An EU Innovative External Action?

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Edited by

Ludovica Marchi Balossi-Restelli

CAMBRIDGE SCHOLARS

PUBLISHING

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This book first published 2011

Cambridge Scholars Publishing

12 Back Chapman Street, Newcastle upon Tyne, NE6 2XX, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

ISBN (10): 1-4438-3216-2, ISBN (13): 978-1-4438-3216-8

For
Alice and Luca

“It is the moment today in which we need to get rid of old obstructive burdens [and] get ready for incoming novelties, so different from everything we have imagined”.
—Altiero Spinelli and Ernesto Rossi, “Per un’Europa libera e unita. Progetto di un manifesto” in *The Ventotene Manifesto,* 1941, p. 96. Altiero Spinelli Institute for Federalist Studies, Ventotene (author’s translation).

TABLE OF CONTENTS

Part III: The Military: Legal Aspects, Processes and Action, and Peace and Security in Africa

NOTES ON CONTRIBUTORS

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ACKNOWLEDGMENTS

I am particularly indebted to Geoffrey Edwards (POLIS, University of Cambridge) and to Finmeccanica spa UK, both of whom made possible the development of the interdisciplinary debate on the European Union Facing External Challenges which led to this book. I am grateful to the anonymous reviewers, to Sue Casson for her useful proofreading and to the editors of the *Journal of International Peacekeeping*, *European Security*, *International Affairs* in London, and to the Robert Schuman Centre for Advanced Studies of the European University Institute in Florence, for their permission to reproduce texts that they had previously published. I also owe gratitude to Carol Koulikourdi, Amanda Millar, Soucin Yip-Sou and Andy Nercessian, all from Cambridge Scholars Publishing, for their support, patience and energising collaboration which made the writing of this book a pleasant experience.

—L.M.B-R, Cambridge, June 2011

ABBREVIATIONS AND CONTRACTIONS

AMIS	African Union Mission in the Sudan
AMISEC	African Union Mission for Support to the Elections in the Comoros
AMISOM	Africa Union Mission in Somalia
APF	African Peace Facility
APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
CAR	Central African Republic
CEWS	Continental Early Warning System
CFSP	Common Foreign and Security Policy
CGPCS	Contact Group on Piracy off the Coast of Somalia
CGS	Council General Secretariat
CIA	Central Intelligence Agency
CIS	Commonwealth of Independent States
CMF	Combined Maritime Forces
CNDP	Congrès National pour la Défense du Peuple
COREPER	Committee of Permanent Representatives to the EU
CPCO	Centre de Planification et de Conduite des Opérations
CSDP	Common Security and Defence Policy
DRC	Democratic Republic of the Congo
EC	European Commission
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EDA	European Defence Agency
EDF	European Development Fund
EEAS	European External Action Service
ENP	European Neighbourhood Policy
HRC	Human Rights Committee
ESDC	European Security and Defence College
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EU BG	European Battlegroup

EUMC	European Union Military Committee
EUMS	EU Military Staff
EUNAVFOR	European Naval Force
EUR	Euro
EUSC	EU Satellite Centre
EUTM	EU military mission
FARDC	Forces Armées de La République Démocratique du Congo
FDLR	Forces Democratiques de Liberation du Rwanda
GAERC	General Affairs and External Relations Council
HG 2010	Headline Goal 2010
HQ	Headquarters
HR	High Representative for Foreign and Security Policy
HR/VP	High Representative and Vice-President of the Commission
IAEA	International Atomic Energy Agency
ICC	International Chamber of Commerce
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
IfS	Instrument for Stability
IGAD	International Governmental Authority on Development
IMO	International Maritime Organization
MICOPAX	Mission de consolidation de la paix en RCA
MINURCAT	United Nations Mission in Central African Republic and Chad
MONUC	United Nations Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of Congo
MSCHOA	Maritime Security Centre-Horn of Africa
NATO	North Atlantic Organisation
NEPAD	New Partnership for Africa's Development
NBG	Nordic battlegroup
NIS	New Independent States
NPT	Non-Proliferation Treaty
NRF	NATO Response Force
OHQ	Operational Headquarters
OJEU	Official Journal of the European Union
OPLAN	Operation Plan
OpsCen	EU Operations Centre
OSCE	Organisation for Security and Cooperation in Europe
PCA	Partnership and Cooperation Agreement

