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Natolin

Can the European Union Provide Security in the Caucasus?

A Historical and Critical Analysis
of the EU's Conflict Resolution Toolbox

Anar Rahimov



DEPARTMENT OF
EUROPEAN INTERDISCIPLINARY STUDIES

Natolin Best Master Thesis

02 / 2011



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Anar Rahimov

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Thesis presented by Anar RAHIMOV
for the
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KEY WORDS

EU Army · RRF · ENP · Action Plan · EU-NATO, EU-OSCE
the Balkans · Conflicts in the Caucasus · EUSR · Treaty of Lisbon.

ANAR RAHIMOV

Can the European Union Provide Security in the Caucasus?

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List of abbreviations and acronyms

AP	Action Plan
BP	British Petroleum
BSS	Black Sea Synergy
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defence Policy
EaP	Eastern Partnership
EC	European Commission
ECAP	European Capability Action Plan
EDA	European Defence Agency
EDC	European Defence Community
EEA	European Economic Area
EEC	European Economic Community
ENP	European Neighbourhood Policy
EP	European Parliament
ERRF	European Rapid Reaction Force
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUMC	EU Military Committee
EUMS	EU Military Staff
EUSR	European Union Special Representative
FASP	Foreign Affairs and Security Policy
FRG	Federal Republic of Germany
GUAM	<i>GUAM</i> Group (Georgia, Ukraine, Azerbaijan and Moldova)
HG	Headline Goal
MFA	Ministry for Foreign Affairs
MS	Member State(s)
NATO	North Atlantic Treaty Organisation

OSCE	Organisation for Security and Cooperation in Europe
PCA	Partnership and Cooperation Agreements
PPEWU	Policy Planning and Early Warning Unit
PSC	Political and Security Committee
QMV	Qualified Majority Voting
RRF	Rapid Reaction Force
SIPRI	Stockholm International Peace Research Institute
UK	the United Kingdom
UN	the United Nations
USA/US	the United States
USSR	the Union of Soviet Socialist Republics
WEU	the Western European Union

Abstract

Does the European Union (EU) need, or does it have, an army capable of protecting its global interests, at least within the European Neighbourhood Policy (ENP) area? Can the EU be a moderator in conflict resolution processes? This research is an attempt at respond to these questions with the use of analytical and comparative methods.

The official documents, such as Treaties, Communications, Strategy Papers, books, articles and various internet-based sources of information in English, French, Russian and Azerbaijani were sourced to provide readers lacking any background in the EU military and conflict policies with information on the EU political or military participation in conflict resolutions. Although there are many books covering the history of the European army and its involvement in the Balkans war, the literature on our particular topic is limited. Therefore not only books and articles, but also news, forecasts, critical analyses and lectures were used as references.

The Introduction provides an overview on the current state of play of the discussed topic and the structure of the work. The development of the EU military concept is described in Chapter I, with special attention paid to various events, such as the EU Councils and Summits, where key decisions on the formation of the EU army were either declined or developed. The evolution of the idea of the necessity of the EU army is also traced within the historical overview. The contemporary problems of the EU army, such as finance and budgeting, composition and commandment as well as understanding of the role of army are analysed in Chapter II. Chapter III is dedicated to the conflicts within ENP area, evaluation of the current or possible involvement of the EU as a moderator in the resolution of these conflicts, as well as cooperation with other international actors. The Conclusion sums up the research results and provides recommendations.

The research discovered that there are two views on the perspectives of the European Army: pro-American (Atlanticists) and pro-European (Europeanists). The questions of how many soldiers, for what purpose, where and why, jointly with who will be paying are all still on the agenda, though some progress has been made recently. Assurance of security, prosperity and stability in the neighbourhood was not that successful within ENP framework, which many parties wrongly considered as being the right tool for building peace and confidence. The biased Action Plans have not contributed to the reputation of the EU either.

The EU itself lacks confidence and trust of the involved parties, and needs to work on its own image-making and image-building. The recently opened EU Delegations in the Caucasus, new energy projects, and EU recognition of the region as a key part of its external policy may change the value of the EU in the political life of the region historically dominated by Russia.

Introduction: The Natolin Best Master Thesis

PROF. GEORGES MINK

DIRECTOR OF STUDIES

COLLEGE OF EUROPE (EIS PROGRAMME, NATOLIN CAMPUS)

DIRECTEUR DE RECHERCHE AU CNRS (FRANCE)

The College of Europe (CoE) was the world's first university institute of postgraduate studies and training specialised in European affairs. Its origins date back to the 1948 Hague Congress. Founded in Bruges (Belgium) in 1949 by leading European figures such as Salvador de Madariaga, Winston Churchill, Paul-Henri Spaak and Alcide de Gasperi, the idea was to establish an institute where university graduates from many different European countries could study and live together. The Natolin campus of the College of Europe in Natolin, Warsaw (Poland) was established in 1992 in response to the revolutions of 1989 and in anticipation of the European Union's 2004 and 2007 enlargements. The College of Europe now operates as 'one College - two campuses'.

The European Interdisciplinary Studies (EIS) programme at the Natolin campus invites students to view the process of European integration beyond disciplinary boundaries and offers them a well-rounded understanding of the European Union. Students are awarded a 'Master of Arts in European Interdisciplinary Studies.' This programme takes into account the idea that European integration goes beyond the limits of one academic discipline and is designed to respond to the increasing need for experts who have a more comprehensive understanding of the European integration process and European affairs.

The EIS programme is open not only to graduates in Economics, Law or Political Science, but also to graduates of History, Communication Studies, Languages, Philosophy, or Philology who are interested in pursuing a career in European institutions or European affairs in general. This academic programme and its professional dimension prepare graduates to enter the international, European and national public sectors as well as non-governmental and private sectors. For many, it also serves as a stepping stone towards doctoral studies. Recognised for its academic excellence in European studies, the Natolin campus of the College of Europe has endeavoured to enhance its research activities. A programme aimed at producing high-quality research on EU internal and external policies in line with the specificities of the EIS academic programme was designed in 2010. This has been joined by the recent creation of two Chairs; the European Parliament Bronislaw Geremek European Civilisation Chair and the European Neighbourhood Policy Chair.

Beyond research and policy-oriented workshops and conferences, a new series of Publications has been created. The first issues were published in 2011, including a series on the EU and the neighbourhood as well as the inaugural “Natolin Best Master Thesis” publications. In order to get their Masters degree all students are required to write a Thesis within the framework of one of the course they follow during the academic year. The research theme chosen by the student or proposed by the Professor supervising the Thesis must be original and linked to European policies and affairs. An interdisciplinary approach is also encouraged. Masters theses are written either in French or in English, the two official languages of the College of Europe, often not the native language of the students. A scientific committee selects the Best Masters Theses among more than 100 produced on the campus every year. By publishing them, we are proud to disseminate some of the most interesting research produced by our students throughout the wider European studies academic community.

Introduction

Si vis pacem, para bellum
(If you want peace, be prepared for war)¹

The European Union (EU) is a unique institution comprising 27 European states with a total population of over 500 million people. Taking into consideration the fact that the border between Europe and Asia is not clearly defined and extends, according to different views, from the Balkans to Turkey and Azerbaijan, the word 'European' in this paper is meant to be a term rather than a geographical name of the area.

As we know, the members of the Union share a so-called 'European' culture, religions, traditions, languages, political regimes, community rules, etc. Those who cooperate with the Union within different EU external policies shall also approximate their internal standards to the European ones and not the other way around.

The historical development of the EU is not linear and is known by its changing fortunes, economic growth and decline, political confrontations, non-acceptance of some clearly European states with strong democratic values and political stability on the one hand, and rapid acceptance of other countries immersed in political or financial crises on the other.

Scholars consider the EU as 'a success story'.² Putting forward economic targets at the end of the 1940's after the devastating World War II, the 6 founding states – France, Germany, Belgium, Luxemburg, the Netherlands, and Italy – managed to establish a union that has provided security, peace and prosperity to Europe for more than 60 years now, something the continent could only dream of for centuries. Within the first 20 years Europe became not only an economically interlinked and consolidated area, which was actually a preventive tool against any war in Europe, but also politically attractive. It became obvious that being inside the Union was more advantageous than staying outside.

It is not just an economic union anymore but also a political one. The relevant treaties contributed to such a development, though not all of them were perfectly timed, equally accepted by the scholars, fully responded to the problems in place and were even rejected by some member states questioning the future of the Union as a whole.

¹ The origin of this expression is unknown. Various sources refer to different authors, such as ancient Roman politician, historians or writers. However, they all share the same sense of this Latin expression.

² We will discuss the pro and contra arguments in details further on.

The first enlargement in 1973 and the following ones, including the famous 'Big Bang' of 2004, brought the number of the EU member states to 27 with a population of more than 500 million. Certainly, the enlargements have also affected the original project planning, structural organization, balance of power, shifted the EU priorities and changed its placement in the world arena according to relevant treaties.

The current political and economic situation, as well as the EU itself, characterise the Union as 'a global player' and 'a global power'. Is it really 'a global player' or maybe, 'a global talker'?

Having established lasting peace and security in Europe, the EU plans to do the same, at least, in its surroundings. The Common Foreign and Security Policy (CFSP) and the European Neighbourhood Policy (ENP) are among the external policies aimed to stimulate political and economic cooperation between the adversaries.

However, the parties are not always able to overcome the tensions and for such a situation the EU, as a global player and security provider, can employ either 'soft' or 'hard' power or both, and not necessarily solely next to its frontiers, but also in crises areas worldwide. Does the EU have the possibilities, capabilities, experience to execute this strategy? Can it implement such strategy without the North Atlantic Treaty Organisation (NATO), which guarantees American presence on the continent, and which is used by the USA as a tool preventing establishment of a European army?³

In the post-war and the Cold War period, American presence provided Europe with 'an umbrella of security' and allowed it to concentrate on economic integration and internal consolidation.⁴

The collapse of the USSR and end of the Cold War removed the direct threat from the East but also created a new issue for the EU, which had not been prepared to secure peace in its backyards, the Balkans. The consequences are known – the US and NATO intervened after the complete fiasco of the European military policy.

Yet the question was not posed firmly until the events surrounding 9/11 in the USA and the American intervention in Iraq, which firstly showed the unilateral military concept of the USA, and secondly, caused a division among the then EU Member States (MS)

3 Denis Melyantsov, *The Perspectives of the Creation of the European Army*, 2005. Available at <http://review.w-europe.org/1/2.html>, (consulted on 12.01.2011).

4 Vadim Trukhachev, *Does the EU have a Chance to Create a Full-Fledged Army?* 2008. Available at http://www.pravda.ru/world/europe/european/08-05-2008/266651-est_li_u_es_shansy_sozdat_polnocennuju_armiju-o/?mode=print, (consulted on 12.01.2011).

concerning the position on Iraq. In 2003, Germany and France initiated another attempt to create an army but failed to get support due to budgetary issues and the pacifist position of some MS.

The 2004 'Big Bang' gave to the EU a shape of the 'state' which entailed establishment of an army. However, the old problem of whether this army shall be Atlanticist or Europeanist remained open.

Proposing the creation of a joint army as a priority for the EU within the next 50 years in 2007 (on the 50th anniversary of the EU), German Chancellor Merkel faced the opposition from the British and Polish colleagues who treated the proposal as a threat to transatlantic relations.⁵

The last 3 years have been marked by frequent discussions on military issues. In May 2008, the German MFA called on the Member States to accelerate the creation of a European army, proposing Germany and France to be the centres of the process. A year later, the Italian Prime-Minister spoke about the post-Lisbon 'military responsibility', and the prevention of the China – USA axis, which he felt had no place for Europe.⁶ In November 2010 it was France and the United Kingdom who reactivated the discussions and projects on a common army and common weapons.⁷

Though it is commonly accepted that there is no direct threat to the European Union's security and stability in terms of military aggression, the risk is in inter-ethnic conflicts which may occur either in the Balkans or within the imminent border of the EU, i.e. in the ENP area.

The constant unrest in the Near East, Mediterranean Sea area, the frozen conflicts in Transnistria and the Caucasus may spill over to the EU at some point in the form of (il) legal migration, human and other forms of trafficking and thoroughly destabilise the security belt.

The recent domino effect of the revolutions in North Africa, which had a potential to extend to the Arabic peninsula and onwards, requires the EU to be ready to face these challenges as per its potential and role and not declared ambitions. The war in Iraq has

5 Portal 'Rodon', *European Army vs. Euroatlantic Solidarity*. 2007. Available at <http://www.rodon.org/polit-070918103512>, (consulted on 12.01.2011).

6 Ilya Kramnik, *The United European Army: New Round of the History*, 2009. Available at <http://www.rian.ru/analytics/20091116/193986980.html>, (consulted on 12.01.2011).

7 Maria Efimova, *The United Kingdom and France Had Created the Prototype of the European Army*, 2010. Available at <http://www.gzt.ru/topnews/politics/-velikobritaniya-i-frantsiya-sozdali-proobraz-/332448.html>, (consulted on 12.01.2011).

shown how little solidarity and confidence there is among the EU MS on, inter alia, migration, the refugee and asylum matters.

In addition to political matters, the latest economic crisis weakened not only the Continent but also demonstrated the inability of the USA to be the world's policeman, leaving a vacuum for the European Union to fill.

This final outcome and state of play of this issue is of special interest for me as I am from Azerbaijan, which has had a long-lasting military conflict with Armenia, another country of the region, and both our countries have been cooperating with the EU under the ENP and other bi- and multilateral agreements since early 1990's. In my view the growing political and economic interest of the EU in the region, which may become an alternative secure energy provider, is likely to put on the EU agenda the question of military deployment for peacekeeping and peacemaking operations in the future, or execution of moderator function, which has been implemented by Organisation for Security and Cooperation in Europe (OSCE) since 1994.

Taking into the consideration the limits of the paper and trying to provide a reader (even one with no knowledge of the EU, ENP and related conflicts) with a general picture on the issue, we will concentrate mostly on military matters. The work aims to give an overview of the military issue development, highlight the treaties, key declarations, summits and their amendments relating to the research topic, peacemaking and peacekeeping experiences as well as discuss the future perspectives.

Using an analytical method we will reference printed as well as electronic sources to present pro and contra views on relevant aspects and come up with our own conclusions.

The paper is composed of Introduction, 3 Chapters, Conclusion, and Bibliography and is supported by Annexes.

The 1st chapter presents the historical development of the military question; the 2nd one will provide information on institutional and organisational problems of the European army and on the already executed military operations under the ESDP/CFSP while the 3rd chapter briefs on the ENP and the conflicts in the Caucasus. The Conclusion will sum up the paper and give recommendations on the researched subject.

Chapter 1. Historical development of the European military policy from the 1950's to present

The history of European military policy dates back to late 1950's. The question of not only economic but also of political cooperation, most notably within the foreign and defence areas, was always on the agenda though it was difficult to reach a consensus on the latter.

As Quinlan argues, the first years after World War II were notable for attempts to create a common European army mainly aimed to prevent the military restoration of Germany - this idea was further developed in Brussels in March 1948 when Belgium, France, Luxembourg, the Netherlands, and the United Kingdom (UK) signed the Brussels Treaty.⁸ **The Brussels Treaty** 'pledged mutual armed assistance against aggression (...) envisaged that a permanent military committee would draw up defence plans and coordinate military activity'.⁹ Williams and Jones find the historical value of the Brussels Treaty not only in the military cooperation but also in 'economic, social and cultural collaboration' which were targeted for the creation of a united Europe.¹⁰

Responding to the growing pressure from the United States to involve West Germany into the project of a possible European army, and thus, enforcing the role of West Germany in the daily political life of Europe and trying to benefit from German resources, the then prime minister of France, **René Pleven in October 1950** '*proposed the creation of an integrated European force under a collective European political authority – a more ambitious concept, as events turned out, than any that was to follow in the remainder of the century*'.¹¹ This proposition is also known as the **European Defence Community (EDC)**.

8 Michael Quinlan, *European Defence Cooperation. Asset or Threat to NATO?*. Woodrow Wilson Center Press, Washington DC, 2001, p. 1.

9 *Ibid.*

10 Geoffrey Lee Williams and Barkley Jared Jones, *NATO and the Transatlantic Alliance in the 21st Century. The Twenty-Year Crisis*. Palgrave, 2001, p. 70.

11 Quinlan, *op.cit.*, note 8, p. 2. See also: *Statement by René Pleven on the Establishment of a European Army (24 October 1950)*, *Journal officiel de la République française*, 10. 1950, pp. 7118-7119. Available at http://www.ena.lu/statement_rene_pleven_establishment_european_army_24_october_1950-020000505.

According to Williams and Jones, this proposition was mistaken as ‘the question of a state’s armed forces raised the whole question of sovereignty in an unacceptable form.’¹²

For them, it was clear that the plan was ‘**to arm Germans but not Germany**’. However, the scope of activities and measures to be undertaken aimed not just at unification but also at bringing huge human and material resources under ‘the single European political and military authority.’¹³ Among other reasons of failure Van Eekelen sees not only the military integration but also too early timing of the idea.¹⁴

Anyway, Europe was not ready for that and as a result the idea was not supported due to several reasons brought forward by the European states. Keeping in mind the inability of the United Kingdom to take part in this concept due to ‘the heavy worldwide responsibilities’, the French National Assembly (still scared by the possible military revival of the West Germany) did not ratify its own minister’s proposition, turned into **the Paris Treaty** in August 1954.¹⁵ In addition to the above-mentioned fears and ideological factors, Jones explains the defeat of EDC as a result of the ‘replacement of French Third Force leaders in 1952 by a conservative coalition with different domestic concerns’¹⁶ and the non-inclusion of the United States (US) in the EDC as the British wished.¹⁷

The failure to adopt the EDC had affected the long-term politics of the European Union and its relations with other institutions, namely the NATO. Positive voting at the French National Assembly would have stimulated the idea of the European citizenship, more flexibly adjusted the transatlantic relations as per the growing role and influence of the EU as well as have created large military units of what we today know as ‘battle groups’.¹⁸

However, it was clear that the military union and European integration could not be possible without the input of West Germany. The failure of the Paris Treaty made the politicians look for an alternative, satisfactory for all sides, way to get out of the political and, one could

html, (consulted on 02.04.2011).

12 Williams and Jones, *op.cit.*, note 10, p. 32.

13 *Ibid.*

14 Willem Van Eekelen, *From Words to Deeds. The Continuing Debate on European Security*. Brussels: Centre for European Policy Studies and Geneva Centre for the Democratic Control of Armed Forces, 2006, p. 1.

15 Quinlan, *op.cit.*, note 8, p. 2.

16 Seth G. Jones, *The Rise of European Security Cooperation*. Cambridge University Press, 2007, p. 4.

17 *Ibid.*, p. 191.

18 Van Eekelen, *op.cit.*, note 14, p. 3.

say, military crisis. In this particular case, an alternative could have been understood as one providing guarantees that the rearmament of Germany would in no way threaten the peace and stability in the rest of the Europe. That became possible after the revision of the 1948 Brussels Treaty, which not only admitted West Germany and Italy but also 'set certain restrictions upon German military capabilities; and committed the United Kingdom to maintain substantial levels of land and air forces on the European continent'.¹⁹

Trying to please France, which was still against the revision of the Brussels Treaty and, consequently, the new opportunities for Germany and Italy to accede to the NATO, the arms control agency of **the Western European Union (WEU)**,²⁰ an institution recently created as an outcome of the Paris agreement (1954), was headquartered in Paris. This allowed France to closely supervise the development of the situation in Germany.²¹

One of the key elements of **the 1948 Brussels Treaty (WEU)**,²² later modified in 1954 by **the Paris Agreement**,²³ was a common defence. As Article V states,

*'If any of the High Contracting Parties should be the object of an armed attack in Europe, the other (...) will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the party so attacked all the military and other aid and assistance in their power.'*²⁴

According to Williams and Jones, the lifespan of the WEU was composed of 3 periods:

1. 1954 – 1973 – the WEU was engaged in four tasks of high importance:
 - accession of the Federal Republic of Germany (FRG) to the NATO and German rearmament via integration of FRG into the WEU;
 - organisation of a referendum followed by elections which resulted in peaceful resolution of the long-lasting problem of Saar;
 - role of a mediator between the then European Economic Community (EEC) and the United Kingdom;
 - development of the European security matters;

19 Quinlan, *op.cit.*, note 8, p. 3.

20 More information on the Western European Union is available at <http://www.weu.int/>, (consulted on 02.04.2011).

21 Quinlan, *op.cit.*, note 8, p. 3.

22 The Brussels Treaty (The Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence). Available at http://www.ena.lu/brussels_treaty_17_march_1948-020302282.html, (consulted on 02.04.2011).

23 Western European Union. *Text of Modified Brussels Treaty*. 1954. Available at <http://www.weu.int/Treaty.htm>, (consulted on 02.04.2011).

24 Van Eekelen, *op.cit.*, note 14, p. 2.

2. 1973-1984 – no meetings at the ministerial level;
3. 1984 – 1992 (the Treaty of Maastricht) – reactivation or rebirth of the WEU as a result of the ministerial meetings in Rome (1984), Bonn (1985) and of the speech by Jacques Delors (1985) and its replacement by the CSFP in 1992;²⁵

The 2001 Dutch Presidency played a historical role by holding **the last session of the WEU Council** and witnessing the transfer of its crisis-management functions to the EU and its Political and Security Committee (PSC) as per agreements made in Amsterdam and Nice Treaties. *‘On the insistence of the Netherlands, the new institutions of the Union, the PSC, the EU Military Committee (EUMC) and the EU Military Staff (EUMS) had been formalised in Art. 25 of the Nice Treaty. The transfer was not complete, however, and a rump of the WEU secretariat was maintained to deal with the Art. V automatic military assistance commitment, relations with the WEU Assembly and armaments cooperation’.*²⁶

Problems related to double membership and intrainstitutional cooperation surfaced, including ‘the lengthy negotiations about the modification of the 1996 NATO-WEU, which pitted the EU against Turkey’.²⁷

1.1 The Fouchet Plan (1961-62)²⁸

Mr. Christian Fouchet, the French Ambassador to Denmark, who was in charge of drafting a proposal on the possible European security institution as per decision of De Gaulle and the 6 member states of the European Economic Community (France, Belgium, Italy, Luxembourg, West Germany and the Netherlands), came out with a project known as ‘the Fouchet Plan’. As Gariup argues, the novelty of the new intergovernmental project was in the capability of this political union, a ‘Union of States’, to coordinate jointly their independent and separate foreign and defence policies,²⁹ with the aim of preventing external aggression in long-term perspective.

25 Williams and Jones, *op.cit.*, note 10, pp. 71-73.

26 Van Eekelen, *op.cit.*, note 14, p. 27.

27 Michael Merlingen with Rasa Ostrauskaite, *European Union Peacebuilding and Policing. Governance and the European Security and Defence Policy*. Routledge, 2006, p. 149.

28 More Information on the Fouchet Plans is available at http://www.ena.lu/the_fouchet_plans-020100249.html, (consulted on 02.04.2011).

