Note from the Editors

Ana E. Juncos, University of Bristol, Emma J. Stewart and Richard G. Whitman, University of Bath, Editors

This issue of *CFSP Forum* focuses on EU external relations in three different parts of the world: Africa, the South Caucasus, and the Persian Gulf. While the contexts are different, all the authors argue that divergent member state interests and institutional encumbrances continue to have a deleterious impact on the forging of a coherent and effective EU foreign policy. The first article, by Alexander Mattelaer, analyses the EU's recent ESDP Chad mission. Heidi Maurer and Jost-Henrik Morgenstern turn their attention to EU relations with Azerbaijan in our second article. In our third article, Benjamin Kienzle focuses on the EU's policies in Iran and Iraq.

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ESDP Planning Machinery and the Lessons from EUFOR Chad

Alexander Mattelaer, Insitute for European Studies at the Vrije Universiteit Brussel

On the 15th of March 2009, the military bridging operation the European Union (EU) conducted in eastern Chad and the Central African Republic (CAR) – EUFOR Tchad/RCA, (EUFOR hereafter) handed over its operational responsibilities to the United Nations (UN). The drawn-out planning process of EUFOR in the course of 2007 and early 2008 provided the context for reviewing and elaborating the European Security and Defence Policy (ESDP) procedures for the planning and conduct of crisis management operations. Five months after EUFOR was launched, the rough and ready Crisis Management Procedures dating from 2003 were complemented by a set of key concepts detailing the procedural aspects of strategic planning, force generation and military command and control. At this point in time, it is therefore well warranted to evaluate the completed operation in Chad and wonder what lessons can be drawn for the fine-tuning of ESDP planning machinery.

This article, based on a longer study of the planning of the operation, takes the EUFOR

planning cycle as a basis for an analysis of the ESDP planning system.[1] It shows that the procedural machinery is well developed, yet the diverging priorities between member states lead to political bargaining that is difficult to reconcile with sound operational planning. The planning cycle of EUFOR makes clear that the EU has acquired an intricate set of planning procedures for crisis management operations that guarantee strong political oversight by the Political and Security Committee (PSC). However, it also shows that some recurring frictions persist, notably between the political and military strategic level. These range from unsound planning assumptions and muddled objectives to inefficient command and control options and a lack of synchronisation between operational planning and force generation.

The Context: Conflict Management in Chad

By mid-2007, the conflict in Darfur had become a regional crisis in terms of generating flows of refugees fleeing into eastern Chad and the north-eastern corner of the CAR, which in turn led to rising numbers of internally displaced persons (IDPs). The planning for the transition from the African Union (AU) peacekeeping operation in Darfur (AMIS) to the hybrid UN-AU operation (UNAMID) was well underway. Since 2006, however, UN planning foresaw the need for a stabilisation effort in Chad to complement any successful peacekeeping effort in Darfur. Complicating matters was the reality of different levels of conflict. Regionally speaking, Chad and Sudan were locked into a proxy war, supporting various insurgencies on each other's territory. Yet simultaneously these rebellions against the central regimes in N'Djamena and Khartoum took place in a context of domestic politics, preying upon sentiments of political exclusion.

Compounding the effects of intertwined, interstate and intrastate warfare was the omnipresence of large-scale banditry and associated lawlessness.

In this multilayered conflict context, the original UN plans called for a multidimensional UN presence in Chad. The civilian pillar would become active in the domain of civil affairs, rule of law, human rights, humanitarian liaison and public information. The police pillar would involve some 300 UN police officers tasked with training and mentoring a local police force in charge of exercising a minimum level of order in and around the refugee camps. The military pillar would provide an umbrella of relative security under which the UN and the humanitarian aid community could achieve their objectives. However, Chadian president Deby was hostile towards the idea of a UN military presence. Therefore France proposed an ESDP operation as a way of making intervention by the international community more palatable to the Chadian regime. By exploiting the trust France enjoyed as protector of the Chadian president, the military component of the overall UN design could be subcontracted to the EU while the remainder of the plan could be implemented by the UN as foreseen. EUFOR would thus deploy alongside the UN operation MINURCAT, training police forces, and the French task force Epervier, providing military assistance to the Chadian armed forces under the French national flag.

The EUFOR Planning Cycle

On 21 May 2007, the French foreign ministry formulated the proposal of an ESDP operation in Chad to its counterparts. This started the planning cycle at the political-strategic level of the Brussels institutions. The Council Secretariat and the Commission staff jointly drafted an options paper, which was published on 13 July. At the Council meeting of 23 July, the Council Secretariat was given formal planning authority, and it was subsequently tasked by the PSC to draft a Crisis Management Concept. The debate

[1] A. Mattelaer, 'The Strategic Planning of EU Military Operations – The Case of EUFOR Tchad/RCA,' *IES Working Paper 5/2008* (Brussels: Institute for European Studies), available from www.ies.be/WorkingPapers.