PeSCo	Permanent Structured Cooperation
PJHQ	Permanent Joint Headquarters
PoW	Panel of the Wise
PSC	Political and Security Committee
RECs	Regional Economic Communities
ROE	Rules Of Engagement
SC	UN Security Council
SHADE	Shared Awareness and Deconfliction
SOFA	Status of Forces Agreement
SOMA	Status of Mission Agreement
SSFIBG	Small Scale Intervention Battle Group
SSR	Security Sector Reform
TEU	Treaty of the European Union
TFG	Transitional Federal Government (Somalia)
TFIs	Transitional Federal Institutions
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNIOGBIS	United Nations Peace-Building Support Office in Guinea-Bissau
UNSC	United Nations Security Council
USSR	Union of Soviet Socialist Republics
WEU	Western European Union
WFP	World Food Programme

CHAPTER ONE

INTRODUCTION: A CONSENSUAL ORDER OR A CLASH?

LUDOVICA MARCHI BALOSSI-RESTELLI

1.1 The book rationale

This book's objective is to encourage dialogue on the European Union and to stimulate debate on the EU's crucial challenges. These are outside the European Union, not least in the EU's neighbourhood. The crucial challenges which are explored include the EU's approach to the European External Action Service (EEAS) (chapter 2); the EU's handling of Russia (chapter 3) China (chapter 4) and Iran (chapter 5); the legal aspects of the Common Security and Defence Policy's (CSDP) military operations (chapter 6); legal issues regarding the EU's combating of piracy and armed robbery in the CSDP Operation Atalanta (chapter 7); the influences and issues inherent in the EU's coordination of the above military marine operation (chapter 8); the political control and strategic direction on decision-making by the Political Security Committee (PSC) (chapter 9); the establishment of the EU's rapid reaction force within the CSDP framework and its present (in)action (chapter 10); and the CSDP's experimentation in the promotion of peace and security on the African continent (chapter 11). This volume seeks to examine EU behaviour in the above policy areas and issues, and how the Union is dealing with the risks it faces today. The European Security Strategy (ESS, 2003) and its updating (in the Report on the Implementation of the European Security Strategy–Providing Security in a Changing World, 2008) pointed out some of the growing external problems. These security documents outlined the goals for the EU's future activity in terms of the general principles and policy rather than specific actions, adopting a holistic approach that covers a wide range of civilian responses as well as the military dimension of security. This volume seeks to reflect these different aspects and pressures,

exploring the interaction between resources and capacities, policies and processes and influences from, within and without the EU. This book's main argument is the need for the EU to work towards meeting its external challenges through developing innovative action.

The contributions to this volume originated during a workshop,[1] sponsored by *Finmeccanica*, on the "European Union Facing External Challenges", held at Pembroke College, Cambridge, in October 2009, before the Lisbon Treaty was made active. Hence, they mainly refer to the European Security and Defence Policy (ESDP), although this is now transformed by the Treaty into the Common Security and Defence Policy. They reflect the views of academics, political analysts from think tanks, and officials from the European Commission and the European Council, all involved, at various levels, in European affairs. Jolyon Howorth contributed to the workshop as a discussant, and this is noticeable in the building up of the book's argument.

This chapter, taking a view of the text as a whole, seeks to fulfil several tasks. It introduces the main argument (section 1.1.1), develops the idea of "innovative action" from the EU (1.1.2), and presents the volume's structure, each individual chapter and the issues and arguments to be dealt with (1.1.3). It provides details on how the EU is viewed in this volume, how it is analysed, and the sources employed; it locates the present work within the existing literature in the field of European studies, and explains why it is useful to assemble such a book (1.1.4). Lastly, it seeks to clarify a few of the terms currently used in this volume (1.1.5).

1.1.1 A consensual order or a clash?

This book's argument arises due to the concern regarding the European Union acting within a world that is increasingly looking multipolar, where the forces are characterised by different concepts of national sovereignty, national interests and codes of conduct. Some of these forces are continental scale players, while others are regional regimes, traditional states, and small political units. Their interaction is inevitable and poses a serious problem regarding whether it would lead to a consensual order or to a clash (Howorth 2010, 467).