29 Monica Gariup, *European Security Culture. Language, Theory, Policy*. Ashgate, 2009, p. 105.

What was behind the failure of this plan? Scholars have differing views on this issue. Despite such political factors as the new plan being contradictory with the NATO, the relations between De Gaulle and the NATO, the idea of 'Europe around France', etc., Jones sees the problem in the absence of a common European vision on the joint army in addition to the presence of large American military forces in Europe.³⁰ Keeping in mind the fact that Europe was still recovering from World War II and was unable to resist the USSR in case of aggression, the USA openly announced to West Germany that they were not only going to continue deployment of their troops but will even increase it.³¹ For Gariup, the inability of the member states to come to an agreement to have the UK accede to the EEC was the main reason behind the failure of this quite bright project.³²

1.2 The Treaty of Maastricht (1992)³³

Jones argues that '*European states established a foreign policy arm of the EU beginning with the Maastricht Treaty (1992). There was no meaningful intra-European security cooperation during the Cold War, as illustrated by such failed attempts as the European Defence Community, Fouchet Plan, and European Political Cooperation*'.³⁴ Bono also notes that the Treaty of Maastricht provided the CFSP to the EU, which had had a very limited role in external security and defence before 1992.³⁵

Adams and Guy emphasise that,

'With the Maastricht Treaty on European Union, signed in February 1992 and in force since November 1993, the member states upgraded their joint capacity for foreign policy co-operation by assembling new instruments and decision-making procedures under the label of the Common Foreign and Security Policy (CFSP). For the first time, security was written into the remit of the EU; the

³⁰ Jones, *op.cit.*, note 16, p. 74.

³¹ *Ibid.*

³² Gariup, *op.cit.*, note 29, p. 105.

³³ Treaty of Maastricht on European Union (1992). *Official Journal of the European Communities (OJEC)*. 29.07.1992, No C 191: p. 1. More information is available at http://www.ena.lu/treaty_european_union_maastricht_february_1992_consolidated_version_2001-020302503.html, (consulted on 02.04.2011).

³⁴ Jones, *op.cit.*, note 16, p. 4.

³⁵ Giovanna Bono, 'The European Union as an International Security Actor: Challenges for Democratic Accountability', in: H. Born and H. Hanggi (ed.), *The Double Democratic Deficit. Parliamentary Accountability and the Use of Force under International Auspices*, Ashgate, 2004, p. 163.

treaty even envisaged that in time the EU might develop a common defence. A series of factors combined to create an opening for a stronger European profile in the foreign and security field'.³⁶

Creation of the Second Pillar, which allowed for involvement in political and security issues, was another landmark of Maastricht.³⁷

Williams and Jones also pay tribute to the innovations introduced by the Maastricht Treaty but doubt very strongly that this treaty answered the main question of 'what precise heightened role the WEU would play, if any, in the armaments field'.³⁸ Van Eekelen is positive about the total outcome of the treaty too but yet stressed 'the inability [of CFSP] to include hard security within its scope'.³⁹

Despite several problems, scholars have highlighted the tendency to move military cooperation forward. As Merlingen and Ostrauskaite correctly noted, the Maastricht Treaty '*ended a decade-old political taboo and explicitly committed itself to integration in the security field... The Treaty was strong on commitments and short on elaborating the capabilities needed to achieve its goals. Yet an unexpected development intervened to advance the CFSP: the EU's travails to secure peace in Croatia and Bosnia*'.⁴⁰

I, personally, share the views of Jones who argued that the Treaty of Maastricht together with other treaties of the post-Cold War era 'provide an opportunity to study security institutions, a subject that has received inadequate attention in the international relations literature'.⁴¹

1.3 The Petersberg Tasks (1992)⁴²

In 1992, the WEU member states 'defined the Union's room for manoeuvre when it comes to use of force', which included a set of humanitarian, rescue, peacekeeping and

36 Merlingen with Ostrauskaite, *op.cit.*, note 27, p. 34.

37 Gordon Adams and Ben-Ari Guy, *Transforming European Militaries. Coalition Operations and the Technology Gap*. Routledge, 2006, p. 108.

38 Williams and Jones, *op.cit.*, note 10, p. 63.

39 Van Eekelen, *op.cit.*, note 14, p. 6.

40 Merlingen with Ostrauskaite, *op.cit.*, note 27, p. 35.

41 Jones, *op.cit.*, note 16, p. 15.

42 The Western European Union. *The Petersberg Declaration*. 1992. Available at <http://www.weu.int/documents/920619peten.pdf>, (consulted on 02.04.2011).

peacemaking tasks and tasks of combat forces in the crisis management - 'the Petersberg tasks'.⁴³

Later, in 2000, the EU member states extended the right to use the EU military forces within the Petersberg tasks under OSCE and UN mandates.⁴⁴

It is argued that despite the common consensus, the understanding of the limits when the troops should be or should not be deployed in a crisis area differed widely and, consequently some governments made the reservation that 'they could not be bound by collective decision-making to deploy armed forces, and set a high threshold for agreement before the EU can undertake such an action'.⁴⁵

1.4 The Treaty of Amsterdam (1997)⁴⁶

The role of the Treaty of Amsterdam is evaluated differently by scholars. Some stress the changes it had brought onto the political and military agenda. They find the Treaty a positive one because it strengthened the roles of the EU institutions: for example, the European Parliament gained access to information on CFSP matters and the right to ask questions on the CFSP.⁴⁷ Jones finds the Treaty useful as it allows sending diplomats to the areas of special geopolitical interest, such as the Balkans and the Middle East, and provides the recently established office of the High Representative with 'a policy planning and early warning unit to monitor international security developments, provides assessments of potential crisis, and produces policy option papers'.⁴⁸

Others point to the fact that several serious questions have not been answered yet. Gariup and Bono acknowledge the innovations of the Treaty of Amsterdam such as the creation of a Policy Planning and Early Warning Unit (PPEWU), a CFSP unit, the post of the 'Secretary General/High Representative for CFSP', incorporation of the WEU Petersberg

43 Heiner Hanggi, 'The Use of Force under International Auspices: Parliamentary Accountability and 'Democratic Deficit', in: H. Born and H. Hanggi (ed.), *The Double Democratic Deficit. Parliamentary Accountability and the Use of Force under International Auspices*, Ashgate, 2004, p. 10.

44 Anthony Forster, *Armed Forces and Society in Europe*. Palgrave Macmillan, 2006, p. 141.

45 Jones, *op.cit.*, note 16, p. 141.

46 Treaty of Amsterdam (1997). *Official Journal of the European Communities (OJEC)*. 10.11.1997, No C 340: p. 1. More information is available at http://www.ena.lu/treaty_amsterdam_october_1997-020302347.html, (consulted on 02.04.2011).

47 Willem Van Eekelen, 'Decision-Making in the Atlantic Alliance and its Parliamentary Dimension', in: BORN Hans and HANGGI Heiner, *The 'Double Democratic Deficit'. Parliamentary Accountability and the Use of Force under International Auspices*, Ashgate, 2004, p. 116.

48 Jones, *op.cit.*, note 16, p. 84.

Tasks into the Treaty of the EU, principles of ‘qualified majority voting’ (QMV) and ‘constructive abstentions’, which would provide more flexibility to the CFSP.⁴⁹ However, Bono’s final point of view on what is of greater interest for this paper, namely the military issue, is more critical as ‘the Amsterdam Treaty did not make substantial changes to the role of the EU in security and defence, meaning that the WEU remained an autonomous organisation.’⁵⁰ Even more so, as per Williams and Jones, ‘the creation of a Eurocorp capable of acting separately from NATO if NATO wishes to stand aside’ provoked the tension between Europe and its ally, the United States.⁵¹ One may say that Merlingen and Ostrauskaite made the toughest evaluation arguing that the Amsterdam Treaty ‘created a new role conception for the EU without providing it with the means to act on it.’⁵²

1.5 The St. Malo Declaration of 1998 and European Security and Defence Policy (ESDP)⁵³

It is obvious that unlike the previous decades, the 1990’s were relatively fruitful in terms of development of the military aspects. If the beginning of 1990’s was marked by the Maastricht Treaty, the end was noted by **the Treaty of Amsterdam (1997)** and highlighted by **the St. Malo Declaration of 1998**, concluded between France and Germany. The latter provided the EU with the relevant mechanisms to implement its external police and military operations, which today are known as **the European Security and Defence Policy**.⁵⁴

St. Malo was also a key point in bringing the United Kingdom closer to Europe and making it ready to share its diplomatic and military skills.⁵⁵

Merlingen and Ostrauskaite find the greatest success of the St. Malo Declaration not in the political advancement of the European Union but in the unexpected historical development which took place in former Yugoslavia, namely in Kosovo. Owing to this historical momentum which required a quick reaction, France and the United Kingdom had a chance to stop disputing over the nature of the European forces and ‘committed

49 Gariup, *op.cit.*, note 29, p. 106, and Bono, *op.cit.*, note 35, p. 167.

50 Bono, *op.cit.*, note 35, p. 167.

51 Williams and Jones, *op.cit.*, note 10, p. 29.

52 Merlingen with Ostrauskaite, *op.cit.*, note 27, p. 38.

53 The Franco–British St. Malo Declaration (4 December 1998). Available at http://www.ena.lu/francobritish_st_malo_declaration_december_1998-020008195.html, (consulted on 02.04.2011).

54 Bono, *op.cit.*, note 35, p. 164.

55 Van Eekelen, *op.cit.*, note 14, p. 304.

themselves to move beyond declaratory policy and develop the EU into a military actor in its own right.⁵⁶ According to them, a quick reaction at the EU level was necessary as, firstly, the EU member states individually did not have sufficient military resources to fill 'the geopolitical vacuum in places like the Balkans and Africa', and secondly, the traditional ally (the US) did not have sufficient interest in these regions of the world to become deeply involved there, and, finally, British Prime Minister Tony Blair called upon the EU to take some responsibilities on its own in terms of the security tasks and do not expect the United States to come and solve a problem every time when it occurs within the boundaries of the EU.⁵⁷

1.6 The Washington Declaration (April 1999)⁵⁸

From the beginning till the end of the 1990's, both the EU and NATO were trying to create a so-called 'security community', which was possible due to the fact that the members of one institution were also the parties to the other one and thus could contribute to the convergence of the security projects.⁵⁹

However, in the changing world, the question of collective defence in the case of aggression was still on the agenda for the EU, but not for NATO, which, being a transatlantic and military alliance rested on the principle of *credibility*, reconfirmed this obligation in Washington in 1999.⁶⁰ The Kosovo crisis brought the EU and NATO closer together and the Washington Declaration gave birth to so-called Europeanised NATO – working with but not being subordinate to the Western European Union.⁶¹

The 'Euro-Atlantic' Declaration repeated its commitments to defend their people, territory and liberty, 'founded on democracy, human rights and the rule of law' and to do its best in '*building a stronger and broader Euro-Atlantic community of democracies - a community where human rights and fundamental freedoms are upheld; where borders are increasingly open to people, ideas and commerce; where war becomes unthinkable*'.⁶²

56 Merlingen with Ostrauskaite, *op.cit.*, note 27, p. 38.

57 *Ibid.*, p. 39.

58 NATO. *The Washington Declaration (23/24 April 1999)*. Available at <http://www.nato.int/docu/pr/1999/p99-063e.htm>, (consulted on 02.04.2011).

59 Fotios Moustakis and Tracey German, *Securing Europe. Western Interventions towards a New Security Community*. Tauris Academic Studies, 2009, pp. 22-23.

60 Williams and Jones, *op.cit.*, note 10, p. 94.

61 *Ibid.*, p. 94.

62 NATO, *op.cit.*, note 58.

1.7 The Cologne European Council (June 1999)⁶³

In June 1999, in Cologne, the 15 EU Member States gathered 'to deal with the leftovers of Amsterdam'.⁶⁴ They officially adopted the St. Malo principles, defined the terms of termination of the WEU and decided, without any prejudice to the role of NATO, that the EU should possess the capability, the resources for independent action and be able to respond quickly in case of any crisis. Van Eekelen states that Cologne put the responsibility on the Council 'to have the ability to take decisions on the full range of conflict prevention and crisis management tasks defined in the Treaty on the European Union', i.e. the Petersberg tasks.⁶⁵ Gariup argues that since the activity of the WEU should have been terminated by the end of 2000, the Chapter V of the Brussels Treaty on the automatic collective defence was not included into the WEU functions.⁶⁶

Moving along we can note that only '*in 2000 most of the WEU's defence tasks were incorporated into the EU and a new commitment was made to a European Security and Defence Policy (ESDP)... This culminated in creation of an operational military force and command structure, all of which are now integrated into the EU.*'⁶⁷

The Cologne initiative was not accepted by all member states in the same way. Some of the member states understood it as an acquisition of 'the attributes of a military security actor', while others were against 'hard power' and for the 'peace support operations that brought together military and civilian dimensions'.⁶⁸

1.8 The Helsinki Summit and Headline Goal (of 1999 and of 2010)⁶⁹

Pursuing the long-lasting idea of having the European army independent of the United States, Helsinki European Council of 1999 was marked by the commitment of the EU

63 Cologne European Council Declaration on the Common Policy on Security and Defence (4 June 1999). Available at http://www.ena.lu/cologne_european_council_declaration_common_policy_security_defence_june_1999-020004471.html, (consulted on 02.04.2011).

64 Van Eekelen, *op.cit.*, note 14, p. 15.

65 *Ibid.*, pp. 30-31.

66 Gariup, *op.cit.*, note 29, p. 193.

67 Forster, *op.cit.*, note 44, p. 139.

68 Merlingen with Ostrauskaite, *op.cit.*, note 27, p. 41.

69 Helsinki European Council, *Presidency Conclusions*. 10 and 11 December 1999. Available at http://www.europarl.europa.eu/summits/hel1_en.htm, (consulted on 01.04.2011). See also: Council of the European Union, *Headline Goal 2010*. Available at <http://www.consilium.europa.eu/uedocs/cmsUpload/2010%20Headline%20Goal.pdf>, (consulted on 01.04.2011).

member states 'to be able to deploy within 60 days and sustain for at least 1 year, military forces of up to 50,000-60,000...' by 2003.⁷⁰ It is worthwhile noting that these particular military forces were called the Rapid Reaction Force (RRF). The RRF should carry out the Petersberg tasks: humanitarian and rescue tasks, peacekeeping tasks, and operations of combat forces in crisis management, including peacemaking.⁷¹

In addition to the aforementioned, it was also agreed to deploy 5,000 police forces in external operations and make sure that all EU member states have the necessary means to run the RRF smoothly.⁷² 'The Headline Goal also involves introduction of the programmes to upgrade European military capabilities to include, amongst other, the acquisition of new equipment, logistics and communication and control assets'.⁷³

Jones emphasises that Helsinki Summit contributed also to the creation of a special committee composed of the respective defence ministers, who were obliged 'to provide the Political and Security Committee with military advice and recommendations on all military matters within the EU'.⁷⁴

Unfortunately, the implementation of the Headline Goal (HG) did not meet the deadline due to 'the qualitative and quantitative shortcomings'.⁷⁵ As a result, at the end of the decade, **the European Defence Agency (EDA)** was created with supervising and guiding functions over the implementation of the new Headline Goal of 2010, which should have been achieved, just as the previous HG of 1999, within the European Capability Action Plan (ECAP).⁷⁶ The HG 2010 also allowed for the creation of **the European battle groups** of 1,500 soldiers each to intervene at the international level and execute a full range of combat operations.⁷⁷ France, Italy, Spain and the UK should provide a single national group while other states shall establish nine multi-national battle groups.⁷⁸

It is worth mentioning that the British-Franco-German '*battlegroup concept*' is about quick reaction, decision-making and deployment of troops in the crisis area – the Council has 5 days to decide on deployment after the approval of a Crisis Management Concept and

70 Forster, *op.cit.*, note 44, p. 144.

71 Adams and Guy, *op.cit.*, note 37, p. 108.

72 Bono, *op.cit.*, note 35, p. 164.

73 *Ibid.*, p. 168.

74 Jones, *op.cit.*, note 16, p. 85.

75 Gariup, *op.cit.*, note 29, p. 194.

76 Merlingen with Ostrauskaite, *op.cit.*, note 27, pp. 44-45.

77 Jones, *op.cit.*, note 16, p. 235.

78 *Ibid.*, p. 270.

there are 10 days for the launch of an operation from the date of the Council's decision.⁷⁹ The main idea, which traces back to 2003 Franco-British agreement, is to create within the EU a quicker alternative to the 'emerging ERRF with particular attention to the readiness, deployability, interoperability, and sustainability of such a force'.⁸⁰

Merlingen and Ostrauskaite state that the constant progress and development on the issue of battle groups for 'humanitarian and rescue tasks, peacebuilding and peace enforcement in low-intensity warfare' definitely increase its effectiveness.⁸¹ Despite different views between Scandinavian and other member states on the nature of how and when these groups should be used, the continuous supervision and guidance made the concept of the EU Battlegroup fully operational by the 1st January 2007.⁸²

It is doubtless that the will and growing capacities of the EU to create its own independent army were not accepted equally by the USA in the 1960's and in 2000's. While in the second half of the 20th century, the USA was just supervising and sometimes promoting creation of a joint European army, the beginning of the 21st century is characterised by a growing threat to the influence of the US military interests. Certainly, we are not speaking about the presence of US troops but about, as the US Ambassador to the NATO said, 'the most serious threat to the future of NATO'.⁸³

1.9 The WEU Marseille Declaration (November 2000)⁸⁴

On 13th November 2000, at the WEU Council of Ministers meeting in Marseille, the following countries became full members of the WEU: Austria, the Czech Republic, Finland, Hungary, Poland and Sweden. The meeting was dedicated not only to the accession of the new member states but also to the evaluation of the activity of the EU within the ESDP, cooperation between the WEU and non-WEU military structures, armament cooperation etc., which were altogether considered progressive. The importance of this meeting was also to decide on the termination of the WEU mandate and preparation for the transfer of the WEU activities and duties to the respective EU authorities.⁸⁵

79 Gariup, *op.cit.*, note 29, p. 209.

80 Adams and Guy, *op.cit.*, note 37, p. 109.

81 Merlingen with Ostrauskaite, *op.cit.*, note 27, p. 44.

82 Gariup, *op.cit.*, note 29, p. 210.

83 Van Eekelen, *op.cit.*, note 14, p. 162.

84 Western European Union. *Marseille Declaration*. Available at <http://www.weu.int/documents/001113en.pdf>, (consulted on 25.01.2011).

85 Western European Union, *op.cit.*, note 84, pp. 1-2.

1.10 The Treaty of Nice (2001)⁸⁶ – Is ‘Nice’ nice?

The Treaty of Nice allowed for the creation of new political and military institutions to deal with ‘the political guidance and strategic direction to crisis management operations, while respecting the single institutional framework.’⁸⁷ Nice promoted the development of the military matters by creating **the European Union Military Committee (EUMC)** which is ‘the highest military body of the EU and supports and advises the PSC in all military issues related to ESDP’⁸⁸

The Treaty of Nice made some procedural amendments on the CFSP and ESDP via Article 27 a-e. It promoted enhanced cooperation in the field of CFSP by a required simple majority (for the EU of 15) and less than a simple majority of the member states in case of a EU enlargement.⁸⁹ The Treaty excludes the principle of majority voting for any decision which might have military or defence consequences and was not able to set out clear legal boundaries between the CFSP and ESDP by new legal provisions.⁹⁰

Quinlan was very sceptical about the achievements of Nice and characterized it as a summit which ‘did no more than endorse what have been done during the month of the French Presidency. It did not advance matters further on the outstanding problems of force planning and the issue with Turkey’⁹¹

1.11 The European Security Strategy (2003)⁹²

By 2003, the European Union had realized that it is not sufficient to protect stability and peace within the EU and decided to ensure the same in its direct neighbourhood. Taking into consideration ‘that the new threats were often more distant, more dynamic and more dangerous, and the first line would be abroad’, a newly drafted paper should have

86 Treaty of Nice (2001), in: *Official Journal of the European Communities (OJEC)*. 10.03.2001, No C 80, p. 1. More information is available at http://www.ena.lu/treaty_nice_26_february_2001-020302478.html, (consulted on 02.04.2011).

87 Gariup, *op.cit.*, note 29, p. 194.

88 *Ibid.*, p. 201.

89 Bono, *op.cit.*, note 35, p. 172.

90 *Ibid.*

91 Quinlan, *op.cit.*, note 8, p. 48.

92 European Union. *European Security Strategy. A Secure Europe in a Better World*, 12 December 2003. Available at http://www.ena.lu/european_security_strategy_secure_europe_better_world_brussels_12_december_2003-020005544.html, (consulted on 02.04.2011).

been focused on 'terrorism, weapons of mass destruction and failed states in connection with organized crime'.⁹³

The new 2003 European Security Strategy (ESS) was not only about preventive measures before the escalation of a situation, but also about foreign policy, notably, by giving impetus to the development of the European Neighbourhood Policy, whose tasks included promotion of sustainable development, peace and stability around the EU zone.⁹⁴ The coordination of the foreign and defence policies as the only tool for the successive implementation of the strategy was also stressed in a speech by the French President Mr. Jacques Chirac.⁹⁵

Moustakis and German argue that in this case the understanding of *security* was quite different than in the previous years. Excluding the possibility of a full massive military attack against Europe of 25 member states with the population of over 450 million people in the contemporary political situation, in addition to the aforementioned, *security* was understood as concerns about 'open borders, interconnected infrastructure, competition for natural resources, energy dependence, organized crime and maritime piracy'.⁹⁶

However, not only the meaning of *security* changed but also the level of joint cooperation should have been reconsidered as 'on the UN, terrorism and Bosnia, the EU had a good record of common policies, but in the Middle East this has never been possible since the European political cooperation began in 1971'.⁹⁷

1.12 The Treaty of Lisbon (2007)⁹⁸

The removal of the 3rd pillar and enforcement of the cooperation between the 1st and the 2nd pillars are among the key innovations of the Treaty of Lisbon. Other innovations include the application of the QMV principle to several areas of Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP), though the principle of unanimous voting was preserved for the military and defence issues. It is worth mentioning that not all authors were positive on the aforementioned and other

93 Van Eekelen, *op.cit.*, note 14, p. 181.

94 Moustakis and German, *op.cit.*, note 59, p. 11.

95 Jones, *op.cit.*, note 16, p. 9.

96 Moustakis and German, *op.cit.*, note 59, p. 19.

97 Van Eekelen, *op.cit.*, note 14, p. 195.

98 Treaty of Lisbon (2009), in: *Official Journal of the European Union (OJEU)*. 30.03.2010, No C 83: pp. 47-200. More information is available at http://www.ena.lu/treaty_functioning_european_union_consolidated_version_2007-020302654.html, (consulted on 02.04.2011).

changes and did not see any need for them. We will provide some of the comments on the Treaty's innovations related to the research subject.

