# ISsues

EDITORIAL

Álvaro de Vasconcelos DIRECTOR

BEYOND THE BIG POWERS

The emergence of new rising powers is perhaps the most striking feature of the international landscape of our times. The rise of China, India, and also Brazil, as well as Russia's return to the world arena, is shifting old geopolitical paradigms and is now increasingly reflected in the policy formulation of traditional global actors like the US and the EU. America's new national security strategy, presented by President Obama in May 2010, takes stock of this reality, recognising that 'more actors exert power and influence' on the world stage. The Conclusions of the September 2010 European Council, the first high-level post-Lisbon attempt at providing strategic guidance to EU external action, note that 'the emergence of new players with their own world views and interests' is 'an important new feature in the international environment' and state that the EU needs to develop strategic partnerships with key players in order to forge a concerted international response to common challenges. In China, India and Brazil decision-makers realise that they are confronted with new global responsibilities, and occasionally come together, both formally and informally, to shore up their weight and influence. In the most recent Chaillot Paper published by the EUISS, 'China's Foreign Policy Debates',

Zhu Liqun looks at the many paradoxes behind the ongoing debate on China's foreign policy, among them the view that the world is 'simultaneously unipolar and multipolar' since post-hegemonic trends coexist with the remnants of single-power world dominance, thus adding to the complexity of the task of bringing about a multilateral order.

Asserting that today's world is multipolar can no longer be dismissed as mere political rhetoric but must be acknowledged rather as a recognition of reality. This is reflected in the drive for fairer and more effective global governance. At the same time, new initiatives are being launched to make room for new players in the global regulatory framework, for example the creation of the G-20 in response to the financial crisis.

But the reality of world power and influence cannot be reduced to the interplay of big powers alone, and the effectiveness of global governance will depend on many other actors. The fascination with the extraordinary phenomenon represented by the rise of developing nations like China and India to world power status should not make policy makers blind to other very important actors who are vital for the resolution of
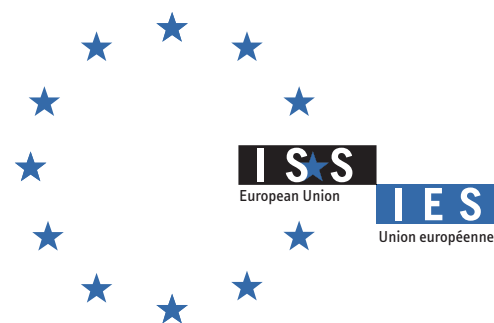
The European Foreign & Security Policy Institute

most regional problems and notably those with a global dimension. Let us think of the role of Turkey in the Middle East or the Caucasus, or the role of Indonesia in South East Asia, to cite but two examples. Who can believe that a solution to Africa's problems can be found without the active involvement of African states – even if in Africa there is currently no big power that can aspire to becoming a 'pole' of a new global order – and discount the role of South Africa in particular in this regard? The Group of the 77, now formed by 130 states representing a large majority of the 192 UN members, is a reminder to all that the developing countries are part of the international community, and that international consensus cannot be forged without their input. The collapse of the Doha trade negotiations is due in large measure to the Europeans and Americans not having taken the interests of developing nations into consideration.

We should also not forget the role of regional organisations, even if they have not evolved into shapers of the international system as was foreseen in the 1990s. In Africa, Latin America and South East Asia regional cooperation plays a significant role in creating an atmosphere of trust and fostering economic development. The European Union's recent move to obtain speaking rights in the UN General Assembly gives an indication of the influence regional blocs may bring to bear on the international system.

But states are not the only actors of the international system: NGOs and all kinds of networks, formed by both governmental and non-state actors, are shaping the new world order. The networked society is based on the same rationale and facilitated exactly by the same technology that has made economic globalisation and interdependence possible. In this context, we can speak of a second wave of globalisation – one that is essentially political, where citizens of different countries realise more and more that if they want to shape their future they need to come

together, at world level, and actively promote an international civil society.

