to UN activities (Jeffrey Lewis, *EU Policy on Iraq: The Collapse and Reconstruction of Consensus-based Foreign Policy* (Dublin: Dublin European Institute, University College Dublin, 2008, 2). The resistance of these Member States subsided to some extent over the course of 2004. On the other hand, Germany and France wanted to repair their relations with the US, which had been badly damaged over Iraq. These opponents of the war also aimed to demonstrate that the ESDP/CSDP they had created remained a credible instrument of European foreign

policy. Genuine interest in building relations with the new Iraq, which neither Germany nor France wished to leave solely to the US, appears to have been a secondary factor in 2004 (Steinberg in Asseburg, 2008:126).

Moreover, some European governments began to consider ways of increasing their own contributions to police reform alongside efforts being made by the United States. Work had already been started in the southern Iraqi provinces where British, Danish and Dutch and Italian soldiers were deployed, and in December 2003, UK and Danish police officers opened a police academy in Basra. The UK stationed a group of 24 civilian police training officers in Basra in March 2004, while 50 British officers were sent to Jordan in order to provide out-of-country training. In the same month, Germany began a training programme for Iraqi policemen situated in the United Arab Emirates. Also, several EU Member States that were contributing troops to Iraq, including Italy and the Czech Republic, deployed military police contingents (Korski in Grevi 2009:234).

A large number of contributions had been made towards efforts in Iraq, but there was, however, a serious lack of coordination between them. Several Member States' governments responded to this problem by considering the precise manner in which the EU could contribute to development in Iraq, including on police reform. Thus, in September 2004, an EU scoping mission recommended initiatives in the field of civil administration and the rule of law, in addition to police training and electoral support. A number of reports and studies produced at the same time suggested that the EU should build on the experiences it gained from the Balkans and support police reform (Richard Youngs, *Europe and Iraq: From Stand-off to Engagement?*, The Foreign Police Centre, London, October 2004 in Korski in Grevi 2009:234). In accordance



with these proposals, a team was then set up to assess and present recommendations for a possible ESDP/CSDP mission, finally resulting in the conclusion that a small ESDP/CSDP mission to focus on training should be deployed.

The Mission, which was launched in July 2005, aims at address issues in the Iraqi criminal justice system by giving to training high and mid level officials in the areas of senior management and criminal investigation. The training aspires to improve the capacity, coordination and collaboration of the different components of the Iraqi criminal justice system. The mission is also intended to produce closer collaboration between the various different actors in the Iraqi criminal justice system. This should include strengthening the management capacity of senior and high-potential officials from the police, judiciary and penitentiary and improving skills and procedures in criminal investigation in full accordance with the rule of law and human rights.

The Mission provides strategic advice, follow-up mentoring and training activities which are based on recognised Iraqi needs while taking into account the added value of other international actors' presence in this area. The essential tasks that EUJUST LEX Iraq should carry out are clearly defined; the Mission trains senior judges, police officers and prison officials in order to strengthen the country's criminal justice system. These narrow parameters make it easier to implement the mandate. The results of this have been very positive, as so far a total of 4,305 participants in all of these areas have received training. The Mission has recently placed focus on the International Standard audit Programme in the fields of the penitentiary, pre-trial detention, and cross-sector cooperation in judiciary, penitentiary and police as well as on the 'Train the Trainer' course for Police (Factsheets on EUJUST LEX Iraq, information from the staff EUJUST LEX Iraq).

## Challenges

Throughout 2011 the Mission took important steps in shifting its activities and relevant structures to Iraq. This decision was agreed upon after France, during its Presidency to the Council of the EU, joined the United Kingdom and other active proponents and agreed to the engagement of the EU in the country. Despite the difficulties which were connected to this shift, it will now be more visible in Iraq, particularly in the cities of Erbil, Baghdad, and Basra, and when security conditions allow it will show increased results.

Germany is very active, even economically in Erbil, while the United Kingdom hosts the Mission and provides accommodation, catering and security in its Embassy premises in Baghdad and Basra. However, the still-volatile security situation, particular the Baghdad region, could continue to impact negatively on the Mission's ability to function effectively in Iraq. In particular, this could limit the Mission's ability to deliver training with a balanced ethnic, geographical and political representation as specified by its mandate. It is clear that Iraqi Kurdistan, the region where the Mission's programme has been put to the most use, appears to offer the best prospects of success for the Mission and for strengthening the rule of law.

Successive Iraqi governments, while welcoming EUJUST LEX Iraq, have come to view the Mission's value as primarily being political, as it is a significant symbol of Europe's broader engagement with Iraq. Many of the more than 4,000 participants in the Mission's training courses are sure to have benefitted from the experience they gained. However, because responsibility for selecting delegates who attended was left to the Interior Ministry there can be no certainty that the appropriate officers, or even ones working in positions relevant to the training, were chosen. Issues with corruption

and mismanagement in the Ministry also led to the possibility that selections were made on the basis of patronage. Despite these shortcomings, selection by the Ministry is in line with local ownership which is a key for all CSDP missions (Korski in Grevi 2009: 234).

The mission also needs to establish close links with the US Bureau of International narcotics and Law Enforcement Affairs (INL). This is because the INL is due to assume the primary lead over all State Department agencies involved in rule of law in Iraq once it takes over from the US Department of Defence on 1 October 2011, following the withdrawal of military forces. The intention of the INL is to stay in Iraq for three years, focusing only on training. As the target group and the main locations of the INL will be the same as EUJUST LEX Iraq, close coordination and burden sharing will be an important requirement. The current mandate of EUJUST LEX Iraq is until July 2012, thus a strategic review will be presented by the EEAS during autumn 2011 as Member States make decisions about the future of the Mission.

#### Assessment criteria

Iraq is clearly a valuable strategic partner with plenty of energy resources; it has the world's third largest oil reserves and is rich in gas, with leverage in the regional context that makes the country very important vis-à-vis Iran. Despite the fact that Iraqis tend to view the Europeans more favourably than the Americans, EUJUST LEX Iraq has so far not been successful in attaining the Status of Mission Agreement (SOMA). SOMA, legally crucial for the status of the staff of the Mission, has failed to be signed since the Mission's inception 2005. Recently it has been delayed due to the lengthy formation of government, but even after the formation it has become clear that the parliament's long ratification is hampering the process. Therefore, it is essential

that the EU works hard on visibility and the promotion of its activities in order to ensure that this requirement is successfully met.

The following section will analyse the most difficult region of CSDP deployment – Afghanistan. Political elites argue in favour of deployment in Afghanistan due to the threat from international terrorism; however, after ten years of fighting against Al Qaeda, a clear victory is still proving difficult to attain. Additionally, the civilian CSDP mission, EUPOL Afghanistan, is expected to stay even beyond the process of Transition.<sup>11</sup>

### **Afghanistan (EUPOL Afghanistan)**

Afghanistan represents one of the greatest challenges yet faced by the CSDP and by the EU's range of political and economic instruments, as the conflict situation in the region is extremely complex. The EU is one of the largest aid donors to Afghanistan, and in addition to fighting a growing insurgency, also focuses on good governance, institution building, and economic development in a country that is poor, ethnically diverse and marked by decades of conflict. The EU and the Government of the Islamic Republic of Afghanistan are committed to bringing about a secure, stable, free, prosperous and democratic country.

The EU and Afghanistan adopted a Joint Declaration setting out a new partnership on 16 November 2005. This Declaration set out plans for increased co-operation across a range of areas, based on the principle of Afghan ownership. It also established a

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<sup>11</sup> Transition is a process during which Afghan security forces take over control from the ISAF operation. Individual provinces are divided into different phases in which the Afghans become gradually responsible for their own security. The handover is considered a crucial step toward full assumption of control by Afghan forces, scheduled to be completed by the end of 2014.

regular political dialogue, with annual meetings at Ministerial level and reaffirms the EU's long-term commitment to Afghanistan.