Yet, the European Union is revealing signs of diminishing power.[2] The EU is an actor which has made progress in terms of its economic influence, enhanced development, trade and the free movement of people and goods, peace and democracy. Now it has a decreasing population, limited natural resources, is hostage to energy dependency, and is unable to resolve the political disputes resulting from the colonial heritage (ibid.,

458). There are several examples of Europe's weakened influence. The United States and the European Union have been working closely together with regard to Iran throughout 2010, but the final dialogue on the UNSC Resolution 1929 actually took place in a G2 format between the US and China (Krastev and Leonard 2010, 56). This reflects the decreasing importance of the EU. Its diminished influence can also be recognised in the concern that the BRIC countries, Brasil, Russia, India and China, may initiate a quarrel regarding essential resources with China, engaging in creating a new "world order" in which the EU would be a minor player (2008 survey of the US National Intelligence Council; Howorth 2010, 461). The American government has not hidden the reality that Asia is now a focus of its foreign policy. Since the Asian markets are growing at an incredible pace, American policy has highlighted the US desire to join forces with India in order to counterweight China. In fact, President Obama stated in Delhi, in November 2010, that India should be given a permanent seat on the UN Security Council (*FT* 9 Nov 2010). Again, Europe's reduced strength is apparent from the contention that the world players are behaving in a strategic way, with Russia following precise, long-term, calculated objectives, and that the EU should reconsider which attitude to adopt towards these players' policies (Gnesotto and Grevi 2006). It is suggested that Europe should fashion a fitting position for itself within this power constellation (*FT* 9 Nov 2010). These and other claims call for the EU to be ready to face a changing world.

The book's call for EU readiness to approach issues in a transforming world is in line with the ESS, which states that the "European Union has the potential" to play a major role in the security of the global environment by "helping to realise opportunities" (p. 14). The Strategy affirms that, under certain conditions, the EU "would make an impact on the global scale" (p. 14). It declares that EU action would contribute to the generation of a multilateral system, leading to a "fairer … and more united world" (p. 14). The Lisbon Treaty should facilitate the achievement of more creative political action by the EU, with its activation of the institutional *acquis* through its strengthened leadership qualities, political competence and strategic vision (Howorth 2009). This book's main argument is that the EU should work towards meeting its external challenges through developing innovative action (see 1.1.2).

1.1.2 The EU as the driver of change?

How should we conceive innovative external action by the EU? Considering the EU as an actor capable of promoting and supporting changes towards a

less confrontational world (a fairer and more united world), the Union should be ready to engage with those countries which, in one way or another, are threatening world stability (its security, democracy, trade, energy supply, etc.). The Union would work out the approaches to Europe's close and wider neighbourhood, e.g. Russia, China and Iran, by including these countries in paradigms that are underpinned by what can be shared. This would promote participation in policies, and highlight common interests in global governance tasks (i.e. collective security, state failures, environmental degradation, reasonable bargaining over energy, etc.). It should become skilled at regarding these powers as capable of promoting political processes in which they play a part together with the Europeans.[3] As an introduction and in order to develop the idea of innovative external action, this chapter focuses on a few dynamics of the relationship between the EU and Russia, China and Iran respectively (threats, dangers, fears, inhibition and also opportunities).

Russia

The EU's partnership with Russia is complex. The Report on the Implementation of the European Security Strategy of December 2008 spelt out that European relations with Russia have worsened due to the conflict in Georgia. This deterioration is a matter of concern for Europeans. The ESS placed emphasis on the centrality of Russia to European security. It declared the EU's intention to persist in working towards creating a closer understanding with Russia, which is a major element of European prosperity. Russia is the principal player in the EU's immediate vicinity due to its crucial role with regard to the political, economic and societal developments in Eastern Europe. It is also the Union's most important energy supplier. These factors influence the European continent as a whole (deVasconcelos 2010, 47).

There are obstacles to the European partnership with Russia. The latter's views are pragmatic, aiming at cooperation where the interests of the respective parties coincide. Its distinctive perspective on international order and aggressive nationalism openly challenge Western liberal values (Grevi 2009, 14). The Union intends to promote a value-based partnership and extend its action through the European Neighbourhood Policy (ENP) and the Eastern Partnership (EaP). Russia perceives the expansion of the EU's influence along their common borders with deep scepticism.

