

3rd Successful IES Team-Building Day

On June 1st, IES researchers and staff discovered the chilly Belgian coast on their 3rd annual Team-Building Day. The 2007 sportive team-building day consisted of sea rafting, several on-shore team activities and a creative task, coached by the good team leaders of The Outsider in Westende. The Team Building Day was superbly organised by IES secretary **Laila Macharis**. We all hope that she will have similar exciting ideas for next year's episode!



The IES Calendar of Events 2007

The IES is organizing a lecture series entitled "External relations of EU Justice and Home Affairs". Starting 04 October 2007, we are inviting experts in the field to give a two-hour lecture on various aspects of EU's "3rd pillar". The lectures take place (in principle) every week in lecture theatre D.2.01 of the VUB. Please register via the IES website.

Wednesday 10 October '07 VUB, Aula D.2.01, 18:00	Lecture series on the External Relations of EU Justice and Home Affairs "EU Common Visa policy", by Bernd Martenczuk , <i>PILC Professor, European Commission</i> "The Association of Switzerland with Schengen and Dublin", by Fabrice Filliez , <i>Swiss Ministry for Foreign Affairs</i>
Tuesday 16 October '07 IES Conf.Room, 18:30	Lecture on "NATO as a Transatlantic and Global Security Provider", by Her Excellency Victoria Nuland , <i>US Ambassador to NATO</i>
Wednesday 17 October '07 VUB, Aula D.2.01, 18:00	Lecture series on the External Relations of EU Justice and Home Affairs "Asylum & Refugee Protection Policy: The EC between int'l law and internal harmonization", by M. Garlick , <i>UNHCR</i> "Readmission and repatriation of illegal immigrants", by Martin Schieffer , <i>European Commission</i>
Tuesday 24 October '07 VUB, Aula D.2.01, 18:00	Lecture series on the External Relations of EU Justice and Home Affairs "International cooperation in the area of Criminal law", by Gert Vermeulen , <i>Universiteit Gent</i>
Tuesday 30 October '07 VUB, Aula E.0.12, 18:00	Lecture series on the External Relations of EU Justice and Home Affairs "The External Relations of Europol", by Dick Heimans , <i>EC, formerly Europol</i> "The EU and the International Fight against Drugs", by Han Vos , <i>EU Council of Ministers</i>
Wednesday 7 November '07 VUB, Aula D.2.01, 11:00	Lecture by the President of the Republic of Turkmenistan, Mr. Gurbanguly BERDIMUHAMEDOW on the European Union and relations with Central Asia (<i>title to be confirmed</i>)
Wednesday 7 November '07 VUB, Aula D.2.01, 18:00	Lecture series on the External Relations of EU Justice and Home Affairs "The EU and the Fight against International Terrorism", by Gijs de Vries , <i>former EU Anti-Terrorism Coordinator</i> "Data protection, the fight against terrorism and EU external relations", by Paul De Hert , <i>Vrije Universiteit Brussel</i>
Thursday 15 November '07 VUB, Aula D.2.01, 18:00	Lecture series on the External Relations of EU Justice and Home Affairs "Brussels I and EC External Competence: ECJ opinion 1/03 on Lugano", by Pieter Jan Kuijper , <i>Univ. of Amsterdam</i> "Mixed Agreements in Private International Law: Procedure and Effects", by Jan Peter Hix , <i>EU Council of Ministers</i>
Thursday 22 November '07 VUB, Aula D.2.01, 18:00	Lecture series on the External Relations of EU Justice and Home Affairs "The EC and the Hague Conference on Private International Law", by Andrea Schulz , <i>formerly Hague Conference</i> "The Hague Conference and Europe seen from a transatlantic perspective", by Ron Brand , <i>Pittsburg University (inv)</i>

If you wish to register for one of the events described above, please write to ies@vub.ac.be or contact us directly on +32(0)2/629.1222 (or fax +32(0)2/629.1809)
Conversely, if the IES can co-operate in an EU-related activity, please let us know!
Updated information can be obtained from our website, at <http://www.ies.be/>

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New IES lecture series on the External Relations of EU Justice and Home Affairs

October traditionally marks the start of a new IES lecture series. After the spring series on European Identity, this fall series, coordinated by PILC Director Servaas van Thiel will be on the **external dimension of EU Justice and Home Affairs**.

What started as the third "justice and home affairs" pillar of the European integration process (complementing the first "Community" pillar and the second "foreign policy" pillar), has grown into a vast area of work that is spread over different pillars and that covers three main subjects: immigration and asylum, civil law, and criminal law and procedure. The "acquis" that has been realised on these three subjects is already impressive. Nevertheless, the process of internal policy shaping and harmonisation is still ongoing, and "justice and home affairs" is likely to remain one of the most active policy areas of the EU in the coming years.