This consciousness of being part of the same world is particularly acute in regard to climate change which is gradually acquiring greater prominence on the international agenda. The French philosopher Edgar Morin argues in his significantly titled book Terre-patrie for a 'prise de conscience de la communauté du destin

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Xie Zhenhua, Jairam Ramesh, Manmohan Singh, and Buyelwa Sonjica discuss environmental issues in Delhi

terrestre' – a notion echoed in President Obama's vision of 'common humanity'. The understanding of the role of global civil society is not exclusively an attribute of the so-called western world – as demonstrated by the hosting of the World Social Forum at Porto Alegre in Brazil, launched by activists close to President Lula.

Today it is commonly recognised that it is essential for any nation that its civil society participates actively in global initiatives. Those states that have a weak civil society, and which therefore cannot avail of international networking, are at a disadvantage.

Anne Marie Slaughter, in her essay, 'America's Edge: Power in the Networked Society' (2009), has pointed out that the 'emerging networked world of the twenty-first century (…) exists above the state, below the state, and through the state. In this world, the state with the most connections will be the central player, able to set the global agenda and unlock innovation and sustainable growth.' She emphasises that the US has a great comparative advantage by virtue of the fact that it is a nation built by migrants from all over the world, and concludes that 'the United States should see its immigrants as living links back to their home countries and en-

courage a two-way flow of people, products, and ideas.' The same holds true for Europe.

The European Union is well placed to develop a strategy that, while recognising the indispensable role of big powers, goes beyond them: not only does the EU itself constitute an outstanding example of regional integration but over the years it has developed a dense web of agreements with developing nations and close co-operation with civil society actors spanning Africa, Asia, Latin America and the Caribbean. The 2000 Cotonou Agreement with 79 developing countries, for example, pledges development assistance of over €22 billion for the period 2007-2012. The European Neighbourhood Policy specifically acknowledges the role of civil society in inter-regional relations. For all these reasons, while advancing its own interests and values, the EU is in a strong position to act as a catalyst of global initiatives able to give a more human dimension to globalisation. This must be done by engaging with the big powers, certainly – but not exclusively: the EU should aspire to be the voice of those without a voice in global governance.

The ability to act as a catalyst is conditional on the EU's ability to keep its power of attraction intact. To that end, nothing can be more important today than to make migrant communities in Europe the actors of a greater inter-connection with the world at large. This is jeopardised however by the hate-politics of anti-immigrant political parties that currently appear to be on the rise in a number of EU countries. Unity within diversity should be the guiding principle of EU strategy for external action, as well as the mainstay of its internal strength, to share in shaping a global society able to advance the common interest of humanity. Utopia perhaps – but then is the European Union not the embodiment of an 'EUtopia' that has successfully materialised?

EUISS Annual Conference 2010
Global governance: building on the civil society agenda

In the buildup to the EUISS Annaul Conference 2010, the Institute organised a series of preparatory seminars centred around the theme of civil society. The reports of these seminars will be submitted to this year's EUISS Annual Conference to feed the discussions on civil society's role in global governance.

The first seminar entitled '**Peacebuilding and the security-development nexus**' took place in New York on 26 April 2010 and was organised in cooperation with the EU Delegation to the United Nations with the cooperation of the Finnish Permanent Representation to the UN. Lively discussions shed the spotlight on a number of areas, most notably on how to support peacebuilding in the field. Developing mediation capacities at the local level in conflict-prone and fragile countries was seen as paramount in the peacebuilding sector.

On 28 June 2010, the second preparatory seminar entitled '**Current challenges to humanitarian action in conflict situations**' took place in Paris. The seminar was co-organised with the International Committee of the Red Cross (ICRC). The participants discussed the diversity of humanitarian approaches to conflict-affected areas and the key legal principles guiding them. The seminar further touched upon war and displacement, civil-military relations and coordination among stakeholders.