Gariup argues that despite the disagreements on the foreign policy issues, 'the Union managed to incorporate and expand the ESDP as a full component of the constitutional setup of the organization' which was later reaffirmed in the Treaty of Lisbon as one of 'the aims and means of the Union'.⁹⁹

The Treaty of Lisbon created the post of the High Representative for Foreign Affairs and Security Policy (FASP), who is responsible for external policy, including the CFSP. This 'double-hatted' post, which contains the functions of the High Representative for FASP and Vice President of the European Commission (EC), shall promote the convergence and coherence of the EU foreign and security policies, ensure consistency and, for the first time will represent a unified EU's position in the international arena.¹⁰⁰

After making thorough political and legal analyses of the Treaty of Lisbon, Piris made a few conclusions on the innovations and affirmations by the Treaty in addition to the abolition of the 3rd pillar and creation of the 'Area of Freedom, Security and Justice'. According to him, the Lisbon affirmed the following:

- the crisis tasks now consist of civilian and military tasks;
- the Member States should provide 'at the request of its political authorities' all types of aid and assistance (solidarity clause) in case of armed aggression, terrorism or 'natural and man-made disaster';
- the Council may charge the willing large Member States with execution of certain CFSP tasks which cannot be implemented by the smaller Member States owing to their capacities, experience and means;
- the new principle of 'permanent structured co-operation' is open to the willing Member States who meet the high military criteria – so-called 'the Schengen of Defence' or 'Eurozone of Defence';
- and last, but not least – the Council was given the right to influence the behaviour of **the European Defence Agency (EDA)**, established back in 2004, by QMV while the full mandate of the EDA now is '*to identify operational requirements, to promote measures to satisfy those requirements, to contribute to identifying and implementing any measure needed to strengthen*

99 Gariup, *op.cit.*, note 29, pp. 2-3.

100 Nik Hynek, 'EU Crisis Management after the Lisbon Treaty: Civil – Military Coordination and the Future of the EU OHQ', in: *European Security*, Vol. 20, No.1, March 2011, pp. 81-83.

the industrial and technological base of the defence sector, to participate in defining a European capabilities and armament policy, and to assist the Council in evaluating the improvement of military capabilities'.¹⁰¹

As we have already noted above, several Scandinavian countries were not that much keen on participating in all EU military operations due to the nature of the conflict, interests involved and other objective reasons. As a result, the Treaty of Lisbon took into consideration this factor and provides for voluntary participation of the Member States in any operation it undertakes under the CFSP.

1.13 The Common Foreign and Security Policy (CFSP)¹⁰²

Moving beyond the idea of the impossibility of war in the 1960's, the EU has conceived the CFSP via development of its economic and political cooperation. The Treaty of Maastricht was the first to sound this policy, which became the 2nd pillar and now is 'to safeguard common values, to strengthen security of the Union and its member states, and to preserve peace and international security'.¹⁰³ As we have already mentioned, the majority of the WEU functions and operations were shifted to the EU in 2000 and fall under the ESDP.

By putting the ESDP into the CFSP, the EU overcame its own prohibition on the use of force.¹⁰⁴ The creation of the European Rapid Reaction Force (ERRF), which we have already discussed, is one of the proofs supporting this argument.

Piris draws attention to the changes made by Maastricht in the functions of the EU institutions within the CFSP only. As per him,

'the Council was the powerful institution, adopting, generally by unanimity, all acts in this area. The Commission did not have an exclusive right of the initiative. The European Parliament was consulted only 'on the main aspects and basic choices' of the CFSP, and the Court of Justice had no jurisdiction in this field'.¹⁰⁵

101 Jean-Claude Piris, *The Lisbon Treaty. A Legal and Political Analysis*. Cambridge University Press, 2010, pp. 275-279.

102 European Union. External Action. *CFSP for the European Union*. Available at http://eeas.europa.eu/cfsp/index_en.htm, (consulted on 02.04.2011).

103 Jones, *op.cit.*, note 16, p. 139.

104 Gariup, *op.cit.*, note 29, p. 2.

105 Piris, *op.cit.*, note 101, p. 66.

Responding to the scholars who stressed the overlapping and same-texting in the ESDP and CFSP, Gariup argues that, firstly, external security policy cannot be considered separately from the internal one, secondly, 'security' in the ESDP is more about technical and military matters while in the CFSP it is about diplomacy and foreign policy tools, and thirdly, both policies are the European 'strategic identity card', which would contribute to both European common defence and political identity at the international level.¹⁰⁶

The Treaty of Lisbon has removed the 2nd pillar but kept its context. Article 17 of TEU states:

'The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements'.¹⁰⁷

The Article also makes the recommendation to coordinate the implementation of the Petersberg tasks, with the responsibilities under the bi- and multilateral agreements within NATO as well, so as not to 'prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the Western European Union (WEU) and NATO, provided such cooperation does not run counter to or impede that provided for in this title'.¹⁰⁸

Hynek develops this idea by stressing that the new CSDP uses the principle of convergence and flexibility of 'a new concept of permanent structured cooperation' which allows the CSDP delegating tasks to the group of MS.¹⁰⁹

Russian scholars, who are very sceptical and doubtful about the creation of a European army, see its future role in the fight against international terrorism, peacekeeping/peacemaking and police/rescue operations together with the protection of the territory and infrastructure; this can only be achieved by obtaining European high-tech weapons,

¹⁰⁶ Gariup, *op.cit.*, note 29, 153.

¹⁰⁷ European Union. *Consolidated Versions of the Treaty on European Union and of The Treaty Establishing the European Community*. Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:321E:0001:0331:EN:PDF>, (consulted on 27.01.2011).

¹⁰⁸ *Ibid.*

¹⁰⁹ Hynek, *op.cit.*, note 100, p. 83.

including space control, quick intelligence, rapid reaction and moving away from NATO.¹¹⁰

Is it possible? Having looked through the historical development of the military matters we would like to consider in the 2nd Chapter the problems of the formation of the European army, its budgeting and missions it has already undertaken independently or together with NATO as a global player and security provider.

¹¹⁰ Melyantsov, *op.cit.*, note 3.

Chapter 2.

The european army – life full of problems

2.1 The Military Trends

As we had already mentioned, the Headline Goal of the 1999 EU Helsinki Summit previewed establishment by 2003 of the European Rapid Reaction Force of 60,000 troops capable of deployment at a 60-day notice and sustaining for at least one year. In addition to the wide range of operations, from peacekeeping to peacemaking, the HG also considered the rearmament and upgrade of the European military army.¹¹¹

This could have been an easy task to accomplish if it was not proposed when the concept of the *army* or *military forces* was shifting as a result of the long-lasting peace and stability in Europe. Edmunds and Malešič find the problem of the common European army in its new qualifications. Their analysis of a few European states provides us with the information provided below on the perceptions of various European states. These perceptions are different from the classic understanding of what an army is for.

DENMARK: The present recruitment obstacles and the limited military budget, which is not planned to be increased, explain the success of its army. Participation of the Danish army in peace operations depend on:

- *‘their prominence in Danish defence and foreign policy;*
- *their actual size in terms of deployed personnel and costs;*
- *their influence on the armed forces structure; and*
- *their impact on armed forces procurement policy’.*¹¹²

¹¹¹ Bono, *op.cit.*, note 35, p. 167.

¹¹² Marjan Malešič, ‘Introduction: The Challenge of Defence Transformation in Europe’, in: E. Timothy and M. Malešič, *Defence Transformation in Europe: Evolving Military Roles*, IOS Press, 2005, pp. 4-5.

THE CZECH REPUBLIC: In addition to peacekeeping and territory defence functions, the Czech army provides military assistance to the civilian authorities. The assistance is composed of ‘rescue and humanitarian operations, police, boarder control operations, guarding important civilian buildings, and air transportation of medical and civilian personnel’.¹¹³

SLOVENIA: Disaster relief is considered by the Slovenian public to be a more important military task than even the defence of the country.¹¹⁴

HUNGARY: Participation in peacekeeping operations is the only way to keep the Hungarian army on track as the need for the defence of the territory and disaster relief missions decline in importance. ‘*Maintaining international peace and security, preventing or resolving regional, interstate and internal armed conflicts in accordance with the UN Charter and the international norms are now viewed as core national security goals in Hungary*’.¹¹⁵

BULGARIA: ‘Soft power’ is the main military tool of Bulgaria. Strategic partnership, military cooperation and diplomacy together with foreign consultancy are the ‘weapons and tasks’ of Bulgarian military.¹¹⁶

Another group of scholars analysed the contemporary military policies and found out that they are directed towards:

- ‘*a constabularisation and internalization of the armed forces;*
- *a demilitarization of societies;*
- *a feminization of the armed forces;*
- *a civilianization and re-militarisation of the military;*
- *a widening civil military gap;*
- *a renaissance of the control issue due to the downsizing, the decline of conscription, and professionalization;*¹¹⁷

In total, the post-Cold War trends are characterised by Malešič as follows:

- *‘professionalization;*
- *changed functionality;*

113 *Ibid.*, p. 6.

114 Malešič, *op.cit.*, note 112, p. 6.

115 *Ibid.*, p. 5.

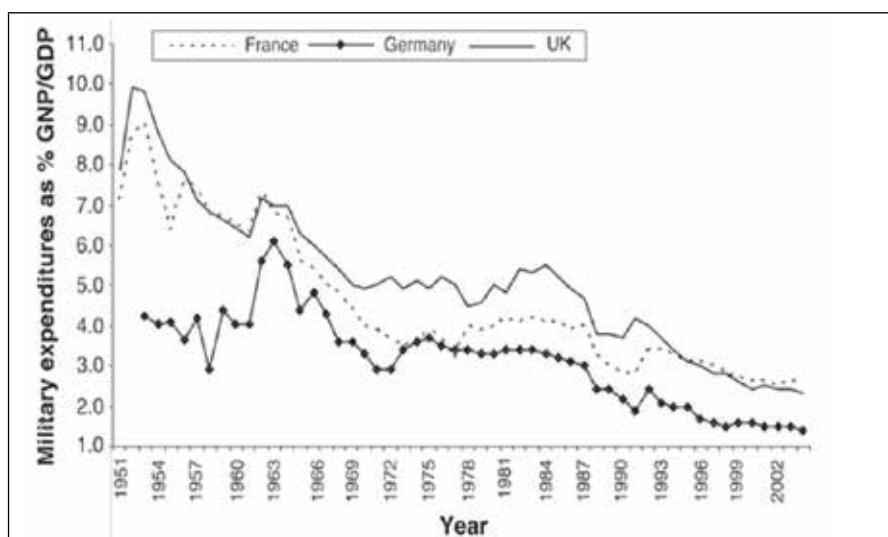
116 *Ibid.*

117 Karl W. Haltiner and Paul Klein, ‘The European Post-Cold War Military Reforms and Their Impact on Civil-Military Relations’, in: F. Kernic, P. Klein, K. Haltiner (ed.), *The European Armed Forces in Transition. A Comparative Analysis*, Peter Lang, 2005, p. 14.

- *internalization of missions;*
- *increasing military legitimisation;*
- *declining readiness to join the armed forces;*
- *diminishing socialisation role of the armed forces; and*
- *complex nature of civil-military relations;*¹¹⁸

The figures below figures, provided by Merand and various institutions, in some sense summarise the known trends and give us a schematic view on the problem. We can conclude that the profile change certainly affected the military budgeting and recruitment, at least in the leading European Member States. The budgeting and recruitment were constantly going down except some growths in 2004-2005, which can be explained by the threat of international terrorism:

FIGURE 1. MILITARY EXPENDITURES AS A PERCENTAGE OF GDP: FRANCE, GERMANY, AND THE UK (1951-2004).¹¹⁹



118 Malešič, *op.cit.*, note 112, pp. 1-2.

119 Frédéric Mérand, *European Defence Policy. Beyond the Nation State*, 2008, p. 95. Available at <http://www.oxfordscholarship.com/oso/private/content/politicalscience/9780199533244/p035.html#95>, (consulted on 28.01.2011).

FIGURE 2. MILITARY EXPENDITURES AS A PERCENTAGE OF GDP: FRANCE, GERMANY, THE UK, AND THE US (1988–2005).¹²⁰

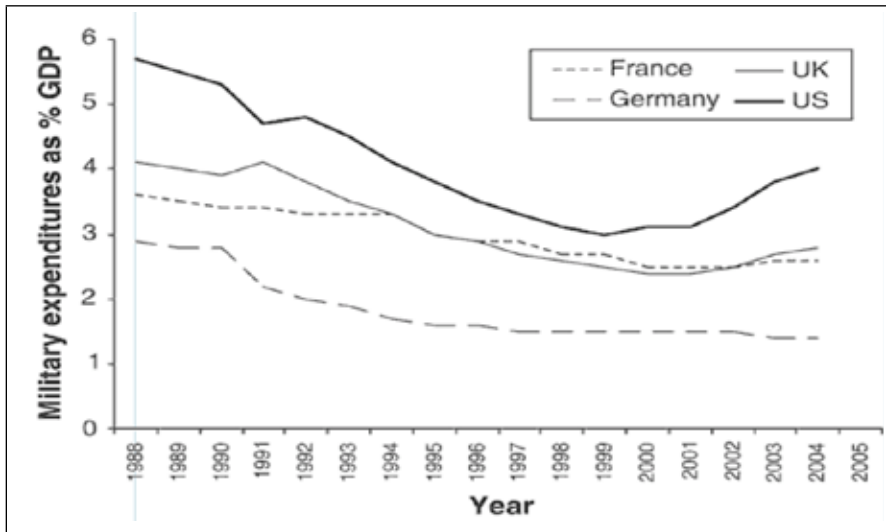
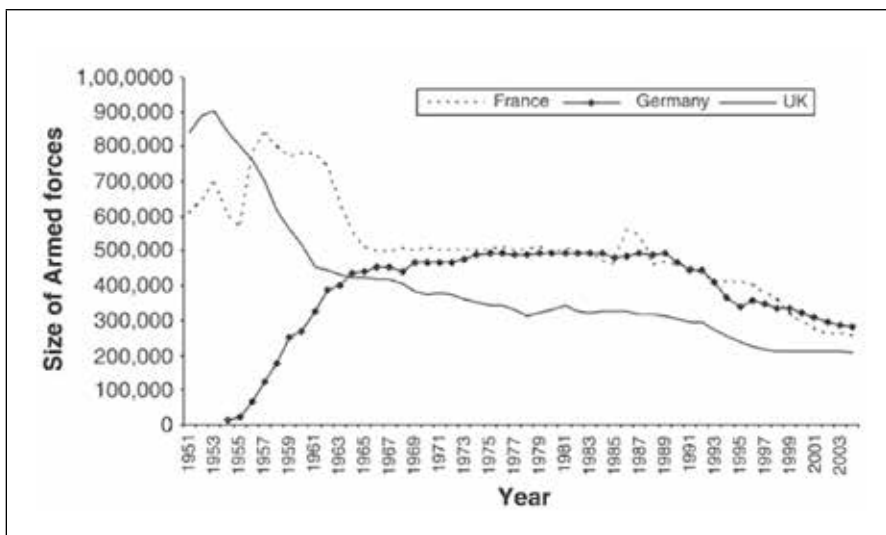


FIGURE 3. MILITARY PERSONNEL: FRANCE, GERMANY, AND THE UK (1951–2004).¹²¹



The same defence spending trend was recorded in 2006.¹²² Thus, having an army decreasing in number and financial sources but increasing in professionalism, one which is more engaged in disaster relief operations rather than active military operations as per the will of the politicians and public, can we conclude that at some point the army could become redundant in Europe?

¹²⁰ *Ibid.*

¹²¹ Mérand, *op.cit.*, note 119, p. 96.

¹²² Dr John Chipman, Dr Bastian Giegerich and Alexander Nicoll, *European Military Capabilities. Building Armed Forces for Modern Operations*. The International Institute for Strategic Studies, 2008, p. 93.

The Stockholm International Peace Research Institute (SIPRI) prepared the below reports on the 2009 world military expenditures using the 2009 current market exchange rates in US dollars:

TABLE 1: LIST OF COUNTRIES BY MILITARY EXPENDITURES

MILITARY SPENDING AS PERCENTAGE OF GDP			
RANK	COUNTRY	MILITARY EXPENDITURE, 2009	% OF GDP, 2008
1	United States	663,255,000,000	4.30%
2	China	98,800,000,000	2.00%
3	United Kingdom	69,271,000,000	2.50%
4	France	67,316,000,000	2.30%
6	Germany	48,022,000,000	1.30%
9	Italy	37,427,000,000	1.70%
15	Spain	19,409,000,000	1.20%
18	Greece	13,917,000,000	3.60%
20	Netherlands	12,642,000,000	1.40%
21	Poland	10,860,000,000	2.00%
26	Sweden	6,135,000,000	1.30%
30	Belgium	5,674,000,000	1.20%
34	Portugal	4,884,000,000	2.00%
37	Denmark	4,476,000,000	1.40%
44	Finland	3,768,000,000	1.30%
46	Austria	3,650,000,000	0.90%
48	Czech Republic	3,246,000,000	1.30%
51	Romania	2,616,000,000	1.50%
55	Hungary	1,900,000,000	1.20%
58	Ireland	1,581,000,000	0.60%
67	Slovakia	1,316,000,000	1.50%
69	Croatia	1,191,000,000	1.90%
70	Bulgaria	1,127,000,000	2.40%
72	Serbia	1,070,000,000	2.40%
75	Slovenia	888,000,000	1.50%
77	Latvia	692,000,000	1.90%
79	Lithuania	648,000,000	1.50%
81	Cyprus	550,000,000	1.80%

84	Estonia	460,000,000	2.20%
87	Luxembourg	406,000,000a	0.70%
96	Albania	276,000,000	2.00%
97	Bosnia and Herzegovina	276,000,000	1.40%
105	Republic of Macedonia	204,000,000	1.80%
131	Malta	51,600,000	0.70%
147	Iceland	12,200,000	0.10%

Source: SIPRI, *List of countries by military expenditures*.¹

TABLE 2: TOP 15 COUNTRIES WITH THE HIGHEST MILITARY EXPENDITURE FOR 2009

RANK	COUNTRY	2009 SPENDING (\$ B.)	SHARE OF 2008 GDP (%)	WORLD SHARE (%)
—	World Total	1531	2.7	100
1	United States	661	4.3	43
2	China	100	2	6.6
3	France	63.9	2.3	4.2
4	United Kingdom	58.3	2.5	3.8
5	Russia	53.3	3.5	3.5
6	Japan	51	0.9	3.3
7	Germany	45.6	1.3	3
8	Saudi Arabia	41.3	8.2	2.7
9	India	36.3	2.6	2.4
10	Italy	35.8	1.7	2.3
11	Brazil	26.1	1.5	1.7
12	South Korea	24.1	2.8	1.6
13	Canada	19.2	1.3	1.3
14	Australia	19	1.8	1.2
15	Spain	18.3	1.2	1.2
Total Top EU		221.9	9	14.5

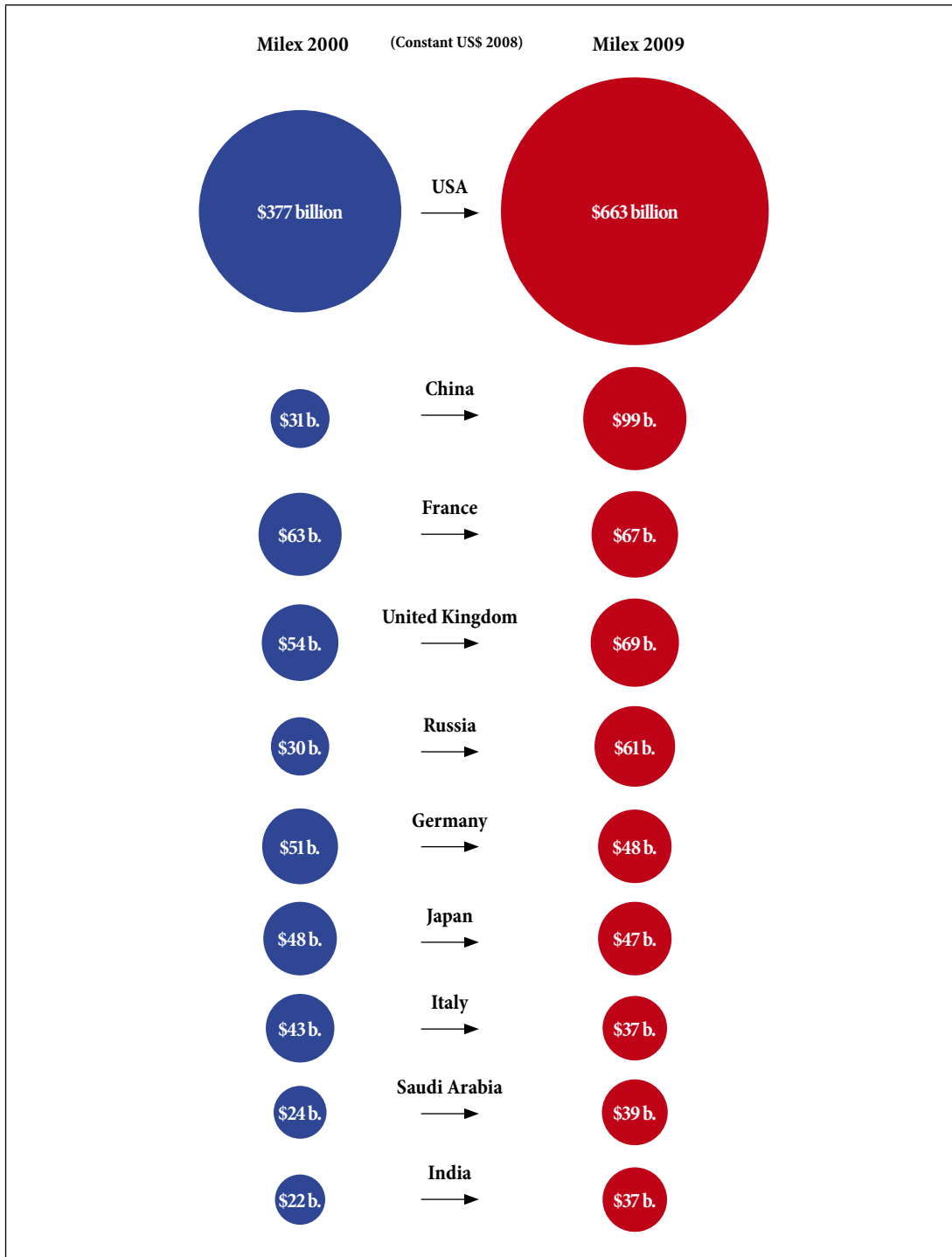
Source: SIPRI, *Top 15 countries with the highest military expenditure for 2009*.¹²³

¹²³ Wikipedia, *op.cit.*, note 123.

The graphics below show that while military expenditures in the USA and China have roughly doubled and tripled respectively, European expenditures have risen by less than 5% within last decade:

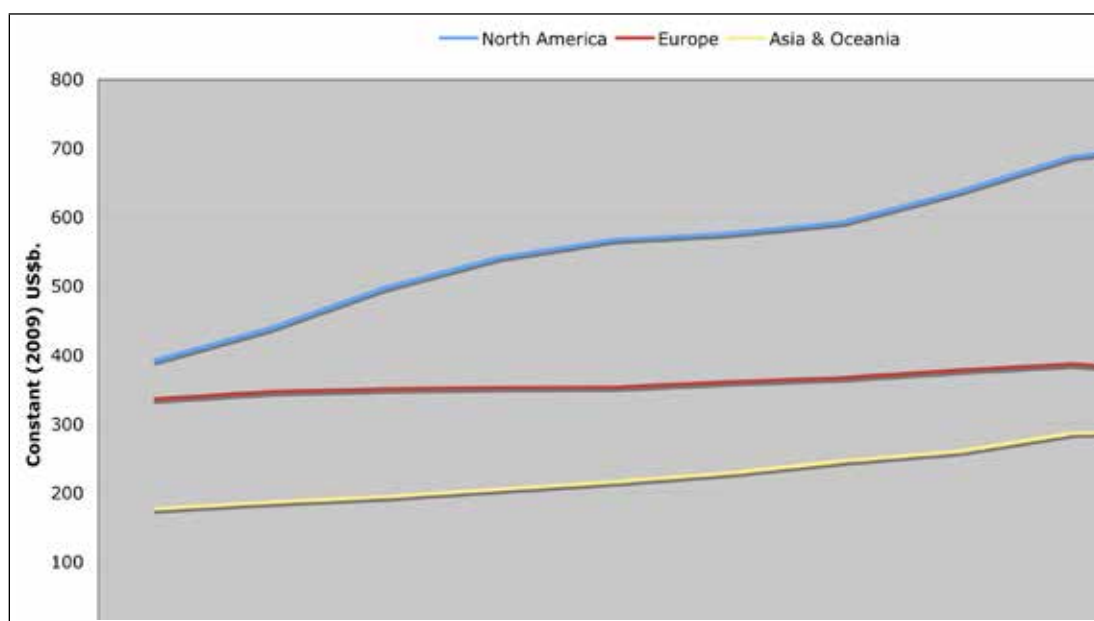
TABLE 3: THE CHANGE IN MILITARY EXPENDITURE FROM 2000 TO 2009 FOR THE TOP 10 LARGEST MILITARY SPENDERS, IN CONSTANT (2008) US\$

The area of the circle is proportional to level of spending.