On the contrary, immigration policy and asylum by definition concern nationals of third countries and cross-border movements, and therefore automatically have an international dimension. Similarly, the area of private international law is intensively regulated by international multilateral conventions, which do affect the internal activities of the Union. Finally, in the area of criminal law and criminal procedure, September 11 and the fight against terrorism have given an additional impulse to international cooperation in this area.

Through a series of timely questions, addressed by well-known speakers from academic circles, European institutions (Anti-Terrorism Co-ordinator, European Commission, EU Council of Ministers), third countries (Switzerland, USA), and international organisations (UN High Commissioner for Refugees, Hague Conference on Private International Law, Council of Europe), the IES invites students, teachers, practitioners and the interested public to attend and participate in the series.

Contrary to what the concept "justice and home affairs" suggests, work in this area is by no means a purely

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4th Summer School on European Decision-Making

Between 2 and 13 July, about 32 students from more than 12 different countries gathered for the 4th Summer School on the European Decision-Making Process. The Summer School, a collaboration effort between the Institute for European Studies, the Diplomatic Academy of Vienna and the University of Vienna, was very well received by most of the participating students, who were hosted one week in Brussels at the IES and one week in Vienna at the Diplomatic Academy.



pean Commission Secretariat), Christian Weiger (European Economic and Social Council), Dr. Sven Biscop (Egmont Royal Institute for International Relations) and Ruta Symelite (European Commission).

In Vienna, professors **Hubert Isak**, **Aurel Schubert** and **Gerhard Hafner** enriched the students with in-depth sessions on decision-making process while Richard and Ruben concluded the Summer School with an interesting role playing game.

In Brussels, students visited the European Parliament, the European Council and the Belgian Federal Parliament - institutions where experts explained the intrinsic workings of European decision-making. Background and in-depth analysis was provided at the IES by Prof. Dr. **Theo Jans**, Senior Research Fellow **Richard Lewis** and IES researcher **Ruben Lombaert**. The IES also hosted external expert speakers such as Pascal Lefevre (Euro-

pean Commission Secretariat), Christian Weiger (European Economic and Social Council), Dr. Sven Biscop (Egmont Royal Institute for International Relations) and Ruta Symelite (European Commission).

various aspects of the decision-making process while Richard and Ruben concluded the Summer School with an interesting role playing game.



The next Summer School on the European Decision-Making Process will take place from 7 to 18 July 2008. It will again take place one week in Brussels and one week in Vienna, but contrary to previous issues and thanks to the European funding, travel between the two cities will take place by plane rather than by train or bus.

More information and downloadable application forms can be found on our website <http://www.ies.be/summerschool/>



Registration is open until April 2008.

IES-PILC year started

October traditionally marks the beginning of a new academic year. Equally so for the Programme on International Legal Cooperation, when 42 new students started the academic year 2007-2008. The high number can be called a success, as last year's contingent consisted "only" of 34 students. PILC Director **Servaas van Thiel** welcomed the new students on 26 September.



PILC's 2006-2007 year festively ended with the graduation of 25 students. In June, Viktorija Balciunaite, Ghaeale Mandegarian and Melodie Vandenbussche obtained the grade of Greatest Distinction. Great Distinction was obtained by Agata Brzezinska,

Marie-Laure Guislain, Daria Izmailova, Nadia Jagusiak, Geraldine Lorent and Guoyu Zhang, while the grade of Distinction was attributed to Kristine Behm, Ivana Gubova, Johanna Ikonen, Marian Raluca, Evgeniya Sun and Okan Tasdelen. Alpasian Mamak graduated satisfactory.

In September, another nine students passed the exams, amongst which two with the grade of distinction: Eloisa Dutari Rodriguez and Brian Elms. Satisfactory results were booked by Esra Ersoy, Seren Kayacan, Ramatou Manoure, Elina Melngaile, Stephen Orubor, Stephanie Ret-Georges and Begaim Usubaliev. Nine students failed or did not (or incompletely) participate - an exceptionally high number for this

programme. Seven of them will redo their year, and are joined by 35 newcomers, of which three are Erasmus Mundus students coming from Egypt and Pakistan. Overall, PILC students this year come from over 25 different countries.

In the light of further publicity for the programme, VUB academic staff member and professional photographer Marc Goldchstein was invited to take some pictures of students and staff. Below is one of the results, showing the new PILC group on a guided "welcome"-city tour in Brussels. More will undoubtedly follow!



Taiwan, Hong Kong & the WTO



IES Researcher **Sigrid Winkler** traveled to Geneva, Switzerland, between 12 and 15 June with the aim to gather in-depth information on Taiwan's and Hong Kong's participation in the World Trade Organisation (WTO). Both Taiwan and Hong Kong lack sovereignty but are members of the WTO.