The Country Strategy Paper for Afghanistan 2007-2013 has been drafted during a period of political and economic evolution. The London Conference in January 2006 saw the launch of the Afghanistan Compact, which set out the political framework for cooperation between Afghanistan and the international community over the current five years.

Afghanistan's National Development Strategy was adopted at the Paris Conference on 12 June 2008. The priorities that it set out are reflected by the areas in which the EU provides assistance, including support for justice and law and order, combating narcotics production and assisting the health sector. As stated in the European Security Strategy, an unstable Afghanistan with connection to terrorist groups and drug trafficking constitutes a threat to the EU, thus all countries are firmly supportive of the activities in Afghanistan.

#### Background and context

Following the terrorist attacks of September 11 2001 in New York and Washington, the UN Security Council adopted Resolution 1373, which opened the way for the American-led military operation in Afghanistan in autumn 2001. Named Operation Enduring Freedom (OEF), the operation aimed to overthrow the Taliban regime and eliminate al-Qaeda and other terrorist groups operating in the country.

The UN-led process for rebuilding Afghanistan was initiated shortly after the UNSC Resolution at the Bonn conference in December 2001. In March of the following year, the UNSC created the UN Assistance Mission to Afghanistan (UNAMA) under

Resolution 140. This was to be an “integrated mission” consisting of 17 specialised UN humanitarian and developmental agencies, all of which shared the mandate to assist in reconstruction and national reconciliation. The International Security Assistance Force (ISAF), a peacekeeping force set up under the framework of UNSC Resolution 1378, was tasked to assist in three areas: working alongside the interim government in developing national security structures; developing and training future Afghan security forces; and contributing to efforts for the country’s reconstruction (Peral in Grevi 2009:327).

The reconstruction of Afghanistan has proven to be an extremely difficult task in the midst of US and NATO-led military operations. A number of countries including Britain and Australia joined OEF during the first phase of its operations, after which nearly 30 countries provided the US with material and manpower support. OEF later began function through the use of smaller structures spread out across all of Afghanistan; these Provincial Reconstruction Teams (PRTs) were formed by leading nations in order to develop civilian projects, even if their staff is predominantly military. All of the existing PRTs in Afghanistan were formally placed under the ISAF umbrella in October 2006, which has been under the authority of NATO since August 2003. Despite this organisational change, the PRTs have for the most part operated autonomously from each other, keeping their links close to their respective national capitals but having very weak coordination on the ground. OEF includes the Combined Security Transition Command – Afghanistan (CSTC-A), which is an important component responsible for providing the Afghan security forces, both army and police, with training and mentoring. In the wake of a further increase in US troops and also for the purpose of improving coordination, both CSTC-A and ISAF have been

combined since spring 2009 under the US General (currently John R. Allen) (Peral in Grevi 2009:327).

The involvement of the international community in the reconstruction of Afghanistan is broad and varied. At the 2002 UN-hosted conference on Security Sector Reform (SSR) in Geneva, the G8 launched a lead-nation approach to be applied to key areas of state building. Principle areas of responsibility were allocated as follows: Germany assumed the lead on police, creating the German Police Project Office (GPPO), now known as the German Police Project Team; the US took responsibility for army reform; Japan's role was providing financial assistance for Disarmament, Demobilisation and Reintegration (DDR) programmes directed at militia forces that had fought the Taliban; the UK took the lead on counter-narcotics; and Italy took the lead on the reform of the judicial system (Peral in Grevi 2009:327).

The EUPOL Afghanistan Mission built on efforts already deployed on the ground, notably the GPPO and those of other Member States in the field of police and rule of law.

Within a number of fragmented and overlapping civilian and military mandates, the international community agreed on a broad common strategy designed to align all international actors and the Afghan government at the London Conference of February 2006. The main outcome of Conference was the notion that in order to achieve lasting stability, security measures must be combined with good governance and economic and social development. In practice, this has proved extremely challenging to implement due to the lack of coordination among different international actors, as well as the military response to security concerns remaining pre-eminent.

“In this complex context, the EU identified police reform as a key dimension of the stabilisation effort in Afghanistan. However, by the time consensus in Brussels for exploring the launch of an ESDP/CSDP mission was achieved in 2006, the insurgency against US and NATO-led forces had not only revived but also consolidated. Establishing an effective, coherent and coordinated work programme among a multitude of actors engaged in Afghanistan’s reconstruction, including police reform, and in a deteriorating security environment has posed a significant challenge for EUPOL Afghanistan.” (Peral in Grevi 2009:327).

However, with 195 police officers and legal experts it was at the time the largest and most ambitious civil mission to be launched under the ESDP/CSDP.

The mandate of the Mission and its challenges

EUPOL Afghanistan was established to expand the existing German efforts to build an Afghan police force dedicated to civil democratic standards. For this reason, both the mission’s background and the tasks that it undertakes have links to the preceding German intervention (Kempin, Steinicke in Asseburg 2009: 136). However, the Mission faced difficulties and ongoing limitations, meaning that in 2009 EUPOL had to make significant adjustments to its approach. To some extent this could be seen as an indication of the EU’s flexibility and ability to identify precise capacities in which it can operate effectively. EU and US police reform activities are now much more closely coordinated than they had been in the past. Whereas US and, since 2009, NATO efforts continue to place emphasis on the provision of training, EUPOL focuses on providing strategic advice and on specific goals and priority areas (Gross in Gross 2011:124).

In 2008, the mandate of the Mission was consolidated in order to concentrate on two pillars – the rule of law and police. Within the police pillar the focus of EUPOL is on developing a proper police chain of command, control and communications throughout Afghanistan for the Afghan National Police (ANP). Special focus is placed on



building the ANP's capacity to respond to incidents that occur suddenly without warning, as well as dealing with terrorist attacks. The end goal is for ANP leadership to be able to operate with a clear chain of command, delegate responsibilities, issue orders and communicate directives down to the rank and file, and to effectively implement both strategic and operational planning. Additionally, the Mission offers support to the Ministry of Interior (MoI) in producing and applying the intelligence led policing strategy, which the MoI considers to be an immediate priority. The purpose of this strategy is to allow the ANP to act in accordance with intelligence assessments rather than simply responding to events as they occur. In other words, the aim is to change the ANP from being a "reactive" force into a "proactive" one. Finally, the Mission concentrates on enhancing the capabilities of the Criminal Investigations Department (CID), which the MoI has also identified a major priority. EUPOL also contributes to international coordination by functioning as a secretariat of the International Police Coordination Board (IPCB).

In terms of the Rule of Law pillar, the Missions primary objectives include fighting against corruption in cooperation with the MoI, the CSTC-A, the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC). According to its plan, EUPOL has a leading role in fighting corruption and crime, including institution building, prevention, enforcement as well as the overall coordination of efforts, while UNDP is in charge of funding. Secondly, the Mission aims to improve cooperation and coordination between police and prosecutors, supported by and working within the framework of the relevant Nordic and Finnish initiatives. Lastly, the Mission develops a structure to ensure that mainstream human

rights including gender aspects are accounted for within the ANP (Information from EUPOL, CPCC; Factsheets from EUPOL).

EUPOL perceives itself essentially as a mission with aims directed at the future. Looking beyond the accomplishment of establishing security, EUPOL is then intended to assist in building a professional civilian force. Within this broad remit, EUPOL activities are designed to support the CSTC-A and the NATO Training Mission in Afghanistan (NTM-A). In addition to the changes in EUPOL's objectives, or perhaps because of them, cooperation with CSTC-A and NATO has improved significantly (Gross in Gross 2011: 127).