Source: SIPRI, *Change in Military Expenditure for the Top 10 Spenders 2000-2009*.¹

¹ Stockholm International Peace Research Institute. *Change in Military Expenditure for the Top 10 Spenders 2000-2009*. Available at <http://www.sipri.org/research/armaments/milex/resultoutput/trendgraphs/Top10bubble>, (consulted on 29.01.2011).

FIGURE 4: REGIONAL MILITARY SPENDING 2001-2010 IN CONSTANT (2009) US\$ B. MAJOR SPENDING REGIONS

Source: SIPRI, *Regional Military Spending 2001-2010*.¹²⁴

The financial crisis of 2007-2008 affected the budget making and the governments cut even more the military budgets, which had already been at their minimum. Consequently the governments contributed to weakening of the army as an institution, which would put them in an awkward situation in case of a real threat.

The best answer to the question of the redundancy of the army is provided by Giegerich, who doubted the necessity for these severe measures by the government. As per him, 'neither security challenges nor demand for international crisis management operations will disappear (...) Europe would simply be less able to address the former or contribute to the latter'.¹²⁵

The changes brought by the Treaty of Lisbon with QMV may help request and obtain quick EU funds in order to cover various urgent CFSP/CSDP missions, including crisis management.¹²⁶

¹²⁴ Stockholm International Peace Research Institute. *Major Spending Regions 2001-2010*. Available at <http://www.sipri.org/research/armaments/milex/resultoutput/trendgraphs/majrego110>, (consulted on 17.04.2011).

¹²⁵ Bastian Giegerich, 'Budget Crunch: Implications for European Defence', in: *Survival*, Volume 52, Issue 4, August - September 2010, p. 87. Available at <http://www.informaworld.com/smpp/content~db=all?content=10.1080/00396338.2010.506826>, (consulted on 29.01.2011).

¹²⁶ Hynek, *op.cit.*, note 100, p. 97.

Thus, bearing in mind the complicated contemporary global political situation and such present challenges as the fight against organised crime, terrorism, separatist movements, etc., we do assume that an army is an essential part of future European peace, stability and prosperity. How should this army be organised and what factors may affect it?

2.2 EU Army Organisation

Despite the financial crises, political confrontations and budget cutting, from 1989 some reforms have been made to improve the quality and professionalism of the European army and upgrade the armaments. Many scholars have investigated the issue of the army development. In this context, we would like to distinguish the critical approach by van Eekelen who, in addition to the commonly known problems, draws an attention to the hierarchical and organizational issues which have not been responded to yet:

- ‘How will integral defence-planning be affected?
- Who is responsible for operational guidance?
- What is the position of the chief of the defence staff (or general staff according to the name given to the top military officer)?
- Who exercises the control function?
- How can we ensure that the general interest of the defence organization prevails over the interests of the individual service?
- What is the relationship between the central organization of the defence ministry and the services?
- How does consultation with other government departments take place and what subjects are covered?’¹²⁷

According to van Eekelen, the questions of the balance of power, responsibility definition, appointment criteria are not answered either, which could lead to late and ineffective implementations of the joint projects.¹²⁸

¹²⁷ Van Eekelen, *op.cit.*, note 14, p. 308.

¹²⁸ *Ibid.*

2.3 The European Union Military Staff (EUMS)

The EUMS was established by the 1999 Helsinki Council decision in order to ‘*perform early warning, situation assessment and strategic planning for Petersberg tasks (humanitarian mission, peacekeeping and crisis management) and all EU-led operations*’.¹²⁹

Cooperating with the relevant policies of NATO and EDA, the official website of the EUMS describes its functions as follows:

- monitoring potential crises;
- carrying out the military aspects of strategic advance planning;
- organising and coordinating procedures with national and multinational HQs including those NATO HQs available to the EU;
- programming, planning, conducting and evaluating the military aspect of the EU’s crisis management procedures;
- establishing permanent relations with NATO;
- hosting a NATO liaison team and setting up an EU team in NATO’s Supreme Headquarters Allied Powers Europe (SHAPE);
- contributing to the military aspects of the ESDP and the fight against terrorism’.¹³⁰

2.4 Conflict of Interests

Jones finds the source of the practical problems of the army in ‘*the absence of transnational strategic concept shared and agreed upon by the European great powers, there are no guidelines for the application of European coercive power – be it within the EU or beyond*’.¹³¹

Transnational misunderstanding is also sounded in the works by Bonnén, who calls upon clear definition of the European identity and interests before applying them in foreign policy.¹³² Where can one EU state deploy its troops or where it cannot? Does

¹²⁹ Military Staff of the European Union (EUMS). Available at http://europa.eu/legislation_summaries/foreign_and_security_policy/cfsp_and_esdp_implementation/roooo6_en.htm, (consulted on 30.01.2011).

¹³⁰ Military Staff of the European Union (EUMS), *op.cit.*, note 131.

¹³¹ Jones, *op.cit.*, note 16, p. 218.

¹³² Preben Bonnén, *Towards a Common European Security and Defence Policy. The Ways and Means of*

this question exist at all? Bonnén argues that this question not only exists but also can have political consequences and affect the relations between the member states as ‘*it can be rightly expected that former colonial powers such as France and Belgium would be more willing to deploy the military in conflict areas in Africa and Asia than countries like Sweden and Finland*’.¹³³

The individual interests prevail over the community ones and this was practically proven during the crises in the Balkans and Middle East, where every Member State played its own game.

The conflict of interests creates also a threat to the activity of RRF, which could be ‘WEU-ised’, meaning that these forces will be squeezed among the elements of the institutional bureaucracy and remain either unused or on paper only.¹³⁴ One of these bureaucratic questions, namely whose law should be applied in case of the RRF’s deployment - shall it be international law, UN Charter or something new, is raised by Bono.¹³⁵

2.5 EU-NATO and EU Operations

As argued by scholars, within its short history the EU army has faced shifts in understandings of what army should do, budget cuttings and lack of financing, transnational misunderstanding and problems with the hierarchy and institutionalisation, etc.

However, it has still managed to complete several military operations, mainly in cooperation with NATO. Despite the fears of several political and military experts on the duplication of the functions by the EU and NATO, conflict of interests of the Member States being parties to both those institutions, as well as such radical views as the fact that military enforcement of the EU would threaten the future of NATO and American presence on the continent, it would have been impossible to imagine the first steps of the EU army without support of NATO.

Thanks to the **2002 EU Copenhagen Summit** and then to the **Berlin-Plus arrangements**, the first EU-NATO military cooperation was realised in the project *Concordia*, which ‘*involved liaison [mission] and providing military support for the work of international*

Making It a Reality. Compas, Lit Verlag, 2003, p. 138.

¹³³ *Ibid.*

¹³⁴ Jones, *op.cit.*, note 16, p. 219.

¹³⁵ Bono, *op.cit.*, note 35, p. 175.

monitors and giving advice on security issues to the Macedonian government'.¹³⁶ Following *Concordia*, the EU had also implemented Operation *Artemis* in the Democratic Republic of Congo from June 2003 and Operation *Althea* in Bosnia and Herzegovina from December 2004.¹³⁷

2.6 What Is Peacekeeping and Peacemaking?

It is correctly argued that the unrests, instability, tensions and conflicts in '*Bosnia, Kosovo, Turkey, Chechnya, Nagorno-Karabakh, Abkhazia and South Ossetia have implications both for Europe and for the wider international community*' and in case of a late reaction, this could create a good basis for the international terrorism, various types of trafficking, organised crime etc.¹³⁸ Is the EU ready to face this challenge?

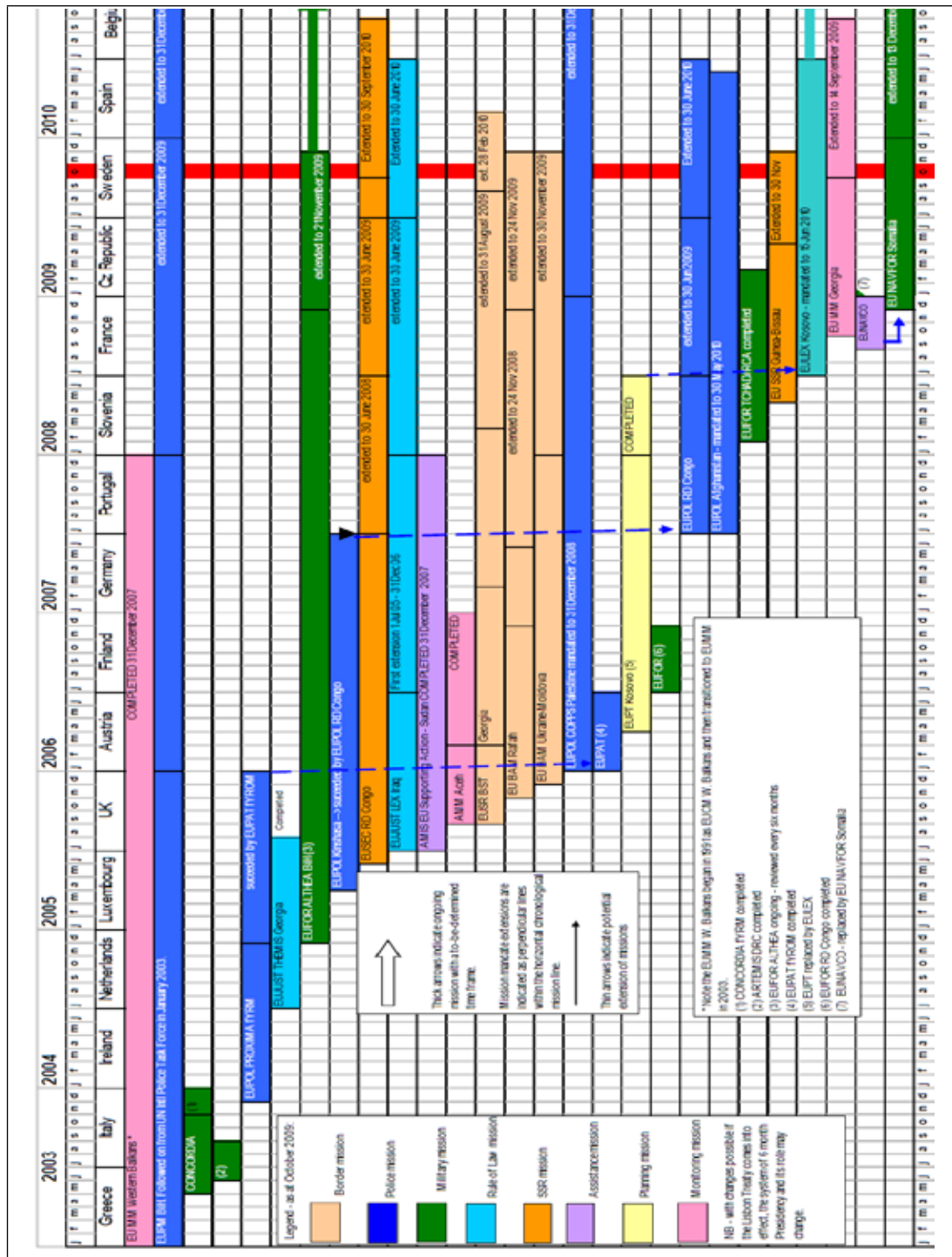
The table below covering the full range of EU operations from 2003 till 2010 offered by a group of scholars from the EU Institute for Security Studies shows that EU has been involved in both short and long-term operations in almost all continents where the conflicts were present - Europe, ENP areas, Africa and Asia.

136 Bono, *op.cit.*, note 35, p. 169.

137 Forster, *op.cit.*, note 44, p. 197.

138 Moustakis and German, *op.cit.*, note 59, pp. 1-2.

TABLE 4: ESDP OPERATIONS AT A GLANCE



Source: ISS, *European Security and Defence Policy. The First 10 Years (1999-2009)*.¹³⁹

139 Giovanni Grevi, Damien Helly, Daniel Keohane, *European Security and Defence Policy. The First 10 Years (1999-2009)*, ISS-Institute for Security Studies, Paris, 2009, p. 416. Available at http://www.iss.europa.eu/uploads/media/ESDP_10-web.pdf, (consulted on 30.01.2011).

The EU's involvement into peacekeeping and peacemaking operations was catalysed not by the logic development of the military policy but by the crises in former Yugoslavia. This region of Europe is famous for its rich contribution to the history and was best described by Churchill, who said once that 'the Balkan region has penchant for producing more history than it can consume'.¹⁴⁰ We can suppose that if there were no conflicts in Yugoslavia, the EU military forces would be still under transition period due to the different views, tasks and priorities of the Member States.

Despite official declarations by the EC that it wished to play the leading role in the resolution of the Yugoslav conflicts in the very beginning as 'the hour of Europe had come', the development of the situation showed that the diplomatic vision was not in line with the military one and what the EU could do was to limit the conflict to some extent, terminate its function of the principle player due to the disagreement on the use of the WEU and became the bystander, 'looking on as powerful states bilaterally and through clubs such as NATO and the Contact Group – the USA, Russian, France and the United Kingdom and Germany – brought the fighting to an end'.¹⁴¹

Another key cause behind the EU's failure in the intervening to the conflicts from the beginning of 1990's till the early years of 2000's was the fact that EU was not a global player and had not been prepared to undertake the global security missions and even provide security around the EU₁₅ area.¹⁴² Absence of a common position on the political situation, lack of conflict prevention experience as well as other reasons mentioned in the previous chapters put the EU in a very awkward position resulting in the USA and NATO involvement.

Bonnén emphasises that the diversity could have been avoided if the leading European states, such as France, Germany and the United Kingdom, acted as a driving force in providing Europe with 'a coherent, high profile on the CFSP and CESDP' in addition to the united, interacted partnership among the states and the EU institutions.¹⁴³

Moustakis and German argue that,

'the Yugoslav crisis and subsequent Balkan conflicts, especially in Kosovo, demonstrated that the EU, outside of NATO, had very little 'hard power', even when the conflict was on Europe's doorstep, limiting its ability to act decisively. Consequently, significant steps have been taken to develop autonomous military capability that would enable it to intervene in crisis situations. Nevertheless, in

140 Moustakis and German, *op.cit.*, note 59, p. 27.

141 Merlingen with Ostrauskaite, *op.cit.*, note 27, p. 35.

142 Bonnén, *op.cit.*, note 134, pp. 134-135.

143 *Ibid.*, p. 133.

spite of these developments, NATO still remains, and will most likely continue to be, the principal provider of military security for Europe.¹⁴⁴

As we had already stressed, the first practical steps of the EU in the field of the peacemaking and peacekeeping would have been impossible without NATO. However, we cannot say that EU did nothing to improve the situation. The development of the CFSP, ESDP and the Petersberg tasks had already created the legitimacy back up for the active involvement into conflict processes; the EU would only have to combine the humanitarian and military tools or to dissolve ‘the boundaries between military and humanitarian intervention’.¹⁴⁵ Encouraged by this, the EU decided to extend its functions and intervene to the conflicts within its scope of interest and influence not only when they had already taken place but at the initial stages, to implement the so-called preventive measures.¹⁴⁶

The scholars have a common view on the main principles of the peacekeeping but may differ in the detailed classification. For Edmunds, the peacekeeping is about:

- a long-term deployment of the troops in the conflict area far from the national territory;
- high-skilled level of the personnel together with the high level of administration and logistics organisation;
- flexibility to shift from execution of the military functions to the civilian ones, such as assistance in the return of the refugees, support to the local force institutions, post-conflict settlements;¹⁴⁷

Forster, another expert specialising in the peacekeeping matters, also applies the basic 3-bullet system but of different nature:

- ‘the ‘holy trinity’ based on consent of parties to the conflict;
- ‘impartiality’ (defined as a politically neutral role);
- and the ‘minimum use of force’, defined as the use of force only in self-defence’;¹⁴⁸

144 Moustakis and German, *op.cit.*, note 59, p. 20.

145 Forster, *op.cit.*, note 44, pp. 196-198.

146 Bonnén, *op.cit.*, note 134, p. 132.

147 Timothy Edmunds, ‘A New Security Environment? The Evolution of Military Roles in Post-Cold War Europe’, in: E. Timothy and M. Malešič, *Defence Transformation in Europe: Evolving Military Roles*, IOS Press, 2005, p. 11.

148 Forster, *op.cit.*, note 44, p. 199.

He points out that the peacekeeping troops are normally light armoured, can and should be deployed only if there is an agreement between the two conflict parties; they are not there to fight or implement an active military operation but to observe the cease-fire, mediate the communication between the conflict parties, assist in provision of the humanitarian aid and other peacekeeping activities.¹⁴⁹

Having provided the info on the problems of the formation of the European army, discussed the financial, organisational and cooperation matters, considered the EU-NATO cooperation, expressed our firm belief in the necessity of the EU army for the EU as a global player, we concluded the second chapter with statistical info on the EU peacekeeping and peacemaking operations.

¹⁴⁹ *Ibid.*

Chapter 3.

The European Union as a mediator

3.1 The European Union Special Representative (EUSR)

Once the parties have agreed on the mediator mission of the EU, the Union is represented by its Special Representative in the capacity of an Ambassador, regardless whether there is a EU embassy in the conflict area or not. We can distinguish between *internal* and *external* duties of the EUSR.

The internal duties are to cooperate closely with the Commission on 'the development, implementation and monitoring of the political aspects of the relevant ENP Action Plans'.¹⁵⁰ Due to this, the EUSR may be attached to the EU delegation and have an office within its premises. The EUSR external duties are to be '*on the one hand, one of facilitator and consensus builder and, on the other hand, of a focal point and the EU's interface with the parties in conflict through almost permanent presence on the ground*'.¹⁵¹

The recent events such as the closure of the office of the EUSR to the Caucasus due to the end of the term in late February, and the disputes whether his/her mandate will be extended, have weakened the EU position in the region.

3.2 The European Neighbourhood Policy (ENP)

There are few EU policies designed to promote the peace and stability in these regions and one of them is the European Neighbourhood Policy.

According to the Commission's site on the ENP,

¹⁵⁰ European Commission. *European Neighbourhood Policy. Frequently Asked Questions (FAQ)*. Available at http://ec.europa.eu/world/enp/faq_en.htm#1.10, (consulted on 15.01.2011).

¹⁵¹ Thomas Diez, Mathias Albert and Stephan Stetter, *The European Union and Border Conflicts. The Power of Integration and Association*. Cambridge University Press, 2008, p. 207.

'The European Neighbourhood Policy is about the mutual interest of the EU and its neighbours in sharing a zone of stability, security and well-being. It is a joint agenda to promote good governance in order to better manage our shared neighbourhood. It is designed on the basis of common values and interests, including the need for a joint response to common challenges e.g. prosperity gaps, migration, crime, environmental issues, public health, extremism and terrorism. In this way, the ENP also contributes to regional and global stability and security'.¹⁵²

It is argued that by offering the ENP, the EU proposes to the neighbouring countries closer relations and cooperation in comparison with the non-neighbouring countries and it grants to the partners the status very similar to the status of the European Economic Area (EEA) countries.¹⁵³ The below-mentioned chronology highlights the main moments of the policy development:

1. 2002 Copenhagen European Council;¹⁵⁴
2. 2003 Communication from the Commission to the Council and the European Parliament. *Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*;¹⁵⁵
3. 2004 Communication from the Commission. *European Neighbourhood Policy. Strategy Paper*;¹⁵⁶
4. 2006 Communication from the Commission to the Council and the European Parliament. *On Strengthening the European Neighbourhood Policy*;¹⁵⁷
5. 2007 Communication from the Commission. *A Strong European Neighbourhood Policy*;¹⁵⁸
6. 2010 Communication from the Commission to the European Parliament and the Council. *Taking Stock of the European Neighbourhood Policy*.¹⁵⁹

152 European Commission, *op.cit.*, note 152.

153 Roberto Aliboni, 'The Geopolitical Implications of the European Neighbourhood Policy', in: *European Foreign Affairs Review*, Vol. 10, pp. 1-16, 2005, p. 2. Available at [http://www.eunp.tu-chemnitz.de/bibliothek/Dokumente und Literatur Kapitel I - Einfuehrung/Dokumente und Literatur Kapitel I - GASP und ENP/The_Geopolitical_Implications_of_the_ENP.pdf](http://www.eunp.tu-chemnitz.de/bibliothek/Dokumente%20und%20Literatur/Kapitel%20I%20-%20Einfuehrung/Dokumente%20und%20Literatur/Kapitel%20I%20-%20GASP%20und%20ENP/The_Geopolitical_Implications_of_the_ENP.pdf), (consulted on 27.02.2011).

154 Available at http://www.ena.lu/copenhagen_european_council_copenhagen_1213_december_2002-020705029.html, (consulted on 12.03.2011).