The final preparatory seminar '**Civil society's role in global governance**' took place at the European Commission in Brussels on 1 October 2010. The seminar was a joint initiative of the EUISS, the European Commission Directorate General for Research and the United Nations University Institute for Comparative Regional Integration Studies (UNU-CRIS). The main talking points of the seminar included discussions on the role of civil society in the implementation of international agreements on areas ranging from human rights protection, to peace making, fair trade, environment and health protection.

EU Washington Forum 2010
Washington, 8-9 November 2010

In preparation of the 2010 EU Washington Forum a series of five workshops were organised in cooperation with Natoline European Centre, the Romanian Ministry of Foreign Affairs, EGMONT, James Martin Center for Nonproliferation Studies, the New America Foundation and the Centre for Transatlantic Relations. These seminars will produce reports which will be used as reference points for discussion at the 2010 Washington Forum.

Two of the five working groups addressed the issues related to **Unfinished Business in Europe** focusing consecutively on the **Western Balkans** and **Turkey**, and on **Eastern Europe**. Securing and stabilising Bosnia, Kosovo and Macedonia was on the agenda of the first seminar in Warsaw. The seminar in Bucharest, focusing on Eastern Europe, addressed the question of how the EU and the US can create synergies between their policies in the region.

Themes addressed during the working group on **Disarmament and non-proliferation**, organised in Brussels, were the current status of the nuclear disarmament regime, the stakes for the US and contributions by the EU to nuclear disarmament, and what the US and EU expect from each other regarding governance in nuclear disarmament and non-proliferation.

The seminar on **The Middle East Peace Process** in Washington, DC addressed the question whether the American and European strategy for the Middle East should be changed as no breakthrough has been reached on the two major challenges: the Arab-Israeli conflict and dealing with Iran.

During the working group on **Transatlantic Cooperation for a New Growth Model** in Washington DC, the need to develop a new strategic partnership was discussed. The main reasons for this were new global challenges such as climate change and global financial instability, the newly shaped international order of a multipolar world, the renewed domestic internal and external agendas of the EU and the US, and the place of the 'common transatlantic acquis' in a more diverse world.

India-EU forum on effective multilateralism
### Brussels, 11-12 October 2010

The annual India-EU Forum on Effective Multilateralism took place in Brussels on 11 and 12 October 2010. The event was organised by the EUISS and the Indian Council for World Affairs (ICWA) of the Indian Ministry of External Relations with the support of the European Commission. India and the EU are the two largest democratic poles of the emerging multipolar world order and have forged a strategic partnership to address bilateral and global issues of common interest. The forum aims to enhance the multilateral external dimension of the partnership between the EU and India by facilitating an exchange of views between policymakers and experts from both Europe and the Indian sub-continent.

Key speakers at the forum included Jayant Prasad, Special Secretary (Public Diplomacy) of the Ministry of External Affairs of India and former Ambassador of India to Afghanistan, Helga Schmid, Director of the Policy Unit of the General Secretariat of the Council of the EU, Shyam Saran, former Foreign Secretary of India, former Special Envoy of Prime Minister on Climate Change and K. C. Singh, former Secretary (Economic relations) and former Co-ordinator for Counterterrorism of the Ministry of External Affairs of India.