Moscow has declared its intention to concentrate on modernising its state, economy and technology (Grevi *et al*. 2008). The EU-Russia summit held in Rostov-on-Don in May 2010 to launch the Partnership for

Modernisation was a step towards constructive exchanges, promoting an open dialogue and offering the opportunity to address the contrasts between these two regional actors' visions of a strategic partnership. Global security is central to both: Russia is participating in European security operations both in the CSDP action in Chad and in the anti-piracy operation in the Gulf of Aden. The Europeans should (thus coagulating their own positions) work with Russia on the Russian proposal for a European security architecture, and include Russia within a common framework (deVasconcelos 2010, 48-9).

Ideally, the EU should face Russia in terms of what it can potentially offer as the promoter of a more secure world. It might expect Russia to contribute towards normalising relations within the Middle Eastern region and also to the progress of western countries' relations with Iran. A EU's engaging partnership would include Russia whenever possible within frameworks where the latter can play the role of pacifier and mediator in negotiations, diplomacy and high politics. The Europeans should promote opportunities to further Russia's international stand as a security provider together with the EU.

China

China is projected to become as rich as the EU in the next 30 years. Despite the worldwide recession and economic crisis, it has demonstrated its economic resilience by continuing to meet its 8 per cent growth target in 2009. China appears to be the only emerging power that will be able to challenge the US in the near future. Beijing holds immense reserves of US Treasury bonds (Renard 2009, 15). With its economic growth, China has acquired a greater role in the world (which it regards as its due), and its new power gives it the responsibility to devise strategies of its own (Van derPutten 2010, 10).

Sovereignty-minded China challenges Europe's multilateral vision. The EU's observance of its multilateral approach and its winning experience in this respect has exerted an influence on the Chinese leaders. These however tend to use multilateralism declaratorily in documents jointly issued with the EU and its member states (Men 2010, 7). The question is whether the Chinese leaders will be coherent in their declarations, e.g., China's policy is based on the principles of international law; China is willing to settle traditional and non-traditional security issues through international cooperation; and China is set to deal with global threats and challenges jointly with other forces (Stanzel 2008, 259).[4] The dialogue (more than partnership) between the EU and China is

on the increase and covers the areas of world politics, security in Asia, non-proliferation, and the control of illegal migration and the trafficking of human beings (Men 2010, 8). If China is keen to pursue a sustainable policy, employing and reflecting its strength, China will have to bring its neighbours in its region along with it (Stanzel 2008, 259).

China's engagement with Africa has attracted global attention and also caused concern among political leaders. China drains resources and takes a shorter-term view of the ability of states to absorb investment (*FT* 16 Dec 2010, 10). Its relations with the EU cannot be disentangled from the difficult issues involved with its association with the African leaders, such as the heads of state and governments of the Sudan and Zimbabwe (Zhao 2010, 7).

Some believe that China is ready to create a peaceful, prosperous and harmonious world (Zhiyue 2010, 7). An expression of this aired attitude is its agreement with India to tackle climate change through assisting developing economies to control their carbon generation as they industrialise. China declared its goal of creating, by 2050, a low carbon society that is "equitable, environmentally sustainable, prosperous and resilient" (*FT* 12 Nov 2009, 15). The EU has the challenging option of generating more substance in European foreign policy by joining China, and being a driver of environmental change in a multilateral and consensual bargain.

China needs to be seen as embarking on the new road of rejoining the world, gradually adapting to global norms, and becoming more skilled at how to make a positive contribution to the global order.[5] Europe will possibly be able to deal effectively with China if it makes efforts to understand China's approach to a world that is undergoing historical changes, and if it will pay attention to the debate within the "Chinese foreign policy community" over how China should deal with Europe and the rest of the world (Leonard and Godement 2010).

Iran

The EU should be able to pursue a deliberately step-by-step conciliatory approach to Iran. A EU innovative action requires that the Union should build channels to promote the conviction that the "change to a multilateral world is very important to the majority of countries in Europe and the entire world" and that "confrontation belongs in the past" (Medvedev 2009, 6). On a number of global matters, including the non-proliferation regime and Iran's nuclear programme, the EU will advance its policy only in collaboration with Washington.

Iranians understand perfectly that the major reason why the West cares about the Persian Gulf is because 55 percent of the world's oil reserves lie beneath its shores and 17 million barrels of crude oil pass daily (2007) through the Strait of Hormuz. Iran wants to be taken seriously as a major power (which it shows that it is) and seeks to remain in control of both Hormuz and the world's oil (Baer 2008, 104, 111).