Sigrid was invited to stay at the house of Le Van Loi, the former ambassador of South Vietnam in Geneva, who after the end of the Vietnam War became an expert for technical assistance to governments. He was consultant of the government in Taipei during the early years of the Taiwanese application to join the GATT. He possesses a comprehensive archive on these negotiations, to which he granted Sigrid unlimited access.

Sigrid met with several authorities in the field,

such as Rufus Yerxa, now Deputy Director-General of the WTO but formerly the US trade representative during the first years of the Taiwanese accession process to the GATT/WTO. She also interviewed Peter Milthorpe, Qian Bo, Michael Wei, and Calvin Ho. Peter Milthorpe is counselor in the WTO accessions division, who gave further details on the compromises between the governments in Taipei and Beijing which made the Taiwanese accession finally possible, and Qian Bo from the Permanent Representation of the People's Republic of China to the WTO is responsible for the relations between the PRC and Taiwan. Michael Wei is Deputy Permanent Representative in the Taiwanese mission and was also involved in filing the application for Taiwan's participation on 1 January 1990 as an official of the Taiwanese Ministry of Commerce. Calvin Ho is the self-described First Secretary of the Taiwanese mission (because of Taiwan's lack of sovereignty, they are not officially entitled to hold diplomatic titles in the WTO). He gave an interview on Taiwan's participation in several international organizations and the nomenclature problem of Taiwan in the WTO.

Global Governance in Leiden

Three IES researchers, **Sebastian Oberthür**, **Koen Van den Bossche** and **Mehmet Tezcan** attended a workshop in Leiden, the Netherlands on 26-27 June 2007. The workshop was the second in the series of three workshops within the framework of the GARNET Joint European Research Project (JERP) *Workshops on European Union, Global Governance, Sovereignty and Law*. Four institutions co-organise this specific JERP: the University of Geneva (represented by Prof. Nicolas Levrat), the *Université Libre de Bruxelles* (Prof. Mario Telo), the *Vrije Universiteit Brussels* (Prof. Sebastian Oberthür) and the host: the *Universiteit Leiden* (Prof. Nico Schrijver).



In the workshop, the researchers were divided into three subgroups. In the first group (in which Koen's paper was discussed) debated whether there exists one single framework for global governance or rather various specific patterns of governance for different fields (such as international criminal law and international/regional trade). The second subgroup (where Sebastian's paper was discussed)

looked at the role of the classic actors of international society (states and intergovernmental organizations, especially the EU and the United Nations) and emerging actors (NGO's and global civil society) in law-making, based on global values and/or specific and common interests. The third and last subgroup (in which Mehmet's paper was debated) looked at the role of the judiciary (international, European, and domestic) influencing the relationship between the three levels of jurisdiction (international, European, and domestic).

The ultimate aim of this JERP is to publish a book on various aspects of global governance. The gathering in Leiden, hosted by the *Grotius Centre for International Legal Studies* of Leiden's Law Department, was thus aimed at giving some coherence to all the papers, and to inform each other of the latest projects after the first meeting in Geneva. The researchers will come together in the last workshop in Brussels at the end of November to finalize the drafts of the papers. As agreed before, ULB and VUB will jointly prepare this meeting.

International Relations in Turin



IES Researcher **Mehmet Y. Tezcan** participated in the Sixth Pan-European Conference on International Relations held in

Turin, Italy, on 12-15 September 2007. The Standing Group on International Relations (SGIR) of ECPR organizes this conference bi-annually. The conference brings together scholars from a wide range of European universities, and therefore is the biggest SGIR event. Participation of researchers from all American colleges in ever increasing numbers in recent years also underscores its importance.

The conference was arranged under twenty-five main themes including, inter alia, *Approaches to International Relations in the Age of Terror*, *Critical Approaches to Security in Europe*, *Sovereignty and Agency*, *Historical Sociology*, and *the English School*. Mehmet presented his paper *The political economy of EU foreign policy: the impact of corporate integration on foreign policy integration in Europe since the 1980s* in a panel where the sub-section *Governing the service economy: International standards from a political economy perspective meets another sub-section Post-Modern Foreign and Security Policy in the Enlarged Europe*. Mehmet's paper, directly derived from his present PhD research, elaborates the conceptual foundations of the arguably clear and strong yet intractable and not-much-studied link between foreign policy and corporate power.

Mehmet also acted as a chair and discussant in the panel *Pursuing International Relations in the 21st century*. The paper givers of this panel discussed the prospects for and limitations of Luhmannian Modern Systems Theory and the philosophical foundations of Pragmatism in the study of new global politics.