China's foreign policy debates
**Chaillot Paper N°121 October 2010**
by Zhu Liqun
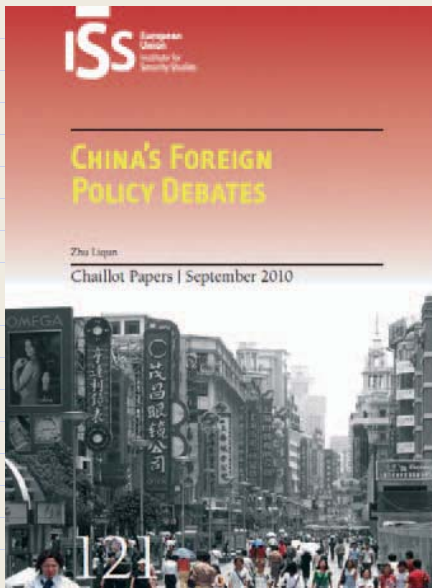
This paper examines in detail the strategic debate underway in the academic and policy making community regarding China's foreign policy and its global role. The subject is of growing importance, yet few works have been published by authoritative sources. The author, Zhu Liqun is Vice-President of the China Foreign Affairs University (CFAU) – the only institution of higher learning which operates under the guidance of the Ministry of Foreign Affairs of the People's Republic of China. This allows her to provide readers with an insightful analysis of why and how China is adjusting – or not adjusting – its own foreign policy to the growing interest and expectations coming from the rest of the world. With the publication of this Chaillot Paper, the EUISS aims to contribute to the debate in Europe as to what kind of strategy would be better suited for engaging with an increasingly powerful and assertive China, including ways for EU policy makers to enrol China into becoming a responsible stakeholder able to work alongside Europe on issues of global concern.

Global governance 2025: at a critical juncture
Report - October 2010
by EUISS and US National Intelligence Council

In this joint report by the EUISS and the US National Intelligence Council, the authors argue that the growing number of issues on the international agenda, and their complexity, is outpacing the ability of international organisations and national governments to cope. The shift to a multipolar world is complicating the prospects for effective global governance over the next ten years while the expanding economic clout of emerging powers increases their political influence well beyond their borders. Power is not only shifting from established powers to rising countries and, to some extent, the developing world, but also toward nonstate actors. The publication of this document was met with huge interest, sparking intense debates across multiple fora involving a wide range of views.
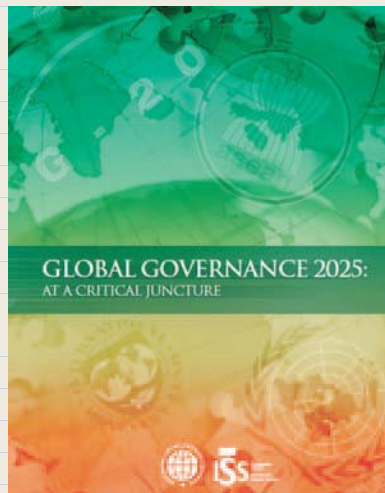
Transforming the Quartet principles: Hamas and the Peace Process
Occasional Paper N°85 - October 2010
by Carolin Georzig

In this paper, the author seeks to find a way of overcoming the constraints that the EU has imposed upon itself by insisting on simultaneous adherence to the three Quartet principles. Goerzig looks at what room for manoeuvre there remains for the EU and how the Quartet conditions can be modified to facilitate rather than obstruct compliance.
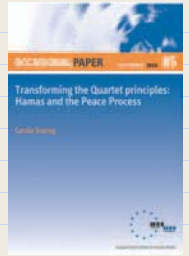
Quelle défense européenne en 2020?
Livre - Juillet 2010
sous la direction d'Alvaro de Vasconcelos
préface de Catherine Ashton

Lors de la commémoration des dix ans de la Politique européenne de Sécurité et de Défense en 2009, l'IESUE a soumis à un groupe composé de spécialistes et de responsables politiques un questionnaire sur ce que devrait être l'ambition européenne dans le domaine de la sécurité et de la défense.

C'est leur verdict sur ces ambitions que nous publions maintenant en français, en présentant une vision prospective de ce que pourrait être l'Europe de la défense à l'horizon 2020 si les recommandations des auteurs de ce livre sont suivies. Au moment où les auteurs ont répondu à ce questionnaire, l'entrée en vigueur du Traité de Lisbonne et le lancement du processus de création du Service européen pour l'action extérieure n'étaient pas encore à l'ordre du jour ; ces deux récents développements, essentiels pour le futur de la politique européenne de sécurité et de défense, feront l'objet d'une prochaine publication de l'IESUE.