Authorities in Afghanistan have recognised that EUPOL is a valuable tool for bringing about institutional reform, which demonstrates that the Mission has been successful in creating an impact. In addition, this recognition has further helped EUPOL in defining its operational mandate. Upon his appointment in 2008, then Minister of the Interior Hanif Atmar formulated a number of priority areas the EUPOL was to address, including the following areas: implanting a comprehensive anti-corruption strategy; reinforcing intelligence and investigative capacity in the fight against organized crime; completing and expanding the police *tashkeel* (recruiting system); improving security in principal cities and ensuring security during 2009 elections. This clearly demonstrates that from the perspective of the security consumer – in this case the Afghan government, rather than the Afghan public – EUPOL is regarded as providing significant added value. It also shows that the Afghan MoI is proactive in its use of EUPOL as well as other international institutions for reforming parts of the administration. EUPOL's achievements and effectiveness remain limited, however,

beyond efforts to fine-tune its approach and the establishment of a constructive relationship with the Afghan government.

Member States do not deploy enough personnel to make the Mission truly effective, particular in the area of rule of law (Gross in Gross 2011: 127). Given the dramatic state of the ANP, EUPOL's 400 EU advisors (so far only a target number) cannot really be seen as more than a drop in the ocean. When the EUPOL mandate was being drafted there was some criticism of the Mission's extremely limited personnel resources, with Francesc Vendrell, then the EUSR for Afghanistan, calling for the Mission to supply at least 2,000 trainers and advisors. He claimed that, considering the Afghan police were barely able to function and corruption was widespread in and around the police service, the proposed upper limit of two hundred personnel would have to increase tenfold if noticeable progress was to be made. It is worth noting that the US now requests this same number of personnel in current situations where the Transition process is approaching. Despite the determined efforts of the current Head of Mission Jukka Savolainen to improve the US-EUPOL relations, EUPOL has still to convince the Americans that the EU is ready to invest more sufficient amounts of resources. Washington was sceptical about the EU police-building initiative from the start; because reconstituting a civilian police force to operate according democratic principles in a land as large and ethnically diversity of Afghanistan was such a huge challenge, US leaders felt that the EU mission was too small.

Financially, the commitment of the United States dwarfs that of the EU: whereas the twenty seven EU member states are investing 64 million Euros in the training of the ANP in 2009, in 2010 the US is spending approximately 700 million Euros – more than ten times the amount. On the other hand, the EU is contributing to the salaries of

police officers and their equipment through UN-managed LOTFA fund (Law and Order Trust Fund). EU budget assistance is due to increase from a baseline of 150 million Euros to 200 million Euros per year for the period 2011-2013, representing a 33% increase, which is set to be matched by significant increases in individual Member States' contributions as well (Second Implementation Report on the Plan for Strengthening EU Action in Afghanistan 18/11/2010, EEAS).

The other major challenge to the Mission, which is very closely connected to the previous one, remains the problematic EU-NATO relationship. This issue negatively impacts on the EU's ability to deploy throughout the country and contributed to delays in the Mission's deployment. Because EUPOL as a civilian mission is not a Berlin Plus operation<sup>12</sup>, the relationship between EUPOL and NATO does not fall under formal EU-NATO arrangements permitting coordination and cooperation between the two organisations.

Turkish opposition has meant that no formal agreement between EUPOL and ISAF could be agreed, leading EUPOL to form bilateral technical arrangements with the lead nations of EU Member State-led Provincial Reconstruction Teams (PRTs) on the provision of security for EUPOL staff through ISAF. Washington, perceiving its European allies as lacking in vigour, refused to extend the protection given to American armed forces to EUPOL staff; it was considered not to be worth risking US soldiers to protect EU staff in peripheral areas as turbulent as the southern Afghan

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<sup>12</sup> The more exact and concrete modalities for consultation, cooperation and transparency between the EU and NATO (especially with the USA) were refined by the Berlin Plus Agreement which was set up at the NATO Prague "transformation" summit in 2002. It introduced four major elements for military operations: It ensured EU access to NATO operational planning; It made NATO capabilities and common assets available to the EU; It made the Deputy Supreme Allied Commander, Europe (always a European) also commander of any EU-led operations; It adapts the NATO defence planning system to allow for EU-run operations (Hulsman, John et al. 2004).

provinces. Because of this, in the Helmand province the EU has had to protect its staff by hiring a private security company. The US has gone on to join Turkey in obstructing an agreement between the EU and NATO/ISAF. Significantly, agreements with US-led and Turkish-led PRTs have not been concluded, which limits the overall reach of EUPOL Afghanistan (Gross in Gross 2011: 127).

Concluding agreements with individual PRTs has proved to be a difficult process, regardless of whether or not leading nations are EU Members States. The capacity of the PRTs to host international personnel is highly limited in terms of accommodation and office space. Furthermore, security agreements between EUPOL and individual PRTs only provide in extremis coverage, offering EUPOL staff protection within means and capabilities. As a result, EUPOL has required the services of a private company to ensure its security and implement a high-security policy in contrast with other international actors' regulations. This high-security approach includes, for example, not allowing civilian staff in Kabul to leave EUPOL premises at certain times, as they do not carry weapons. President Karzai has now issued a decree that private security companies will be banned in Afghanistan, which will undoubtedly cause a problematic situation for the security of the Mission. Although there is an interim solution in place until March 2012, after this date EUPOL must either identify an alternative solution to the issue of security or it will be forced to withdraw. A possible answer to the problem may be found during the upcoming Bonn Conference II in December 2011, which aims to set the direction of a range of future activities, including EUPOL.

To summarise, despite the challenges described, Afghanistan should and will remain one of the key areas for EU actions. Since EUPOL's launch and progress under

different leadership and supervision from Brussels, it has developed into a mission that fulfils niche requirements, in particular those relating to specialised and senior training, as well as civilian policing. The EU's partners are aware of the value of these niche specialities and are beginning to appreciate the Mission as a result. If the security situation allows then this CSDP instrument in Afghanistan will be further utilised at least until the end of the Transition process.

There are certain conditions required to ensure effectiveness, however: to enhance the EU's ability to make forward progress in Afghanistan, more resources will be needed after the planned partial withdrawal of NATO Forces in 2014; this will be vital if EUPOL is to be able achieve its aims. Furthermore, the EU needs to act as a unified player in Afghanistan if it wishes to have its voice acknowledged and its efforts supported by the US. In particular, EU Member States need to make more experts available in the area of institutional change and training that also have a good knowledge of the cultural context in Afghanistan (Bloching, Policing in conflict – an overview of EUPOL Afghanistan, July 2011, ISIS Europe).

If Security Sector Reform is to be sustainable, its focus must on the civilian aspects of the police and the creation of a functioning and clear interface between the police and the judiciary. Therefore, in view of these considerations, the enhancement of EUPOL Afghanistan is crucial for the country's stability.

Politically, Member States agreed to longer term commitment. The United Kingdom and Germany have notably expressed this on several occasions; with the UK this is due to its historical bonds with the country, and Germany had taken responsibility for police reform and established its German Police Project Team long before EUPOL was launched. However, not all Member States are convinced that strengthening of

commitment is desirable or financial feasible. France is hesitant to take a long commitment beyond 2014 as the current situation, particularly in terms of security, is volatile. EUPOL is and will remain only a small actor in Afghanistan and thus its future does depend on the circumstances and cooperation with local and international actors. The future therefore should be thoroughly assessed, taking into account different factors and variables.

#### Assessment criteria

Compared to the other CSDP Missions, Afghanistan fulfils the least number of assessment criteria. It does not lie within the range of proximity, nor is it highly accepted by the local population. It represents, however, a terrorist threat to the security of most EU countries. As it is stated in the UK national security strategy:

“We and our allies are supporting the Government of Afghanistan to prevent Afghan territory from again being used by Al Qaeda as a secure base from which to plan attacks on the UK or our allies. Terrorists can also exploit instability in countries like Somalia or Yemen. This instability can spread from one country to another as we say in the Balkans at the end of the last century. Lawless regions provide a haven for terrorist groups and organised criminal networks alike.” (A Strong Britain in and Age of Uncertainty: The National Security Strategy, October 2010).

