

THE EUROPEAN SECURITY AND DEFENCE POLICY IN 2008 AND 2009: AN OPERATIONAL BREAKTHROUGH?

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Keywords

ESDP, European Security and Defence Policy, European Union, Chad, Georgia, Kosovo, security, Somalia

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Introduction

At the beginning of 2008 it was assumed that the European Union, after the completion of negotiations on the Lisbon Treaty in the autumn of 2007, would finally be able to reinvigorate its policies, including the European Security and Defence Policy (ESDP), widely seen as a key to the global position of the EU. Yet the unexpected rejection of the Lisbon Treaty in the Irish vote, together with the sharpening of the global economic crisis and the sudden outbreak of the Russian-Georgian war, pushed the EU into turmoil. Despite those problems, the French presidency in the second half of 2008 pursued a 're-launch' of the ESDP. As a result of French efforts, in late 2008 the EU endorsed a number of significant initiatives concerning mainly the development of ESDP military and civilian capabilities, although the ESDP was enhanced significantly throughout 2008 also in its operational dimension. Since the beginning of 2008 the EU has launched four new operations: in Chad, Kosovo and Georgia plus a naval operation off the Somali coast. In contrast to earlier ESDP missions, mostly modest and with a limited mandate, those four operations are relatively complicated and challenging. Hence it might be useful to briefly characterize their main features, indicate the major political and technical challenges involved and look at their prospects. This, in turn, should make possible an assessment of the impact of those operations on the development of the ESDP, providing an answer to the paper's opening question: Has the ESDP undergone a genuine breakthrough since 2008 or perhaps just a minor evolution?

EUFOR Chad/CAR

The European Union's military operation in Chad and the Central African Republic (EUFOR Chad/CAR), launched on 28 January 2008 and concluded, as planned, on 15 March 2009, was in many aspects a unique ESDP mission. What made this operation distinctive was the relatively large number of troops involved, the complex nature of the mandate, the harsh environment resulting in serious logistic and operational challenges that had to be tackled, and, finally, valuable experiences and input for further development of the ESDP, stemming mainly from the complicated process of organizing the mission.

The mandate of the EUFOR reflects well the interesting evolution in the EU political ambitions concerning use of ESDP tools. This mission was conceptualized by the UN Security Council resolution of September 2007 with a view to assisting in solving the humanitarian crisis developing in those countries as a result of a massive influx of refugees from Darfur¹. On 15 October the EU Council established the EUFOR operation [3]. The main task of the EU forces was to protect refugees (and internally displaced persons) against possible acts of violence on the part of militias, rebels, gangs or other foes. Further goals of the operation included facilitation of humanitarian organizations' actions (by safeguarding their security) and improvement of overall security in the region. Taking into account the dire humanitarian situation and intensive activities of various armed groups in the area, the tasks that the EU had agreed to fulfill had to be seen as ambitious [1]. With the launch of the EUFOR, the EU can be said to have decided to organize a complex military operation over a vast, desolate area and to safeguard security by deterring potential foes, and, if necessary, fighting them (the probability was relatively high that the European soldiers might have to resort to force). The novel character of EUFOR is especially meaningful when seen against earlier ESDP missions in Africa that were either small and civilian-oriented (e.g. EUPOL RD Congo, EU SSR Guinea-Bissau), or military and fairly complex, but limited to a couple of months ("Artemis" RD Congo, EUFOR RD Congo).

Another important feature of the EUFOR was the fact that the majority of the EU member states did not have any direct interests in the region of its deployment other than the will to resolve the escalating humanitarian crisis (the humanitarian dimension of the operation was stressed by the EU on several occasions). The driving force behind the decision to establish the mission was clearly

¹ The EUFOR was envisaged as a bridging operation—a temporary force, deployed to tackle the crisis and allow UN more time to prepare a follow-on mission, scheduled for launch in 2009.