155 Available at http://ec.europa.eu/world/enp/pdf/como3_104_en.pdf, (consulted on 12.03.2011).

156 Available at http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf, (consulted on 12.03.2011).

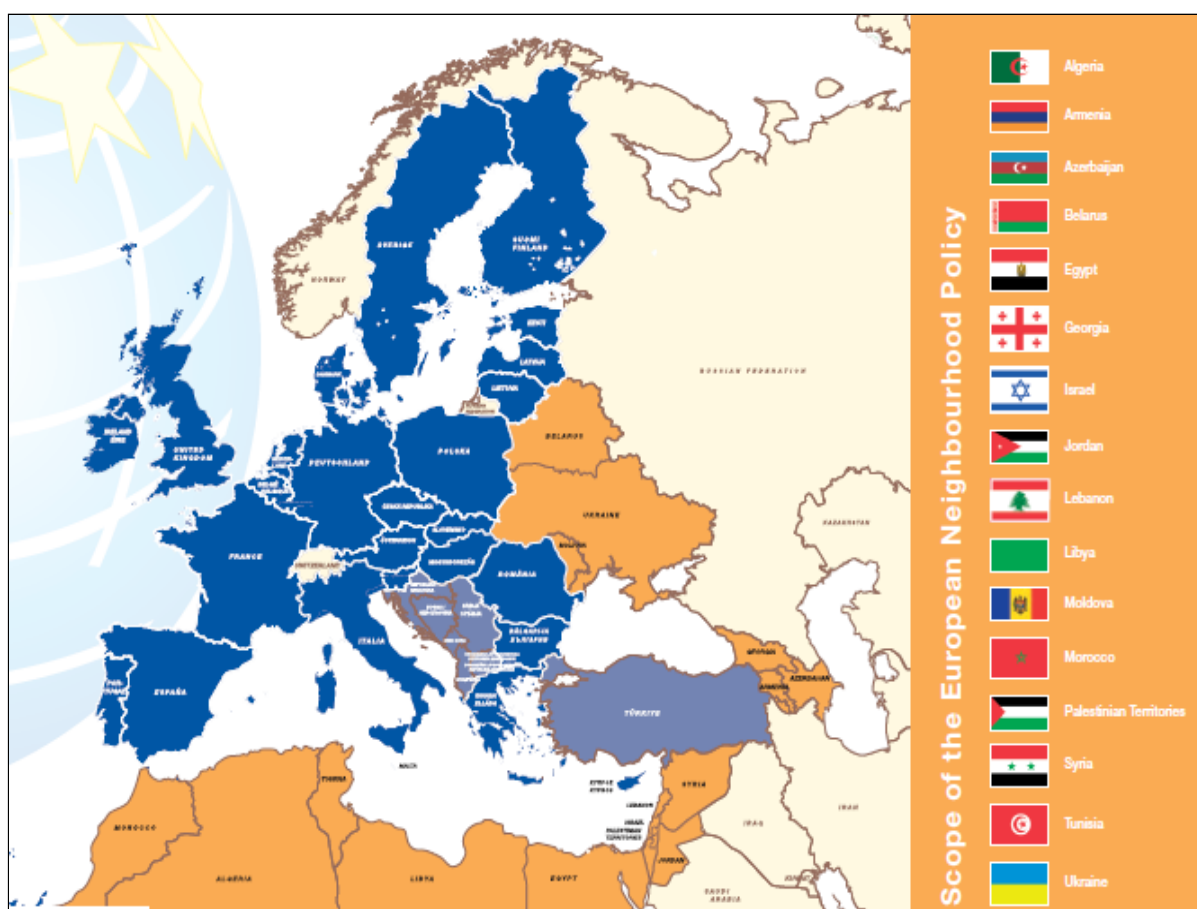
157 Available at http://ec.europa.eu/world/enp/pdf/como6_726_en.pdf, (consulted on 12.03.2011).

158 Available at http://ec.europa.eu/world/enp/pdf/como7_774_en.pdf, (consulted on 12.03.2011).

159 Available at http://ec.europa.eu/world/enp/pdf/progress2010/com10_207_en.pdf, (consulted on

The ENP was not considered to put the relations between the EU and a partner state into a new format but rather to reinforce the *acquis* fixed by the already existent Partnership and Cooperation Agreements (PCA). Proposed by the British in the beginning of 2002 for Belarus, Moldova, Russia and Ukraine, the policy has lived a long way of evolution and ‘enlargement’: by the end of the same year it already covered the Mediterranean and by the middle of 2004 the Caucasus area,¹⁶⁰ bringing the total number of countries to 16 as per the map below.

MAP 1: EUROPEAN NEIGHBOURHOOD POLICY



Source: European Commission, *Map of ENP*.¹⁶¹

The mechanisms offered by the EU are proven to be effective and were used by the former candidate countries. The originality of these mechanisms is that the EU does not

12.03.2011).

160 Jean F. Crombois, *The ENP and Crisis Management: Assessing the Use ‘Civilian Power’*, Presentation for European Consortium for Political Research Standing Group on the European Union, 2008, pp. 3-4. Available at <http://www.jhubc.it/ecpr-riga/virtualpaperroom/003.pdf>, (consulted on 19.02.2011).

161 European Commission. *Map of European Neighbourhood Policy*. Available at http://ec.europa.eu/world/enp/pdf/information/enp_poster_en.pdf, (consulted on 19.02.2011).

apply the same approach to all countries of the ENP. Considering the big geographical, cultural and political area covered by the policy, the individual Action Plans (AP) are being worked out, which demonstrate the agenda of cooperation (political, economic or sector-oriented), the level of relations between EU and a given country, plus they are designed to regulate the relations between conflicting ENP countries. The table below shows the latest updates on the status of the Action Plans.

TABLE 5. ENP ACTION PLAN

ENP PARTNER COUNTRIES	ENTRY INTO FORCE OF CONTRACTUAL RELATIONS WITH EU	ENP COUNTRY REPORT	ENP ACTION PLAN	ADOPTION BY EU	JOINT ADOPTION WITH PARTNER COUNTRY
Algeria	AA - September 2005	--	--	--	--
Armenia	PCA - 1999	Mar-05	Agreed autumn 2006	13.11.2006	14.11.2006
Azerbaijan	PCA - 1999	Mar-05	Agreed autumn 2006	13.11.2006	14.11.2006
Belarus	--	--	--	--	--
Egypt	AA - June 2004	Mar-05	Agreed Spring 2007	05.03.2007	06.03.2007
Georgia	PCA - 1999	Mar-05	Agreed autumn 2006	13.11.2006	14.11.2006
Israel	AA - June 2000	May-04	Agreed end 2004	21.02.2005	11.04.2005
Jordan	AA - May 2002	May-04	Agreed end 2004	21.02.2005	02.06.2005
Lebanon	AA - April 2006	Mar-05	Agreed autumn 2006	17.10.2006	19.01.2007
Libya	--	--	--	--	--
Moldova	PCA - July 1998	May-04	Agreed end 2004	21.02.2005	22.02.2005
Morocco	AA - Mar 2000	May-04	Agreed end 2004	21.02.2005	27.07.2005
Occupied Palestinian Territory	Interim AA - July 1997	May-04	Agreed end 2004	21.02.2005	04.05.2005
Syria	--	--	--	--	--
Tunisia	AA - March 1998	May-04	Agreed end 2004	21.02.2005	04.07.2005
Ukraine	PCA - March 1998	May-04	Agreed end 2004	21.02.2005	21.02.2005

SOURCE: EUROPEAN COMMISSION. EUROPEAN NEIGHBOURHOOD POLICY. FREQUENTLY ASKED QUESTIONS (FAQ).¹⁶²

162 European Commission, *op.cit.*, note 152.

The Action Plan deserves special attention as it is different from other agreements. Skipping the procedural explanations we would like to stress that the AP is a detailed document between the EU and a partner country on the implementation of the PCA and allows assisting the partner country at either the EU or the Member State level.

Considering the various approaches to the problems, the parties shall thoroughly analyse the policy objectives which in future would be shared by both sides. Otherwise, there is a risk of getting the certain policy down into the Action Plan and thus, of failure to mitigate the conflict.¹⁶³

There is a certain mutually agreed implementation and evaluation timeframe and in case of the failure by the partner state, the EU may apply the soft power such as, *inter alia*, limitation or reduction of the financial aid.

3.3 Comparative Analysis of the Action Plans of 3 Caucasus Countries

As we had already indicated, we will analyse the Action Plans of three Caucasus countries with a focus on conflict resolution aspects and regional cooperation. We will not address the proposals on the reforms in the field of justice, human rights, democracy, rule of law and etc.

All three countries had a 5-year unique Action Plan corresponding to the bilateral relations and priority areas. The general idea is to cooperate in economic and political fields with a special option regarding dialogue for the conflict resolution.

- **Conflict Resolution.** The peaceful settlement of the Nagorno-Karabakh conflict is defined by the EU as a top priority in the relations with Azerbaijan and only number 7 in relations with Armenia. As the biggest state of the region with rich natural resources, Azerbaijan is certainly the driving force of the regional development and the wish of the EU to prevent Azerbaijan from an open military campaign is understandable. It is also worth mentioning that the military rhetoric sounded by the Azerbaijani officials is not aimed against the Republic of Armenia but against the separatist movement within the internationally recognised boundaries of Azerbaijan.

¹⁶³ Stefan Wolff & Richard Whitman, *Conflict Resolution as a Policy Goal under ENP in the Southern Neighbourhood. Report Prepared for the Committee on Foreign Affairs of the European Parliament*, Centre for International Crisis Management and Conflict Resolution, 2008, p. 7. Available at <http://www.stefanwolff.com/files/ENP.pdf>, (consulted on 19.02.2011).

However, one shall not forget that this 20-year old conflict hampers the development of the whole region and conclusions from its potential resolution might be practically applied to other conflicts in the region in the future. Therefore such a strange priority distribution in the Action Plans of the conflict parties is at least not justified. More doubts on the EU's neutral position are borne by recalling that it is actually Azerbaijan which is partly occupied by joint separatist and Armenian troops and that the territorial integrity of the biggest state of the region is accepted by the world community including Armenia.

Though the wording of the relevant Priority Areas seems to be the same at first glance, an in-depth analysis of both Action Plans show that the EU wanted to please the Armenian side more. Calling upon both Azerbaijan and Armenia for a peaceful resolution of the conflict in line with the international norms and standards of the UN, OSCE and engaging the dialogue between the involved parties, the AP for Armenia includes the 'principle of self-determination of peoples'. This principle is not accepted by the Azerbaijani side (at least in the form proposed by the Armenian counterparts) and thus the current AP cannot serve as a good starting point for discussions.

For Georgia, the AP is more open and offers a limited EU contribution in the form of financial aid if any positive results are achieved. It also contains a clause providing for a discussion of the case of Georgia within the EU-Russian negotiations.

- **Justice Freedom, Security and Boarder Management.** This field is classified as Priority 9 for Azerbaijan and 4 for Georgia, while not mentioned at all in the list of priorities for Armenia. In addition to the establishment of the dialogue regarding readmission, visa, weapon and human trafficking mentioned in both APs, the Georgian one refers to enforcement of the EU-Georgian cooperation in the relevant field by the involvement of the EUSR;
- **Strong Regional Cooperation** is mentioned under number 10 for Azerbaijan, 8 for Armenia and 5 for Georgia. Such placement suggests that Georgia desperately needs to enforce its regional cooperation while Armenia and Azerbaijan can survive without it. The recent historical experience clearly shows that the tandem of Azerbaijan as an oil/gas producer and Georgia as an oil/gas transit country can not only survive but even increase the

economic turnover without Armenia. The above countries may complement each other, though the dominant role of Azerbaijan is obvious. On the other hand, Armenia is completely isolated - it is not involved into either energy or any other big regional project where Azerbaijan is a part and should heavily focus on regional cooperation.

Finalising all three Actions Plans in terms of conflict and security issues, we can say that the Union does not apply a justified approach, because:

- It care more for and offers more perspectives to Georgia than to other states of the Region;
- Considering the support of the Armenian separatist movement in Azerbaijan and now the more often sounded Armenian allegations of the same nature and actors in Georgia, the placement of peaceful resolution as Priority 7 for Armenia is at least illogical. Having the reputation of a ‘stable trouble maker of the region’, the priority for Armenia should be set at 1 to prevent situation escalation through support to Armenian minorities in other republics of the regions, compliance with the international law and norms and contribution to pacific resolution of the Nagorno-Karabakh conflict;
- Bearing in mind the above-mentioned points, the idea of regional cooperation is more *a wish* than *a reality*. As it has been constantly stressed, there will be no regional cooperation between Azerbaijan and Armenia, and Azerbaijan will keep applying soft power and block Armenian participation in the regional projects until the occupied zone is released.

The evaluation of the progress on the ENP and implementation of its Action Plans is controversial. The institutions and scholars see the reasons of its success or failure differently. The Commission supposes that,

*‘Since the European Neighbourhood Policy was proposed, good progress has been made on developing and implementing the core instruments of the ENP – the presentation of 12 Country Reports, the adoption of 12 ENP Action Plans, implementation and monitoring through relevant subcommittees, adoption of a new instrument to better provide assistance to these countries in support of the objectives agreed in the Action Plans’.*¹⁶⁴

Taking the Commission’s view as a starting point we will consider the implementation and relevance of the ENP on practical cases. Due to the limits of the work we will

¹⁶⁴ European Commission, *op.cit.*, note 152.

brief on the conflicts within the ENP area and will draw more detailed attention to the Caucasus region, namely to the ENP contribution to the resolution of the conflicts in the Caucasus.

3.4 The Conflicts within the ENP Area

The participation as a moderator in the conflicts within the ENP area is a new function for the European Union to be implemented via the CFSP and ESDP.¹⁶⁵ By this involvement, the EU tries to take a lead role within its imminent neighbourhood and compete with the UN, OSCE and other international institutions in peacekeeping and peace monitoring operations. Prevention of the human, drug and weapon trafficking as a result of the conflicts are other key arguments for the EU presence there.¹⁶⁶

Wolff and Whitman investigated most of the conflicts in the ENP area and prepared a comprehensive report for the European Parliament. In order to give a short, balanced and clear overview and also to meet the limits of this work, we will be using it as a reference for presenting the Southern area conflicts.

All the conflicts in the Southern neighbourhood are characterised by tensions between the states and the powers within the states. According to these scholars, the first type of the conflicts is classified by a growing Islamic challenge in the region. Though Algeria, Morocco, Libya and Tunisia received between 72 and 100 % degree of stability and security among 146 countries a few years before, the recent events in the Northern Africa showed a completely opposite tendency.¹⁶⁷ Showcased as the most stable country of the region in the research, Tunisia became the catalyst of the radical changes in the region in practice. Breaking down the long-lasting self-confident dictatorships and taking the course towards democratisation of the society, it is still unclear whether religious radicalism is over in Tunisia.

The Near East has been always preoccupied with the Israeli-Palestinian conflict which is additionally 'enriched' by the internal Hamas and Fatah rivalry within Palestine on the one hand and multilateral border disputes between Israel, Lebanon and Syria on the other.

Transnistriya and Western Sahara/Morocco conflicts are relatively quiet and there are no active military operations, which is not to say that there is no risk of escalation due to tension between either the parties of the conflict or the liberation movements and governments.

165 Wolff & Whitman, *op.cit.*, note 165, p. iii.

166 *Ibid.*, p. 4.

167 Wolff & Whitman, *op.cit.*, note 165, p. 2.

The Eastern ENP area is notorious for the Nagorno-Karabakh, South Ossetia and Abkhazia conflicts. In addition to them the stability of the Caucasus also depends on how the Georgian government would treat Azerbaijani and Armenian minorities. The difference in approach is caused by the allegations of the Armenians for autonomy while Azerbaijani minority complains on the social injustice and economic 'discrimination' of their areas.

The conflicts in the Caucasus are of particular interest for our research topic. This small region has a lot players: the independent states (Armenia, Azerbaijan, Georgia), boarder countries (Russia, Turkey, Iran), the US, International organisations and oil/gas companies (OSCE, UN, CIS, GUAM, NATO, BP, Shell, etc.), self-proclaimed states (Nagorno-Karabakh, Abkhazia and South Ossetia).¹⁶⁸

3.5 Nagorno-Karabakh Conflict

MAP 2. MAP OF AZERBAIJAN. SOURCE: MISSION OF THE REPUBLIC OF AZERBAIJAN TO THE EU.¹⁶⁹



168 Martin Malek, 'The South Caucasus at the Crossroads: Ethno-territorial Conflicts, Russian Interests, and the Access to Energy Resources', in: G. Hauser and F. Kernic (ed.), *European Security in Transition*, Ashgate, 2006, p. 146.

169 Map of Azerbaijan. Available at http://www.azembassy.be/doc_conflict/map_eng.gif, (consulted on 27.02.2011).

It has been the first conflict on the territory of the former USSR. Skipping the information on how the conflict was developing we will concentrate on the present status. Azerbaijani government refers to the international law and norms as the only tool to solve the problem until the negotiations take place. However, it still reserves the right to use the military means to release the occupied internal parts and restore the territorial integrity of the state – it is worth underlining that there is no threat by Azerbaijan to the territorial integrity of Armenia.

The integrity of Azerbaijan and other Caucasus Republics had been recognised by the International institutions and the world community as soon as the USSR collapsed. Armenia is also among the countries which had recognised Azerbaijan in its former Azerbaijan SSR boundaries and had not recognised the self-proclaimed ‘Nagorno-Karabakh Republic’.

Using the right for self-determination as the main subject for discussion, Armenia has been ignoring 4 UN Security Council Resolutions which ‘*demand the immediate and unconditional withdrawal of Armenian armed forces from the occupied Azerbaijani territories and also the establishment of conditions for the return of refugees and displaced persons to their places of residence in their native land*’.¹⁷⁰ Such a position of Armenia mitigates the 1994 cease-fire agreement and brings down the OSCE Minsk Group Co-chairs’ (Russian Federation, USA and France) moderator activity and efforts.

Simão argues that,

*‘the conflict over Nagorno Karabakh is best portrayed as an interstate conflict, with visible impact on the domestic constituencies of both Armenia and Azerbaijan, making any analysis of civil society engagement in conflict resolution highly incomplete if this interstate dimension is not reflected. It can therefore be said that the dispute over Nagorno Karabakh is an ethno-territorial conflict of an interstate nature with elements of irredentism and separatism’.*¹⁷¹

The EU participation in the resolution of the conflict is limited to full support for the OSCE moderation, approval of the peaceful solution within the Minsk Group framework and Priority Areas of ENP APs. This had been sounded by Mr. Peter Semneby, now

¹⁷⁰ Letter dated 4 April 2001 from the Permanent Representative of Azerbaijan to the United Nations Addressed to the Secretary-General, p. 3. Available at <http://www.un.org/documents/ga/docs/56/a5662.pdf>, (consulted on 27.02.2011).

¹⁷¹ Licinia Simão, *Engaging Civil Society in the Nagorno Karabakh Conflict: What Role for the EU and its Neighbourhood Policy?*, MICROCON Policy Working Paper 11, June 2010, p. 3. Available at http://www.microconflict.eu/publications/PWP11_LS.pdf, (consulted on 27.02.2011).

leaving the EUSR in the Caucasus. The EUSR mandate includes 'assisting the EU in developing a comprehensive policy towards the region, and to support the conflict-prevention and peace-settlement mechanisms in operation'.¹⁷² Unfortunately, the misuses by the EU of its advantageous treatment by the conflict parties and of notable growth of cooperation in many fields can hinder the ENP achievements.¹⁷³ The failure of the EU in the Nagorno-Karabakh conflict is also explained by Popescu as 'lack of demand from either Armenia or Azerbaijan' and strong opposition by France to the idea of being replaced by the EU in the negotiation process.¹⁷⁴

The 2006 European Parliament Resolution stresses that the EU shall be actively involved and 'must help settle conflicts in the Caucasus region'¹⁷⁵ and should not count only on the acting co-chairs but also on other Member States of the Minsk Group,¹⁷⁶ for example Turkey, which has been an associated member to the EU since 1963.

Turkey is very influential in the region and supports Azerbaijan in blockading Armenia due to its own historical, geopolitical interests and also 'genocide' allegations by the Armenians. According to Aliboni, regardless if '*Turkey remains a neighbour or becomes a member of the EU, there is a strong link between EU-Turkey relations and the role Turkey can play with respect to this conflict and this area. The EU should be able to expect from Turkey a collaborative, constructive and peaceful role*'.¹⁷⁷

3.6 Abkhazia and South Ossetia Conflicts

As in case of Azerbaijan, the territorial integrity of Georgia was recognised by the international community according to the boundaries of the former Georgian SSR. The only thing which can be drawn as a parallel between conflicts in Georgia and Azerbaijan is the question of self-determination. With the arrival of Mr. Saakashvili to power in 2004, Georgia changed its external policy towards US, NATO and the West. Unlike Azerbaijan, which applies balanced foreign politics, the counter-Russian rhetoric took a central part in his speeches. The wave of 'democratic revolutions' in Ukraine (Orange

172 European Union. External Actions. *Summary on EU - Azerbaijan Relations*. Available at http://eeas.europa.eu/azerbaijan/eu_azerbaijan_summary/index_en.htm, (consulted on 05.02.2011).

173 Aliboni, *op.cit.*, note 155, p. 9.

174 Nicu Popescu, *EU Foreign Policy and Post-Soviet Conflicts: Stealth Intervention*. Routledge, 2011, p. 95.

175 Moustakis and German, *op.cit.*, note 59, p. 130.

176 For more information on the composition of the OSCE Minsk Group, please consult <http://www.osce.org/mg/66926>, (consulted on 27.02.2011).

177 Aliboni, *op.cit.*, note 155, p. 10.

Revolution) and then in Georgia (Rose Revolution) stimulated a new orientation of these former Soviet countries that suffered from indirect territorial disputes with Russia. Both countries had Russian military bases dislocated in former Soviet bases in their territories and were keen to send them back to the Russian Federation.

MAP 3. MAP OF GEORGIA. SOURCE: DOUG'S DARKWORLD.¹⁷⁸



Having had Armenia as the only pro-Russian state on the strategic South border, and facing the risk to lose the control over the Southern Caucasus and then, the Northern Caucasus, Russia used its old but well-known card of destabilisation by informal support of self-proclaimed states. This time it was Abkhazia and South Ossetia. However, the conditions were different. Unlike in Azerbaijan, some part of the inhabitants of Abkhazia and, particularly, in South Ossetia held Russian passports and there were Russian 'peacekeepers' on the border of the self-proclaimed 'republics' and Georgia.

Despite the assurance by the international community that Kosovo was not and would not be a precedent in the international legal practice, Russia had initiated several month preparations to apply the Kosovo precedent in South Ossetia 'by assisting with training

¹⁷⁸ Map of Georgia. Available at <http://unitedcats.wordpress.com/2008/08/09/a-primer-georgia-south-ossetia-abkhazia-and-russia/>, (consulted on 27.02.2011).

and the preparation of small-scale provocative operations against Georgian forces, firing onto Georgia, while mobilising its own armed forces ready to intervene.¹⁷⁹

Having reformed the Georgian army, partly meeting the contemporary military standards, and assuming the huge support by locals and the West, Georgia had responded to the Russian provocation by launching full military operations against South Ossetia. As a result of the fight, several Russian soldiers and Ossetia-origin Russian citizens were killed which expectedly served as a good reason for Russia to use its army in order to 'protect its citizens' and even intervene in Georgia. The result is known – Russian army was 60 km from Tbilisi, there was political and economic crisis, fear among the Georgians and no help from the EU in the first days.

The politicians evaluate these days differently. However, it was very clear that Georgia on its own cannot compete against Russian army and should not have followed the Russian provocation. On the other hand, the Caucasus region is still considered to be a Russia-dominated area rather than a US or EU-influence area and a swift response of the Western countries is not be expected.

The mediator group chaired by France (as those events took place during the French Presidency) arrived in the region after 5 days of the war and put on the table the Russia-Georgia agreed principles. These principles were about the restoration of the situation back to the state as of 6th August, 'increased international monitoring and security presence; and a UN Security Council Resolution to underpin arrangements.'¹⁸⁰

This short-run war demonstrated how the region is sensitive to any unrest. A long-run war could have stopped the transition of oil and gas via Georgia, thus affecting the economic situation in the region and security of supplies to the West and beyond. At the moment, only Russia demonstrates readiness to protect its interest by all means. The EU, which has now been involved into the numerous energy projects in the Caucasus and Central Asia, cannot back its interest up yet but by words and diplomatic missions.