**7. Civilian missions as a tool of MS EU influence? In which areas should the deployment of civilian missions continue and in which areas should it not? The cases of Africa, Southeast Asia and Latin America**

The previous chapter demonstrated which four main areas should constitute the priority destinations for civilian CSDP activities. Other regions will comply less strongly with the criteria used to make this assessment. Although there are several examples of missions being deployed in these other areas, this is largely due to specific interests on the part of one or two Member States, or political ambition that the other Member States comply with. However, these missions are small or medium sized and usually do not last very long. The next chapter will analyse the following missions in Africa, Asia and activities of the EU in Latin America: EUPOL Democratic Republic of Congo, EUSSR Guinea Bissau and Aceh Monitoring Mission. An assessment will then be given as to why these missions do not appeal the majority of Member States and thus why these areas should not be considered priorities for the EU's civilian CSDP.

**Africa (DR Congo, Guinea Bissau)<sup>13</sup>**

The African Peace and Security Agenda was developed through the African Union at the continental level and sub-regional organizations such as the Economic Community of West African States and the Intergovernmental Authority of Development. The

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<sup>13</sup> Throughout the text RD Congo (Republique Democratique du Congo) is used as the working language of the EUPOL is French



EU's support responds to certain concrete strategic objectives; not only is African security a pre-condition for the development of the continent but it is essential for Europe's security as well, as state failure and conflicts fuel organized crime, illicit trafficking and terrorism. In recognition of Africa's strategic importance, the EU has long been involved on the continent. It is the largest aid donor in Africa and is also its biggest trading partner. The integrated approach of the EU to preventing conflict in Africa draws on all economic, diplomatic, political and military instruments at its disposal and it is firmly anchored in a regional approach to crisis management and peacebuilding (EEAS website).

Stemming from its commitment to attain the Millennium Development Goals agreed by the United Nations (UN), awareness of the impact of globalization and the recognition that the security environment has changed, the EU has progressively redefined its approach to developing countries and towards Africa in particular (cf. Joint Statement 2005). Thus in December 2005, the European Council pledged to promote sustainable development, security, and good governance in Africa and it identified security as a pre-requisite for attaining the millennium goals. In a similar vein, the EU's strategy for Africa (European Commission 2005) reiterates that peace and security are essential pre-conditions for sustainable development and that Brussels intends to step up its efforts to promote peace and security in all stages of the conflict cycle. It emphasises, among other things, support for African peace support operations, disarmament, conflict prevention initiatives and tackling the root causes of conflict (European Commission 2005).

Furthermore, the European Council conclusions of 13 November 2006 confirmed that the EU is ready to reinforce its support for the efforts of the African Union (AU) and

African sub-regional organizations to promote security and development on the continent. This support is in accordance with the EU's objective of strengthening African capabilities for the prevention, management and resolution of conflict. The underpinning principles of the EU-AU relationship are local ownership, political dialogue and a demand driven process. Measures and initiatives are based on these notions, which are produced in cooperation with the Council General Secretariat and the EC, and are designed to support the establishment of an African peace and security architecture, including the creation of an African stand-by force (Martinelli in Merlingen 2008).

In addition to the development of European policies, EU Member States also maintain extensive bilateral relationships and have important interests in Africa and the Great Lakes region. For instance, France and Belgium both have extensive historical involvement with Africa due to their colonial past. These two nations maintain valuable cultural ties which have been held together through promoting *la francophonie*. In more recent times, their renewed engagement with the Great Lakes has been motivated in part by the hope of improving their international image, which was negatively impacted by their role in pre- and post-genocide Rwanda. In a similarly way for the United Kingdom, Africa represents an area of strategic investment. In 1999 London initiated a review of its conflict prevention policy on the mechanism called the African Conflict Prevention Pool. Amongst the strategic areas funded by the pool is security sector reform. Britain is now advocating a coherent security sector reform and good governance approach in various African countries including the DRC and Burundi (Merlingen 2008).

“In the geo-strategic game that characterizes bilateral approaches to Africa, London's main interests are in Eastern Africa, but it supports French and Belgian

ambitions in other regions in order to get their support in international for when it comes to its own areas of interest. Also, the Netherlands has been actively involved in security sector reforms in the DRC, in particular by contributing funds to the United Nations Mission in the Democratic Republic of Congo (MONUC, now MONUSCO) to support the logistical and supply capacity of the Congolese armed forces.” (Martinelli in Merlingen 2008).

Germany, on the contrary, is a Member State that has expressed high reluctance to engage in Africa in general.

Such multilateral and bilateral engagements by EU Member States in the DRC are shaped by relations with regional actors such as South Africa and Angola. The former is actively pursuing an agenda of regional leadership and hence has long been interested in increasing stability in the region. Pretoria played a key mediation role in various regional conflicts including in the DRC and it is committed to engaging in long term peacebuilding activities in the wider region. Angola, on the other hand, has been deeply involved militarily in the DRC and has important defence programmes in the country as well as economic interests.

European states vary greatly in terms of their relationships with Africa, depending on their particular historical experiences. From the colonial period onwards, the involvement of Europeans in Africa has generally fallen into two categories: missionary work and technical assistance. Both of these areas of activity still continue today, often leading to a lack of clarity and focus regarding what Europe is trying to do (Topala 2011).

“Following the logic of T.E. Lawrence – “better to let them do it imperfectly than to do it perfectly yourself, for it is their country” - ISIS Senior Advisor Dr. David Chuter pleads for a more focused EU involvement in Africa, and a recognition that sometimes the right response might be to decline to get involved. In turn, if post-colonial African states and institutions do not work very well, it is perhaps

because they are based on foreign ideas transplanted into unpromising soil. After all, modern Africa in all its aspects is largely a European creation” (Topala 2011).

One of the successes of European involvement in Africa was Operation Artemis which had proven that “European forces were capable of acting autonomously outside Europe, albeit under command of a nation familiar with the environment [France]”. The “Five plus Five” discussion forum (Algeria, France, Italy, Libya, Malta, Mauritania, Morocco, Portugal, Spain and Tunisia) successfully accounts for the “less is more” paradigm, as it enables interactions between states which share common interests; civilian CSDP missions, if deployed, should also take this paradigm into account. Furthermore, the key element in these matters is the cooperation of the local authorities (Topala 2011).

### **EUPOL DR Congo**

Since its independence from Belgium in 1960, the DRC has known political instability, massacres, the proliferation of security actors and the sustained involvement of external players, often intent on exploiting the mineral assets of the country and supporting one of the various rebel groups. The Global and All-Inclusive Agreement in 2002 facilitated by South Africa ended a violent conflict which had serious regional implications and cost thousands of lives. After the deployment of MONUC (the largest UN operation ever launched) and the EU military Operation Artemis, the EU decided to focus on Security Sector Reform.

Since its launch in June 2007 when it took over mandate from EUPOL Kinshasa, EUPOL RD Congo has supported Security Sector Reform in the field of policing and engaged with the justice system by means of monitoring, mentoring and advisory action with an emphasis on the strategic dimension (Factsheet EUPOL RDC 2011). It

attained a number of achievements, particularly because it went through a quite extensive consolidation and refocusing process. As a result it launched the police reform process, constituted a joint body for coordination of the reform based on local ownership, participated in the conceptual elaboration of a reform implementation structure and delivered training to police officers. This included the “train the trainers” course and courses devoted to the promotion of human rights and the fight against sexual violence.

Coordination problems with both international partners and other EU actors on the ground have hampered the performance of the mission. The current leadership, however, tries to coordinate all the activities by the EU, not only the Member States (Belgium, Great Britain and France) but also the whole EU family (operation EUSEC, European Delegation). It is clear that some Member States have great interest in RD Congo and they deliver also their own bilateral projects.