France, traditionally interested in Chad matters. The core element of EUFOR was, therefore, the French contingent (over 2,000 troops) and the mission's operational headquarters were located in Mont Valérien, near Paris. Though almost all EU members participated in the operation, only a few of them, i.e. Ireland, Poland, Austria and Sweden, contributed significant contingents [14]. Yet the engagement of those EU members could be interpreted as a sign of their will to contribute to the development of the ESDP and to the reinforcement of the global image of the EU as a security provider.

The EU decision to become involved in such a demanding operation can be interpreted as a sign of the growing ambition to move the ESDP onto a new level of operational activity and political significance, i.e. to prove credibility and capability of the ESDP with regard to the most demanding stabilization operations of a military nature in the region of growing global interest.

The importance of EUFOR also stems from the operational challenges it had to face and, paradoxically, its numerous problems. It should be borne in mind that it was the second biggest military ESDP mission, comprising approx. 3,700 troops. Moreover, it was to operate in a harsh, desert environment, where virtually no infrastructure existed. The combination of ambitious tasks and serious operational challenges prolonged the mission's planning and deployment phases. Firstly, the EU encountered tremendous difficulties in acquiring national contingents suited to perform expeditionary tasks in such a harsh environment. Secondly, logistic difficulties turned out to be more serious than expected (the first contingents had to construct not only the bases, but also the basic facilities to allow deployment of further forces) [7]. Eventually, the EUFOR began to deploy and reached initial operational capability with delay in mid-March 2008, although it did not reach full operational capability and begin to perform its tasks on a full scale until much later, on 15 September 2008, i.e. 11 months after the initial decision on the establishment of the mission—which best illustrates the logistic difficulties of this operation.

All these difficult experiences should be analyzed with regard to the ESDP capabilities development. The EUFOR prolonged planning and deployment process exposed the urgent need to seriously improve the EU military capabilities and put the strengthening of the ESDP at the top the EU decision-makers' agenda. Thus, this mission should be assessed as an important catalyst of recent ESDP capabilities development initiatives. Another issue worth mentioning in this context is the EU collaboration with Russia, which decided to equip

the EUFOR with so much needed support helicopters. This step marks the first significant Russian engagement in an ESDP operation and might become a landmark for the future EU cooperation with Russia in this field. Yet it is disturbing, that the accord with Russia was accomplished at the time of a serious deterioration of EU-Russian relations due to the August Georgian war. On the one hand EUFOR surely benefited from Russian helicopters, on the other – this situation created another premise to regard the EU policy vis-à-vis Russia as inconsistent and the ESDP itself as a weak instrument, dependent on the support of more capable international actors.

Finally, it is worthwhile to look at the influence of EUFOR on the overall situation in the region, as this can be of value for the future development of the ESDP conceptual framework. Once on the ground, EU troops proved to be effective in fulfilling their mandate. They no doubt contributed to the protection of refugees and internally displaced persons, so the mission, in humanitarian terms, can be regarded as a success. Also the planned handover of the mission to the UN MINURCAT operation went smoothly. Yet —and one has to take this fact into deep consideration— the EU presence in Chad and CAR did not solve the root causes of the crisis: i.e. persistent violence and humanitarian disaster in Darfur as well as internal instability in Chad. A need for a new ESDP operation, following EUFOR, was indicated by some experts, yet such mission hasn't been established so far and the situation in the region remains fragile. Thus the EU involvement in the region may turn out to be somewhat a missed opportunity, particularly if the UN efforts aimed at strengthening governance in Chad and CAR fail and the security situation deteriorates again. Hence the experiences of the EUFOR show that the EU needs a true and not only claimed comprehensive approach to such crisis situations. As the record of EUFOR indicates, such approach should include the readiness to swiftly deploy follow-up operations tailored to the key problems of a particular region as well as use of other tools, which would address key sources of instability and improve the situation on the ground in the longer term.

EULEX Kosovo

The European Union Rule of Law Mission in Kosovo (EULEX Kosovo), launched on 16 February 2008, a day before Kosovo declared its independence, is currently regarded as the most important ongoing civilian ESDP mission; it is also a major operational chal-

lenge for the EU. There are several factors that determine the significance of this operation, the most important being: long and careful preparation period, comprehensive mandate, envisaging a wide area of different activities to be performed by judges, policemen and other civilian experts, the large number of personnel involved in the mission, serious practical challenges ahead of the operation and—last but not least— constant political tensions around the final status of Kosovo.