The evaluation of the EU involvement varies widely. Popescu finds it very modest and criticises the EU for financial assistance to post-war Abkhazia instead of timely response

179 James Gow, 'Kosovo: the Final Frontier? From Transitional Administration to Transitional Statehood', in: A. Hehir (ed.), *Kosovo, Intervention and Statebuilding. The International Community and the Transition to Independence*, Routledge, 2010, p. 164.

180 Gow, *op.cit.*, note 181, p. 163.

to the request by Georgian authorities to create a joint EU-Russia boarder monitoring mission in 2005. which could have prevented the conflict.¹⁸¹

However, not all scholars share the idea of passive EU participation in the Georgian Conflict. As per Quintet Group, the successful termination of the war by the mediation of the EU was a result of 'the ability of the EU to come up with clear political lines, based on evidence provided by independent observers on the ground' which had given an opportunity for manoeuvre and affected the negotiation process.¹⁸²

3.7 EU and OSCE Cooperation

As we have already mentioned the EU is not directly represented in the mediation process of the Nagorno-Karabakh conflict but its few Member States are represented and France is one of the Co-chairs of the OSCE Minsk Group. The Union fully supports the agreement reached within the OSCE Minsk Group framework. The recently opened fully fledged Delegations in Azerbaijan and in Armenia, together with the office of the EUSR in the region provide quick exchange of information between the parties to the conflicts and among the EU and OSCE representatives. However, the growing involvement of the Union shall be balanced and not overburden or de-coordinate the mediation process of the OSCE.¹⁸³

The competition, overlapping and duplication of the activities by the EU and the OSCE are explained by the geographical enlargement of the Union and interference into the classic OSCE areas. The problem comes from inability of the EU and MS to 'clearly decide on where they want the OSCE to go and what they want it to do'.¹⁸⁴ For example, by appointment of the EUSR to Moldova, the Southern Caucasus and Central Asia within the ENP, the EU ignored the OSCE which 'has developed much expertise based on its long-established missions'.¹⁸⁵

181 Popescu, *op.cit.*, note 176, p. 93.

182 Memorandum of Quintet Group, *Concerns and Recommendations on European Neighbourhood Policy*, 2010, p. 4. Available at http://eap.pauci.org/file/ZWFwX3BhdWNpX2ZpbGVzMjY2Ng__doc?n&d, (consulted on 27.02.2011).

183 Simão, *op.cit.*, note 173, p. 16.

184 Vincent De Graaf & Annelies Verstichel, 'OSCE Crisis Management and OSCE-EU Relations', in: S. Blockmans (ed.), *The European Union and Crisis Management. Policy and Legal Aspects*, Asser Press, 2008, pp. 275-276.

185 Peter Van Ham, 'EU, NATO, OSCE: Interaction, Cooperation and Confrontation', in: G. Hauser and F. Kernic (ed.), *European Security in Transition*, Ashgate, 2006, p. 31.

Stewart finds the reason of misunderstanding in the EU's wish to cooperate more with the UN rather than with the historically, geographically and ideologically close OSCE. However, this discriminative approach is harmful as the OSCE scope of activity covers not only Russia and the Caucasus, but also Central Asia and sometimes is present where there is no UN interest at all.¹⁸⁶

3.8 ENP's Contribution to the Solution of the Conflict

Unfortunately, many politicians linked wrongly the resolution of the tensions in the Balkans to the successful implementation of the ENP. In reality, the prospective membership in one of the leading economic and political powers was the stimulus for the sides to come to an agreement. When it comes to conflict matters, the ENP itself has not been designed as a conflict prevention policy though it does contain security and stability issues. It is more about soft power application, invitation to cooperation rather than obligation. Considering the fact that membership of the Caucasus republics in the EU is not on the agenda at least in near future and will probably never be, the effect of the ENP instruments was expectedly low in comparison with those deployed in the Balkans.

The different understanding of conflict management by the Commission and the Council of Ministers has not contributed to the involvement of ENP in the field of conflict management either. It is also argued that since the ENP was proposed by the Commission and is implemented by its instruments, there is no room for other instruments within ESDP/CFSP¹⁸⁷ and instead of extending the areas of cooperation, it is better to work over and remove the deficit of instruments.¹⁸⁸

Still the EU can contribute to the conflict resolution process by bearing the possible financial and political costs, defining the limits of its 'neighbourhood', working out a clearer political stance, sounding the EU voice (by replacing France) in the OSCE Minsk group, increasing the confidence and cross border cooperation between the parties and promoting a greater involvement of the civil society into the negotiation process.¹⁸⁹

186 Emma. J. Stewart, *The European Union and Conflict Prevention. Policy Evolution and Outcome*. Lit Verlag Berlin, 2006, pp. 199-200.

187 Crombois, *op.cit.*, note 162, p. 3.

188 Friedrich Ebert Stiftung. Division for International Dialogue. *10 Theses on the European Neighbourhood Policy (ENP)*, August 2008, p. 1. Available at <http://library.fes.de/pdf-files/id/ipa/05606.pdf>, (consulted on 27.02.2011).

189 Stefan Wolff, *The European Union and the Conflict over the Nagorno-Karabakh Territory*, Report

The Lisbon Treaty with such instruments as CSDP missions, development cooperation, and mediation activities provides the potential to realize the aims though it would require the EU to be patient while consensus and trust is built up.¹⁹⁰ According to Lisbon, a range of institutions such as the Council Secretariat, Civilian Planning and Conduct Capability (CPCC), CPMD, EUMS are attached to the HR, which makes the EEAS a key player in the crisis management.¹⁹¹ Involvement of Russia and Turkey, the players with a strong influence in the region, in the ENP as the strategic partners is also a positive contribution.¹⁹²

The recently opened fully fledged EU delegation to Azerbaijan and Armenia (2008) could serve as a very good standing for these initiatives.

prepared for the Committee on Member States' Obligations Parliamentary Assembly of the Council of Europe, 2007, pp. 4-5. Available at <http://www.stefanwolff.com/files/EU-NK.pdf>, (consulted on 28.02.2011).

190 Memorandum of Quintet Group, *op.cit.*, note 184, p. 4.

191 Hynek, *op.cit.*, note 100, p. 84.

192 Friedrich Ebert Stiftung, *op.cit.*, note 190, p. 2.

Conclusion

Throughout the entire work we quoted the pro and contra arguments of the scholars on whether EU can have an army, needs an army and if yes then what for. There is a common vision that the military aspect has neither been, nor is, the strong part of the European collective action and external policy in comparison, for example, with the economic integration. At the time of this writing, we can state that there has been significant progress in multilateral cooperation, and in the future, this matter can reach levels which had never been previewed.

The history of the EU military has had a very controversial path. As Quinlan precisely notes, 'over most of the past half-century the record of defence cooperation among European groupings in the West has been at best pedestrian.'¹⁹³ It somehow 'repeated' the history of the EU itself being full of stops and go's, ups and downs, progressed by the treaties and regressed by the absence of the tools to implement the tasks. Quite frequently the necessity to have the army has been questioned.

Another problem frequently discussed by the researchers has been the absence of the view on what the common army is for or, in other words, on the common interest. Aldis argues that the primary tasks of the army - to defend the national territory, nation and its interests - were not adequate to respond to contemporary threats and thus, the idea of the joint operations was born. However, the questions on 'how, how much, where, with what, for how long, against whom' etc. were the main stoppers of this cooperation.¹⁹⁴ Quinlan shares the above-mentioned views but sees the origin of the problem in that 'the EU has not found the basis for integrated defence capacities' due to the variety of national priorities.¹⁹⁵ Thatcher saw the problem in its political rather than defensive nature - the wish of France to dominate in Europe and compete, instead of to cooperate, with America-led NATO.¹⁹⁶ It is also argued that there is no political leader in contemporary Europe who could act as Charles de Gaulle and Konrad Adenauer did and lead the

¹⁹³ Quinlan, *op.cit.*, note 8, p. 80.

¹⁹⁴ Anne Aldis, 'Defence Transformation in Europe Today: Implications for the Armed Forces', in: T. Edmunds and M. Malešič, *Defence Transformation in Europe: Evolving Military Roles*, IOS Press, 2005, p. 103.

¹⁹⁵ Quinlan, *op.cit.*, note 8, pp. 53-54.

¹⁹⁶ Margaret Thatcher, *Statecraft: Strategies for a Changing World*. 2002. Available at http://society.polbu.ru/thatcher_government/ch75_all.html, (consulted on 12.01.2011).

military integration; if Europe wants an army, France and Germany shall leave NATO and break off from the American curse of the external politics.¹⁹⁷

The budgetary constraints and budget's modest level in comparison with other global players do not let us expect high-tech rearmament or reinforcement of the equipment in the near future. If we add here the will and wish of some member states to use the military forces for the purpose of rescue, natural disaster and emergency tasks, then the future of the European army is even more doubtful. However, in order to give a full picture, we shall also mention the positive development such as internationalism of the missions, growth of the professionalism and of the military legitimisation, the creation of the rapid reaction forces, etc.¹⁹⁸

Before the 1990's, defence policy was normally limited by the geographical and territorial frames of the state. However, after the collapse of the USSR and the occurrence of new conflicts and territorial disputes there was no state which could justify 'the optimum size of its army, navy or air force'.¹⁹⁹ The obligation to be a party in the joint forces was considered to be the only way to control the 'military tournament', promote the commitment and define which country could be best used in which area.²⁰⁰

It is only in Maastricht in 1992 that the MS issued the declaration speaking on 'the long-term perspective of a common defence policy within the European Union, which might in time lead to a common defence...'²⁰¹ Driven by France and Germany, the EU was emphasized to be 'the key framework for the Common Foreign and Security Policy'.²⁰²

By signing the Amsterdam Treaty, the EU did not change the situation too much but transferred the WEU peacekeeping tasks into the EU. The Treaty also created the Eurocorp 'capable of acting separately from NATO if NATO wishes to stand aside'.²⁰³ Altogether, this pre-St. Malo period is characterised by external actions limited within 1st and 2nd pillars: trade, humanitarian aid and diplomatic initiatives.²⁰⁴ The key turning point was St. Malo, where the EU assumed the a responsibility and engagements to execute military operations.

197 Portal 'Rodon', *op.cit.*, note 5.

198 Malešič, *op.cit.*, note 112, pp. 1-2.

199 Van Eekelen, *op.cit.*, note 14, pp. 11-12.

200 *Ibid.*

201 Quinlan, *op.cit.*, note 8, p. 16.

202 Quinlan, *op.cit.*, note 8, p. 26.

203 Williams and Jones, *op.cit.*, note 10, p. 29.

204 Bono, *op.cit.*, note 35, p. 164.

St. Malo (1998) clearly and negatively responded to the question whether ESDP is irrelevant. The world of instability, military confrontations and tensions needs an appropriate reaction and thus, the existence of the army is important to preserve the stability and peace. This policy falls into the category of the main targets of the EU within its territory and around its boundaries as a regional and global player. However, 'the provision of such a contribution requires fresh effort to improve the weight, relevance and cohesion of Europe's military capability within that of the West as a whole'.²⁰⁵ With no prejudice to actions implemented by NATO, the remarkable military and defence convergence of the French and British positions received in St. Malo resulted in the acknowledgment that the EU had 'to have the capacity for autonomous action, backed by credible military forces'.²⁰⁶

The arrival of the new Labour government in the UK wishing to be the leading player between the USA and Europe, the consequences of the war in the former Yugoslavia, enlargement and understanding of the need for the combination of the diplomacy, economics and military contributed 'in favour of the EU assuming a stronger role in security and defence policies'.²⁰⁷ As a result, the ESDP was created granting to the EU a unique opportunity 'to have a political control over military and police forces for external security engagements'.²⁰⁸

The 1999 Cologne and then the 2000 Nice summits highlighted the necessity to work out the concepts.

Thanks to the Helsinki Summit, the new ESDP tasks were clearly quantified in a very specific and challenging way, which eventually promoted the quick advance of the undertaking.²⁰⁹ The contribution of the Helsinki HGs is well described by Gariup,

'It is important to emphasise that the ESDP capabilities set up via the Helsinki Headline Goals 2003 and 2010 and the various Capability Conferences are a clear novelty and distinguish themselves from the existing political, economic, and diplomatic devices – including both incentives and sanctions – not only because of the introduction of the military format in the gamut, but also because they are deemed to be applied in a quick and robust way in

²⁰⁵ Quinlan, *op.cit.*, note 8, p. 52.

²⁰⁶ Gariup, *op.cit.*, note 29, p. 193.

²⁰⁷ Bono, *op.cit.*, note 35, p. 167.

²⁰⁸ Bono, *op.cit.*, note 35, p. 167.

²⁰⁹ Quinlan, *op.cit.*, note 8, p. 80.

situations characterised by emergency and urgency, and most importantly, by the widespread use of physical violence or the risk thereof.²¹⁰

The evolution of the Petersberg tasks also showed the strengthening role of the EU as a global power capable to apply hard power. Starting from the plans of evacuation of the Europeans from the crisis areas far from Brussels, demilitarisation and conflict prevention operations,²¹¹ the Petersberg tasks in the 2000's already included peacemaking, peacekeeping and post-conflict stabilisation.²¹²

The 2003 European Security Strategy covers the area around the EU and acknowledges the necessity for peace and stability at its borders as a guarantee for the peace and stability within the EU. The Strategy provides for preventive measures and active actions before the tension or conflict escalates. However, it was incomplete as, among others, it limited its scope of activity to the Southern Caucasus and did not consider the North Caucasus (Russian Federation). By ignoring the North Caucasus, the source for international terrorism, extremism, human and drug trafficking, the Strategy could not fully provide the peace and stability in the Southern Caucasus²¹³ and, if we put it in a wider perspective, in the ENP area.

The EU can provide the stability in a close cooperation with NATO, OSCE, UN and other international institutions. Such task seems very easy in theory but it is very difficult to put into practice. In relations with NATO there are two camps within the EU: Atlanticists (the United Kingdom, Denmark, Poland, Hungary, Czech Republic, Slovak Republic, and the Baltic states) and Europeanists (France, Germany, Italy, Benelux, Spain, Portugal and Greece). This division complicates the cooperation as, according to Garup,

'The question of the relationship with NATO, three options were initially on the plate:

- a) the European Union should rely exclusively on its own forces and command structures;*
- b) military cooperation arrangements between the European Union and NATO should allow the Union to use NATO assets in case the latter decides not to act;*
- c) security and defence should be exclusively dealt with in the NATO or WEU framework as it had been the case until the inception of the ESDP. The issue was*

210 Gariup, *op.cit.*, note 29, pp. 205-206.

211 *Ibid.*, p. 162.

212 Van Eekelen, *op.cit.*, note 14, p. 238.

213 Moustakis and German, *op.cit.*, note 59, pp. 84-85.

*and is directly connected with the role of the United States in NATO and the already mentioned Atlanticist – Europeanist divide among the Member States.*²¹⁴

The only way to solve another problem, the EU-OSCE cooperation, is to get the high ranking officials' discussions in Brussels and Vienna down to the field which is an actual arena of OSCE activity. Through this, the dialogue will be supported by practical means. However, once again this can only work if the EU is able to present a united vision on what it understands to be the international crisis and conflict prevention.²¹⁵ Since both sides share similar security visions and the member states of one institution are part of the other one, the cooperation is vital and can improve the EU-OSCE relations.²¹⁶ The Annex VIII shows how the international institutions are interlinked.

Some may argue that ENP could have served as a fertile ground to bring all actors together. However, the history has shown that the ENP was not that successful a policy on many counts. Though it was wrongly accepted as a tool to be used in conflicts which it was not, by its failure it had openly shown the reason for the collapse of this and any possible future policy. The main reasons were the contradictions and self-play within the Union, the division to North and South, pro-Russian and counter-Russian attitudes and others.²¹⁷

The 2008 August war accelerated the launch of the multilateral Eastern Partnership (EaP) Policy. Trying to contribute to the conflict resolution, the authors of the new policy actually gave a birth to two additional problems: firstly, it was not clear whether it was new or complimentary to the Black Sea Synergy (BSS), and, secondly, the Southern MS had already expressed their doubts on involvement into the new initiatives.²¹⁸

This is not to say that the EU has exhausted its resources in policy making. It still has the instruments listed below, which it can operate and apply in order to solve the problems:

- **Conditionality.** While the positive conditionality is about perspective benefits upon receiving the agreed result, the negative conditionality is about application by the EU of the political or economic sanctions;

²¹⁴ Gariup, *op.cit.*, note 29, p. 211.

²¹⁵ Stewart, *op.cit.*, note 188, pp. 200-201.

²¹⁶ Van Ham, *op.cit.*, note 187, p. 32.

²¹⁷ Friedrich Ebert Stiftung, *op.cit.*, note 190, p. 2.

²¹⁸ Nona Mikhelidze, *Eastern Partnership and Conflicts in the South Caucasus: Old Wine in New Skins?*, 2009, p. 3. Available at <http://www.iai.it/pdf/DocIAI/iaio923.pdf>, (consulted on 15.02.2011).

- **Social learning** is about the exchange of information, contacts, dialogue between the conflict parties and the EU actors;
- **Passive enforcement** is about beneficial cooperation via implementation of the obligations with no re-compensation for the concession;
- **Political management** is about the implementation and the evaluation of the aforementioned mechanisms;²¹⁹

After analysing 23 missions (out of which 6 were the military ones), the EU action in the area of the conflict can be characterised more by presence rather than clear policies. The interests of the Union were frequently overwhelmed by the interests of the MS. This, together with what we have discussed as regards the contemporary understanding of the army by the EU Member States, led to specific, limited and sometimes quick-to-go operations of the EU. Popescu correctly criticised the EU for the strategic misplanning, quick deployment of lightweight missions, immediate search for an exit from the area of conflict and ‘often leaving the long-term objectives of stabilisation to the UN or other peacekeepers.’²²⁰

The weak position and representation of the EU, caused by a strong logic of balance of power, does not allow the conflict parties to treat the EU as they treat Russia in the Caucasus or the US in the Middle East.²²¹ In such a situation, the EU cannot be considered as a long term security provider in a certain area, for example, in the Caucasus, as it cannot bear the comparison with the almost ‘immortal’ presence of the Russian army, which has been implementing the imperial, communist and now so-called democratic Russian strategies in the Caucasus from the 19th century onwards.

The recent controversial steps in the politics of the EU can make one question whether the Union has a consistent strategy. For example, as per the Treaty of Lisbon, the CSDP is enforced by the EU delegations in various regions, or in other words, the delegations of the CFSP. The staff of more than 130 delegations in the world ‘will gradually learn to serve the role of the knowledge-providers and interpreters in CSDP-oriented agendas, such as crisis management.’²²²

219 Nathalie Tocci, *The EU and Conflict Resolution. Promoting Peace in the Backyard*. Routledge, 2007, pp. 10-27.

220 Popescu, *op.cit.*, note 176, p. 35.

221 Tocci, *op.cit.*, note 221, p. 163.

222 Hynek, *op.cit.*, note 100, p. 84.

At the same time, the office of the EUSR to the Caucasus was closed a few months ago due to the end of mandate of the last EUSR. Perhaps the EUSR was neither the most visible actor in the region nor the most successful moderator of the conflicts, but he was a really visible element of the EU involvement in the conflict resolution and met with all parties involved in the conflicts. This mandate is not available to any of the EU Ambassadors in the region and absence of the EUSR office can be characterised as 'leaving the area unattended' by the EU for uncertain period.

Does this decision mean that there is no need for the EUSR any more, as now the EU has a full-fledged delegations in the Caucasus, and delegation staff can contribute to the CSDP/ conflict resolution itself? In this regard, we completely share the questions posed by Mr Charles Tannock, a member of the European Parliament (EP) and would like to quote them entirely:

- *'Following the abolition of the post of EUSR for the South Caucasus, how does the High Representative intend to bring about meaningful participation by the EU in resolving the Nagorno-Karabakh conflict?'*
- *'Could the High Representative outline the justification for abolishing the EUSR for the South Caucasus when there is a clear need to raise the visibility of the EU in the region and for increased coordination of the three EU delegations, in their political activities, involving the three countries: Georgia, Armenia and Azerbaijan?'*
- *'Would the High Representative consider an upgraded role for the EU (as opposed to one Member State, France) for more formal involvement within the framework of the OSCE Minsk Group as a possible option?'*²²³

In order to demonstrate its real global power within, at least, its neighbourhood, the EU shall:

- be more precise, concrete in creating 'the EU stance' towards conflicts;
- be more actively involved in the negotiation processes not by its member state(s) but as a whole unified and united institution – the Treaty of Lisbon had already contributed to this by creating the post of the High Representative for Foreign Affairs and Security Policy;
- coordinate its activity with the OSCE, UN and other international institutions in order to get the up-to-date, balanced and correct information and not to overlap each other;

²²³ Charles Tannock (ECR), *Question for Written Answer to the Commission, Rule 117*. 4 March 2011. Available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2011-002135+0+DOC+XML+V0//EN&language=PL>, (consulted on 10 March 2011).

- closely cooperate with the actors in the region and be ready to apply any mean of power in order to restore the justice and not necessarily only the stability of the pre-war status;
- not distinguish between the states and shall demand the implementation of the international law without any discrimination;
- provide the guarantees for reaching the final result in case of concessions;
- be capable of quickly finding the funds for urgent mission within the CFSP as already mentioned in Art 41 of TEU;
- be ready to deploy the RRF for a short and, if necessary, for a longer period until the conflict is solved;
- be capable to have the minimum military reserve to react quickly within ENP area (initially composed of those MS who have the military, financial and human capacities);
- consider not only conflict prevention and post-conflict settlement but also direct involvement into the conflict;
- share the responsibility with the others on prevention the growing armament of the region as per the report of the International Crisis Group;²²⁴
- consider the various instruments for various conflicts (religious, border, ethnic, political) prevention and their implementation and accept them before the conflicts arise;
- be capable to oppose Russia not only for the sake of the region but also for its own energy security;

These are only some of the recommendations that can be pursued by the EU in the Caucasus for reaching its military and political perspectives as a global player. Certainly, it shall fall in line with the economic and political trends. If the latter two are more or less well presented in the region, the former one is known only in Georgia.

The recent comments by the ENP Commissioner pointing to more integration and people-to-people contact,²²⁵ and the latest improvements of the TEU in the field of the ESDP, inspire optimism and hope to witness effective EU troops' presence in the

224 APA News. *ICG Report on Nagorno-Karabakh Conflict*. 8th February 2011. Available at <http://news.day.az/politics/252156.html>, (consulted on 25.02.2011).

225 Joanna Sopinska, *Neighbourhood Policy: Commission Boasts ENP Successes*, All Business and Europolitics Monthly (English). 24 May 2010. Available at <http://www.allbusiness.com/government/international-organizations/14520331-1.html>, (consulted on 15.02.2011).

Caucasus. However, it will firstly depend on how the EU solves its internal problems, implement the security strategies, and secondly on whether it can provide the conflict parties with confidence in the EU and assure them that the EU is definitely a neutral peace-maker.

Will it happen or not and why it has (not) happened is the subject for further research.

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Annex I: Treaties.