preceding the approval of the Crisis Management Concept on 12 September contained tough negotiations about the motivations and logic behind the proposed operation. While the operation was sold to the general public as a humanitarian operation, three different motivating factors linked up with one another in the closed debates. First, there existed a strong French desire to do something in Chad. One diplomat put it as follows: 'What we want in Chad is stability. We know Deby isn't perfect, but the rebels aren't any better. We simply wish to avoid a situation of continuous warfare affecting the broader region.'[2] Second, there was a frustration in the PSC about being powerless over the crisis in Darfur itself. The Chad option offered the opportunity to at least do something useful, albeit at the sidelines. The third factor was institutional. One year on from the EUFOR RD Congo mission, some felt it was time for a new military operation to foster the development of the ESDP as a crisis management tool. In the same context, a possible deployment of the Nordic Battlegroup to eastern Congo was debated as well. While the neutral member states insisted upon the neutrality of the proposed operation, the suspicion with regard to the French agenda never disappeared entirely. The argument some member states such as Germany put forward was that the Chadian infrastructure (airports, roads, camps etc) would be renovated with EU funds while the EU as such would not remain engaged long-term, leaving France as the main beneficiary of the investment. It must also be noted that the formal 'EU action is appropriate' decision – normally marking the transition from advance planning to crisis response planning – was never taken. Instead, the tasking for the Crisis Management Concept was retroactively interpreted as an informal consensus on the appropriateness of EU action.

Following the adoption of the Crisis Management Concept, the PSC gave planning authority to the French operational headquarters of Mont Valerien and the EU Military Committee issued a directive to the EU Military Staff for the development of military strategic options. The options directive was by and large resource-driven and defined in quantitative terms: the EU Military Staff was requested to propose broad option for an operation involving one, two or four battalions. As the EU Military Staff identified two major tasks, namely supporting the UN efforts in managing the refugee problem on the one hand and protecting the IDPs and the local population on the other, four options were proposed. These ranged from offering support to the Chadian armed forces, to a rapid reaction deployment completing both tasks simultaneously. While these options were being discussed, an informal force generation[3] conference turned into a disaster. Apart from a French offer, practically no meaningful contributions were made. Nonetheless, shortly after the UN Security Council Resolution 1778 provided a formal mandate for EUFOR and MINURCAT, the PSC adopted the ambitious third military strategic option on 4 October. On 15 October, the Council produced Joint Action 2007/677/CFSP, the legal act that formally established the operation. It described EUFOR as a military bridging operation: a mission lasting for one year from initial operating capability onwards, after which the UN would take over with a mission of its own. At this point in time, however, no concrete arrangements for the follow-up were in place, generating concern whether a timely hand-over to the UN would be possible.

As the Joint Action formally appointed operational commander Patrick Nash, the EU Military Committee could now issue the initiating military directive, shifting the main

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[2] Interview with the author, 7 December 2007, Brussels.

[3] Force generation is the negotiation process of committing national contributions to an operation, balancing military needs and political acceptability.

planning effort to the military strategic level of the operational headquarters. In terms of operational design, the strategic objective of the operation was to contribute to a safe and secure environment. All potential opponents were grouped together under the concept of 'spoilers'. Relying on its military credibility, EUFOR was intended to pursue four lines of operation. In terms of *security*, EUFOR would deter the use of force against the UN presence, refugees, IDPs and the civilian population. In terms of *logistics*, it would sustain itself and guarantee its own freedom of movement, improve transport infrastructure and contribute to the free movement of MINURCAT. Regarding *diplomacy*, it would talk to all actors involved and support mediation efforts wherever possible. *Supporting operations* would foster a greater sense of security, thereby influencing perceptions and emotions as well as improving material conditions. In terms of strategy, EUFOR would rely on a conceptual intent that can be labelled 'humanitarian deterrence': the use of a military threat to discourage spoilers from targeting the civilian population. Force commander Ganascia stated publicly: 'My mandate is clear. When these spoilers pose a military threat to the population, attack the NGOs, the MINURCAT or my men, I have to react. As long as they stay out of my way, their business is of no concern to me.'[4] In practice, this deterrence posture would be based on being seen undertaking extensive patrolling and showing what the force was capable of through joint operations.

After a lengthy and difficult force generation process, which only ended when France grudgingly agreed to provide the bulk of the essential assets, the operation was launched on 28 January 2008. Notwithstanding an unsuccessful rebel attack on the capital, which was likely triggered by the ambiguity over the French role in EUFOR, the mission reached initial operating capability on 15

March 2008. Six months into the operation, the mid-term review made clear there would be a follow-on force by expanding MINURCAT with a military component. On 15 March 2009 the handover to MINURCAT was completed and EUFOR went in to drawdown phase. Several EUFOR troop contributors simply re-hatted their troops from the EU to the UN flag, and a number of extra, non-European troop contributors joined in.

EUFOR in Retrospect

What is to be made of the experience of EUFOR? On the one hand, it can be argued that despite some dire predictions before EUFOR was launched, it was ran as a professional and fairly clean operation, notwithstanding several shooting incidents with Sudanese and rebel forces. In terms of operational design, it can be said that the strategy of humanitarian deterrence worked quite well: the robust firepower and impartiality of the mandate made for a credible force with complete freedom of action. On the other hand, the security situation did not change substantially for the better. One important factor in this regard was the fact that the police component of MINURCAT arrived in theatre substantially later than EUFOR. Consequently, the first weapon search by the UN-trained police force inside a refugee camp – precisely the type of activity EUFOR was intended to enable – materialised a mere six weeks before EUFOR's mandate officially ended. Furthermore, another rebel attack early May 2009 served to underline the fact that the root causes of conflict persist. In terms of operational design, the EUFOR lines of operation could not converge towards an end-state, as is usually the case in military planning doctrine. The end-date of 15 March 2009 thus put the burden of achieving long-term success on the shoulders of the UN. Whether one calls EUFOR a success depends therefore on one's initial expectations.