From the perspective of the ESDP record, the EULEX planning and preparation process is a distinctive feature. The EU itself was not seriously engaged in the stabilization of Kosovo until April 2006, when the EU Council officially expressed its readiness to establish an ESDP civilian mission to support Kosovo's institutions in strengthening the rule of law². Simultaneously, a planning team (EU Planning Team—EUPT) was created, with a task to launch the preparations for the future operation [4]. The decision to create EUPT was necessary, because the mission had been envisaged as a complex undertaking, involving a large number of personnel and hence requiring a careful and relatively long preparation process. Yet the EUPT was still unique given the broad scope of its activities, its relatively large size (actually exceeding that of some ESDP missions), and long duration [8]. This makes the EULEX planning and preparations process a valuable experience and a sign that in the future the EU may develop a similar mechanism for preparation of the most comprehensive ESDP missions.

The mandate of EULEX is significant as it shows that the EU is evolving towards organizing more vigorous ESDP missions. The goal of the operation is to improve the accountability and sustainability of Kosovo's rule of law agencies (including the development of multi-ethnic institutions) [5]. It has to be stressed, that EULEX was to replace the UN mission in Kosovo launched in 1999 – UNMIK (United Nations Interim Administration Mission in Kosovo), which had virtually the same tasks. In line with EU-UN accords, at the end of 2008 EULEX took over responsibilities and assets of UNMIK, which though remained active on a very low level.

From the outset it was assumed, that the EU would prepare a robust and compound operation, which could tangibly change the situation in Kosovo (particularly since the record of UNMIK was inconsistent as the operation was criticized for ineffectiveness in improving governance and even tolerating breaches of law). Thus EULEX mission comprises three main components dealing respectively with the Kosovo's justice, police and customs systems. Accord-

² Nevertheless, the EU has been the largest donor of the development assistance to Kosovo.

ing to the mandate, EULEX personnel (approx. 1,900 internationals and 1,100 locals, which is a remarkably high number for an ESDP mission) will monitor, advise and mentor Kosovo's rule of law agencies, though it will retain also some executive powers with regard to the most sensitive areas, such as organized crime, financial crime and terrorism [9]. The mission will last for at least two years, till February 2010, though its extension is more than likely given the sober assessment of the time needed to fulfill its tasks.

This is beyond doubt a very ambitious mandate, EULEX is the biggest civilian ESDP operation so far and the most comprehensive one. A wide variety of problems that EULEX tackles and the presence of its personnel on almost every level of Kosovo's justice, police and customs agencies and its entire territory, show that the EU is dedicated to unleash its full potential regarding civilian ESDP tools in order to stabilize Kosovo. Yet the underdevelopment of the most crucial state institutions, large scale of organized crime, common corruption and constant fight of various local individuals and groups for informal influences in Kosovo, pose significant challenges for EULEX. Thus assisting Kosovo's judiciary, police and customs authorities may be an extremely complicated task, demanding an exceptional dynamism from EULEX personnel. Vigorous EULEX activities may improve its credibility, but may also weaken it by undermining relations with Kosovars, who may perceive EULEX as a too influential foreign force. Finally, the EU has decided to play a leading role and become the main international actor responsible for the internal situation in Kosovo. It has agreed with the UN a significant reduction of the UNMIK (United Nations Interim Administration Mission in Kosovo), and NATO KFOR operation does not have much competences outside the 'hard' security domain (moreover, KFOR is going to be reduced in the months to come, and this puts even more pressure on EULEX)³.