See for the details of the conference <http://www.sgir.org/conference2007/index.htm>

10th Biennial EUSA Conference



From May 17-19 2007, IES researcher **Ben Van Rompuy** participated in the EUSA Tenth Biennial International Conference, which took place in Montréal. The

conference was organized by the European Union Studies Association (EUSA), one of the premier worldwide scholarly and professional associations focusing on issues pertaining to the European Union and its relations with the rest of the world. It brought together EU specialists from different backgrounds (e.g. social sciences, law, economics and business practitioners), most of them having a specific interest in transatlantic cooperation.

Ben Van Rompuy presented a paper entitled *"Is the standard of proof imposed by the Community Courts undermining the efficiency of EC merger control? The Sony BMG joint venture case in perspective"* in a panel on regulatory approaches in the EU and the US. The paper, co-authored by Prof. Dr. **Caroline Pauwels**, addresses the European Court of First Instance (CFI)'s recent Impala judgment, analyzing its wider relevance for the future of EC merger control. In this ruling, the CFI annulled the European Commission's decision authorizing the creation of Sony BMG – a joint venture incorporating the worldwide recorded music businesses of Sony and Bertelsmann – because it found that the evidence relied upon by the Commission was not capable of substantiating its conclusions.

The Impala judgment is highly significant for two reasons. First of all, it has potential implications for the overall shape of the music industry, as the already completed concentration, which reduced the major players from five to four, is now being re-examined by the Commission. Secondly, the judgment reig-

nited the debate on the question whether the Community Courts are imposing a too high standard of proof, not in the least because the Sony BMG decision was representative for the recent economic sophistication of EC merger control and for the Commission's more cautious approach towards prohibition, two direct consequences of the CFI's annulment of three prohibition decisions in 2002 (Airtours, Schneider Electric and Tetra Laval). The fact that this decision was annulled for not meeting the requisite legal standard for authorizing a merger, is therefore both ironic and challenging because it puts the Commission on a knife-edge.

The paper essentially points out, however, that the Impala judgment is a far less bitter pill for the Commission than some observers have argued. The analysis did not confirm that the CFI significantly raised the standard of proof: on the contrary, the CFI in fact substantially lowered the evidentiary threshold for establishing a collective dominant position. This can be seen as a recognition of the fact that the conditions for the finding of collective dominance might be too difficult to meet in practice. In light of the fear that his in turn would lead to the undue clearance of anti-competitive mergers, the authors welcome Impala for clarifying that the standard of proof is equal for clearance and prohibition decisions. Nevertheless, the implications of the Impala judgment are not without problems. The extent to which the CFI used the Statement of Objection as a benchmark for its review of the Sony BMG decision and the CFI's insistence on obtaining data from third parties are particularly troublesome, as they further complicate an already time-constrained and complex administrative procedure. Hopefully, the Commission will find ways to improve the quality of its decision-making in light of the issues raised in Impala. In such a scenario, the judgment may in a certain time be remembered not as a setback but rather as the necessary stimulus for change.

ASCEE project meeting in Oslo

As part of the consortium working on a EU-funded project on sustainable consumption policy ("ASCEE"), IES researchers **Harri Kallimo**, **Katja Biedenkopf** and **Ölöf Söbech** participated in the second progress meeting on 2/3 August in Oslo. The IES team presented its work on identifying innovative policy instruments for sustainable consumption and greening of the market in seven European countries. In the meeting, the first version of a tool that the IES Team had developed for analyzing policy instruments was also tested. The next ASCEE project meeting will take place in Berlin in December.

The ASCEE Research consortium consists of IES, Germany-based IÖW (Institute for Ecological Economy Research) and Norwegian SIFO (National Institute for Consumer Research). The Project started in February 2007 and will be finalised by September 2008. The main objectives of ASCEE are (1) identifying and assessing especially innovative instruments, approaches and best practices for sustainable consumption and greening of the market and (2) developing a workable guideline/toolbox for (European) policy makers on public and private policy measures.

More on: <http://www.ies.be/node/220/>

Metropolis Conference 2008

Senior Research Fellow **Richard Lewis** attended a special meeting on July 20th of an ad hoc scientific committee in Düsseldorf concerning the 2008 Metropolis Conference on migration. This will be held in October 2008 under the auspices of the Land of North Rhine-Westfalia in Bonn.

The meeting was organised by the Ministry of Gender, Family and Women's Issues of North Rhine-Westfalia and included several officials from their administration. Also present were Howard Duncan and Erin Tolley of the Metropolis Project in Canada and Sandra Pratt of the European Commission. Richard and Sandra will continue to give their scientific "Brussels based" input and will, it is hoped, be joined by faculty from other Belgian universities who have promised an input into the content of the 2008 event. The conference will centre on the links between migration, development in countries of origin and integration of migrants in host countries. Although these links might not seem to be immediately obvious, there is much discussion in migration circles about the effects of what has been termed circular migration or temporary migration with return to the country of origin with new skills. The discussions will continue after the summer break to refine some of the concepts for the conference.