What can be said with confidence is that EUFOR provided the reference background for a further codification of ESDP planning procedures. Shortly after the EUFOR planning cycle was completed, the key planning

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[4] Quoted in N. Gros-Verheyde, 'General Ganascia: «Maintenir la Force en état opérationnel»'. *Europolitique*, April 2008, p. 12.

concepts complementing the ESDP Crisis Management Procedures were reviewed and fine-tuned, providing greater detail and clarity on the political-strategic planning process, force generation and command and control.[5] Furthermore, this procedural review also included the drafting of guidelines for joint EU-UN planning.[6] It can thus be argued that EUFOR served to consolidate the ESDP planning process as well as cementing the mechanisms for EU-UN cooperation. As a planning model, this process is characterised by strong political oversight by the PSC. In total, the PSC has to provide the political go-ahead up to six times – approving the entire string of planning documents from the Crisis Management Concept to the Operation Plan – making it a much more stringent process than NATO or UN procedures. Yet when moving from procedures to the actual content of the planning cycle, it is clear that EUFOR also highlighted a number of conceptual problems and shortfalls in the planning system.

First is the issue of planning assumptions. One of the key assumptions in the EUFOR planning cycle was that the operation would deploy alongside MINURCAT and UNAMID. As already indicated, the UN police trainers arrived with a very substantial delay and the UNAMID enhancement fizzled out. This suggests that a more cautious and realistic attitude towards planning assumptions is required: one can hope for the best but must plan for the worst. Secondly, the strategic objective of a safe and secure environment is riddled with such an amount of semantic ambiguity that it inherently fosters confusion about what the real objectives are. In EUFOR, the aim of helping IDPs to return home thus became a very contested issue. Thirdly, the replacement of the idea of an

'end-state' by an 'end-date' was already denounced in the aftermath of the EU operation in the Congo, yet the PSC ignored its own lessons-learned. It again tasked an operation not with a mission of achieving an overall goal, but rather doing something useful for a pre-specified amount of time. Furthermore, both operations were based on a strategy of deterrence, a concept that does not sit comfortably with the idea of an end-date because spoilers then simply need to pause their activities until the intervening forces return home. Fourthly, the operation's credibility was undermined on a political level in the force generation process. When it takes six force generation conferences to assemble a force of three battalions, it is clear that political will is wobbly at best. The current arrangement, whereby operational planning and force generation are concurrent but separate processes, leads to operational planning in a political vacuum and political decision-making where military-operational realities can be all too easily ignored. Fifth is the issue of multinational command and control. EUFOR showed once more that the activation of skeleton headquarters is an arduous and time-consuming process that is detrimental for continuity in the planning cycle. Furthermore, EUFOR's dependency on French communication systems led to recurring tensions over the flow of information and intelligence in particular. From an operational perspective, there is no substitute for genuine integration of command, control and communications, which ultimately comes down to trust, teamwork and cost-effectiveness.

It can be concluded that EUFOR showed that the EU was able to plan and conduct an operation that was highly challenging from a military perspective. Yet it also illustrated how the difficulty of defining strong European common interests constitutes a structural weakness in the political credibility of the ESDP. The planning procedures are well developed – the fundamental issue remains the political priorities of member states. In spite of the best efforts of military planners, the inevitable intergovernmental horse-

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[5] 'EU Concept for Military Planning at the Political and Strategic Level' (doc. 10687/08), 'EU Concept for Military Command and Control' (doc. 10688/08) and 'EU Concept for Force Generation' (doc. 10690/08), Council of the European Union, 16 June 2008.
[6] 'Guidelines for joint UN-EU planning applicable to existing UN field missions', United Nations, DPKO/DFS, 13 June 2008.

trading occurring in Brussels leads to inconsistency, inefficiency and confusion on an operational level. One can even wonder to what extent the strong political control over the planning cycle leads to micromanagement rather than genuine strategic guidance. In terms of actually managing conflict, finally, one can argue that the development of a strategy of humanitarian deterrence is conceptually sound, but nevertheless only allows for the containment rather than the resolution of conflict.◊

Accommodating Azerbaijan: EU External Assistance and a Reluctant Partner

Heidi Maurer, Maastricht University and Jost-Henrik Morgenstern, European Institute of Public Administration, Maastricht

Introduction[7]

On 23 April 2009 the European Commission published its second Progress Report on the implementation of the European Neighbourhood Policy (ENP) in 2008. Five years after setting up this policy framework to ensure security for the Union by supporting stability in its neighbouring countries, the assessment is rather mixed. The ENP is generally praised as a 'catalyst for reforms' and the Commission proudly stresses that the 'EU's toolbox for implementation of the ENP is becoming increasingly sophisticated.' The fact that many more countries are asking for an upgrading demonstrates 'the ENP's force of attraction and the positive incentives provided by a performance-based,

differentiated policy.'[8] This assessment is applicable to keen partners. However, even official progress reports admit to major difficulties in promoting reforms in more reluctant partner countries, especially in the area of human rights, good governance and the rule of law. This problem is a central theme of this article, which focuses on the case of Azerbaijan. How does the EU approach politically reluctant partners who are economically not dependent on EU financial assistance? Does the EU try to actively stimulate the reforms, or does it simply rely on its 'power of attraction'?