Finally, it is necessary to focus on the key issue that has hindered the deployment of EULEX and is likely to hamper its activities in the future, i.e. the unresolved international status of Kosovo. It should be borne in mind that from the very outset the operation was rejected by Serbs living in Kosovo and by the government of Serbia. It took the EU several months to negotiate with Serbia the conditions on which the EULEX would be allowed to deploy in Serbian enclaves and in Northern Kosovo. To reach the agreement with Serbia, the EU had to act at the UN level and confirm that EULEX remained neutral, i.e. would not undertake any activities implementing Kosovo's declaration of independence; the EU has also made some con-

³ Following the launch of EULEX, NATO decided to encompass new task in the mandate of KFOR, i.e. to train the newly established Kosovo Security Force.

cessions regarding Serbian local law enforcement structures [13]. The negotiations seriously delayed the EULEX deployment: the initial operational capability was reached only after the agreement with Serbia, in December 2008, and the operation became fully operable in April 2009—more than a year after its launch⁴. Yet the practical influence of EULEX on the situation in Serbian enclaves and territories north of Ibar river remains slim.

On the other hand, Kosovars initially expected from the EU a strong signal in support of their independence, but it did not come. Instead of desirable EU-wide recognition, Kosovo received only individual declarations of a group of governments, what undermined the image of EULEX among Kosovars, and this image even worsened after the EU negotiations with Serbia (for that reason Kosovo was even eager to block EULEX deployment) [12]. So the situation of EULEX, which faces reluctance from both sides of the conflict, remains difficult. What is more, serious riots in Kosovska Mitrovica in March 2008 show that any negative developments over the status of Kosovo may easily result in destabilization of the situation on the ground, which may leave EULEX unable to act.

The difficult perspective of EULEX is definitely unfavorable, since this complex operation that might redefine the EU approach to the civilian dimension of the ESDP rests upon general political issues that cannot be solved solely by the EU. Yet the enhanced engagement of the EU in Kosovo is seen by many EU members as a necessary complement to the broader policy of the EU towards the Western Balkans, regarded as a region for which the EU is particularly responsible. Thus it is justified to see the EULEX as a model way of using ESDP tools in support of the EU general policy. As such a model mission, EULEX is being carefully observed and its outcome (whether positive or negative) is likely to stimulate further ESDP development. What is more, due to the need to collaborate with KFOR on an almost daily basis, this EU operation has significant potential regarding the much needed improvement of the EU–NATO cooperation in the security domain.

EUMM Georgia

The unexpected outbreak of a conflict between Georgia and Russia on 8 August 2008 posed a sudden challenge for the ESDP. A situation when hostilities broke out in a neighboring region of considerable political and economic importance for the EU naturally made resorting to ESDP instruments possible. The EU re-

⁴ Similarly to other ESDP missions, EULEX was also troubled with the lack of qualified international civilian staff ready to be deployed in Kosovo.

sponded to this challenge by engaging in conflict resolution at the highest political level and, at the same time, by launching an ESDP operation—the European Union Monitoring Mission in Georgia (EUMM Georgia).

The key distinctive features of this operation are its extremely short preparation time and the fact that it was the EU direct response to a serious military crisis. None of the earlier ESDP missions had been deployed so fast and, moreover, none had begun to operate almost immediately after the halt of such serious hostilities. Hence the EUMM can to some extent be described as an exceptional mission. What is more, the EU, mostly due to the commitment of the French presidency, was the sole international actor that had tangible influence on the ceasefire negotiations and the initial withdrawal of forces. This was a new situation for the EU, which so far—in case of most crises—has always been just one of the actors engaged in international stabilization efforts. Thus the prepared EU crisis management operation additionally gained importance [16]. Moreover, with the later Russian veto to the extension of the UN and OSCE missions in Georgia, the EUMM, quite unexpectedly, has become the only international mechanism operating in the post-conflict area.