The present EU strategy and policy on Iran involves pursuing sanctions while trying to engage the country diplomatically (Parsi 2010/a, 56). The belief that "it's only after we pass sanctions … that Iran will negotiate in good faith" is the view of the American Secretary of State, Hillary Clinton, who calls for international unity (*FT* 4 March 2010, 8). However, it was after the International Atomic Energy Agency (IAEA), the United Nations nuclear watchdog, censured Teheran in December 2009 that Iran announced to expand its nuclear programme (*FT* 1st Dec 2009, 7). The EU might need to mull over whether this approach is fruitful. It has so far produced three UNSC resolutions, warning, threatening and sanctioning Iran with regard to its "less-than-perfect track record in complying with the IAEA's demands" (Parsi 2010/a, 56). There is an intrinsic dynamic in imposing ineffective sanctions, whereby the sanctioning party is drawn on to insist on imposing these measures. Sanctions have not affected Iran's reasons to persist in its nuclear programme and have not altered the vigour driving it.

Iranian analysts judge that Iran is probably aiming to adopt a position of nuclear ambivalence, similar to that of Israel. That position implies that the state is not violating the letter of the Non-Proliferation Treaty (NPT), and therefore have not "broken out" as a declared nuclear weapon state, but simultaneously it is not adequately forthcoming, thus promoting fears of weaponisation (ibid., 57).

Baer, a former case officer within the Central Intelligence Agency (CIA), in 2008, outlined an option for dealing with Iran: staying in Iraq forever and provoking a Shia-Sunni civil war. A civil war would be a disaster, with Pakistan's Sunni bomb countered by Iran's Shia bomb (Baer 2008, 111). The risk of sparking a Sunni-Shia nuclear arms race in the Middle East is serious. Such a race would also strengthen the Iranian presidental regime at home. Also, bombing Iran, as encouraged by some in the US, Israel and Saudi Arabia, would generate a surge of patriotic solidarity with the regime. In Washington, some utter privately (and a few attempt to state publicly) that we must learn to live with (and contain) a nuclear Iran (Ash 2010).

Iran's envoy to Brazil (November 2009) commented there that "the death of unilateralism had created opportunities for the 'birth of new

powers both in the east and west' which could then 'challenge western dominant powers'". A representative of Brazil's foreign ministry deemed that from the political viewpoint, the best way to deal with Iran is to engage it (*FT* 23 Nov 2009, 10). The trilateral nuclear agreement between Iran, Brazil and Turkey of May 2010 had the effect of restraining new UNSC sanctions and was a positive deal from several perspectives. Turkey and Brazil had their motivations for the agreement, ranging from regional/international aspirations, Brazil's nuclear programme and growing trade with Iran, to the rationale of avoiding a catastrophic war. On his part, the Iranian leader could show both domestic and external audiences that his government was actually capable of governing and of suitably achieving the foreign policy goals (Parsi 2010/b).

The EU should not underestimate the fact that there are impelling needs for good governance within Iran, nor should it turn a deaf ear to the legitimate domestic opposition. It needs to offer itself as a safe heaven for human rights activists and members of the opposition who renounce violence (Parsi 2010/a, 57-8). Though the leaders of the opposition (i.e. the Green movement) are expected not to differ from the regime's position on the nuclear issue, a more responsible government in Iran would provide a beneficial basis to make progress in the normalisation of relations. A more popular and legitimate government would re-engage with the world and create a more dynamic set of relations around the nuclear issue.

A EU defender of security in an age of interdependence would focus on creating the right incentives to promote Iran's behaviour as open to normalising relations. It would need to engage with the US administration to remove the contradictions of the American policy of continuing with the self-defeating "unwillingness to appraise the reality of the Iranian nuclear programme" (Ash 2010). The EU would need to play with creativity and work out opportunities for genuine, rock-solid relations with Iran. It should consider that the alternative of not engaging Iran in a common European project encourages more radical positions, and should act correspondingly.

This book does not intend to suggest EU policies for facing crucial external challenges. This introductory chapter has sought to advance the idea that the EU would possibly labour with other powers (e.g. Russia, China and Iran) and be the driver of change, its efforts productively and proactively leading towards a world arena that is structured by increased multilateralism. It tried to suggest the vision that the European Union should be creative enough (resourceful and inventive) to give rise to strong links with the states, and engage in areas where the dialogue is most likely to be possible, common policies generated, and innovative action produced.