France, the United Kingdom and Belgium are particularly supportive of the mission which, from the perspective of some Member States, does not constitute a priority. Furthermore, capacity problems related to lack of French speaking skills occur regularly, while the geographical enlargement of the mission to the East of the country (Goma) may also entail some difficulties. The initial deployment to Eastern Congo was disrupted by the violence in North Kivu in October 2008. Since then, security constraints have occurred but the current situation of the mission antenna in Goma is, according to the Head of Mission, “fully operational”. However, even the Belgian representative at the Political and Security Committee recently expressed concern about whether the mission is not losing its focus and is not extending beyond its capacity.

## **EU SSR (Security Sector Reform) Guinea Bissau**

Western Africa is connected to EU internal security because the majority of migrants and drug routes stem from this part of Africa. Thus, from that political geography perspective Guinea Bissau is in a different position than the Democratic Republic of the Congo. However, the number of Member States that supported the CSDP mission was very low; the majority did not oppose the mission, but did no more than respect the interests of its partners. The idea of the mission was backed particularly strongly by Portugal, which is unsurprising given that Guinea Bissau is a former Portuguese colony, Spain, primarily for internal security reasons linked to migration, France and Great Britain, both of which had interests in Western Africa.

The EU decided in February 2008 to establish an advice and assistance EU mission in support of the Security Sector Reform in Guinea Bissau. In July 2010 after military coup d'état the Mission could no longer deliver its mandate and Member states decided that it should close. The main problematic issue during its mandate was the non-cooperation of the authorities with the Mission and changing political and military elites. Despite the unfavourable circumstances the Mission achieved the delivery of at least some part of its mandate; however, it had not been sufficiently integrated into the political strategy and did not have adequate political support. The main advocates of the Mission were Portugal, France and Spain, but other Member States were not as keen to deliver their experts. Thus, the failure of the Mission was not caused only by exogenous but also by endogenous circumstances.

After the Mission's closure, Member States called for a report on the lessons learned which would highlight the important aspects for the future missions in Africa. The primary points of that report were as follows:

- The beneficiary country and its government, military and political classes have to fully identify with the goals and objectives of the mission mandate.
- A clear roadmap, timetable and control mechanisms have to be agreed between the Mission and its counterparts at the outset of the mission.
- Public awareness should be improved and mission results have to be adequately visible for the public at an early stage. (EU SSR Guinea Bissau Final Report 2010).

The important lessons that should be learned by the EU from the Mission are that instability, a lack of clear objectives and an inadequate number of experts were key reasons for its failure. There is also a lesson of regional significance, which is that African states should be approached and analysed on a case by case basis in order to produce effective CSDP operations in the future.

The missing common European diplomacy in Africa?

According to M. Gibert (in Gross, Juncos 2011: 107), the EU is missing common diplomacy in Africa. There have been CSDP missions accomplished, including DRC, Sudan, Chad and the Central African Republic and Guinea-Bissau, but these missions are not fully integrated into a political and diplomatic framework. These frameworks are rather elaborated by the Member States which have interests of their own.

For now, European Union Member States, especially those which have a permanent in-country representation, retain the intelligence, political expertise and influence that make a strong diplomatic culture. This is especially true in West Africa, where relations with Europe are generally defined in the former colonial power's embassy.

In Europe too, the EU's policies in West Africa are essentially prepared in the former colonial power's capital city and subsequently approved in Brussels.

There is little European diplomacy on Africa going on between the Member States' Permanent Representations to the EU; the EU's Africa diplomacy is therefore often limited to an implicit bargaining game between the capital cities of former colonial powers. When Britain obtains funding or a political gesture for Sierra Leone, for instance, France will expect a similar concession on Cote d'Ivoire. The only exceptions to this rule are those cases where the EU has been running CSDP missions. For these missions, the largest Member State permanent representations in Brussels have staff members in charge of thematic portfolios (Gibert in Gross, Juncos 2011: 108).

Although there is no common policy there yet, CSDP missions are a step in this direction. They are already a sign of finding the lowest common denominator of Member States' interests in certain parts of Africa. The focus should however remain on North (see other chapter on Maghreb and Mashrek) and West Africa where connection to the internal policies of the EU is prevalent.

### **Asia (AMM)**

South East Asia should not be considered as one of the priority areas for the EU. However, in 2005 the Aceh Monitoring Mission (AMM) became one of the most remarkable CSDP successes. The AMM was a first for the ESDP/CSDP in several regards; it was the first mission set up in Asia, the first one launched in partnership with another regional organization (Association of Southeast Asian Nations, ASEAN) and the first one required to be fully operational on day one of its mandate (Kirwan in Merlingen 2008: 128).



From October 1976 until August 2005, the Indonesian province of Aceh was faced an intense armed conflict between the Free Aceh Movement (Gerakan Aceh Merdeka, GAM), which fought for Acehnese independence, and the Indonesian security forces which sought to prevent such separation (Schulze in Grevi, Keohane, 2011). At the centre of the conflict were issues around the degree of Acehnese autonomy that had grown out of control, revenue-sharing and abuses of human rights. Aceh had become known for its “rebel” independent spirit due to its strategic position, having the earliest Islamic history in Indonesia dating back to 804 and its long resistance to colonisation. In the struggle for Indonesian sovereignty, both Aceh and Islam became key points of focus for the anti-colonial resistance (Kirwan in Merlingen: 130). The situation became worse during the 1970s because of oil and natural gas production – Aceh produces 15% of Indonesian exports – as the government organised an influx of labourers into Aceh and Acehnese who were not content with the distribution of gains as there were no adequate investments in local development. The struggle for autonomy was led by the National Liberation Front Aceh-Sumatra from 1989, with a main objective of not only achieving independence but also the establishment of a federation of national states in Sumatra and the separation of the whole island from dominant Java. The army response to the insurgents was very severe, leading to the deaths of thousands of Acehnese. The subsequent establishment of a military zone gave rise to international protests, although this had little consequence for the authoritarian President Suharto’s government (Baar 2001: 194).

Until the fall of President Suharto in May 1998, the conflict was fought purely by military means. After his defeat, peace negotiations were started in 2000. However, in May 2003 these negotiations broke down and Aceh was placed under martial law.

After a year of Indonesian counter-insurgency operations and the election of a new Indonesian president, Susilo Bambang Yudhoyono, secretly held discussions took place between GAM's exiled leadership and Jakarta. It was in fact the wake of the Asian Tsunami in 2004 which helped trigger the peace agreement between the government of Indonesia and the GAM, mediated by former Finnish president Martti Ahtisaari, with a Memorandum of Understanding concluded on 15 August, 2005. With the assistance of the European Union (AMM), the peace has held (Schulze in Grevi, Keohane, 2011).

The EU took on the role of a neutral outsider which was required in order to monitor the implementation of the peace deal and to verify that a series of tracking points had been reached. The recent history of East Timor meant that the UN was not in a position to take on this role. Furthermore, political circles in Jakarta found UN supervision of the peace process unacceptable, as many held New York to have had some complicity in the secession of East Timor. There was suspicion that any new role for the UN in the resolution of the Aceh conflict could in fact be designed to support another separatist agenda; such a situation was not going to be allowed in Aceh. Eventually, the negotiators agreed on a joint mission to be run by the EU and ASEAN. The decision to deploy an ESDP/CSDP mission was not free of debate, however. While many Member States saw an opportunity to expand the reach of the ESDP/CSDP in Asia and to demonstrate that the Union had matured into a serious international security player, others had concerns that the political and diplomatic risks to the EU were high, particularly as the short implementation timeline and the support requirements would be difficult to meet. Despite these difficult circumstances, the Council of the EU decided to launch the Mission (Council Joint Action 2005 on AMM 2005/643/CFSP).