Both the Federal and the Land governments are anxious to turn Bonn into a centre for international debate by using the facilities vacated by the move of Federal ministries to Berlin and in this endeavour, they appear to be successful. One of the elements of their strategy is to attract major conferences such as this one, the plenary meetings of which will be held in the former building of the Bundestag.

Saying good-bye is never easy

After five years of excellent work, IES secretary **Nele Fasseel** is leaving the Institute for a job in the private sector. Nele started at the IES in 2002, shortly after the Institute's inception. She has been the face and



voice of the IES for many VUB-staff, researchers and visitors, and a stronghold for IES management. We wish her all the best with her newly born son and in her new career!

IES SRF organizes EU-CPCM Conference

On 5/6 July 2007 IES Senior Research Fellow **Eva Gross**, with the financial and logistical support of the *VolkswagenStiftung Germany*, the *Institut für europäische Politik Berlin* and the Institute for European Studies, organized a two-day conference of the EU Conflict Prevention and Crisis Management Policies (EU-CPCM) research group. During a series of workshop throughout 2006 funded by the University Association of Contemporary European Studies/UACES (taking place in London, Loughborough and Paris) EU-CPCM – which is convened by Dr. Eva Gross and Dr. Ana Juncos of Loughborough University – has brought together a group of young researchers from universities around Europe who are working on EU conflict prevention and crisis management policies from a number of perspectives. These include regional integration and state-building strategies, cross-pillar coordination, inter-state coherence, and regional case studies.



The EUCPCM Final Conference concluded the workshop series and was designed to give an opportunity for members to present their advanced research, share field experiences, confront theoretical approaches and develop synergies between their respective research agendas. The first day of the conference included two research panels: Institutionalist Approaches to EU Crisis Management (chaired by Michel Liegeois, UCL); and New Instruments in Conflict Prevention and Crisis Management (chaired by Professor Jolyon Howorth, Yale University). The conference also included interventions from established academics, policy experts and practitioners. Dr. Giovanni Grevi from the EU Institute for Security Studies in Paris presented his study on the evolving role of EU Special Representatives (EUSRs) in crisis diplomacy. An expert panel, including Professor Eric Remacle (IEE/UJLB), Rasa Oustraskaite (Council of the European Union),

and Stefan-Henrik Simosas (European Commission) that was chaired by Dr. Simon Duke (EIPA), considered the question, 'Is there a strategy in EU Conflict Prevention and Crisis Management Policies? Finally, the first day of the conference ended with a keynote speech by Dr. Antonio Missiroli (EPC) entitled 'European "foreign policy": image and contents, message and delivery' – and concluded with a happy hour and dinner for participants.

The second day of the conference started with an analysis of the achievements of the German EU Presidency in the field of Crisis Management by Mr. Karsten Geier of the Permanent Representation of Germany, and concluded –in time for lunch– with the third and final research panel 'EU Conflict Prevention and Crisis Management: How Far Does It Reach?' (chaired by Dr. Sven Biscop). A final, after-lunch discussion among EUCPCM members considered possible publication strategies for the papers presented at the conference. It was decided to convene a workshop to streamline manuscripts in October in order to be able to submit a full manuscript to publishers. And, EUCPCM members also considered ways in which the research group could continue beyond its just-completed funding (but hopefully not life) cycle.

35 years of PILC

On 26 May 2007, the *Programme on International Legal Cooperation (PILC)* celebrated its 35th anniversary with a gala dinner at the Cha-



teau S^{te}. Anne in Brussels. Over 75 students and professors representing a broad cross-



IES President (and former PILC Director) Bart De Schutter and current PILC Director Servaas van Thiel

section of PILC years flew in from across the globe to commemorate the event. The festivities began with an opening lecture by current Director **Servaas Van Thiel**, followed by an evening of dinner, dancing, and merriment.

The alumni association of the PILC (in short: APILCA) wishes to extend a special thanks to all the alumni who were able to join them at this festive event. Old friendships were



rekindled and many more new ones were formed. There was considerable enthusiasm from those in attendance to make the gala an annual event.

If you want to be kept informed about APILCA events, please email apilca@ies.be

New faces at the IES



The IES is proud to welcome French-born **Armelle Gouřitin**, who will start working at the Institute as of October 2008. Following the IES Call for Projects

2007, which was launched in the spring of this year, Armelle was selected by the IES Executive Board to start her PhD at the IES, focusing at criminal/civil liability as a means of ensuring environmental protection (promoter Serge Gutwirth).