Beyond the challenges posed by the relations with the close and wider neighbourhood, as considered in this section, there are the other areas of policies and processes, examined in this book, through which the EU's external operation develops and impacts on the ground. These policies and processes are also included in the book's call for EU innovative action. Innovative external action would hence be a complex EU efforts that would lead to a general improvement in relations, to a more consensual world arena structured by increased multilateralism, and thus to a "more united world", as expressed in the ESS.

1.1.3 The volume's structure

This book's chapters are framed within three sections, linked by an introduction (Chapter 1) and a conclusion (Chapter 12). The first section (*Looking forward*), consisting of a single chapter, highlights the practical transformation that the EU is likely to undergo with the establishment of the European External Action Service foreseen by the Lisbon Treaty. This analysis is important to the extent that it introduces the changes which are expected to influence the EU's external action and suggests the direction in which these may take the EU. The second section (chapters 3-5) (*Challenges from the EU's close and wider neighbourhood: External action vis-à-vis Russia, China end Iran*) looks at some of the relations that the EU is concerned about because of their interference with its own regional and wider security. Russia, China and Iran are considered here in the light of these countries' specific way of relating to international affairs. The third section (chapters 6-11) (*The military: Legal aspects, processes and action, and Peace and Security Policy in Africa*) focuses on the EU and its military action within the framework of the Common Security and Defence Policy and inspects the EU's commitment to bring peace to the African region. Whilst each contribution can be read separately to the advantage of the reader, combined they offer a richer vision of EU engagement (or not) in approaching security issues, and of whether the EU is developing an innovative policy. In some instances there may be overlapping analyses which inevitably bear repetitions, such as in chapters 7 and 8 both focusing on the same CSDP operation. However chapter 7, from the legal expert's eye, deals with the legislative aspects and with the extent to which the design and implementation of that CSDP action is coherent with the commitments and values expressed by the EU in the ESS, while chapter 8 is the expression of a EU official involved in the institutional control and coordination of that CSDP mission. In some other occasions, there may be different judgements of the same CSDP operations

(e.g. chapter 10 and 11) which are due to different angles of observation and experience.

Chapter 2, by Antonio Missiroli, provides the functional context within which the EU's external action is expected to evolve. *Per se*, it offers a sound introduction to the idea of the challenges that the EU ought to confront, and the progress that it should secure to increase its influence and advance its position within an international system which is made rather more complex by the interaction of the forces and *ad hoc* alliances. Missiroli argues, that with the operational launch of the European External Action Service, a year after the entry into force of the Lisbon Treaty, a key piece of the new EU external action puzzle falls into place. From now on, the game is likely to change, internally and externally. Yet, the change will be gradual and its pace will depend on a number of political and institutional factors. This chapter analyses the preparatory steps that, throughout 2010, led to the eventual establishment of the new service, the positions and stakes of the main players, and the uncertainties that still linger in its development. Missiroli views the European External Action Service from the perspective of a crucial test of the EU's capacity to operate more effectively in the international scene, as well as for a more pragmatic and "hybrid" approach to its institutional and policy set up.

In Chapter 3, Laure Delcour focuses on the EU-Russia partnership, explaining that the 2008 Georgian conflict is widely considered a watershed moment in EU-Russia relations for three reasons. She argues, instead, that that conflict does not represent *per se* a turning point in the relations between the two actors. It is a further illustration of the existing flaws currently underlying the strategic partnership. To a large extent, the framework of EU-Russia relations, designed in the early 2000s, has proved ineffective for tackling issues of common interest, one of the most important being security in the shared neighbourhood. However such ineffectiveness, rather than demonstrating the inadequacy of the institutional framework underpinning their partnership, reflects the deep divergences between the two parties regarding their agendas and their principles. This chapter's examines the emergence of multilateralism as a joint EU-Russia response to a growing interdependence, and highlights the tension stemming from different conceptions of multilateralism. Through examples relating to conflict resolution, energy and security architecture, it shows that the agreed-upon multilateral frameworks and principles have largely remained empty shells in the EU-Russia partnership.