The AMM enjoyed a high level of social acceptance in Aceh, even during the period of the Initial Monitoring presence. Public perception early on was that the AMM was already operating and cases were brought to the district offices as soon as they were seen to be occupied, sometimes weeks before the mission mandate existed (Kirwan in Merlingen, p. 139). The Mission then experienced further improvement of its situation within the scope of its mandate, thus having a positive impact on the population. By the time of the Mission's departure there were no longer curfews and the population was no longer afraid to use roads, even at night.

The AMM had witnessed elections held under the new Law on Governance of Aceh, and independent candidates and local political parties had been able to stand for office. The state of emergency was long gone, along with the non-organic military and police units, internal security now being a matter for the Aceh police. In summary, the AMM was held in high esteem by both parties to the peace accord and made a genuine contribution to building peace in Aceh.

In many respects the AMM was a special mission which stemmed largely from the initiative of Martti Ahtisaari with the backing of the Finnish government. The Finnish, Swedish and British governments provided quite extensive logistic and financial support to the initial phases of the mission, allowing it to start up on the first day of its mandate. Great Britain offered political, social and cultural expertise through its staff in the Embassy. Finnish and Swedish governments as well as EU Council Secretariat staff were heavily engaged in the Initial Monitoring Presence, with significant financial support and technical specialists. As a result, by 15 September 2005 the AMM was fully staffed, deployed and operational. No other international mission has ever deployed and become operational as quickly as this.

Secondly it was a joint EU and ASEAN mission, therefore its justification was fully backed by international and regional actors. Such parameters make the AMM highly distinct in comparison to other missions. The EU as a neutral actor seized the opportunity to be a significant addition to its regional partners and to the resolution of the conflict. From this perspective, the AMM is therefore an exceptional mission which cannot be put as a model for future missions in the same geographical area.

The EU significantly upgraded its role as an international monitor as a result of the AMM. The experiences gained were useful in Georgia in 2008, where the EU took the opportunity to be a significant player when both UN and OSCE left Georgia following Russian veto to both monitoring missions. Another important aspect of the Mission was its short duration. Although the mission was extended for three months longer than the maximum time originally envisaged, this was at the direct request of the Indonesian president who was keen to see the mission stay on the ground until after the local elections in December 2006. During these last months there was a sense within the mission that it should leave soon in order that the new political landscape could properly develop. The AMM was an essential component of the peace process, but also clearly identified the correct time to leave and hand the future challenges to those mandated to govern (Kirwan in Merlingen, 2008, p. 142).

### **Latin America (Haiti)**

Latin America or the Americas is also an area that was colonised by European countries throughout much of its history. However, Latin America went through one of the first decolonisation processes. In addition, since the Monroe Doctrine the territory of the Americas has remained under the tacit zone of influence of the United States.

Europe should therefore not attempt to deploy civilian CSDP operations there, but this does not apply to all actions of the EU.

The earthquake in Haiti, for example, created an opportunity for EU to act efficiently, even though the coordination of all Member States was not entirely adequate. Since then, HR/VP Ashton has created the position of Managing Director for Crisis Response within the European External Action Service: Agostino Miozzo is now responsible for any crisis response that will occur. His position is at present not very well defined and there may also be an aspect of attempting to gain more power in the area of crisis management and humanitarian aid. The primary competence in this area lies with the Member States; the secondary responsibility is with the European Commission. The formation of a new team that would overlap these two entities has not been perceived with great enthusiasm from either of them.

The Earthquake in Haiti did prove that the EU needs to act more rapidly in such circumstances and in more coordinated manner. Disaster relief does not, however, fall under the category of CSDP action and as such the EU and its Member States' actions in Haiti constitute an exception in this regard. Other countries, such as US, had a clear advantage in terms of geographical proximity, thus a CSDP mission would have to be coordinated primarily with the leading regional power.

## **8. European Union Security and Defence White Paper – possible future?**

CSDP is still going through a formative process. It has no clear strategic framework agreed by EU governments defining its ultimate objectives and priorities, or the means for achieving them, and has been prey to short sighted political decisions. CSDP has lacked overall effectiveness and direction. The aims and general directions given by the European Security Strategy are valid but require strategic refinement in the specific field of security and defence as well as in other fields.

The various national security strategies of recent years (in France, the UK and Germany) are a positive development in as far as they foster strategic thinking in Europe. By 2020, CSDP must evolve towards concrete objectives that should take geopolitical reality into consideration. Such policy will be specific to the nature of the EU as a potentially global security actor, which is not a state, aims at being more than just a civilian power and is to be guided by a holistic approach enshrined in the European Security Strategy. In the near future CSDP will remain an asymmetric power due to the structure and decision-making that remains in the hands of Member States. Even with new structures and attempts to create higher level of integration it will present different features than other fields (such as monetary policy).

“Nation states have been living on historical capital for too much time, as a number of strategic thinkers have rightly noted. Acting on their own, the next generation may witness our countries increasingly condemned to irrelevance. Integration is in their national interest. In the area of CFSP/CSDP with adequate institutional support, individual Member states still have a central role to play in order to make CSDP real in various ways.” (Lasheras 2010:17).

Institutional “support”, however, sometimes proves to be a handicap to proper functioning. Inter-institutional disputes are often present and the European Commission attempts to seize control. Member States have specific advantages at the operational level in crisis scenarios and, in terms of capabilities and commitments, the establishment of different forms of enhanced cooperation.

Europe’s collective potential in the field of security and defence up to 2020 must not be guided by mutually exclusive frameworks. Bearing in mind the factors of scarce resources, different institutional constraints and its own guiding principles, the EU will have to operate in a multilateral capacity and work closely with partners. In order to implement Europe’s security policy, it will be essential to foster different security partnerships. In particular, Europeans will have to find a way of making significant headway together with NATO, overcoming the Cypriot-Turkish issue which is hampering out a real EU-NATO strategic partnership, and produce a coherent overarching EU-US security partnership.

Before coming up with more official declarations on CSDP’s grand achievements and general prospects, EU leaders must go into greater detail and be willing to take a rough road to reach noble aims. Europe should reach agreement on a common strategy in this field with the 2010-2020 EU Security and Defence White Paper in view. There were already several attempts to create such proposals, but in these strategies there was an important aspect missing – a geostrategic perspective.

The most recent EU Security and Defence White Paper proposal was elaborated by Fundación Alternativas, the Spanish Institute of Strategic Studies, and Friedrich-Ebert-Stiftung with the participation of the Institut de Relations International et Strategiques (IRIS-France) in January 2010. The main findings of this paper include an appeal for a

strategic review and most importantly for a bigger role for CSDP in European security in the future. The third objective is to set clear priorities and criteria for EU engagement in order to respond to identified threats.

Although the EU has its Security Strategy which identifies main strategic objectives, it is very broad in terms of threats and challenges and there is no clear guidance for CSDP. In particular, not all threats and challenges described in the ESS are immediately acute with regard to Europe's security and defence, nor justify using CSDP as the framework for dealing with them. In such exercises, European countries need to establish priorities, which would also help Europe's effectiveness, guiding decision-making in the years to come.

The proposal for the EU Security and Defence Policy suggests first to make a thorough threat assessment. The ESS focuses ESDP/CSDP on threats and challenges, in coherence with other policies and aims (stable neighbourhood, etc). However, the description is not complete, although an assessment of risks and threats should determine the main objectives. Threats should be analysed according to urgency. Proliferation of weapons of mass destruction in conjunction with extremist terrorism, for example, became an existential threat in the recent decade. On the other hand, an armed attack against an EU Member State in the classic sense (state vs. state) does not seem imminent in Europe. Under the Lisbon Treaty's mutual assistance clause in Article 42, however, such potential threats also become a matter for EU-wide security consultations and responses. It seems that this could potentially be of value in reinforcing the important principle of solidarity among Europeans, not just in legal and institutional issues, but in terms of action to safeguard mutual security. A further benefit is that non-NATO EU countries may also be included. Countries in Europe



would also be able to look to the EU for protection and assistance, if faced with such circumstances, as well as the traditional guarantees that NATO provides (Lasheras 2010:19).

