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editorial

L'Europe politique, une idée neuve

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Directeur

L'Europe politique serait-elle une idée neuve ? Traditionnellement, et une fois scellée la réconciliation de l'après-guerre, le projet politique européen s'était identifié avec l'édification d'une Europe acteur global, capable d'agir à l'unisson et de façonner le système international à partir de son énorme puissance économique et financière. Finalité de long terme, nourrie de l'ambition d'une politique étrangère et de défense commune, cette vision s'opposait à l'alternative d'une Europe essentiellement marchande, grande zone de libre-échange sur laquelle continueraient de prospérer les puissances nationales et la primauté du lien transatlantique. La tension entre ces deux projets ne fut jamais résolue, même si la Constitution européenne comme la stratégie européenne de sécurité postulent toutes deux la nécessité pour l'Union d'un rôle international majeur.

■ Depuis quelques années, cette ambition d'une Europe politique semblait remise en cause par une série de développements intérieurs ou externes à l'Union. Bien avant de devenir effectif, l'élargissement à 25 fut d'une part considéré dans certains cercles comme sonnante le glas définitif de l'approfondissement politique de l'Union. Le facteur américain intervint d'autre part, en 2003, comme un élément majeur de division politique des Etats membres, semblant reléguer aux calendes grecques l'idée d'une influence collective de l'Union sur les grandes questions de sécurité internationale. Enfin, la question turque, relayée depuis peu par celle de l'Ukraine, a réouvert le débat sur la finalité politique ultime de la construction européenne.

■ Pour les partisans de l'adhésion turque, et peut-être ukrainienne, l'objectif politique prioritaire ne concernerait plus l'affirmation de l'Union sur la scène internationale mais l'aide à la démocratisation accélérée de ses voisins. La finalité ne serait plus l'intégration politique intérieure mais l'Européanisation de l'extérieur, non plus l'affirmation de soi mais le sauvetage

délibéré des autres : la Turquie de ses tentations islamistes, l'Ukraine de l'ombre portée de la Russie. Non plus l'Union comme objectif, mais la démocratie comme horizon. A l'inverse, les adversaires de ces futures intégrations le sont au nom d'une certaine idée de l'Europe politique, d'un objectif de cohésion intérieure et d'identité collective que l'expansion indéfinie de l'Union risque, à leurs yeux, d'enterrer à jamais. Les premiers se déterminent en fonction d'une urgence de solidarité avec la périphérie de l'Union, les seconds en fonction du futur politique virtuel de la construction européenne.

■ Or ce moment de plus grand doute quant à l'avenir politique de l'Union est aussi, paradoxalement, celui d'une affirmation politique majeure des Européens sur la scène internationale. Presque tranquillement, presque à leur insu, les 25 sont en effet en train d'affirmer et de mettre en oeuvre un modèle proprement européen de gestion des crises et de pacification internationale. Qu'il s'agisse de l'Iran, des Balkans, de l'Ukraine, c'est en effet l'Union qui est montée en première ligne de responsabilité, sous des formes aussi variées que celle du trio franco-allemand-britannique d'une part, de la collectivité des 25 de l'autre, ou de la médiation pilotée par Javier Solana enfin. Vis-à-vis des risques de prolifération iranienne, la stratégie européenne représente sans aucun doute une alternative aux tentations américaines d'intervention, mais tel n'est pas le cas des Balkans (où le leadership de l'Union a pris naturellement le relais de l'OTAN suite au désengagement progressif des Etats-Unis) et encore moins de l'Ukraine, où la médiation européenne résulte avant tout d'un voisinage incontournable. Dans ces trois cas, sans parler du continent africain ou des pays méditerranéens associés à l'Union dans le cadre du processus de Barcelone, l'Union européenne joue

The Institute and the Union

■ Nicole Gnesotto and Jean-Yves Haine discussed the Institute's report *European defence. A proposal for a White Paper* with members of the European Parliament's Subcommittee on Security and Defence, chaired by Karl von Wogau, on 29 November.

■ On 10 December, a workshop on 'NPT 2005 Review Conference' (Burkard Schmitt), was organised with Annalisa Giannella, Javier Solana's personal representative for the fight against proliferation. Officials and academics discussed the EU's WMD strategy, effective non-proliferation compliance mechanisms, progress on nuclear disarmament, future challenges posed by the peaceful uses of nuclear energy and prospects for the NPT 2005 conference as seen from the EU.

Seminars

■ Experts and officials attending a seminar 'Energy as a security challenge for the EU' organised by Dov Lynch at the Institute on 15 October discussed the global energy situation and projections, in particular the EU's future options.