In Chapter 4, Jing Men offers a vision of the incompatibility of China and the EU as partners. She questions the causes of the problems, and whether these can be overcome, and the partnership maintained despite the

increasing difficulties. The chapter, first, looks at the EU's promotion of norms in China: its pressure on the Chinese authorities to improve human rights and the tools that it has at hand while negotiating with Beijing. It then examines how pragmatism has been developed in China, and analyses China's different understandings of human rights and national sovereignty. Finally, it uncovers whether there is any convergence between the normative power and the pragmatic player, before looking at the prospects for EU-China relations.

In Chapter 5, Roxane Farmanfarmaian offers an assessment of the European role on the dialogue with Iran. She situates the discussion within the theoretical debate regarding the EU's normative foreign policy goals, means and impacts. The first section considers not only the EU's shift in behaviour toward non-normative approaches in other settings within the Middle East and North Africa but, likewise, the attendant loss of influence to affect the conflicts with which it is beset. The second section reviews the key points of the exchange between the E3 (France, Britain and Germany) and Iran during the 2002-2004 period, when European mediation used civilian means to construct policy, reaping gains from the Iranian negotiations, though opening up a gap between the US and EU positions. The third section analyses the breakdown in early 2005 that introduced conditionality into the negotiations, shifting to offers with sanctions under the authority of the United Nations Security Council and the P5+1 (the five permanent members plus Germany). The prioritization of the trans-Atlantic relationship, coupled with the adoption of securitizing policies, engaged the EU mediation efforts, under the direction of the High Representative of the Common Foreign and Security Policy, Solana, in increasingly coercive measures. The fourth section addresses the growing ineffectiveness of the EU-designed initiatives demanding suspension as a condition of negotiations, and the intercession of other players adopting normative positions to achieve progress. In particular, the discussion revolves around the Turkey-Brazil nuclear fuel exchange deal, towards which the EU and US acted as spoilers in the face of a substantive achievement over which they had no influence. This provides the context in which to analyze the EU's shifting role, and its loss of initiative and influence. In substituting pressure for persuasion, this chapter's author argues that no further progress has been achieved. Not only have Iran's capabilities increased substantially, but the EU's ability to work with it to achieve agreement rather than increasing international sanctions and friction has fallen. Farmanfarmaian suggests that, if the EU exercises the civilian power at its disposal, a return to direct engagement with Iran concerning its nuclear dilemma could lead to a better understanding of

Iran's motivations (whether it plans on developing the bomb, or the latent capability). However, by prioritizing the trans-Atlantic relationship over the exercise of its own normative goals, the EU has instead become increasingly unable to effect either the psychological or practical developments in this fast shifting conflict.

Chapter 6 and the following turn from the challenges of the EU's enlarged neighbourhood proper to the specifics of the EU's military crisis management. In chapter 6, Frederik Naert's description of the development of the legislative framework within which the CSDP becomes operative is essential to the understanding of the procedural and incremental changes prompted by the EU to deal with the foreign policy security and defence issues confronting Europe. Naert explains that the CSDP has mainly manifested itself through a wide array of civilian and military crisis management actions. In the period from 1 January 2003 until 31 December 2009, some 22 operations were launched, including 6 military, 15 civilian and one mixed civil-military operations. His overview of the norms addresses features of the EU law, covers the main international law and deals with domestic law, including the law of both the sending States and the Host State. The author discusses the role and importance of the legal aspects of EU military operations.

In Chapter 7, Andrea deGuttry, through the joint action case study of Operation Atalanta provides a number of broad views on the reach of the EU's norms to third countries, and on the way in which normative Europe makes its influence felt. While procedural and incremental changes are necessary for policy efficiency, unless the CSDP is able to deal with the challenging foreign policy issues concerning Europe, any such institutional settings may be simply excessive. DeGuttry examines some of the legal issues related to the military Operation Atalanta, conceived as a reaction to the threat posed by the upsurge in piracy off the Somali coasts. Following a review of the legal sources, both within and outside the EU system, at the basis of Atalanta, deGuttry focuses on the aspects of the agreement between the EU and Kenya which organises the transfer of suspected pirates (and seized property) from the EU-led naval force to Kenya. This chapter explores the compatibility of the legal provisions against the background of the obligations incumbent on the EU and its member states, the international responsibilities, the Human Rights commitment and the compliance with the basic values and principles inspiring the CSDP as well as the European Security Strategy.

Chapter 8, by Gérard Dejoué, brings in the direct experience of a European Council officer from the External and Political-Military Affairs unit, in charge of coordinating EU NAVFOR Somalia, i.e. Operation