This article looks at Azerbaijan and EU external assistance during the shift from Technical Assistance to the CIS (TACIS) to the European Neighbourhood and Partnership Instrument (ENPI). Although generalisation for other ENP countries cannot directly be drawn from this case study, this article aims to present a first assessment of possible future challenges for the implementation of the ENP and the ENPI more specifically. This empirical analysis of EU foreign policy implementation in Azerbaijan shows what the EU actually does on the ground, how this relates to its objectives, and how rhetoric on the political level is transformed into technical action in terms of assistance.

A Single Framework to Create a Stable Neighbourhood

When the ENP was set up in 2004[9], ambitions were set quite high. A ring of friends should be created by enhanced political and economic interdependence to 'promote stability, security and sustainable development both within and without [sic]

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[7] This article draws heavily on a study prepared by Jérôme Boniface, Heidi Maurer, Jost-Henrik Morgenstern and Mara Wesseling, 'Analysis of the EU's assistance to Azerbaijan. Briefing Paper for the Foreign Affairs Committee of the European Parliament', 2008. Furthermore, the authors would like to thank Karolina Pomorska for her comments on earlier drafts.

[8] Commission Staff Working Document on 'Implementation of the European Neighbourhood Policy in 2008', COM(2009) 188/3, Brussels, 23 April 2009 and Commission Staff Working Document on 'Implementation of the European Neighbourhood Policy in 2008. Progress Report Azerbaijan', SEC (2009) 512/2, Brussels, 23 April 2009.
[9] Communication from the Commission to the Council and the European Parliament on 'Wider Europe / Neighbourhood: A new framework for relations with our Eastern and Southern Neighbours', COM (2003) 104 final, Brussels, 11 March 2003.

the EU.'[10] The idea was to create a coherent and efficient framework that would bring together different EU policies from all three pillars (i.e. to achieve horizontal coherence internally), and also ensure a certain degree of coherence in EU behaviour towards its partner countries (ensuring that all partner countries are treated in a similar way).

The latter approach was strongly criticised from the beginning by partner countries and EU member states, while being heavily defended by the Commission. The Commission's idea was to offer equal opportunities to all neighbouring countries while at the same time 'asking in return the same standards of behaviour from each of our neighbours.'[11]

The EU's Political Rhetoric Vis-à-Vis Azerbaijan

Relations between the EU and Azerbaijan were institutionalised in 1996 when Azerbaijan negotiated and signed a Partnership and Cooperation agreement as a first important step to intensify political dialogue and regular cooperation. It entered into force in 1999. Its objectives were the consolidation of democratic governance in Azerbaijan, the promotion of reforms towards a stable market economy, and the development of trade and investment relations between the parties. When the Southern Caucasus countries were incorporated into the ENP in 2004,[12] the European Commission identified the following shortcomings: 'The overriding challenge still facing Azerbaijan is the need to strengthen the rule of law, democratic checks and balances (including free and fair elections), the fight against corruption and fraud and the protection of human rights, in line with

its obligations as a member of the Council of Europe and the OSCE.'[13]

The ENP Action plan for Azerbaijan was adopted in November 2006, and further develops ten key priority areas.[14] The main political objectives are the support for peaceful conflict resolution in Nagorno-Karabakh, strengthening of democracy, and the protection of human and fundamental rights. The economic sphere was addressed through priorities aiming at improving the business climate as well as the functioning of customs; supporting a balanced economic development; and the convergence of economic legislation and administrative practices with EU rules and practice. Furthermore, strengthening energy cooperation, border management, regional cooperation, and other selected issues regarding the area of Freedom, Security and Justice were added to the list of priorities.

These observations and objectives potentially translate into far-reaching changes in the political and economic system of Azerbaijan, but need to be read in the context of Azerbaijan-EU relations. As a major producer of hydrocarbons and an energy transit country with ensuing economic benefits of high profit margins and fast growth, Azerbaijan is not as dependent on the EU as other ENP countries are. While it is generally perceived as the most reliable export and production sharing partner of the former CIS countries[15], Azerbaijan also entertains good business relations with Russia, giving it an alternative outlet for its hydrocarbons.

From these particular characteristics stem a variety of challenges in designing the EU

[10] Ibid, p. 4
[11] Ibid, p. 14
[12] Communication from the Commission on 'European Neighbourhood Policy – Strategy Paper', COM (2004) 373 final, Brussels, 12. May 2004, p. 4.

[13]Communication from the Commission to the Council on 'European Neighbourhood Policy. Recommendations for Armenia, Azerbaijan, Georgia and for Egypt and Lebanon', COM (2005) 0072 final, Brussels, 2 March 2005.
[14] EU/Azerbaijan Action Plan, see http://ec.europa.eu/world/enp/pdf/action_plans/azerbaijan_enp_ap_final_en.pdf
[15] Rudiger Aharend and William Tompson, 'Realising the oil supply potential of the CIS: The impact of institutions and policies', OECD Economics Department Working Paper, No. 484, 2006.

approach towards Azerbaijan. An observation of how EU external assistance is designed and carried out will give us insights into whether the ENP is equipped to operate in a less than optimal environment.