■ The seminar 'The Maghreb and the EU: towards a privileged partnership?' (Martin Ortega), held on 25 October, concluded that the European Neighbourhood Policy and initiatives to promote reform in the Middle East should focus on the Maghreb region, since it constitutes a 'bridge' between Europe and the Arab world. The tenth anniversary of the Barcelona process in November 2005 should be utilised to relaunch relations between the EU and the Maghreb, and to promote subregional cooperation.

■ The *European Security Strategy* has listed 'state failure' as one of the key threats confronting Europe. On 8 November the Institute (Judy Batt and Dov Lynch) held a seminar on 'Failing states and the EU's security agenda'. The meaning of state failure and the ways in which it posed security

Seminars

continued

threats was debated, and the dilemmas of state-building from the outside discussed. Finally, suggestions as to what the EU could do, or do better, were made.

■ On 15 November the Institute (Jean-Yves Haine) organised a brainstorming among Europeans experts on the **US elections and their consequences for Europe**. Two main conclusions were reached: continuity will probably define Bush II foreign policies and former divisions among Europeans over US leadership and policies have by and large disappeared.

Institute publications

Chaillot Papers

■ *No. 73: Afghanistan: la difficile reconstruction d'un Etat*, by Olivier Roy (Décembre).

■ *No. 72: Global views on the European Union*, by Amitav Acharya, Marcel F. Biato, Babacar Diallo, Francisco E. González, Toshiya Hoshino, Terence O'Brien, Gerrit Olivier and Yi Wang; edited by Martin Ortega (November).

■ *No. 71: La cohérence par la défense. Une autre lecture de la PESD*, by Philippe de Schoutheete (Octobre).

■ *No. 70: The Western Balkans: moving on*, by Franz-Lothar Altmann, Judy Batt, Misha Glenny, Gerald Knaus and Marcus Cox, Stefan Lehne, Jacques Rupnik, Ivan Vejvoda and Romana Vlahutin; edited by Judy Batt (October).

Occasional Papers

■ *No. 56: From America's protégé to constructive European. Polish security policy in the twenty-first century*, by Marcin Zaborowski (December).

■ *No. 55: La gestion des crises en Afrique subsaharienne. Le rôle de l'Union européenne*, by Fernanda Faria (Novembre).

Forthcoming

■ *Chaillot Paper: What Russia sees*, by Dov Lynch.

■ *Chaillot Paper: European defence: core documents, Vol. V.*

■ *Chaillot Paper: Information security – a new challenge for the EU*, by Alain Esterle, Hanno Ranck and Burkard Schmitt; edited by Burkard Schmitt.

Institute staff

Anne Asselman left the Institute at the end of November for a post at the European Defence Agency, Brussels.

External publications

Nicole Gnesotto

– 'A common strategic culture', *The European Files* no.5, October 2004.

– 'Legitimidad interna sin legitimidad externa', *Foreign Policy* (Edición española) no. 6, December-January 2005.

Jean-Yves Haine

– 'ESDP: challenges ahead', in Sven Biscop (ed.), 'Audit of European Strategy', *Egmont Paper* no. 3 (Brussels: Royal Institute for International Relations, 2004).

– 'Sécurité: les moyens d'une ambition', *Alternatives Internationales*, Novembre 2004.

'ESDP: the Way Forward', *EuroFuture*, November 2004.

– 'The Elusive Quest for European Security', in Douglas Webber (ed.), *Integration in Asia and Europe* (London: Routledge, 2004).

Dov Lynch

– 'Russia and ESDP: Toward a Greater Europe', *Eurofuture*, Winter 2004.

'Moldova within a Wider Europe', *Südosteuropa Mitteilungen*, 02-03, 2004.

Antonio Missiroli

– 'The Central Europeans between the EU and NATO', *Survival*, vol. 46, no. 4, 2004.

– 'Da Prodi a Barroso: la Commissione nell'UE a 25', *Italianieuropei*, 4, 2004.

– 'Italy: A Sympathetic Fellow Traveller', in M. Overhaus, H. W. Maull and S. Harnisch (eds.), *The European Security Strategy – Paper Tiger or Catalyst for Joint Action?, Part II, Foreign Policy in Dialogue*, vol. 5, no. 14, October 2004.

Martin Ortega

– 'The EU and the UN: strengthening global security', in Espen Barth Eide (ed.), *Global Europe Report I. 'Effective Multilateralism': Europe, Regional Security and a Revitalised UN* (London: The Foreign Policy Centre, 2004).

Burkard Schmitt

'L'armement terrestre: l'heure de la volonté politique', *La lettre diplomatique*, no. 65, 2004.