Human rights challenges in EU civilian crisis management
Occasional Paper N°84 - August 2010
by Wanda Troszczynska-van Genderen

The EU has placed a growing emphasis on human rights issues in its civilian crisis management operations over the years, in turn creating operational challenges far beyond what has previously been experienced. This paper uses EUPOL and EUJUST LEX as a yardstick for examining the operational models used by the EU and their implications in a human rights perspective.

State and society: the democratic challenge
10 Papers for Barcelona N°9 - July 2010
by Esra Bulut-Aymat and Salam Kawakibi

In this ninth paper in the 10 Papers for Barcelona series, the authors argue that policy-making on Euro-Mediterranean relations needs to pay more attention to the domestic sphere as the key arena in which both identity and democracy evolve.

EUROPEAN SECURITY: UNFINISHED BUSINESS IN EUROPE

Since the fall of the Berlin Wall in November 1989, the former communist states of Central and Eastern Europe have been integrated into Euro-Atlantic institutions. While the process of integration and political transformation unleashed by the collapse of the Berlin Wall has been largely successful, it remains incomplete. Stabilising the Western Balkans and the eastern periphery of the post-Soviet space remains an important part of the 'unfinished business' on the transatlantic agenda. The US and Europe have a strong interest in securing lasting stability in the region and have invested significant political and financial capital in pursuit of that goal over the course of the last two decades. It is essential that they make a consolidated effort to bring the Balkans' era of instability to a close once and for all.

More than 15 years after the signing of the Dayton Accords, Bosnia continues to face significant economic, social and political problems. Dayton stopped the war – no mean achievement – but it failed to create a viable, self-sustaining democratic state in Bosnia. However, the last four years have witnessed a serious deterioration in Bosnia's capacity to function as a viable independent state. Relations between ethnic groups have become increasingly polarised and have resulted in increasing political paralysis. One of the main lessons of the last two decades is that both a European and transatlantic consensus is crucial to the implementation of a successful policy toward Bosnia – and the Balkans more generally. Without such a consensus, the various parties on the ground are able to play the US off against Europe or Europe off against itself, undermining the international effort. Thus close US-EU cooperation is an important prerequisite for breaking the current deadlock in Bosnia and enhancing stability there.

Kosovo presents a second major challenge. Kosovo declared its independence in 2008, backed by the US and a majority of EU members. However, its declaration was opposed not only by Serbia but a number of other important UN members, including Russia and China. The decision by the International Court of Justice (ICJ) in July 2010 that Kosovo's declaration of independence did not violate international law was a significant victory for Kosovo's struggle to be recognised as a full and legitimate state and dealt a serious blow to Belgrade's efforts to delegitimise Kosovo's independence. In the wake of the ICJ decision the US and EU need to work closely together and coordinate their policies.

The second area of unfinished business on the transatlantic agenda is the eastern periphery of the post-Soviet space. The process of integration and political transformation unleashed by the collapse of the Berlin Wall left a band of states on Russia's Western periphery without a clear political future or clear foreign policy attachment. This band of states includes Ukraine, Georgia, Azerbaijan, Armenia, Moldova, and Belarus. These states exist in a kind of geopolitical limbo and their political evolution and foreign policy orientation remain unclear. Moreover, the region contains a number of unsettled and potentially explosive conflicts that pose a serious threat to regional stability and security.

Here, as in the Balkans, the US and the EU need to work in concert to project stability eastward. Washington and Brussels broadly share similar policy objectives regarding the states in the eastern periphery. Their priorities, however, differ. The US is focused on 'resetting' relations with Russia, while the EU is primarily concerned with using soft power to promote the stabilisation of the eastern periphery. These priorities are not incompatible but they need to be synchronised. The Obama administration's effort to 'reset' relations with Russia, however, has created concerns that the reset with Russia may result in a weakening of the US commitment to human rights and democracy in the eastern periphery and lead to America's increasing political disengagement from the region. Moreover, there is an important difference between the eastern periphery of the post-Soviet space and the Balkans. In the Balkans the EU can – and should – take the lead because it has the experience and policy tools to do so. The situation in the eastern periphery of the post-Soviet space is quite different. Given Russia's strong involvement and willingness to use military force to protect its interests in the region, the active involvement of the US as a geopolitical balancer and counterweight is essential.