Romanian-born **Alexandra Mihai** joined the Institute in the summer in order to strengthen the IES e-learning team. Alexandra holds an interdisci-

plinary Master in European Studies from the University of Bonn with particular focus on EU Law, economics and politics. Prior to her job at the IES, Alexandra worked at the European Training Institute in Brussels, but also held positions at the European Fair Trade Association, the Committee of the Regions and Stiftung Wissenschaft und Politik.

Feature article: "Europe's growing engagement in



Feature article by Eva Gross, IES Senior Research Fellow for European Foreign and Security Policy

On 5 and 6 July, the Research Group on European Conflict

Prevention and Crisis Management Policies held its final conference at the Fondation Universitaire in Brussels. The conference was co-organised by the Institute for European Studies through Eva Gross, Senior Research Fellow for EFSP. The Research Group brought together a dynamic team of young scholars that work in the field of EU conflict prevention and crisis management policies from a number of perspectives: regional integration and state-building strategies, cross-pillar coordination, inter-state coherence, potential negative impact and case studies in the Balkans, the Caucasus, the Middle-East or sub-Saharan Africa. Eva presented her paper on the EU's engagement in Afghanistan, of which a summary follows*:

For the past six years, Afghanistan has been a key arena in the war against terror, and for the past four has been a test case for NATO. At the same time, and certainly no less importantly, the country has posed a challenge for international actors concerned not only with post-conflict reconstruction but also economic development. Perhaps unsurprisingly, due to its policy-making structure and the lack of visibility of its policies, the EU's involvement in Afghanistan has not been the focus of analysis to date: this despite the fact that the EU has deployed several of its foreign policy instruments, including the appointment of an EU Special Representative (EUSR) and the release of substantial amount of financial development and reconstruction aid. This relative neglect on the part of analysts and academics does not mean, however, that the EU's engagement in Afghanistan has been without criticism: only recently an early observer and participant in the EU's policy towards Afghanistan has attested a lack of lessons learned by the EU on how to improve coherence and visibility.¹ But, despite or perhaps even in spite of these criticisms, EU efforts are currently expanding with an ESDP civilian crisis management operation that was launched in June 2007.

This article aims to analyse the evolving EU effort, particularly that of ESDP, in Afghanistan. It does so from three separate vantage points: first, in the context of the development

of the EU as a security provider in its own right and the conceptual implications of this development; second, the potential for pitfalls (but perhaps also opportunities) for improving international coordination; and third, what, given the challenging security environment in Afghanistan, the EU and its latest ESDP mission can realistically hope to achieve. The article concludes that increasing EU commitment can be seen as a positive and welcome step for the development of the EU as a global security actor, and of Europe 'showing the flag' in a challenging security environment – but that security conditions on the ground mean that this particular mission will pose a significant challenge to the EU both from the viewpoint of operational structures and procedures as well as the operation's impact on the ground.

EUPOL Afghanistan: attesting to the EU's growing international role

The European Security Strategy (ESS) lists state failure, terrorism and organized crime among the most serious threats facing Europe today. In light of these stated priorities, Afghanistan is a quintessential case for EU action as it meets all the key requirements for a political response. European countries have also been heavily involved on the ground both in the framework of NATO/ISAF and Operation Enduring Freedom. Improving the situation in Afghanistan is clearly of vital interest for the EU and its member states. Indeed, since the fall of the Taliban in 2001 the EU has been a key – if not always a visible or coherent – player in Afghanistan's reconstruction.

In considering the evolution of EU and ESDP commitment in Afghanistan – especially given the stated priorities in the ESS – it is worth posing the question of why ESDP was not deployed sooner, why it has come to be considered an appropriate and useful instrument, and what this might indicate that the ESDP is for. Present at the creation of international efforts in Afghanistan (overshadowed, of course, by the US-led war on terror), were substantial tensions among member states over the use of EU security instruments. Diverging views of the EU's role, individual member states' initiatives, and a lack of coordination between EU and NATO have since reinforced this fragmentation. While CFSP did have a place in member states' political considerations in formulating policies towards Afghanistan,² there was no clear conception of the place for ESDP in Afghanistan, and after the rejection of an initial suggestion for a coordinated 'EU-force' in ISAF the topic of ESDP disappeared from the public agenda. But, this rejection of a role for ESDP also reflected a bigger malaise in attitudes towards ESDP – that of not having clearly defined what ESDP was for.³

It was clearly regarded as a natural tool for crisis management in the Western Balkans and sub-Saharan Africa: but beyond these two regions the frequency and location of ESDP operations has smacked of 'ad-hocery', meaning that strategic and ideational divisions over where ESDP is to be deployed have not been resolved. From this perspective EUPOL Afghanistan fulfils a dual function – first, it can be argued that this is a case of Europeanisation in reverse, where pressures from the alliance for using EU assets lead to member states' consent to an ESDP operation;⁴ and second, that the EU is showing the political flag in Afghanistan.