Discussion directed towards a White Paper must include regional conflicts as a main point of focus, including inter-state conflicts, as the 2008 war between Georgia and Russia makes clear. While major inter-state conflicts and large scale regional wars appear to be in decline, as was pointed out in the case of EU Member States, this certainly does not mean that they may be disregarded in any way. Regional wars have the potential to impact upon European interests and values in a number of ways, ranging from threatening the stability the EU's immediate neighbourhood to directly affecting the safety of EU countries and placing civilian populations in danger. Such scenarios require not only the crisis management, civilian and military capabilities included in the CSDP so far, they also demand combat-capable troops to be trained for higher intensity operations. While important, this matter is somewhat beyond the civilian dimension that this thesis aims to focus on.

The central focus of CSDP should be on failed states and conflicts. Conflict is frequently tied to poor governance and state fragility, which in turn are major causes of regional instability. The UN (2004) has referred to these phenomena as root causes of conflicts that can have lead to hugely destructive humanitarian conflicts where there is an international "responsibility to protect", such as in the cases of Rwanda and Darfur. Moreover, state failure can lead to terrorists or terrorist groups using the region as a safe-haven, which has happened in areas in the Sahel and in the Horn of Africa. For these reasons European security policy must regard regional conflicts as a priority, especially those that reach full scale crisis and state failure levels requiring

multinational peace building actions. These threats should not be taken out a geographical perspective, however; in order to be an effective actor, the EU cannot attempt to tackle all the problems in the world. Geographical focus, as has been discussed in this thesis, should remain a primary consideration.

Another threat that European security strategy must take into account is international terrorism, both within Member States' home territories and in distant regions, for example, in the border areas between Afghanistan and Pakistan. The potential danger presented by terrorist organisations acquiring weapons of mass destruction is of particularly grave concern.

It is vital that the EU deals with this danger using a comprehensive approach, including both the internal and its external dimensions. For instance, through increased coordination of Member States' law enforcement policies in the framework of the 2005 EU Counter-Terrorism Strategy, greater judicial and police cooperation and intelligence sharing, together with preventive policies and police operations have been aimed at disrupting attacks. When it comes to CSDP involvement, the EU must address the kind of terrorism that manifests itself modern asymmetric wars, including that which comes from counter-insurgencies as seen in Afghanistan. This will require very clear and specific Rules of Engagement along with enhanced systems of intelligence and technology. In keeping with this, the contribution of CSDP missions to the fight against terrorism, including in third countries, is recognised in the Lisbon Treaty. On the other hand, CSDP assets can also contribute to general efforts in response and disaster management inside Europe, such as when a civil emergency is created by a large scale terrorist attack.

Another security challenge is that of climate change, which is likely to be a major cause of insecurity and instability in the coming decades. EU policies must therefore be in place to reduce and prevent climate change and security issues relating to it, with CSDP assets supporting the management of the effects of ecological disasters. For instance, as it was the case in the floods in Algeria in 2006 providing humanitarian relief overseas in accordance with the Oslo Guidelines.

The Proposal document addresses two priorities in this area:

- inside the EU (as discussed in Chapter 3), where CSDP could contribute to the management of ecological disasters, as it does major terrorist attacks, once there is agreement on implementing the new solidarity clause of the Lisbon Treaty;
- outside of the EU, where the comprehensive policy on disaster response overseas being developed by Brussels must take into account and which involves the Commission, the Council, EEAS and its Secretariat and the Member States. In regards to the external dimension, CSDP must be expected to play a supportive role in civilian responses to natural or man-made disasters, or also terrorist attacks with weapons of mass destruction; this should involve assisting with civil protection and humanitarian aid.

## 9. Conclusion

As demonstrated, CSDP actions need to take into account a geographical focus and geopolitical interests. With 27 member states, the EU covers almost the whole European continent and its foreign actions should therefore stem out of this new geographical reality. Individual Member States must look beyond their own national interests and encompass the European perspective.

Following the analysis of the Security Strategies of Germany, France and the United Kingdom, it is quite apparent that all of them share similar priority areas. Each of them, however, arranges the areas according to their own perceived order of importance. France puts its axis of geography above other areas but the key remains the Mediterranean and the sub-Saharan region; Germany prioritises the Eastern dimension and the relationship with Russia; the United Kingdom focuses on its trade and economy. The latter's open-faceted approach towards the world and the emphasis on the transatlantic relations distinguishes it from the others. Despite these different approaches, the lowest common denominator includes the Balkans, Eastern Neighbourhood, the Middle East and Southern Neighbourhood and Afghanistan.

This paper has presented a comparison of the current activities of EU civil security-CSDP and the geopolitical intentions of the three great European powers, Germany, France and Great Britain. Certainly, civilian CSDP should concentrate on geographic areas that are of key importance to the most Member States and especially for the three large powers. The research question was whether the major European powers reflect their priorities in their entirety through EU policy, or whether there are other factors

that prevent them from doing so. Such factors include decisions based on consensus and the growing power of the European Commission, which defends its interests very strongly in the area of CSDP. It has been shown that large Member States cannot impose their national interests in all aspects, but must seek support from allies and formulate compelling arguments that will help them. However, to what extent do they succeed in projecting their priorities into the CSDP? On one hand it is apparent that they attempt to impose their interests as much as possible. However, not all of the interests of one leading country will necessarily be shared by other Member States, perhaps not even by the other leading countries. As all decisions are taken on the basis of consensus it is much easier for each of the leading countries if their interests are part of a common denominator of interests.

Furthermore, the leading countries are the ones that most frequently veto decisions against the majority of Member States. This kind of strength, or political will, stems from their tangible sources of power, particularly as they are the three largest contributors to the EU budget. In addition to tangible sources of power, the three leading countries also possess a great deal of information on events, documents, strategies and concepts that are in deliberation. As such, these large Member States are often in an advantageous position that allows them to take the most initiative in CSDP.

It is the prerogative of each Member State as to how they identify, convey and enforce their interests, but it should be noted that large countries do have significant advantages over the others. First, they possess considerable amounts of tangible sources of power, i.e. the largest share of contributions to the EU budget, which relates to having the largest populations, the size of the country or to military power. Second,

their arguments are usually very well developed and they have good experience with lobbying in other states and institutions. The key to success for Member States in terms of securing influence is access to information about planned activities, events or documents with which the larger countries are already involved and are participating in.

The priority areas for future CSDP actions should be based on the criteria that were set out in this paper: proximity, strategic objective and acceptance by the local population. Primary geographical areas for future CSDP missions stemming from these criteria should include the Western Balkans and the Eastern Neighbourhood, due in particular to their immediate proximity to the EU. Kosovo should remain a priority CSDP mission as long as necessary. The EU, however, must prove its ability to tackle the instability in the region through the use of EU tools and not only through KFOR and the US. If the EU fulfils its role as a facilitator of political dialogue between Pristina and Belgrade, the CSDP mission will be able to attain an effective impact on the rule of law, which is crucial for EU's fight against organised crime.

Georgia and South Caucasus should remain as the second key priority. This is not only due to the importance of proximity and resources, but also because the population sees the EU as the model for its future. In the crisis situation in this region the EU showed a remarkable unity of action and determination; indeed, the record speed of its implementation proved the Union's capability to react quickly in a situation of serious crisis, provided that sufficient political will and strong leadership exist. The Mission has quickly delivered on its first and most prominent task, the stabilisation of the situation after the war. Thus, it represents a success for the CSDP.

The Middle East and Southern Neighbourhood are also of great strategic importance for the EU. However, the acceptance of local populations in these areas is, due to political reasons, ambiguous and their perception of the EU needs to be improved. If the current conditions on the Rafah crossing do not allow re-activating EUBAM Rafah then it is high time for the EU to close it. Wasting of resources cannot last forever and due to the economic crisis that has spread throughout Europe, maintenance of a dormant mission is questionable.