EU External Assistance for Azerbaijan

Funding for EU assistance to Azerbaijan shifted in 2008 from TACIS to ENPI, a unified instrument for the Neighbourhood region.[16] This shift has repeatedly been highlighted as a qualitative change in EC external assistance. The ENPI is now more similar to EU Structural Funds with multi-annual programming and addresses most of the criticisms emerging from previous TACIS evaluations: insufficient sustainability of projects and a lack of coherence and efficiency of the funding programme. Also in the ENPI regulation the principle of a differentiation is emphasised: 'Financial allocations for country and multicountry programmes reflect not only the characteristics and the management capacity of the countries concerned but also the level of ambition of the partnership of a given country with the European Union.'[17] ENPI is designed to streamline different budget lines towards a country, achieve more transparency and make EU external assistance more efficient. Nevertheless, a closer look at the EU instruments applicable to Azerbaijan illustrates that the unified nature of EU assistance is not quite as clear-cut.

The ENPI National Indicative Programme (NIP) 2007-2010 provides for funding in three priority areas. The overall amount of ENPI assistance to Azerbaijan for the period 2007-2010 amounts to EUR 92 million, which is nearly exactly divided between the following three subheadings: democratic development and good governance; socio-economic reform, fight against poverty and administrative capacity building; and legislative and economic reforms in transport, energy and environment. Under ENPI, most of the bilateral EC assistance to Azerbaijan is provided through sectoral budget support,[18] which, it is argued, allows for a more targeted programming as it augments government funds and should be combined with a sectoral policy strategy.[19] There is a wide debate in the development community about budgetary support. Its proponents argue that it increases ownership, allows priorities to be set at national level and boosts capacity in the partner administration. On the other hand, it could be argued that budgetary support is too broad to have an impact and that aid flows will fall victim of partner countries' inefficient management of funds and corruption. Budgetary support will be likely to increase delivery rates without necessarily implying increased impact on the situation of the recipient country.[20]

The emphasis on a specific sector during each year is intended to provide greater impact and sustainability of EC assistance. Furthermore, 20% of the annual ENPI assistance to Azerbaijan will be provided for Twinning and TAIEX.[21] In 2007 the prioritised objective was an 'Energy Reform Support Programme', and in 2008 the Action Plan allocated EUR 22 million in total to two priorities: EUR 16 million for support for the reform of the justice system, of which EUR

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[16] Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument. OJ L310/1-14.
[17] Ibid, Article 7, footnote 5.

[18] TACIS in contrast to MEDA, prohibited direct budget support, except for the Food Security Programme.
[19] European Commission, Guidelines No. 2, Support to Sector Programmes, Short Version, 2007.
[20] For some reflections on budgetary support effects refer to OECD, Evaluation of General Budget Support, http://www.oecd.org/document/51/0,3343,en_2157136 1_34047972_36556979_1_1_1_1,00.html

[21] Twinning is an EU instrument to support partner countries in institution building by creating a strong link between an administration in the partner country and its counterpart in one of the EU member states that often includes an exchange of staff for several months. Technical Assistance Information Exchange (TAIEX) provides access to expertise to partner countries also on a short term basis (see http://taiex.ec.europa.eu/).

14.5 million is sector budget support for the Ministry of Justice.[22] Furthermore, EUR 6 million is allocated for twinning and technical assistance for government authorities to support their efforts in the area of political dialogue and public administration reform.

In addition to the bilateral ENPI, EU projects in Azerbaijan may be funded through EU thematic instruments and programmes which are mostly still in the planning stage. In 2007 EUR 900.000 were allocated to Azerbaijan under the European Instrument for Democracy and Human Rights (EIDHR), which has also financed common projects with the Council of Europe. Another instrument applicable to Southern Caucasus countries is the Development Cooperation Instrument (DCI). In the case of Azerbaijan, its thematic programmes 'Non-state actors and local authorities' (NSA-LA) and 'Environment and Sustainable Management of Natural Resources, including Energy (ENRTP)' were prioritised in 2007. In particular the NSA-LA provided a significant amount of funding, as it allocated EUR 1 million to non-state actors in Azerbaijan. Finally, Azerbaijan is targeted by regional measures of the Instrument for Stability (IfS) to strengthen 'non proliferation of weapons of mass destruction' and the 'fight against transnational threats'.

The Consequences and Impact of the ENPI

Although Azerbaijan continues to display strong economic growth, is labelled as a 'top reformer' by the World Bank in its 'Doing Business' ranking, and has received Commission assessments that positively highlight other structural developments in the business environment, the country's

problems seem equally persistent.[23] While a national poverty reduction strategy was finally adopted, widespread poverty remains a major social problem. Corruption has been identified as one of the most serious governance issues in Azerbaijan and the Freedom House index[24] reports by far the highest levels of corruption in Southern Caucasus countries for Azerbaijan. The assessment is also worsening for nearly all major indicators of democratic governance. Thus, so far any EU impact on the major questions of corruption, democratic governance and social welfare remains minimal.