The EUMM planning and preparation process was indeed swift, particularly with regard to earlier ESDP operational experiences. Preparations for the mission started after the extraordinary summit of the European Council on 1 September, and the informal meeting of the foreign ministers of the EU member states in Avignon on 6–7 September defined the character of the operation as a civilian, unarmed monitoring mission. During the EU-Russia negotiations on 8 September it was decided that the non-extendible deadline for the start of the ESDP mission in Georgia was 1 October. This decision left EU three weeks to deploy the operation, which was an exceptionally tight deadline. Moreover, the prompt start of the mission was a prerequisite for the withdrawal of Russian troops occupying Georgian territories adjacent to Abkhazia and South Ossetia (referred to by Russia as “buffer zones”) to positions held prior to the outbreak of hostilities. Subsequently, the decision on launching the EUMM was adopted by the EU Council on 15 September and shortly afterwards the deployment began [6]. Ultimately, with over 330 civilian personnel, the EUMM managed to begin operations on 1 October. Its core task was to monitor adherence to the negotiated ceasefire and withdrawal of forces agreements, as well as to observe and analyze the situation on the ground with respect to human rights, international humanitarian law, the functioning of the

rule of law, the level of public order, the displaced persons' security and the state of transport and energy infrastructure.

Yet the remarkably short preparatory phase was not free from difficulties. Problems concerning procedures, competences and organizational technicalities stemmed primarily from time constraints, shortage of qualified personnel and scarcity of working and tested legal arrangements [11]. On the one hand, the swift preparation and deployment of the EUMM was a success, but, on the other, it revealed the EU weaknesses in the civilian dimension of the ESDP. Hence the experiences gathered during EUMM preparation phases could be drawn upon to improve proceedings within the Civilian Planning and Conduct Capability and the Council Secretariat, as well as to enhance communications between member states and the Secretariat.

The primary issue concerning the significance of EUMM for the ESDP, however, is the inability of the mission, and thus of the EU itself, to change the situation on the ground. High tensions persist in Georgia—in defiance of the September 2008 agreement, Kodori Gorge and Akhagori region remain beyond the reach of the Georgian administration, and large Russian contingents are present in South Ossetia and Abkhazia. Security on the Georgian territories bordering on the two separatist republics remains unsatisfactory, as indicated by successive reports about armed incidents, including provocations against the EUMM personnel [10]. Furthermore, the EUMM is ignored by Abkhazia and South Ossetia—it has not obtained access to the territories of both breakaway republics and no effective communications have been established with Abkhazian and Ossetian authorities, which are additionally accusing the EU mission of turning a blind eye to acts of violence allegedly committed by Georgian forces. The prospect of a radical, positive change of the situation in the coming months is slim (if not extended, the EUMM mandate will expire in October 2009). This means, that the *de facto* secession of Abkhazia and South Ossetia is being petrified—a fact that not only weakens the EUMM (by restricting its area of operation and staining its reputation), but also undermines the position of the EU *vis-à-vis* Russia (the EU has repeatedly stressed that the EUMM mandate covers the whole Georgian territory, including both breakaway republics, yet it is not capable of enforcing this condition). The progressing decline of EUMM's importance could mean that the EU would lose its practically last instrument of influencing the situation in the region, so the outcome of the mission in terms of its contribution to the settlement of the future of Georgian breakaway republics is bound to be limited.

Therefore, the significance of the EUMM operation for the ESDP may be assessed as mixed. On the positive side, there is an unprecedented, swift planning and preparation process, which showed that the ESDP can be a truly rapid reaction tool of the EU and which paved a way for future organization of similar missions. Moreover, the EUMM has no doubt contributed to stabilization in the area of its deployment. Yet the inability of the EU to take advantage of the EUMM presence to settle the problem regarding the future of Georgia and its breakaway republics, may undermine the credibility of the ESDP and even deter the EU from using ESDP tools in this region of Europe.

EU NAVFOR Somalia

In autumn 2008 the EU decided to join international efforts to counter Somali pirates by launching the 'Atalanta' operation (EU NAVFOR Somalia). This very first naval ESDP mission is significant in view of its tasks, which the EU has never performed before; it also has an important potential for enhancing the image of the ESDP.

The launch of NAVFOR was quite unexpected, since in autumn 2008 the EU seemed to be focused entirely on problems with EULEX Kosovo and EUMM Georgia. Nonetheless, the EU quickly responded to calls from the United Nations, which in subsequent Security Council resolutions urged individual states and regional organizations to engage in counter-piracy activities off the Somali coast. The EU 'Atalanta' operation was established on 10 November and launched promptly on 8 December 2008 [2]. The EU action followed counter-piracy engagement of such actors as USA, China, India or NATO. The core task of NAVFOR was to protect maritime convoys delivering World Food Programme aid to Somalia. Yet it has to be stressed, that the region of NAVFOR activities is also of crucial importance for the EU's economy since it is an important maritime transport route for various goods and oil to Europe.