Iraq is an EU strategic partner with plenty of energy resources; it is the third largest and its impact in the regional context makes it very significant. Despite the fact that Iraqis view the Europeans more favourably than the Americans, EUJUST LEX Iraq has so far not been successful in attaining the legal confirmation of local acceptance (e.g. SOMA) by the Government nor by the Parliament.

Finally, Afghanistan constitutes, and will continue to constitute, a terrorist threat unless rule of law and stability is fully established. Although it fulfils the least number of assessment criteria as it lies not within close range of proximity, nor is it highly accepted by the local population, Afghanistan represents a terrorist threat to most EU countries.

Therefore, if CSDP activities are enhanced in these four areas the EU will manage to become a respected and effective actor in global politics. The Arab spring in particular has opened a window of opportunity for the EU to prove its readiness to support these countries, i.e. Libya or Tunisia, in their transition process. Otherwise there is a risk that due to economic difficulties it will become a powerless and toothless organisation that is constrained by the power struggles of individual Member States.

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
## **11. Annexes**








# Annex 1

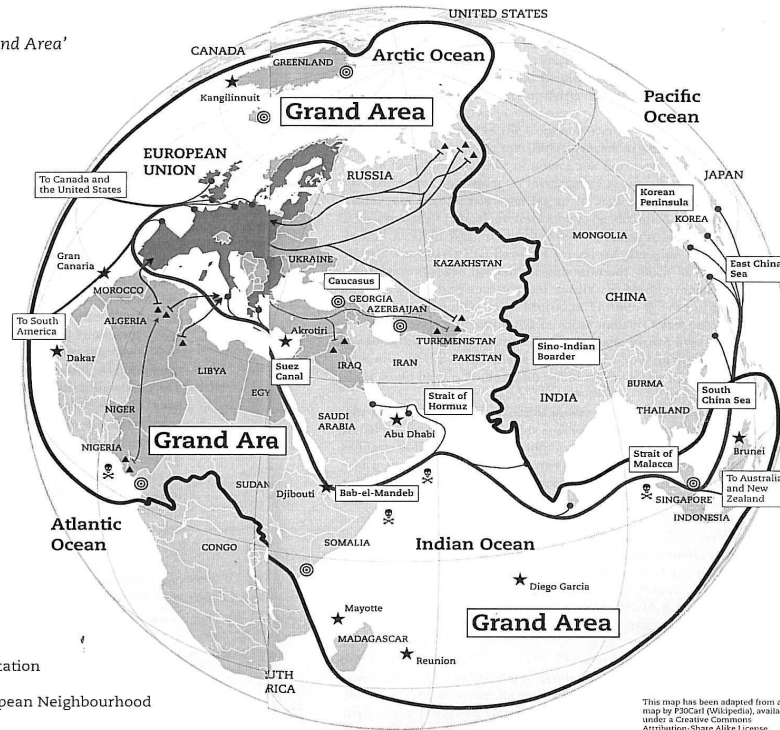
## Map 1

The European Union and the 'Grand Area'

-  Maritime communication line with spur and port
-  Gas transmission pipeline with flow direction
-  Planned gas transmission pipeline with flow direction

**Caucasus**  
Strategic flashpoint or strategic chokepoint

-  Gas producing region
-  Pirate infestation
-  European military station
-  Suggested European military station
-  Countries in an extended European Neighbourhood



This map has been adapted from a map by P30Cart (P30Cart), available under a Creative Commons Attribution-Share Alike License.

Annex 2

Open Europe estimates for EU-27 budget for 2007–2013 in euros (€)

Member state	Money to EU (billions)	Money from EU (billions)	Net benefit (billions)	Ratio of money (Out/in)	Population (2007)	Net benefit per capita
Germany	164	78	-86	0.476	82,314,906	-1045
United Kingdom	103	46	-57	0.447	60,816,701	-937
France	140	89	-51	0.636	63,392,140	-805
Italy	116	70	-46	0.603	59,131,287	-778
Netherlands	37	13	-24	0.351	16,357,992	-1467
Sweden	20	9	-11	0.450	9,113,257	-1207
Austria	19	10	-8.5	0.526	8,298,923	-1024
Denmark	17	10	-7.2	0.588	5,444,242	-1322
Finland	13	9	-3.7	0.692	5,276,955	-701
Cyprus	1.1	1	-0.1	0.909	778,684	-128
Malta	0.5	1	+0.5	2.0	407,810	1226
Republic of Ireland	11	12	+0.6	1.091	4,312,526	139
Spain	76	78	+2.2	1.026	44,474,631	49
Slovenia	3.1	6	+2.9	1.9354	2,010,377	1443
Estonia	0.8	4	+3.2	5.0	1,342,409	2384
Latvia	1.4	6	+4.6	4.286	2,281,305	2016
Belgium	33	39	+6.4	1.182	10,584,534	605
Lithuania	1.7	9	+7.3	5.294	3,384,879	2157
Luxembourg	2.3	10	+7.7	4.348	476,187	16170
Bulgaria	2.3	12	+9.7	5.218	7,679,290	1263
Slovakia	3.5	14	+11	4.00	5,393,637	2039
Portugal	12	29	+17	2.417	10,599,095	1604
Czech Republic	9.2	31	+22	3.370	10,287,189	2139
Hungary	8.4	32	+24	3.810	10,066,158	2384
Greece	15	40	+25	2.667	11,171,740	2238
Romania	7.2	32	+25	4.444	21,565,119	1159
Poland	22	87	+65	3.955	38,125,479	1705

Source: <http://www.openeurope.org.uk/research/budget07.pdf>

Annex 3

Countries or Institutions		Seconded Personnel								Totals per Country/ EU Institution
		Civilian CSDP Missions as of 30 June 2011								
		Civilian								
		EUPM	EULEX Kosovo	EUMM Georgia	EUJUST LEX-Iraq	EU BAM Rafah	EUPOL COPPS	EUPOL Afghanistan	EUPOL RD Congo	
		Europe - Balkans			Europe and Middle East/Iraq	Middle East		Asia	Africa	
Bosnia-Herzegovina	Kosovo	Georgia	Rafah	Palestine		Afghanistan	RD Congo			
EU Institution									0	
Austria	2	23	6			0	4		35	
Belgium	2	26	5			1	1	12	47	
Bulgaria	0	31	12			0	0		43	
Cyprus	2	0	0			1	0		3	
Czech Republic	1	22	13	1		1	8		46	
Denmark	0	36	6	3		3	13		63	
Estonia	1	6	4			0	2		13	
Finland	9	54	25	4	1	6	30	2	131	
France	5	104	18	1	2	2	7	9	148	
Germany	14	107	36	5	1	4	33	2	202	
Greece	0	26	8			0	2		36	
Hungary	4	41	6		1	0	6		58	
Ireland	3	9	2	1		2	8		25	
Italy	11	171	17	2	1	2	9	5	218	
Latvia	0	1	2			0	2		5	
Lithuania	0	4	3			0	4		11	
Luxembourg	0	1	2			0	0		3	
Malta	1	2	2			0	0		5	
Netherlands	4	46	10	2		3	24		89	
Poland	3	122	21			0	3		149	
Portugal	1	11	1			0	0		13	
Romania	10	178	28	2		1	14		233	
Slovakia	4	6	3			0	0		13	
Slovenia	4	17	2			0	0		23	
Spain	3	0	9	3		2	2		19	
Sweden	4	73	29	2		4	14	5	131	
United Kingdom	2	29	17	5		4	17		74	
<b>Total (1)</b>	<b>90</b>	<b>1143</b>	<b>287</b>	<b>31</b>	<b>6</b>	<b>36</b>	<b>203</b>	<b>35</b>	<b>1838</b>	

Source: CPCC (EEAS)