Research awards

Visiting Fellows

During the period October to December the following studied at the Institute as visiting fellows:

– Claudio Catalano (Italian), whose research topic was 'EU/UN cooperation in crisis management';

– Borut Grgic (Slovene), 'How the new small EU member states are shaping ESDP'.

Defence procurement: new ways ahead?

Important developments are on the way in Europe's armaments sector. Following the official establishment of the European Defence Agency (EDA), the focus has currently shifted to the Commission's Green Paper on defence procurement.

Published in September, the Green Paper has opened a four-month consultation phase for stakeholders to comment on the Commission's ideas for a more coherent regulatory framework in this area.

At the core of the debate is Article 296 TEC, which allows member states to derogate from the rules of the common market if their 'essential security interests' are concerned. Such exemptions are subject to certain conditions defined by the Treaty and the case law of the European Court of Justice (ECJ). In practice, however, most governments have regarded the possibility to derogate as an automatism, passing almost all defence contracts on the basis of national procurement laws.

The latter are not only complex, they also differ greatly from country to country. On top of that come a variety of specific procurement rules for cooperative projects. The result of all this is a highly complex regulatory framework which lacks transparency, is highly inefficient and hinders fair intra-European competition, in particular for small and medium-sized enterprises. Cooperative projects do not really help either, since they are still organised on the basis of *juste retour* and cover only parts of the market (mainly those which are the most competitive anyway).

In its Green Paper, the Commission puts forward two options to improve this situation:

■ An *interpretative Communication*, which would not change the existing legal framework, but clarify it. The Commission would further explain the principles defined by the ECJ for the interpretation

of Article 296 and establish criteria enabling member states to determine, for each individual contract, whether it falls within the scope of 296 or not.

In this case, normal public procurement Directives would still apply to all contracts not covered by Article 296. Member states would thus continue to face a dilemma: either they use existing Community Directives, which are in general ill-suited to the specificities of defence, or they invoke Article 296 and use national rules, even if they want intra-European competition. Under these conditions, it is difficult to see how transparency or competition could be improved. The clarification of ECJ judgements may 'oblige' member states to use civil Directives for certain defence contracts, whereas the bulk of the latter would remain under national law.

■ A *new Directive* especially adapted to the defence market. Member states would then still have the possibility to invoke Article 296, but could also use the new Directive for the procurement of military equipment, in particular if the latter did not concern their 'essential' security interests.

The usefulness of such a Directive would depend on the way its form and content were designed. Most importantly, it would have to allow for flexible procedures and include specific selection criteria, in particular security of supply and confidentiality. Moreover, it would need to be accompanied by measures in other related fields, in particular transfers and transits. Certain tricky issues like offsets would have to be resolved as well. All these are enormous political challenges.

However, handled in a sensible way, a Directive could be an appropriate tool to escape the current dilemma of whether to apply either civil Directives or Article 296. Coordinating national regulations, it could rationalise Europe's fragmented

regulatory framework and make the system more transparent.

However, scepticism is widespread among both governments and industries. Many fear the Commission's lack of experience in defence, and see a Directive in particular as an attempt naïvely to enforce radical market liberalisation. On closer inspection, these concerns do not seem justified:

▶ Even if the Commission wanted, it could not enforce anything. According to co-decision mechanisms, the Commission may determine the form of a Directive, but member states would decide on its content and scope (who has to apply it to which items).

▶ A Directive is an instrument which offers a considerable degree of flexibility. If all parties involved played a constructive role, there would be enough room to adapt it to the specificities of defence.

▶ A Directive would certainly not open the door to blind market liberalism. First, it would not concern WTO rules and therefore only apply to intra-European competition. Second, specific selection criteria and procedures can be powerful tools to ensure that Europe's defence industrial base does not fall victim to uncontrollable market forces.

As with all reforms, the risk is that everyone agrees in principle on the necessity to do 'something', but shies away when things become serious, threatening vested interests and old habits. However, given the poor record of intergovernmental arrangements, it is difficult to see how the regulatory framework can be rationalised without Community tools. Member states and industry should thus take the Green Paper as an opportunity to establish a serious dialogue with the Commission that continues beyond the current consultation phase.

Burkard Schmitt

Briefings

On 14 October research fellows discussed ESDP and EU enlargement with a delegation of Chinese academics and diplomats, and on 1 December a party from the Estonian Parliament's Foreign Affairs Committee visited the Institute.

On-line/http

All of the Institute's publications and reports on seminars can be accessed on the Institute's website:

www.iss-eu.org

A new 'Eastern question'

Events in Ukraine tell three stories that, woven together, reflect the changes occurring in Europe and pose a new 'Eastern question'.