While the first ENP progress report about governance performance in 2007 was diplomatically formulated, the 2008 evaluation of the Commission is straightforward: 'Like last year, overall, there was no or limited progress in the implementation of the ENP Action Plan, particularly in the areas of political dialogue and reform.'[25] There was only limited progress in democratic governance: the presidential elections showed progress towards the OSCE commitments but nevertheless there were shortcomings. The state of human rights protection and fundamental freedoms, and particularly the freedom of the media have even deteriorated during recent years. This short assessment is not consistent with the ENP Action Plans or the priority set out in the National Indicative Programme (NIP). Reforms in economic sectors are going well, but human rights and democratic governance do not show any progress, although these areas are always

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[22] EUR 14.5 Mill of this EUR 16 Mill consist of sector budget support for the Ministry of Justice. For further details see Commission Decision C(2008)8236 of 16 December 2008 on the 'ENPI Annual Action Programme 2008 in favour of Azerbaijan to be financed under Article 19 08 01 03 of the general budget of the European Communities',
http://ec.europa.eu/europeaid/documents/aap/2008/ec_aap-2008_az_en.pdf

[23] For example, the Commission highlights advancing trade negotiations and reforms undertaken in the areas of tax and customs as well as competition.
[24] 'Nations in Transit 2008, Democratization from Central Europe to Eurasia', Freedom House, Budapest, 2008. http://www.freedomhouse.hu/index.php?option=com_content&task=view&id=196. See also Annex 5 of Jérôme Boniface, Heidi Maurer, Jost-Henrik Morgenstern and Mara Wesseling, 'Analysis of the EU's assistance to Azerbaijan. Briefing Paper for the Foreign Affairs Committee of the European Parliament', 2008.
[25] Commission Staff Working Document on 'Implementation of the European Neighbourhood Policy in 2008. Progress Report Azerbaijan', SEC (2009) 512/2, Brussels, 23 April 2009. p. 2.

highlighted as key factors demonstrating the EU's normative power. So what is going wrong with the EU's assistance to Azerbaijan?

The concrete impact of a certain actor over time in a third country is always difficult to measure. Internal events in the country (such as elections, reforms or sudden conflicts), international developments (such as financial crisis, terrorist attacks) and also other international actors (especially those exerting cross-conditionality) can hardly be separated in observing the EU's impact in Azerbaijan. However, the empirical evidence points to serious problems with EU financial assistance reaching the goals agreed in the Action Plan.

First of all, the priorities in the Action Plan do not fully coincide with the focus of cooperation. The first priority of the Action Plan is absent in the National Indicative Programme or the Annual Action Plans: no bilateral financial assistance was provided during the last years to support conflict resolution in Nagorno-Karabakh. One could argue that for conflict resolution political means rather than financial instruments are necessary, but given that it is the first priority of EU-Azerbaijan cooperation, the EU could have considered some incentives for the conflict parties. Furthermore, the EU stated repeatedly that it did not want to interfere with the OSCE's role as principal mediator of the conflict, and that it wanted to be perceived as neutrally as possible. In any case, either conflict resolution should be scrapped as the top objective, or the EU should undertake efforts to resolve the conflict. Otherwise, it creates expectations that it does not even attempt to meet (yet another example of a capabilities-expectations gap). Also regarding other priorities, a clear balance between the main areas of the NIP is missing. The NIP is divided into three main areas, similar to the priorities in the Action Plan: economic and business environment (including energy and transport), social reforms, and democratic governance issues. Although all three parts

are covered in the reform implementation, there is a clear tendency in EU-Azerbaijan cooperation to prioritise business and the economy. The government of Azerbaijan prefers to cooperate in areas that support their power manifestation and are perceived as favourable. The EU in turn sees Azerbaijan as an important alternative for gas and oil supply and is therefore very keen on reforming this part of the economy. Nevertheless, a balance with the other two areas is clearly missing. Social issues are mostly tackled through an economic perspective, and the only success so far has been to push the Azerbaijani government to formally adopt a poverty reduction strategy. The annual Action Plan of 2008 with its focus on judicial reform might bring some positive impact in terms of protection of fundamental rights, but as the adoption alone already took until December 2008, it remains to be seen if progress can be made on the ground.

Secondly, the annual amount of EU financial assistance is not large by any standard and only slow or small-scale progress is possible, particularly if the issue area is not high on the reform agenda of the Azerbaijani government as well. To focus on one priority every year therefore makes a start at better targeted assistance, especially as it is supposed to accompany a broader national sectoral reform agenda. Therefore, reforms in a particular sector can be more profound as the small amount of financial assistance is targeted towards a specific aim rather than spread out across competing areas. Nevertheless, it is not clear how the priority areas are chosen. In 2007, the focus was on energy, although in regard of the Action Plan this does not seem to be the most pressing reform needed. The selection of judicial reform support in 2008 seems more in line with the EU's aims, but there should be a clear policy of what priorities should come first. Closely linked is the fact that the Azerbaijani government picks its areas of cooperation from the action plan, but ignores others that it does not see a profit in. Keeping in mind the political rhetoric of the ENP, it is important that reforms in all

priorities are covered in the cooperation, and that the EU does not allow the partner country only to pick its favourites.

Thirdly, the overall approach of the EU, targeting predominantly government actors, is questionable. The ENPI now clearly implies that it is a financial instrument to implement the EU's cooperation with the government of a third country, in particular with regards to human rights and democratisation reforms. Thematic programmes are supposed to add to bilateral assistance, but are still in the making and provided with much less financial means. In any case, the government in question should be assessed more critically if this approach is adopted. This is not to suggest that the EU should not cooperate with governmental authorities in these areas at all, but that stronger coordination with and increased funding for the thematic programmes that directly target civil society and NGOs is needed. Bearing in mind the high energy revenues, economic reforms could be tackled by the government, with EU assistance targeted for local non-governmental actors. Of course, this approach would require yet more work on the design of the assistance instrument. Currently, there are still too many instruments applicable and too little information available to create an entry point for non-governmental actors.