EUPOL Afghanistan: building on national efforts – and missed opportunities

EUPOL Afghanistan will cover the whole of Afghanistan and will consist of some 160 police, law enforcement and justice experts that are to be deployed at central (Kabul), regional (the 5 regional police commands) and provincial (in provinces, through Provincial Reconstruction Teams) levels. Its aims are to contribute 'to the establishment of sustainable and effective civilian policing arrangements under Afghan ownership and in accordance with international standards. More particularly, the mission will monitor, mentor, advise and train at the level of the Afghan Ministry of Interior, regions and provinces'.⁵

The history of international efforts at post-conflict reconstruction, including police reform, coupled with the current political situation in Afghanistan make this a challenging operation. A joint exploratory mission took place from 10 to 21 September 2006 to assess 'the rule of law sector in Afghanistan and to identify priorities for future engagements' and noted that the EU's future engagement should 'provide added-value to the work currently ongoing, and aim to build greater coherence amongst actors rather than increasing the multiplicity of effort'.⁶ 'Coherence' and 'added value', however, are problematic terms – and it is questionable whether either will be achieved – for two reasons.

Just as the 'light footprint' approach that did not succeed at filling the security vacuum after the fall of the Taliban has been termed a 'missed opportunity',⁷ so the neglect of police reform – another missed opportunity – has also been acknowledged on the part of international actors in Afghanistan, including the US.⁸ Police reform efforts have so far been led by Germany and the ESDP operation will build on those efforts and will incorporate the German contingent already present in the country. Germany's reform strategy proceeded by a staged approach, starting in Kabul and then spreading out to the provinces. As of mid-October 2004, 2,624 personnel had been trained at the Kabul Police Academy, including 1,831 non-commissioned officers, of which 55 were female, and 752 border police.⁹ The US also put in place a program for police reform that focused on training police recruits – indicating two very different and furthermore not necessarily coordinated approaches: 27,200 police received basic police training through US-supported programmes.¹⁰ The US has also devoted substantial financial commitments to police reform, vastly outspending the EU – indicating once more the imbalance of EU versus US efforts, and the uneven degree of influence associated with this. While EUPOL Afghanistan will be working with a 500-strong US contingent¹¹ it is improbable that this effort would be subsumed, in the name of coherence, under EU coordinating efforts.



Afghanistan: what success for ESDP?"

operation and a growing profile for EU crisis management that arise out of the security situation in Afghanistan, it is not surprising that it is exactly these testing conditions that set strict parameters of what the EU can hope to accomplish on the ground. There are several key challenges contained in the current mission design: one, co-locating personnel, given the numbers involved but also the environment in which co-location is to take place, may not be sufficient. Second, it is doubtful what sort of impact the ESDP operation could have on local policing culture. And third, given public perceptions of the Afghan police, which is all too often seen as the problem rather than the solution to improving the rule of law, the ESDP operation faces an up-hill task in fostering effective policing. Challenges thus include establishing working relationships in an environment that is not likely to welcome ESDP as EUPOL Afghanistan is likely to confront vested interests; developing police reform among the Afghan community; and strengthening local ownership.

Challenges for inter-institutional cooperation

Beyond building on pre-existing different national and institutional efforts, the coordination between different institutional actors on the ground (and in Brussels) – while much needed – will be challenging. Although the co-ordination between Council and Commission appears to be working reasonably well, with an official from the Commission's Conflict Prevention Unit working with the office of the EUSR,¹² reporting has not been shared with NATO: this reinforces the information disconnect between the economic, political and security dimensions so crucial for a working security-development nexus. At present, the EU-NATO relationship on a political level is by far not as cooperative as it could be¹³ – although EU officials note that so far, engagement with NATO has been 'good' with video conferencing taking place during the planning of the mission. ISAF and NATO support will indeed be crucial given the security situation in Afghanistan: however, it remains to be seen how this cooperation will work in practice. As long as relations between the two organisations remain 'frozen' the task of coordination and cooperation will likely be left to personnel on the ground; and although this does not make the task of providing security for EUPOL Afghanistan staff impossible,¹⁴ it is hardly a long-term solution.