The EU forces were empowered to take any measures (including use of force) to deter, prevent and intervene in case any piracy is observed [15]. The mandate of 'Atalanta' is, therefore, significant for the ESDP, as few earlier missions have envisaged an active use of force⁵. Nevertheless, the significance of NAVFOR for the ESDP should be analyzed primarily with regard to the image of the EU. The presence of warships, operating under the banner of the EU, in the area where similar actions are performed by other important global players, has to a large extent essential political meaning. It is

⁵ The Council has recently extended the mandate till December 2010.

hard to deny that 'Atalanta' activities on Somali waters are an open message that the EU is increasingly willing to act as a global actor and is able to engage in tackling important international crises, also far from its borders. The effectiveness of NAVFOR actions strengthens this message, as pirates are relatively easy to deter from attacking merchant vessels for the escorting warships, and they additionally pose little danger to the EU forces. Hence the mission is likely to be fairly successful in both: securing the waters off the Somali coast and reinforcing the perception and actual role of the EU in global crisis management efforts.

However, NAVFOR can encounter some problems too, first and foremost as a result of the limited scope of its competence. The EU forces cannot undertake special operations against vessels hijacked by the pirates. Although this is perfectly understandable (the risk of fatalities as a result of such action is high, so negotiations are usually the preferred solution), it may nonetheless put NAVFOR in a difficult situation, particularly in case of a hostage crisis resulting in a bloodshed. The second problem, which questions the rationale behind the EU decision to launch NAVFOR, is that this operation does not contribute to the resolution of most of the Somali problems. Safety at sea imposed by warships does not improve the situation in Somalia – lack of governance, humanitarian crisis, omnipresent violence etc. Even the secure delivery of humanitarian aid via maritime routes thanks to NAVFOR protection does not prejudice the final destination of the aid, which may eventually be directed to local clans, gangs or simply stolen. Moreover, due to the existence of pirates' bases on land, operations limited to the sea are unable to eliminate the threat of attacks completely. All those problems may badly influence NAVFOR and seriously curb its outcome, since they show the inability of the EU (and the international community in general) to change the situation of Somali people. Yet 'Atalanta' is still a novel undertaking for the EU and it should result in some experiences, which may be used to further develop ESDP and also influence its relations with NATO ('Atalanta' is currently operating alongside a similar NATO mission, so in many cases cooperation is necessary and may pave way to new ESDP-NATO collaboration mechanism).

Conclusions

Although each ESDP mission launched so far has had its own distinctive character, challenges and importance, it seems justified to

see the recent four operations as exceptional, at least to some extent. They all bring novel experiences to the EU and have a potential to tangibly influence the ESDP development. It can be assumed that ESDP capabilities development is likely to be stimulated the most by the record of those operations. The development of military capabilities has already been building on the EUFOR Chad/CAR logistic experiences and on problems this mission has revealed. Civilian capabilities should be developed in accordance with the input flowing from the EULEX Kosovo and the EUMM Georgia. All four operations are also likely to shape the technical aspects of functioning of the ESDP structures. Furthermore, two of them (EULEX and NAVFOR) may contribute to strengthening the ESDP–NATO cooperation.

It seems however, that none of these missions might bring the EU closer to solving its core problems with the ESDP, which are entailed by the divergent strategic interests of the EU member states and the lack of the broad consensus on what exactly should ESDP be and how should the EU ‘use’ ESDP in crisis situations⁶. Nevertheless, returning to the opening question of this paper, it seems justified to note that since the beginning of 2008 the ESDP has undergone a breakthrough in the operational dimension, although the scale of this breakthrough will depend mostly on the lessons learned, and—predominantly—the political will of the EU members to draw on these experiences and to further reinforce the ESDP.

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