Finally, apart from the debate about the usefulness of budget support, the shift to this form of assistance in a country with such a high level of corruption requires transparent and rigid evaluation mechanisms. As EC assistance has not been very strong in this regard, improvements are indispensable. Overall, the ENP Action Plan with Azerbaijan in principle tackles the right issues for reform, but in implementation the Azerbaijani government picks the issue areas that are most advantageous to its agenda, ignoring demands to improve good governance, democracy, the rule of law and the social situation of the population.

Concluding Remarks

How does the EU approach politically reluctant partners in its neighbourhood who are not dependent on EU financial assistance and not keen on political dialogue on human rights, good governance and democratic reforms? Does the EU take an active stance beyond its 'power of attraction'?

This article looked at the case of Azerbaijan and clearly showed a mismatch between EU priorities and the implementation of EU assistance. This is due to the fact that the EU mainly allocates assistance through ENPI, which works in close cooperation with the governmental authorities. In the case of a reluctant partner, the government picks its preferred areas of action according to its own agenda and ignores areas for reform that are not convenient for them. As far as the EU is aware of this weak leverage, it assesses the cooperation *per se* as an important asset that is better than no political links at all. This is also the main argument against the use of negative political conditionality within the ENP. Although the suspension of assistance due to non-compliance is formally possible within the ENPI,[26] the EU made it clear that it does not want to use this mechanism because it is not effective in maintaining links with the partner country. So far, the EU uses positive rewards by promising closer links to the EU internal market in exchange for reform. But the empirical evidence shows that this is not enough to motivate partners that neither need, nor want to be close to the EU.

Such a situation does not in fact require the use of negative political conditionality. Rather, a solid reflection and assessment is needed on strategy towards reluctant partners. The concept of differentiation should not only be used in regard to the goals towards partner countries, but also in terms of means, according to the willingness

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[26] Art. 29 of Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument. OJ L310/1-14

of the partner country. Coherence within a single ENP framework ought to mean the same treatment of similar partners and not mean using the same instruments in the same way for different situations. If two countries are reluctant in their cooperation with the EU, they should be dealt with in a similar way. However, it is not coherent and it is even less efficient to use the same instruments for all neighbouring countries without differentiating between them on the basis of their willingness to cooperate. If after reflecting on its progress with its neighbours, the EU intentionally decides that it believes in its power of attraction, it may maintain the *status quo* and hope for changes in the long term. But if there is any doubt that this power of attraction works in reality, some kind of strategy will be indispensable.

This contribution assessed EU-Azerbaijan cooperation within the ENP framework, and although this single case study does not allow generalising conclusions, the empirical findings provide a good starting point for further research. By analysing the EU's approach towards other reluctant as well as keen partners within the ENP framework, it could be assessed how much the EU really treats all its partners the same way. Does the EU have the same 'coherent' approach towards all reluctant partners, or can we observe differences? And if so, what causes these different approaches? Are there other intervening variables that might explain variation in the EU's success with its partner countries (e.g. special interests of some member states, other international actors on the ground, etc)? So far all involved actors agree that the EU needs to cooperate closely with its neighbours, not only for altruistic reasons but also for its own security concerns, but views on how to best achieve successful cooperation still differ tremendously.◊

Between Consensus and Dissonance: Explaining the EU's Iraq and Iran Policies[27]

Benjamin Kienzle, Observatory of European Foreign Policy, Spain

The similarities between the Iraq crisis and the Iranian nuclear crisis are striking: both occurred roughly around the same time (2002-2003) in the same geopolitical region (the Middle East), both concerned the same problem (alleged Weapons of Mass Destruction (WMD) programmes by non-democratic states) and both included antagonistic US policies. However, despite the similarities, European Union (EU) policies have developed very differently in the two cases: during the 2002-2003 Iraq crisis, EU policies were dominated by empty declarations based on the lowest common denominator between the EU member states, whereas in Iran, the Union has become an influential independent actor. How is it possible to explain these radically different outcomes in similar circumstances? How can the EU be in one case a fairly coherent international actor in its own right, whereas in the other a deeply divided international organization? This article argues that the answer can be found in how EU member states deal with three recurring key areas of foreign and security policy: security perception, use of means, and transatlantic relations.

Security Perception

The first key issue is how member states and their governments perceived security in the two cases. Before the 2003 invasion, Iraq became a major threat in the eyes of several EU member states. The now infamous 'September Dossier', one of the key documents that justified Britain's participation in the invasion of Iraq, saw, for example, a 'current and serious threat to the UK national interest.'[28] To a certain extent,

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[27] The article is partly based on a paper presented at the EUSA Eleventh Biennial International Conference, Los Angeles, California, 23-25 April 2009.
[28] Iraq's Weapons of Mass Destruction: The Assessment of the British Government (2002), available at http://www.fco.gov.uk/resources/en/pdf/pdf3/fco_iraqdossier

the increasing threat perception is also reflected in EU documents, thus showing how far EU member states were actually willing to compromise. While previous EU declarations and statements had already condemned in harsh words the behaviour of the Iraqi regime regarding the international inspections of its alleged WMD programmes, the last EU *démarche* before the US-led invasion of Iraq was the most hawkish statement so far: 'Time is running out. UNSCR 1441 gave Iraq a final opportunity to disarm peacefully. If it does not take this chance it will carry the responsibility for all the consequences.'[29] But this was the maximum consensus all member states could agree on. At heart, some member states, particularly Germany, did not share Britain's and other's perception of an immediate and urgent threat to national security. They believed that in spite of Saddam Hussein's delaying tactics there was still sufficient time for further multilateral inspections to determine whether Iraq was pursuing a clandestine WMD programme.