The EU's Eastern Partnership is the main policy tool for strengthening cooperation with the countries on the eastern periphery. However, unlike the association agreements with the Balkan states, it does not offer a prospect of membership. This is a serious weakness that limits the effectiveness of the initiative. The prospect of membership has acted as the 'golden carrot' and has provided the incentive for leaders to undertake controversial internal reforms. Without the prospect of membership as a carrot, many leaders on the EU's eastern periphery are likely to be reluctant to undertake difficult and unpopular reforms needed to enhance political stability and economic prosperity in the region. The EU needs to clarify what it is really offering the countries on the eastern periphery and what

it expects from the countries in return. If the EU is unwilling to offer these countries membership, what is the alternative to enlargement?

Russia's policy presents another challenge. Russia has shown great sensitivity regarding the expansion of Western influence into the post-Soviet space, which it regards as part of its sphere of 'privileged interest'. While Moscow has primarily been concerned about NATO's expansion into the post-Soviet space, it has also shown increasing irritation regarding the EU's efforts to expand its ties to the region through its Eastern Partnership (EP). The five day war with Georgia in August 2008 should be seen against this background. The Russian invasion underscored the limits of American power. In the face of determined action by Russia to defend its interests, the US proved powerless to do anything more than to utter loud political protests. The invasion was thus a sharp reminder – to the countries in the West as well as those in the East – that Russia was still a power to be reckoned with and that any attempt to establish security in the post-Soviet space would need to take Russian security interests into consideration. Moreover, since then Ukraine has moved closer to Russia. Thus the West will need to find a way to engage Russia in any effort to stabilise the region. This does not mean that the West should accept a Russian sphere in the eastern periphery of the post-Soviet space. But Russian security interests will need to be taken into consideration in formulating a coherent Western policy toward the region.

Finally, Turkey's interests and role need to be given greater consideration in the effort to develop a coherent and effective Western policy toward the eastern periphery of the post-Soviet space. Like Russia, Turkey has strong political, economic and cultural interests in the area. In the last few years, it has begun to play an increasingly active role in the region, particularly in the South Caucasus. On the bilateral level, this has been reflected in Turkey's initiative to mend fences with Armenia. In the wake of the war between Russia and Georgia in August 2008, Ankara also launched a multilateral initiative – the Caucasus Cooperation and Stability Platform – designed to promote greater regional economic and political cooperation. Turkey is also emerging as a key transit route for the transport of Caspian energy to Europe. Given Turkey's increasingly active economic and diplomatic role in the Caucasus and its close ties to Azerbaijan and Georgia, the US and the EU should work closely with Turkey to develop a coordinated approach to enhancing security in the South Caucasus.

THE EU IN THE WORLD: INTERNATIONAL JUSTICE AND THE EU

The EU has provided extraordinary support to the work of the International Criminal Court (ICC). The European Council adopted a series of common positions and decisions alongside an Action Plan in 2004 and a Cooperation and Assistance Agreement in 2006 for the exchange of classified information, all while encouraging third state ratifications of the Rome Statute establishing the Court. This is in line with the fact that all 27 EU Member States have ratified the Statute.