■ The first story relates the birth of a revitalised Ukraine. The two candidates in the elections, Viktor Yushchenko and Viktor Yanukovich, in themselves do not signal this birth – but 17 days of peaceful demonstrations in Kyiv and other cities do, as does the decision of the Ukrainian Supreme Court to call for a new second round on 26 December. No matter the outcome of the second round – and one can expect further twists and turns before (this piece was written before 26 December) a new president is inaugurated – the 'Orange Revolution' signals a deep change, one of quality rather than quantity. As a result of a triumphant exercise in people's democracy, the paradigm of politics in Ukraine is different. At the most basic level, Ukraine has finally realised its independence. The dignity and pride manifested since November could not contrast more with the tarnished politics of the Kuchma era. One should not be lured into thinking that the scale of political and economic problems facing Ukraine has lessened, or that the country is any less divided in orientation. Still, a great European country is back.

■ The second tale has Russia for protagonist. After the Soviet collapse, Moscow declared that the former Soviet Union constituted its 'sphere of vital interest,' where Russia had special responsibilities and rights. One of these was Moscow's desire to be the main gateway for international organisations and external states in the region. Another was to ensure that the new states on Russia's

borders were 'friendly' – insomuch as they did not pursue an anti-Russian agenda. On both accounts, Russia's self-declared responsibilities have been curtailed. After 11 September, the United States set up bases in Central Asia and launched a military programme in Georgia. 2003 saw the 'Rose Revolution' in Georgia, the failure of Russia's proposal to settle the Moldovan conflict (with the so-called 'Kozak Memorandum'), and greater EU engagement throughout the region – a difficult year. 2004 has been worse: it will be remembered as that of Ukraine, which saw Russia and the EU adopting sometimes opposite views on the nature of crisis and its solution. The post-Soviet 'space' has shattered, and Moscow has difficulty accepting that there are new orbits to which the former Soviet republics gravitate.

■ The third tale features the rise of a new EU. Enlargement in May brought new member states into the Union with new interests and priorities. It has also led the EU physically into the former Soviet Union. All of this occurred concurrently with the rise of the Union as a more confident foreign policy actor, as witnessed in the European Security Strategy and the deployment of the first ESDP operations. The launch of the European Neighbourhood Policy reflects the interweaving of these two strategic trends. The mediating role played by Javier Solana, Polish President Alexander Kwasniewski and Lithuanian President Valdas Adamkus was physical embodiment of the new EU that has emerged, confident of its interests and values and willing to act on them. Far from weakening it, enlargement has strengthened CFSP.

■ The implications of events in Ukraine are also threefold. First, the contest was

never as simple as it was portrayed – Viktor Yanukovich was never Russia's man, nor is Viktor Yushchenko anti-Russian. However, the election of a new Ukrainian president, who will seek to undertake EU-orientated reform, will resound throughout the former Soviet Union. Much more than Georgia, a new pole of attraction and inspiration will emerge in a region that is in desperate need of one. Second, the need for Russia and the EU to draft principles of cooperation in the shared neighbourhood and the common external security 'space' is all the more pressing. Linked with this is a third implication, which concerns the institutional architecture of European security. While NATO priorities are increasingly global and the EU is becoming Europe's peacekeeper, the OSCE has emerged as the forum where differences over European security, especially between Russia and members of the Euro-Atlantic community, are played out. For the second year in a row, the OSCE ministerial failed to produce an agreed final statement.

■ What does this mean for the EU? The challenge is twofold. First, the Union must follow through on its pledge to support as much as possible Ukraine's transformation along EU lines. This requires not only financial support but, perhaps more importantly, a commitment of time and energy. Second, there is the fundamental question of where the future borders of the EU lie. There is no need for the EU to answer now the question of future Ukrainian accession; this is far-off, and will occur ostensibly after the Turkish question is answered finally. However, Ukraine does pose a new Eastern question. The EU should continue to answer that the horizon is open.

Dov Lynch

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désormais son propre rôle politique, avec une autonomie de vision et d'objectifs dont même les plus fervents partisans de l'Europe politique n'auraient naguère osé rêver.

■ *Il ne fait guère de doute que la question turque représente à terme l'un des défis historiques majeurs de la construction européenne. Toutefois, au regard des chemins imprévus que prend*

aujourd'hui la montée en puissance politique de l'Union, l'attachement aux modèles théoriques censés permettre la construction un jour d'une Europe politique mériterait d'être relativisé. Quitte à prendre le risque d'affirmer la compatibilité entre ces deux projets, celui de l'intégration démocratique des autres et celui de l'intégration politique de l'Union elle-même. ■