Assessing chance for success: conditions on the ground

Given the challenges for inter-institutional co-

operation and a growing profile for EU crisis management that arise out of the security situation in Afghanistan, it is not surprising that it is exactly these testing conditions that set strict parameters of what the EU can hope to accomplish on the ground. There are several key challenges contained in the current mission design: one, co-locating personnel, given the numbers involved but also the environment in which co-location is to take place, may not be sufficient. Second, it is doubtful what sort of impact the ESDP operation could have on local policing culture. And third, given public perceptions of the Afghan police, which is all too often seen as the problem rather than the solution to improving the rule of law, the ESDP operation faces an up-hill task in fostering effective policing. Challenges thus include establishing working relationships in an environment that is not likely to welcome ESDP as EUPOL Afghanistan is likely to confront vested interests; developing police reform among the Afghan community; and strengthening local ownership.



Challenges to the rule of law – let alone a functioning state – include security, governance, corruption, narcotics and economic development. These are interlinked and overlapping challenges facing the establishment not only of rule of law but also institution building more broadly (which also forms the overall context of this particular mission). And, one has to ask what is achievable for ESDP within but also beyond the three-year commitment for the current operation. Analysts note that President Karzai has not succeeded in gaining credibility and legitimacy among the general population and is instead dependent on the international community to enforce his acceptance – which does not significantly extend beyond Kabul. While there has been progress in building formal institutions of government, these institutions are not functioning; and 93% of the budget is financed through external sources, meaning that Afghanistan runs the risk of being permanently dependent on international aid.¹⁵ Linked to the governance and security issues is the drug trade, which has developed into a 'systemic destabilizing factor'.¹⁶ Accordingly, when discussing possibilities for Afghanistan's development, an EU official recently noted that currently Afghanistan is 'sub-Saharan Africa plus the Taliban plus drugs' and that, if in ten year's time 'the country is on par with Eastern Turkey in terms of development and Sri Lanka as far as the police/justice sector is concerned, the EU will

have been successful'.¹⁷

Conclusions

This article has tried to give an overview of possible motivations behind the launch of this latest ESDP operation and the challenges that EUPOL Afghanistan will face. Among the key challenges are coordination with other international actors; making the EU's efforts visible; and building institutions and improving the rule of law. A conceptual question, moreover, is the future trajectory of ESDP operations, particularly in civilian crisis management: EUPOL Afghanistan moves ESDP beyond the immediate neighbourhood of the Western Balkans and the declared priority area of sub-Saharan Africa towards a more challenging undertaking with different geopolitical implications. While the operation is too small to constitute a balancing move on the part of Europe in geo-strategic terms, EUPOL Afghanistan poses the question of how successfully this operation will serve to put the EU on the map as a global – rather than just a regional – security provider.

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- 1 K-P. Klaiber, 'The European Union in Afghanistan: Lessons learned', *European Foreign Affairs Review*, vol. 12, no. 1, 2007, pp. 7-11.
- 2 On member state foreign policy towards Afghanistan see E. Gross, 'Germany and European Security and Defense Cooperation: the Europeanization of national crisis management policies?', *Security Dialogue*, 2007 forthcoming.
- 3 On this point see S. Biscop, 'The Ambiguous Ambition: the Development of the EU Security Architecture', paper presented at the colloquium on 'The EC/EU: A World Security Actor?', Paris, EU Institute for Security Studies, 15 September 2006.
- 4 Although it did not lead to a large enough mission in the eyes of some, including EUSR Francesc Vendrell – indicating another instance of the capability-expectations gap that has plagued EU foreign and security policy since its inception. See 'ESDP Mission: EU Police Mission to Afghanistan Operational by 17 June', *European Report*, 31 May 2007.
- 5 European Union Factsheet, EU Police Mission in Afghanistan (EUPOL Afghanistan), May 2007
- 6 Council of the European Union, 'Report following the Joint EU Assessment Mission on the rule of law in Afghanistan between 10-21 September 2006', doc 13967/06 EXT 1, 15 January 2007.
- 7 Interview with EU official, Brussels, September 2006.
- 8 Interview with policy expert, Brussels June 2007.
- 9 UNAMA website http://www.unama-afg.org/about/_ss/Security_Sector.htm
- 10 Ibid.
- 11 'ESDP Mission: EU Police Mission to Afghanistan Operational by 17 June', *European Report*, 31 May 2007.
- 12 International Crisis Group, 'Rebuilding the Afghan State: The European Union's Role', Asia Report No. 107, 30 November 2005.
- 13 Natalia Touzovskaia, 'EU-NATO Relations: How Close to "Strategic Partnership"?', *European Security*, vol. 15, no. 3, 2006, pp. 235-58.
- 14 For instance, intelligence can be exchanged within member states, thereby by-passing the EU-NATO impasse. Interview with member state official, July 2007.
- 15 See, for instance, Citha D. Maas, 'Afghanistan: Staatsaufbau ohne Staat', *SWP-Studie*, February 2007.
- 16 Ibid.
- 17 EPC Policy Dialogue 'Establishing the rule of law in Afghanistan: challenges for the EU', Brussels, 05/06/07