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Annex II: The St. Malo Declaration of 1998 and European Security and Defence Policy (ESDP)²²⁶

FRANCO-BRITISH ST. MALO DECLARATION (4 December 1998)*

Joint Declaration on European Defence Joint Declaration issued at the British-French Summit (Saint-Malo, 4 December 1998)

The Heads of State and Government
of France and the United Kingdom are agreed that:

1. The European Union needs to be in a position to play its full role on the international stage. This means making a reality of the Treaty of Amsterdam, which will provide the essential basis for action by the Union. It will be important to achieve full and rapid implementation of the Amsterdam provisions on CFSP. This includes the responsibility of the European Council to decide on the progressive framing of a common defence policy in the framework of CFSP. The Council must be able to take

²²⁶ Available at http://www.ena.lu/francobritish_st_malo_declaration_december_1998-020008195.html, (consulted on 04.03.2011).

decisions on an intergovernmental basis, covering the whole range of activity set out in Title V of the Treaty of European Union.

2. To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises.

In pursuing our objective, the collective defence commitments to which member states subscribe (set out in Article 5 of the Washington Treaty, Article V of the Brussels Treaty) must be maintained. In strengthening the solidarity between the member states of the European Union, in order that Europe can make its voice heard in world affairs, while acting in conformity with our respective obligations in NATO, we are contributing to the vitality of a modernised Atlantic Alliance which is the foundation of the collective defence of its members. Europeans will operate within the institutional framework of the European Union (European Council, General Affairs Council, and meetings of Defence Ministers).

The reinforcement of European solidarity must take into account the various positions of European states.

The different situations of countries in relation to NATO must be respected.

3. In order for the European Union to take decisions and approve military action where the Alliance as a whole is not engaged, the Union must be given appropriate structures and a capacity for analysis of situations, sources of intelligence, and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU and the evolution of its relations with the EU. In this regard, the European Union will also need to have recourse to suitable military means (European capabilities pre-designated within NATO's European pillar or national or multinational European means outside the NATO framework).
4. Europe needs strengthened armed forces that can react rapidly to the new risks, and which are supported by a strong and competitive European defence industry and technology.
5. We are determined to unite in our efforts to enable the European Union to give concrete expression to these objectives.

Annex III: The Washington Declaration (April 1999)²²⁷**Signed and issued by the Heads of State and Government
participating in the meeting of the North Atlantic Council
in Washington D.C. on 23rd and 24th April 1999**

1. We, the Heads of State and Government of the member countries of the North Atlantic Alliance, declare for a new century our mutual commitment to defend our people, our territory and our liberty, founded on democracy, human rights and the rule of law. The world has changed dramatically over the last half century, but our common values and security interests remain the same.
2. At this anniversary summit, we affirm our determination to continue advancing these goals, building on the habits of trust and co-operation we have developed over fifty years. Collective defence remains the core purpose of NATO. We affirm our commitment to promote peace, stability and freedom.
3. We pay tribute to the men and women who have served our Alliance and who have advanced the cause of freedom. To honour them and to build a better future, we will contribute to building a stronger and broader Euro-Atlantic community of democracies - a community where human rights and fundamental freedoms are upheld; where borders are increasingly open to people, ideas and commerce; where war becomes unthinkable.
4. We reaffirm our faith, as stated in the North Atlantic Treaty, in the purposes and principles of the Charter of the United Nations and reiterate our desire to live in peace with all nations, and to settle any international dispute by peaceful means.
5. We must be as effective in the future in dealing with new challenges as we were in the past. We are charting NATO's course as we enter the 21st century: an Alliance committed to collective defence, capable of addressing current and future risks to our security, strengthened by and open to new members, and working together with other institutions, Partners and Mediterranean Dialogue countries in a mutually reinforcing way to enhance Euro-Atlantic security and stability.
6. NATO embodies the vital partnership between Europe and North America. We welcome the further impetus that has been given to the strengthening of European defence capabilities to enable the European Allies to act more effectively together, thus reinforcing the transatlantic partnership.

227 Available at <http://www.nato.int/docu/pr/1999/p99-063e.htm>, (consulted on 02.04.2011).

7. We remain determined to stand firm against those who violate human rights, wage war and conquer territory. We will maintain both the political solidarity and the military forces necessary to protect our nations and to meet the security challenges of the next century. We pledge to improve our defence capabilities to fulfill the full range of the Alliance's 21st century missions. We will continue to build confidence and security through arms control, disarmament and non-proliferation measures. We reiterate our condemnation of terrorism and our determination to protect ourselves against this scourge.
8. Our Alliance remains open to all European democracies, regardless of geography, willing and able to meet the responsibilities of membership, and whose inclusion would enhance overall security and stability in Europe. NATO is an essential pillar of a wider community of shared values and shared responsibility. Working together, Allies and Partners, including Russia and Ukraine, are developing their cooperation and erasing the divisions imposed by the Cold War to help to build a Europe whole and free, where security and prosperity are shared and indivisible.
9. Fifty years after NATO's creation, the destinies of North America and Europe remain inseparable. When we act together, we safeguard our freedom and security and enhance stability more effectively than any of us could alone. Now, and for the century about to begin, we declare as the fundamental objectives of this Alliance enduring peace, security and liberty for all people of Europe and North America.

Annex IV: The WEU Marseille Declaration (November 2000)²²⁸

WEU COUNCIL OF MINISTERS

Marseille, 13 November 2000

The WEU Council of Ministers met in Marseille on 13 November 2000. The WEU Council was preceded by a meeting of the Defence Ministers of WEAG at which Austria, the Czech Republic, Finland, Hungary, Poland and Sweden became full members.

Ministers welcomed the crucial role played by WEU, particularly since its reactivation and installation in Brussels, and appreciated its important contribution to the development of European security and defence architecture.

²²⁸ Available at <http://www.weu.int/documents/001113en.pdf>, (consulted on 04.03.2011).

Ministers welcomed the progress made by the EU in the field of European security and defence policy, and the Atlantic Alliance's support for this process. They recalled their attachment to this policy which will serve the interests of all WEU nations, through the development of satisfactory arrangements.

Following on from the Porto Ministerial Council, and with a view to the decisions that will be taken by the Nice European Council, Ministers agreed on a number of measures designed to address the consequences for WEU of the changes under way.

In this regard,

1. Ministers approved the WEU residual functions and structures which will be in place by 1 July 2001 at the latest and will enable the Member States to fulfil the commitments of the modified Brussels Treaty, particularly those arising from Articles V and IX, to which the Member States reaffirm their attachment. Ministers requested that the necessary administrative and accommodation measures now be taken, to ensure that the residual WEU structures are in place when the EU becomes operational.
2. Ministers again acknowledged the competence and dedication of the staff of the WEU Secretariat-General and their most valuable contribution to the work of the Organisation. They reiterated the commitment they made at Porto in this area. In this regard, they encouraged the Secretary-General to continue his efforts to find appropriate solutions which take into account the professional expertise and legitimate expectations of the WEU staff. They also endorsed the social plan which will benefit the WEU staff members concerned.
3. Ministers acknowledged the work of the WEU Military Staff and noted that it is preparing to cease its activities in accordance with the transition plan approved on 17 October by the Chiefs of Defence Staffs. Ministers also acknowledged that due consideration was being given in the EU to the question of appropriate contacts between military officers of the non-EU WEU nations and the new EU military structures.
4. Ministers acknowledged the importance of the dialogue and cooperation which WEU at 28 and 21 has developed with third countries over recent years. WEU will cease to carry out these responsibilities, which it is intended will be taken up within the existing framework of political dialogue between the EU and the countries concerned.
5. They also agreed to suspend application of the routine consultation mechanisms in force between WEU and the EU, without prejudice to the cooperation required within

the framework of the transition process. Similarly, WEU/NATO routine consultation mechanisms will be suspended, except for those that still need to be applied during the transition period, in particular for exercise JES 2001.

6. Ministers noted with satisfaction the European Union's agreement in principle to the setting-up, in the form of agencies within the EU, of a Satellite Centre and an Institute for Security Studies which would incorporate the relevant features of the corresponding WEU subsidiary bodies. They tasked the Permanent Council to draw all the administrative and financial consequences of these decisions. Ministers also acknowledged that due consideration was being given in the EU to the question of the appropriate involvement of non-EU WEU nations in the activities of the Institute for Security Studies and the Satellite Centre.
7. Ministers expressed their resolve to bring the Transatlantic Forum to an end. They welcomed the European Union's intention to enrich the transatlantic dialogue, by entrusting the ISS with undertaking activities similar to those being currently conducted within the Transatlantic Forum, in accordance with modalities to be agreed, enabling all the nations concerned to participate in these activities.
8. Ministers noted the European Union's agreement in principle to take over in due course the direct management of the MAPE mission on police cooperation with Albania. WEU is ready to extend the mission under its present terms for an interim period beyond the end of the current mandate on 31 December 2000.
9. The Demining Assistance Mission to the Republic of Croatia will be continued under the responsibility of Sweden in the WEU framework until 9 May 2001 when its present mandate expires.
10. Ministers noted the importance of continuing cooperation between the members of the WEU Group of States parties to the Open Skies Treaty, that for the foreseeable future would be coordinated directly between its members, as appropriate, from capitals and from their missions in Vienna.
11. Recalling the relevant provisions of the modified Brussels Treaty, Ministers noted with interest the WEU Parliamentary Assembly's work of strategic reflection on European security and defence.
12. Ministers noted that WEAG will continue to carry out its function of reflection and cooperation in the armaments field.

13. Ministers welcomed the presentation by the Netherlands with regard to its incoming Presidency.

ARMAMENTS COOPERATION

1. The Defence Ministers of the thirteen member nations of the Western European Armaments Group (WEAG), the European forum for armaments cooperation, met together with their colleagues from Austria, the Czech Republic, Finland, Hungary, Poland and Sweden in Marseille on 13 November 2000.
2. They reviewed the evolving situation in the field of armaments and the specific armaments cooperation activities carried out under WEAG. Their discussion focused in particular on the European Armaments Partnership issue, the participation of Austria, the Czech Republic, Hungary and Poland in WEAG Research and Technology cooperation, and the future of WEAG and WEAO.
3. Concerning the European Armaments Partnership issue, Defence Ministers had agreed at their meeting in Luxembourg in November 1999 on a procedure, so as to allow the possibility to Austria, the Czech Republic, Finland, Hungary, Poland and Sweden to become full members of WEAG. Since then, those nations have formally applied for full membership and, based on the recommendation of National Armaments Directors (NADs), Defence Ministers agreed to their accession to WEAG full membership. From now on, WEAG numbers 19 full members, each enjoying equal rights and responsibilities.
4. Defence Ministers also noted the wish expressed by Austria, the Czech Republic, Hungary and Poland to participate in WEAG R&T cooperation through the SOCRATE MOU. To this end, Defence Ministers mandated their Chairman-in-Office to request the WEU Council to authorise the extension of the central contracting by the WEAO Executive Body under SOCRATE to the benefit of those four nations, and on this basis agreed to sign the necessary Amendments to the SOCRATE MOU.
5. Concerning the future of WEAG and WEAO, Defence Ministers had tasked NADs, at their special meeting in Porto, to commence work on examining the practical issues necessary to assure the immediate future of WEAG and WEAO and to establish a phased work plan for further in-depth studies on the long-term future. Defence Ministers noted with satisfaction that NADs have agreed on the way forward on the

immediate future of WEAG and WEAO and that work has commenced based on the agreed phased work plan. Defence Ministers had a fruitful exchange of views on the initial report presented by NADs and provided guidance for the continuation of work towards a final report to be presented at their Autumn 2001 meeting.

6. Defence Ministers further took note of the work accomplished by the WEAG Panels and Groups. They expressed, in particular, their satisfaction with the finalisation and recent endorsement by NADs of a Manual on 'Principles, Procedures and Methods for the Harmonisation of Military Requirements and the Facilitation of Armaments Cooperation in Europe', and on the way forward agreed by NADs on the Masterplan for a European Armaments Agency.
7. Finally, Defence Ministers expressed their satisfaction to the Western European Armaments Organisation (WEAO) which has achieved its targets for launching EUCLID and THALES Research and Technology projects, including notifying research and technology contracts to European industry under the EUCLID programme. A 10% higher target has been set for launching new projects in the forthcoming period, with at least seventeen EUCLID contracts, amounting to a total value of 119 million euros, including 34 million from industrial self investment.
8. The Chairmanship of WEAG, which rotates among its members, will be handed over from Greece to Italy for the years 2001 and 2002, while the WEAO Board of Directors will be chaired by Italy for one year starting from 1 January 2001.
9. The WEU Council (members of WEAG) adopted the conclusions of the WEAG Defence Ministers.

Annex V: The 2004 Helsinki Summit and 2010 Headline Goal²²⁹

HEADLINE GOAL 2010

approved by General Affairs and External Relations Council on 17 May 2004
endorsed by the European Council of 17 and 18 June 2004

The 2010 Headline Goal

1. The European Union is a global actor, ready to share in the responsibility for global security. With the adoption by the European Council in December 2003 of the European

²²⁹ Available at <http://www.consilium.europa.eu/uedocs/cmsUpload/2010%20Headline%20Goal.pdf>, (consulted on 04.03.2011).

Security Strategy, it affirmed the role it wants to play in the world, supporting an international order based on effective multilateralism within the UN. In this context of new dangers but also new opportunities, Member States' strong commitment to give the enlarged European Union the tools to make a major contribution to security and stability in a ring of well governed countries around Europe and in the world is stronger than ever. The EU has the civilian and military framework needed to face the multifaceted nature of these new threats. The availability of effective instruments including military assets will often play a crucial role at the beginning of a crisis, during its development and/or in the post conflict phase.

2. Member States have therefore decided to set themselves a new Headline Goal, reflecting the European Security Strategy, the evolution of the strategic environment and of technology. Lessons learned from EU-led operations will also be taken into account. Building on the Helsinki Headline and capability goals and recognising that existing shortfalls still need to be addressed, Member States have decided to commit themselves to be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty on the European Union. This includes humanitarian and rescue tasks, peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking. As indicated by the European Security Strategy this might also include joint disarmament operations, the support for third countries in combating terrorism and security sector reform. The EU must be able to act before a crisis occurs and preventive engagement can avoid that a situation deteriorates. The EU must retain the ability to conduct concurrent operations thus sustaining several operations simultaneously at different levels of engagement.
3. Interoperability but also deployability and sustainability²³⁰ will be at the core of Member States efforts and will be the driving factors of this goal 2010. The Union will thus need forces, which are more flexible, mobile and interoperable, making better use of available resources by pooling and sharing assets, where appropriate, and increasing the responsiveness of multinational forces.
4. The ability for the EU to deploy force packages at high readiness as a response to a crisis either as a stand-alone force or as part of a larger operation enabling follow-on

²³⁰ Interoperability can be broadly defined as the ability of our armed forces to work together and to interact with other civilian tools. It is an instrument to enhance the effective use of military capabilities as a key enabler in achieving EU's ambitions in Crisis Management Operations. Similarly, deployability involves the ability to move personnel and materiel to the theatre of operations, while sustainability involves mutual logistic support between the deployed forces.

phases, is a key element of the 2010 Headline Goal. These minimum force packages must be military effective, credible and coherent and should be broadly based on the Battlegroups concept. This constitutes a specific form of rapid response, and includes a combined arms battalion sized force package with Combat Support and Combat Service Support. Rapid reaction calls for rapid decision making and planning as well as rapid deployment of forces. On decision making, the ambition of the EU is to be able to take the decision to launch an operation within 5 days of the approval of the Crisis Management Concept by the Council. On the deployment of forces, the ambition is that the forces start implementing their mission on the ground, no later than 10 days after the EU decision to launch the operation. Relevant air and naval capabilities would be included. The need for reserve forces should be taken into account. These high readiness joint packages (battlegroups) may require tailoring for a specific operation by the Operation Commander. They will have to be backed up by responsive crisis management procedures as well as adequate command and control structures available to the Union. Procedures to assess and certify these high readiness joint packages will require to be developed. The development of EU Rapid Response elements including Battlegroups, will strengthen the EU's ability to respond to possible UN requests.

5. Member States have identified the following indicative list of specific milestones within the 2010 horizon:
 - a. as early as possible in 2004, in conformity with the December 2003 European Council Conclusions and in line with the Presidency note annexed, the establishment of a civil-military cell within the EUMS, with the capacity rapidly to set-up an operation centre for a particular operation;
 - b. the establishment of the Agency in the field of defence capability development, research, acquisition and armaments (European Defence Agency) in the course of 2004. This will also support, as appropriate, the fulfilment of the commonly identified shortfalls in the field of military equipment;
 - c. the implementation by 2005 of EU Strategic lift joint coordination, with a view to achieving by 2010 necessary capacity and full efficiency in strategic lift (air, land and sea) in support of anticipated operations;
 - d. specifically for Airlift the transformation of the EACC into the EAC by 2004 is welcomed, as is the intention on the part of some Member States who so wish to develop a European Airlift command fully efficient by 2010;

- e. the complete development by 2007 of rapidly deployable battlegroups including the identification of appropriate strategic lift, sustainability and debarkation assets;
- f. the availability of an aircraft carrier with its associated air wing and escort by 2008;
- g. to improve the performance of all levels of EU operations by developing appropriate compatibility and network linkage of all communications equipment and assets both terrestrial and space based by 2010;
- h. to develop quantitative benchmarks and criteria that national forces declared to the Headline Goal have to meet in the field of deployability and in the field of multinational training;

Process

6. This Headline Goal 2010 will generate the necessary analysis, adaptation and development of scenarios in view of the development of new Headline Goal Catalogues as required by the EU Capability Development Mechanism²³¹ (including a clear categorisation of capabilities to tasks), incorporation of rapid response capability²³² and further improvement of C2 capabilities on operations.
7. To achieve these objectives the EU will apply a systemic approach in the development of the necessary military capabilities, aiming at creating synergies between Member States' forces in order to enhance the ability of the EU to respond more rapidly and effectively to crises.
8. This approach requires Member States' to voluntarily transform their forces by progressively developing a high degree of interoperability, both at technical, procedural and conceptual levels. Without prejudice to the prerogatives of Member States over defence matters, a co-ordinated and coherent development of equipment compatibility, procedures, concepts, command arrangements and defence planning is a primary objective. In this regard, commonality of security culture should also be promoted. Deployability, sustainability and other crucial requirements such as force

²³¹ Doc. 6805/03 + COR 1 3 EN

²³² Of which some are civil crisis management instruments, and notably police components, that can be deployed together with military components and temporarily under military responsibility (ESDP Presidency Report to the Nice European Council), foreseeing also an integrated planning process. Such instruments will enhance the overall capability to respond to crisis management.

availability, information superiority, engagement effectiveness and survivability will play an immediate pivotal role.

9. Interoperability must be considered in a broad framework including military, civilian and civil-military aspects. The EU will further strengthen the coordinated use of its civil and military capabilities acknowledging that modern Crisis Management Operations typically require a mixture of instruments. Work will be undertaken to consider interoperability issues including between the military and civilian assets in civil protection operations.²³³ Moreover the EU will promote the principle of interoperability in the field of military capabilities with its partners, notably NATO and the UN, and its regional partners, in line with the European Security Strategy. The strength and effectiveness of the OSCE and the Council of Europe has also a particular significance for the EU.
10. Strengthening the United Nations is a European priority. Real world experience, with the successful termination of operation ARTEMIS in the Democratic Republic of Congo, has shown the potential for the EU to conduct operations in support of UN objectives. Work with the UN DPKO at an institutional level could also be beneficial in this respect and as a valuable means to strengthen EU-UN relationship. The development of EU Rapid Response elements including Battlegroups, will strengthen the EU's ability to respond to possible UN requests.
11. As underlined by the European Security Strategy and demonstrated by operation CONCORDIA in FYROM, the EU-NATO permanent arrangements, in particular Berlin Plus, enhance the operational capability of the EU and provide the framework for the strategic partnership between the EU and NATO in crisis management. The establishment of a small EU cell at SHAPE and of NATO liaison arrangements at the EUMS as early as possible in 2004 will improve the preparation of EU operations having recourse to NATO assets and capabilities under the Berlin plus arrangements. This will also enhance transparency between the EU and NATO embodying this partnership. Furthermore, promoting the further use of agreed standards²³⁴ will reduce unnecessary duplication and produce more effective forces for both the EU and NATO. In this framework the EU-NATO capability Group will continue to play a central role in accordance with its mandate as defined in the Capability

233 Doc. 15564/03, para. 4.

234 In line with para. 53 of the Capability Development Mechanism on consistent standards with NATO.

Development Mechanism. Complementarity and mutual reinforcement of EU and NATO initiatives in the field of rapid response should be ensured.

Way Ahead

12. The relevant bodies of the Council and the European Defence Agency when established, will develop the necessary set of benchmarks and milestones in order to evaluate progress towards the achievement of these objectives notably in the field of interoperability, deployability and the other crucial requirements identified above. Work will proceed in the field of equipment, forces and command and control based on a systemic and coherent approach.
13. In the field of equipment, the 2010 perspective should allow Member States to harmonise their respective future requirements and calendars in order to achieve a convergent fulfilment of capability needs.
14. In the field of forces:
 - all the forces contributed to the EU will be categorised on the basis of their combat effectiveness and operational readiness in relation to the range of possible tasks;
 - concerning Rapid Response, suitable force package requirements, taking also into account the agreed EU Battlegroups concept, should be identified at the beginning of the second semester of 2004 in view of allowing Member States to start contributing to the constitution of high readiness joint packages. In full respect with the voluntary nature of the process, the contributions should indicate when and for what period the force package would be available to the EU;
 - from 2005 onwards the EU will launch an evaluation process in order to scrutinise, evaluate and assess Member States' capability commitments, including Rapid Response;
 - qualitative requirements, such as interoperability, deployability and sustainability, as well as quantitative ones for the forces will need to be identified in greater detail;
 - forces available will be tested through HQ exercises as well as opportunities offered by national and multinational field exercises. In particular, Rapid Response elements will need to undertake regular realistic training, including multinational exercises;
 - the collection of existing operational doctrines will be complemented with common concepts and procedures on the basis of work conducted in the framework of the European Capability Action plan and in coherence with NATO.

15. In the field of Command and Control, the ability to plan and conduct operations will be reinforced in the light of the December 2003 European Council Conclusions and by developments in the the European Capability Action Plan. Specifically:
- the work of the ISTAR Information Exchange framework Project Group will contribute to the development of an EU information-sharing policy and associated framework for implementation by 2010, with an interim architecture by 2006;
 - the work of the Space Based Assets Project Group will contribute to the development of an EU space policy by 2006.
16. Under the auspices of the Council and in the framework of its responsibilities for the political direction of the development of military capabilities the PSC, based on the opinion of the EUMC and in liaison, as appropriate, with the European Defence Agency, will direct the necessary steps leading to the more precise definition of the Headline Goal 2010 based on the elements set out in this paper and of the milestones identified in para 5. Taking into account the comprehensive Spring 2004 military capability assessment (Single Progress Report, Capability Improvement Chart) further progress will also be required on the recognised shortfalls and deficits from the 2003 Headline Goal. Implementing this Headline Goal 2010 will include the following steps:
- in 2004 : by the beginning of the second semester, preparatory development work on high readiness joint packages requirements in the framework of EU Rapid Response should be finalised.

Under broad guidance of the PSC, the necessary planning assumptions and scenarios preliminary to the definition of the military requirements necessary to fulfil the 2010 horizon should be elaborated by the EUMC in an iterative process with the PSC. In this framework focussed military scenarios could be presented for political approval.

Work should also start on the capability evaluation process, notably on the definition of the necessary benchmarks and criteria.

By the end of the year, framework nation or multinational high readiness joint packages should be contributed to the EU as an intermediate phase on rapid response development.