In recognition of the fact that international justice is grounded in human rights, the Lisbon Treaty has fully integrated it into EU primary law. The Charter of Fundamental Rights – which has the same legal value as the EU Treaties – incorporates the jurisprudence of the European Court of Human Rights (ECHR) into the EU acquis (art. 53, 2). Member States and EU institutions are obliged to search for and prosecute perpetrators of human rights violations according to well-established case law; they must also do this when applying EU law, as the European Court of Justice acknowledged in *Kremzow v Austria*. This duty is of course not restricted to the international crimes that fall under the remit of the ICC (genocide, crimes against humanity, war crimes – and, in the near future, acts of aggression), but failure to comply with it would indicate to the Court that the state is 'unwilling' or 'unable' to investigate, and could therefore guide its decision on admissibility. Such failure to prosecute perpetrators of human rights violations could also open the door for universal jurisdiction (judge or extradite) with regard to international crimes of a similar nature.

European citizens are de facto immune to the jurisdiction of the ICC since it is unlikely in principle that Member States are unable or unwilling to judge, or in extreme cases extradite, international criminals of European nationality. Until very recently, it was not obvious how the EU institutions would be directly involved in international justice outside the EU. The fact that the EU concluded agreements with Kenya (who allowed the agreement to expire after just over a year) and the Seychelles so that Operation Atalanta could render suspected pirates captured in the Gulf of Aden to their jurisdictions makes the EU directly responsible for guaranteeing that the right to a fair trial of suspected international criminals is fully respected. This right also applies when Member States – also in the case of agreements concluded by the EU – are not only unwilling to judge, but eager to extradite.

It should also be noted that the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, as mandated by EU Member States, is negotiating future renditions of suspected pirates with other countries in the region. This is in spite of the ICC having opened preliminary proceedings against nationals of these same countries (in the case of

Judges of the International Criminal Court are seen at the start of a status conference

Uganda) and nationals of one of the countries with whom an agreement was signed (in the case of Kenya). These two countries were considered unwilling and/or unable to prosecute suspected international criminals by the ICC. It is striking, in my view, that the EU sees no contradiction in outsourcing criminal procedures regarding international crimes to countries that have problems judging suspected international criminals.

There are, then, good reasons for the EU to work consistently and concertedly to establish an international court capable of dealing with the so-called Treaty crimes (piracy, human trafficking, drug trafficking, hijacking, terrorism, money laundering etc.). However, neither the EU's Member States nor its institutions have shown any enthusiasm regarding UN Secretary General Ban Ki-Moon's proposals (UN Doc. S/2010/394) – presented to the Security Council last August – for furthering the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea.

The EU's commendable and continuing support to the ICC, though, does not extend to the prosecution of all international crimes. The leadership the EU demonstrated in the 1990s– in harmony with global civil society – was instrumental in giving birth to the ICC, even when the US Administration of the time boycotted the underlying idea of international justice. The US Administration today is openly in favour of the ICC, even though it struggles to sell the merits of the Court to others (given that potential US criminals are still excluded from the jurisdiction of the International Criminal Court). But EU leadership on international justice seems lacking. No EU voices have been raised regarding the international justice implications of the recent report by the UN High Commissioner on Human Rights on crimes against humanity in the Democratic Republic of Congo (DRC). It might be that the EU is content with flagging the mere existence of the ICC as an ultimate achievement, while asking others who may not be so well-prepared to bear the burden of judging non-European perpetrators of international crimes.

There is a disquieting tendency, though, to substitute the international responsibility of states with that of individuals when it comes to the most heinous crimes. The international community seems satisfied with holding the perpetrators of such crimes accountable to the ICC as a sufficient remedy and adequate way of addressing mass violations of human rights. But the creation of the Court does not trump the international responsibility of states for violating corresponding international obligations; both lines of responsibility are parallel in international law. It is therefore the responsibility of all states in supporting the ICC to put an immediate end to other states violating their obligations, particularly in cases where atrocities could occur. Bringing individuals who have perpetrated grave crimes to international justice can take several years – more than a decade was needed for the UN to produce the abovementioned report on the DRC – but international concerted action against the violation of fundamental international obligations by states can be immediate. Since international justice does not offer redress to victims, the EU should show renewed leadership against this trend and further develop effective capacities to exercise the Responsibility to Protect towards populations in danger.