A Conference on military capabilities will be organised in the second semester of 2004;

- by the beginning of 2005: establishment of a list of detailed capability target criteria;
- by mid 2005: finalisation of the Requirements Catalogue 2005, including Rapid Response, in accordance with the EU Capability Development Mechanism. The capability evaluation process could be already launched;
- by the end of 2005 : a bidding process²³⁵ could be launched in view of the production of the Force Catalogue and Progress Catalogue. The database of military assets and capabilities relevant to the protection of civilian population against the effects of terrorist attacks, including CBRN, would be maintained in connection with the Force Catalogue, produced in accordance with the EU Capability Development Mechanism;
- by 2007, complete development of rapidly deployable battlegroups including the identification of appropriate strategic lift, sustainability and debarkation assets;
- between 2006 and 2010 the normal iterations described in the Capability Development Mechanism will continue to take place with the involvement of the European Defence Agency²³⁶, as appropriate. Building on the Headline Goal 2010, a longer term vision beyond 2010 will be formulated with the objective of identifying trends in future capability developments and requirements and increasing convergence and coherence.

Annex VI: ESDP operations and missions of the EU (2003-2009)²³⁷

Since 2003, the EU has undertaken twenty-three operations of a military and/or civilian character:

SIX MILITARY OPERATIONS:

- ‘Concordia’ was the first EU-led military operation. It made use of common NATO assets and capabilities pursuant to the EU-NATO ‘Berlin plus’ arrangements. This operation was based on an explicit request of the government of the Former Yugoslav Republic of Macedonia (FYROM). It

²³⁵ See in particular the relevant paragraphs of and the annex to the Capability Development Mechanism concerning ESDP information requirements and the interaction with NATO.

²³⁶ Agency in the field of defence capability development, research, acquisition and armaments.

²³⁷ PIRIS, Jean-Claude, *The Lisbon Treaty. A Legal and Political Analysis*, Cambridge University Press, 2010, pp. 269-273.

was aimed at contributing further to a stable secure environment in FYROM and allowing the implementation of the August 2001 Ohrid Framework Agreement. The operation lasted from March to December 2003;

- ‘Artemis’ was the first autonomous EU-led military operation (i.e. without recourse to NATO assets). This operation was conducted in accordance with UNSC Resolution no. 1484. It was aimed, *inter alio*, at contributing to the stabilisation of the security conditions and the improvement of the humanitarian situation in Runia (Democratic Republic of the Congo). The operation lasted from June to August 2003;
- ‘Althea’ is the EU-led military operation which took over on 2 December 2004 from the NATO SFOR-operation in Bosnia-Herzegovina (BiH). It makes use of common NATO assets and capabilities. The operation has a UN Charter Chapter VII mandate under UNSC Resolutions no. 1551 and no. 1575 and subsequent resolutions, and its aim is to ensure continued compliance with the Dayton/Paris Agreement and to contribute to a safe and secure environment in BiH. The force initially counted some 7,000 troops and this number was reduced to 2,500 by the end of 2007;
- ‘EUFOR RD Congo’ was an autonomous EU-led military operation in the Democratic Republic of the Congo in support of the UN Mission in this country (MONUC) during the election process in 2006. It was mandated by UNSC Resolution no. 1671, lasted from June until November 2006 and included up to some 1,000 forces in Kinshasa and a battalion stationed in Gabon;
- ‘EUFOR Tchad/RCA’ was an autonomous EU-led military operation in Chad and the Central African Republic and was part of a multidimensional presence that also comprised the UN Mission in the Central African Republic and in Chad (MINURCAT). Its mandate was (i) to contribute to protecting civilians in danger, particularly refugees and displaced persons; (ii) to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area; and (iii) to contribute to protecting UN personnel, facilities, installations and equipment and to ensuring the security and free movement of its staff and UN and associated personnel. The operation was conducted with the agreement of the two governments and also mandated by UNSC Resolution no. 1778. Intended as a bridging operation, it was launched in early 2008, reached initial operating capability in March 2008; when fully deployed, it involved around 3,700 troops; the operation ceased in mid-March 2009; it has been followed by a UN force (MINURCATII);

- ‘Atalanta’ (EU NAVFOR Somalia) is an autonomous EU-led operation launched in 2008, as a result of deep concerns with regard to the outbreak of acts of piracy and armed robbery off the Somali coast. This operation is conducted in support of UNSC Resolutions no. 1814, 1816, 1838 and 1846 in order to contribute to the protection of vessels of the World Food Programme (WFP) delivering food aid to displaced persons in Somalia, to the protection of vulnerable vessels cruising off the Somali coast, and to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast. The operation reached its initial operational capability on 13 December 2008. It is the first EU maritime operation to be conducted in the framework of ESDP.

THREE MIXED MILITARY-CIVILIAN OPERATIONS:

- ‘Eusec-RD Congo’ is a small EU advisory and assistance mission for security reform in the Democratic Republic of the Congo launched in June 2005. The mission provides advice and assistance to the Congolese authorities in charge of security while ensuring the promotion of policies that are compatible with human rights and international humanitarian law, democratic standards, principles of good public management, transparency and observance of the rule of law;
- The ‘AMIS EU Supporting Action’ was a civilian-military supporting action to the African Union (AU) mission in the Darfur region of Sudan (AMIS II). The purpose of the EU’s supporting action was to ensure effective and timely EU assistance to the AU’s enhanced AMIS II mission and to back the AU and its political, military and police efforts aimed at addressing the crisis in Darfur. The operation comprised both a civilian and a military component. It made available equipment and assets, provided planning and technical assistance and sent out military observers. It trained African troops, helped with tactical and strategic transportation and provided police assistance and training. Several dozen military and civilian personnel were deployed. The operation lasted from July 2005 until 31 December 2007, when AMIS handed over to the AU-UN hybrid operation in Darfur (UNAMID);
- ‘EU SSR Guinea-Bissau’, the EU Mission in support of security sector reform in the Republic of Guinea-Bissau, aims at providing local authorities with advice and assistance on security sector reform in the Republic of Guinea-Bissau, in order to contribute to creating the conditions for implementation of the National Security Sector Reform Strategy, in close co-operation with other actors, and with a view to facilitating subsequent donor engagement. It was launched in June 2008 and was extended until the end of May 2010. It counts some fifteen military and civilian advisors.

FOURTEEN CIVILIAN OPERATIONS:

- ‘EUPM’ is the first EU-led police mission. It is taking place in Bosnia-Herzegovina, where it started on 1 January 2003, following on from the UN’s International Police Task Force. It was welcomed by UNSC Resolution no. 1396. It is composed of some 500 police officers from about thirty countries and is aimed at establishing sustainable policing arrangements under BiH ownership in accordance with best European and international practice;
- ‘Eupol Proxima’ was an EU-led police mission in the FYROM which was launched in December 2003 (after operation Concordia) and lasted until December 2005. Police experts (i.e. around 200 personnel from EU Member States and other countries, uniformed police personnel and civilian internationals) monitored, mentored and advised the country’s police, thus helping to fight organised crime as well as promoting European policing standards;
- ‘Eujust Themis’ was the first EU rule of law operation. It took place in Georgia and was launched in July 2004 for a period of one year. Some ten senior and highly qualified experts supported, mentored and advised ministers, senior officials and appropriate bodies at the level of the central government;
- ‘Eupol Kinshasa’ was an EU-led police mission in the Democratic Republic of the Congo launched in January 2005 and ending in mid 2007. It counted some thirty staff and aimed at assisting in the setting up of an Integrated Police Unit in order to contribute to ensuring the protection of the State institutions and reinforcing the internal security apparatus. In addition, it played a role in supporting police co-ordination during the 2006-7 electoral period;
- ‘Eujust Lex’ is an EU rule of law mission in Iraq which was launched in July 2005. It aims at improving the Iraqi criminal justice system by providing training (mainly outside Iraq) for officials in senior management and criminal investigation, primarily from the police, judiciary and penitentiary services, and improving skills and procedures in criminal investigation while ensuring full respect for the rule of law and human rights;
- The ‘Aceh Monitoring Mission’, conducted by the EU and five ASEAN countries, became operational in September 2005 and monitored the commitments undertaken by the government of Indonesia and the Free Aceh Movement (GAM) in the framework of their peace agreement, in particular decommissioning of weapons, relocation of non-organic military forces and so on. It also ruled on disputed amnesty cases. The mission ended in December 2006;

- 'EUPOL COPPS', the EU Coordinating Office for Palestinian Police Support, aims at contributing to the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards, in co-operation with the EC's institution building programmes as well as other international efforts in the wider context of the Security Sector including Criminal Justice Reform. The mission's operational phase started in January 2006, with a staff of about thirty;
- 'EUPAT', the EU Police Advisory Team in the FYROM, was a follow-on mission in the FYROM after Concordia and Proxima, which aimed at further supporting the development of an efficient and professional police service based on European standards of policing; it consisted of some thirty police advisors from December 2005 until June 2006;
- 'EUBAM Moldova - Ukraine' is an EU support for border management, including the border between Ukraine and the separatist Transnistrian region of the Republic of Moldova. A Memorandum of Understanding was signed in October 2005. The operation was to end in November 2009;
- 'EU BAM Rafah', the EU Border Assistance Mission at Rafah, aims at providing a third-party presence at the Rafah Crossing Point between Egypt and the Palestinian Territories in order to contribute to the opening of the Rafah Crossing Point and to build confidence between the government of Israel and the Palestinian Authority. The mission started in November 2005, with a staff of about twenty;
- 'EUPOL Afghanistan', the EU Police Mission in Afghanistan, was launched in June 2007 and was established for an initial period of three years. It aims at contributing to the establishment of sustainable and effective civilian policing arrangements under Afghan ownership and in accordance with international standards. More particularly, the mission will monitor, mentor, advise and train at the level of the Afghan Ministry of Interior, regions and provinces. The mission counts some 230 Staff;
- 'EUPOL RD Congo', the EU Police Mission undertaken in the framework of reform of the security sector and its interface with the system of justice in the Democratic Republic of the Congo, succeeded EUPOL Kinshasa. The aim of this mission is to provide advice and assistance for security sector reform in the Democratic Republic of the Congo, with the aim of contributing to Congolese efforts to reform and restructure the National Congolese Police and its interaction with the judicial system, while taking care to promote policies compatible with human rights and international humanitarian law, democratic standards and the principles of good governance, transparency

and respect for the rule of law. It counts thirty-nine international staff, was launched in July 2007 and ended on 30 June 2009;

- ‘EULEX Kosovo*’ the EU Rule of Law Mission in Kosovo, is to assist the local 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 a multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhere to internationally recognised standards and European best practices. It monitors, mentors and advises, but also has certain executive responsibilities. The Council decided to launch EULEX Kosovo on 16 February 2008. After having reached initial operational capability the mission reached full deployment by the end of 2009. The legal basis for the Mission is UNSC Resolution no. 1244 and the UN Secretary-General’s authority under this Resolution;
- ‘EUMM Georgia’ is a civilian monitoring mission in Georgia adopted on 15 September 2008 and deployed on 1 October. Its objectives are to contribute to Stability throughout Georgia and the surrounding region and, in the short term, to contribute to the stabilisation of the situation, in accordance with the six-point Agreement of September 2008 and the subsequent implementing measures.

Further details may be found on the Internet site of the Council, <http://consilium.europa.eu> under ‘Policies’ > ‘Security and Defence’ > ‘EU operations’. The number of staff/forces is indicative only and may (have) evolve(d) in the course of an operation.

Annex VII: Excerpts of the Relevant Priority Areas of APs for Armenia, Azerbaijan and Georgia.

ARMENIA

Priority area 7: Contribute to a peaceful solution of the Nagorno-Karabakh conflict.

Specific actions:

- Increase diplomatic efforts, including through the EUSR, and continue to support a peaceful solution of the Nagorno-Karabakh conflict;
- Increase political support to the OSCE Minsk Group conflict settlement efforts on the basis of international norms and principles, including the principle of self-determination of peoples;

- Encourage people to people contacts;
- Intensify the EU dialogue with the parties concerned with a view to the acceleration of the negotiations towards a political settlement;

Priority area 8: Enhanced efforts in the field of regional cooperation.

Specific actions:

- Continue efforts, in cooperation with neighbouring countries, to resolve regional and other related issues and to promote reconciliation;
- Enhance participation in regional cooperation initiatives in the Southern Caucasus, e.g. environment, water management, energy, education, border management, transport and transport communication, as well as in the parliamentary sphere, to assist collaboration in the stated fields;
- Continue cooperation in the energy and transport fields in the context of the EU/Black Sea/Caspian littoral states and neighbouring countries initiative;
- Strengthen Armenia's participation in regional law enforcement cooperation initiatives in Southern Caucasus, including through EC-funded regional assistance initiatives such as Southern Caucasus Action Programme on Drugs (SCAD);
- Support the Caucasus Regional Environmental Centre in meeting its objective to promote co-operation between Governmental and non-Governmental actors in the region, as well as enhance participation in its work;
- Enhance bilateral and multilateral cooperation in the Black Sea region – including strengthened regional economic cooperation through continued engagement with the Black Sea Economic Cooperation Organisation (BSEC) – and between the Black Sea and Baltic Sea regions;
- Enhance youth exchanges and cooperation, among the three Southern Caucasus countries including particularly through EU programmes and initiatives;

AZERBAIJAN

Priority area 1: Contribute to a peaceful solution of the Nagorno-Karabakh conflict.

Specific actions:

- Increase diplomatic efforts, including through the EUSR, and continue to support a peaceful solution of the Nagorno-Karabakh conflict;

- Increase political support to OSCE Minsk Group conflict settlement efforts on the basis of the relevant UN Security Council resolutions and OSCE documents and decisions;
- Encourage people-to-people contacts;
- Intensify the EU dialogue with the states concerned with a view to acceleration of the negotiations towards a political settlement.

Priority area 9: Enhancement of cooperation in the field of Justice, Freedom and Security, including in the field of border management.

Specific actions:

- Develop by 2006 an integrated border management strategy and enhance inter-agency cooperation among State authorities involved in border management as well as co-operation with neighbouring countries, including proper border demarcation and full implementation of existing bilateral border co-operation agreements and protocols (notably with Georgia, Iran, the Russian Federation and Turkey);
- Implement the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and sign the new 2005 convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism, which is its natural follow-up;
- Establish a dialogue on matters related to the movement of people including on readmission and on visa issues;
- Review the implementation of the National Action Plan for Combating the Trafficking of Persons as adopted in 2003; assess progress made and envisage follow-up measures;
- Ensure proper implementation of the UN Convention against Transnational Organised Crime and its three Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, against the Smuggling of Migrants by Land, Air and Sea, and against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.

Priority area 10: Strengthen regional cooperation.

Specific actions:

- Enhance participation in regional cooperation initiatives, e.g. environment, education, border management, transport as well as in the parliamentary sphere;

- Strengthen Azerbaijan participation in regional law enforcement cooperation initiatives in Southern Caucasus, including through EC-funded regional assistance initiatives such as SCAD;
- Support the Caucasus Regional Environmental Centre in meeting its objective to promote cooperation between Governmental and non-Governmental actors in the region, as well as enhance participation in its work;
- Enhance bilateral and multilateral cooperation in the Black Sea region – including strengthened regional economic cooperation through continued engagement with the Black Sea Economic Cooperation Organisation (BSEC) – and between the Black Sea and the Baltic Sea regions;
- Enhance youth exchanges and cooperation on a regional level.

GEORGIA

Priority area 4: Enhance cooperation in the field of justice, freedom and security, including in the field of border management.

Specific actions:

Border management

- Develop a comprehensive border management strategy in cooperation with the EUSR (implementation date: by 2006) and cooperate on border issues in the context of the activities of the EUSR Support Team based in Tbilisi under the EU Special Representative for the Southern Caucasus;
- Ratify and implement the UN Convention against trans-national organised crime and its three protocols ('Palermo Protocols') on smuggling of migrants and trafficking of persons; sign, ratify and implement the UN protocol on illicit manufacturing and trafficking of firearms;
- Georgia to fulfil its commitments on border management reforms (increase budget, integration of the Georgian State Border Guard Department into the MoI, reform of the Ministry of the Interior, notably in the fields of human resources and management, etc);
- Continue EU-Georgia cooperation on Border Management issues;
- Develop a dialogue on fight against terrorism and organized crime, trafficking, illegal arms trading.

Migration management (readmission, visas, asylum)

- Develop cooperation on migration and asylum issues;

- Establish a dialogue on matters related to the movement of people including on readmission and visa issues;
- Take steps to modernise the national refugee system in line with international and European standards and an IDP protection system that is self-sustaining and that offers integration opportunities for those who qualify.

Priority area 5: Strengthen regional cooperation.

Specific actions:

- Enhance participation in regional cooperation initiatives in the Black Sea region, including the Southern Caucasus, e.g. environment, education, border management, transport as well as in the parliamentary sphere;
- Continue cooperation in the Energy, Transport and Science and Technological development fields in the context of the EU/Black Sea/Caspian littoral states and neighbouring countries initiative;
- Strengthen Georgia participation in regional law enforcement cooperation initiatives in the Black Sea region, including the Southern Caucasus, as well as through EC-funded regional assistance initiatives such as SCAD;
- Support the Caucasus Regional Environmental Centre in meeting its objective to promote co-operation between Governmental and non-Governmental actors in the region, as well as enhance participation in its work;
- Enhance bilateral and multilateral cooperation in the Black Sea region and between the Black Sea, the Baltic Sea and the Caspian Sea regions;
- Enhance youth exchanges and cooperation among the Black Sea States, including the S. Caucasus countries.

Priority area 6: Promote peaceful resolution of internal conflicts.

Specific actions:

- Contribute to the conflicts settlement in Abkhazia, Georgia and Tskinali Region/South Ossetia, Georgia, based on respect of the sovereignty and territorial integrity of Georgia within its internationally recognised borders;
- Enhanced efforts at confidence building;
- Consideration of further economic assistance in light of the progress in the conflict settlement process;
- Contribute actively, and in any relevant forum, to accelerating the process

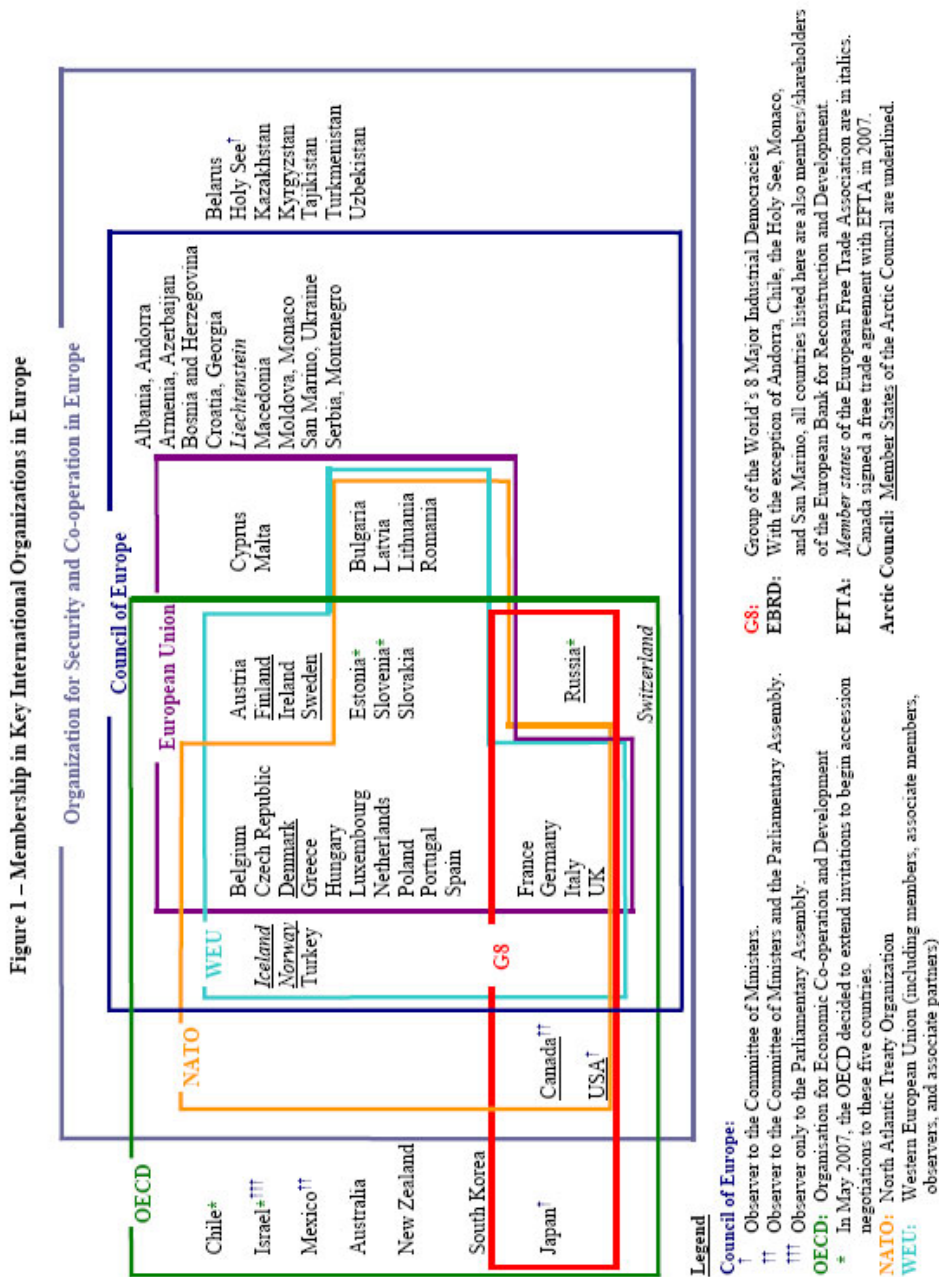
of demilitarisation and of conflict resolution on the basis of the Peace Plan supported by the OSCE ministerial Council in Ljubljana in December 2005;

- The EU points to the need to increase the effectiveness of the negotiating mechanisms. The work of the Joint Control Commission should be measured by the rapid implementation of all outstanding agreements previously reached and in particular by the start of demilitarisation;
- The EU stresses the need for a constructive cooperation between interested international actors in the region, including the EU and OSCE Member States, on additional efforts contributing to peaceful settlement mechanisms in Tskinali Region/S. Ossetia and Abkhazia;
- Include the issue of territorial integrity of Georgia and settlement of Georgia's internal conflicts in EU-Russia political dialogue meetings.

Priority area 7: Cooperation on Foreign and Security Policy.

- Enhance EU-Georgia cooperation on Common Foreign and Security Policy, including European Security and Defence Policy;
- Georgia may be invited, on a case by case basis, to align itself with EU positions on regional and international issues;
- Develop possibilities for enhanced EU – Georgian consultations on crisis management.

Annex VIII: Membership in Key International Organisations in Europe²³⁸



1. Wikipedia. *List of Countries by Military Expenditure*. Available at http://en.wikipedia.org/wiki/List_of_countries_by_military_expenditures, (consulted on 29.01.2011).

238 PISTOR Marcus, *International Organizations in Europe (Canadian Involvement)*, Political and Social Affairs Division of the Canadian Parliament, 2008. Available at <http://www2.parl.gc.ca/Content/LOP/ResearchPublications/prbo428-e.htm#figure1>, (consulted on 01.03.2011).