In the case of Iran, the security perception has been radically different. In general, no member state has perceived the Iranian nuclear programme as an immediate threat to national security. Consequently, security perceptions have never been pushed to the extreme as in Iraq. On the contrary, the first time the Iranian nuclear programme was mentioned in EU Council Conclusions the Union merely stated that '[t]he nature of some aspects of Iran's programme raises serious concerns'.[30] Security has been basically seen in terms of regional stability, with a special focus on the danger of a domino effect of nuclear proliferation, and in terms of the stability of the global non-proliferation order. Until 2007-2008 the EU even avoided the use of the terms 'threat' and 'WMD' in official documents on Iran. The Iran problem was presented as a matter of confidence regarding almost purely technical issues such as uranium conversion or enrichment that came up after 2002.[31] Only

since 2007, when a controversial internal EU document concluded that Iran would be able develop an atomic bomb, has the EU's interpretation of the Iranian nuclear programme become more outspoken. However, the threat-based statements are usually balanced by much more moderate views that do not focus on national or EU security.

Use of Means

How should the EU react to problems such as the alleged Iraqi and Iranian WMD programmes? The options are diverse, ranging from dialogue over negotiations, positive and negative incentives and sanctions, to military means. The obvious difference between Iraq and Iran is that in the former case some EU member states decided to participate in military actions, whereas in the latter the military option has come up only as a hypothetical possibility. In short, in Iraq the options were pushed to the extreme, i.e. invasion without a clear multilateral endorsement, thus laying bare the deep divisions that exist in the EU regarding military means, and causing the EU's division. In Iran, on the other hand, the EU's measures have remained within the limits of generally acceptable means supported by the United Nations. But why was there a military option at all in the case of Iraq but not in the case of Iran?

The short answer is path dependency, which made it much more likely that a military option came up in 2002/2003 in the case of Iraq but not Iran. Between 1990 and 2002-2003 the international community and, in particular, the EU dealt with both cases in radically different ways: whereas Iraq policies were largely confrontation-based, Iran policies were based to a large extent on dialogue and cooperation. The conflict with Iraq started with the 1990 Gulf War and the dismantling of Iraq's WMD programmes by the United Nations Special Commission (UNSCOM).[32] By 1998, the United States and the UK had concluded that Iraq was not cooperating sufficiently with UNSCOM and decided to bomb suspected WMD

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[29] *Démarche by the Presidency on Behalf of the EU Regarding Iraq*, 5963/03 (Presse 28), Brussels, 2003.
[30] General Affairs and External Relations Council, *2518th Council Meeting: External Relations*, 10369/03 (Presse 166), Luxembourg, 2003, p. 24.
[31] A senior E3 diplomat even complained that the EU has not been able to transmit sufficiently the potential danger of the Iranian programme. Interview with the author, Brussels, January 2009.

[32] UNSCOM was replaced in 1999 by the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). UNMOVIC was finally dissolved in 2007. For more information, see http://www.un.org/Depts/unscom/ and http://www.unmovic.org/.

installations in Iraq. Thus, military options had been on the table since the 1990s. However, the ensuing military measures – the 1998 Operation Dessert Fox – led to deep divisions among United Nations Security Council (UNSC) members and, even more importantly, to frictions among EU members. In other words, the disagreements about Operation Desert Fox were the prelude to the disagreements about Operation Iraqi Freedom, i.e. the 2003 invasion of Iraq. Although EU member states supported countless UNSC Resolutions against Iraq and agreed on coercive measures such as sanctions or a new UN inspection commission (UNMOVIC) after Operation Dessert Fox, unilateral military measures were clearly outside the limits of European consensus.

In Iran, the EU's policy dialogue can be traced back to the 1992 Edinburgh European Council, which established the 'critical dialogue' with Iran. The European approach differed radically from the American policy aimed at the international isolation of Iran, and the EU maintained its dialogue with Iran almost continuously. It focused largely on human rights and terrorism.[33] After the 1997 Mykonos trial[34] led to the end of the critical dialogue, the election of the reformer Khatami as President of Iran improved again EU-Iran relations, and the Union resumed its talks with Iran in 1998, now in the form of the so-called comprehensive dialogue, including discussions on WMD issues. In 2002, after the re-election of Khatami, the EU initiated a formal human rights dialogue with Iran and the negotiation of a Trade and Cooperation Agreement and a Political Dialogue Agreement. Thus, once evidence of clandestine Iranian nuclear activity appeared in August 2002, the EU had already established a 'tangled web of negotiations'[35] with Iran. It is, therefore, hardly surprising that the E3 and later the EU/E3 and EU/E3+3[36] have focused their efforts

regarding Iran's nuclear programme on dialogue and negotiations. However, given Iran's reluctant cooperation with the EU on the nuclear issue, a pure persuasion-based approach was not sustainable. Once Iran resumed uranium conversion under its new President Ahmadinejad in August 2005, a violation of the terms of the 2004 Paris Agreement between Iran and EU, the EU/E3 started to work towards the adoption of coercive measures against Iran. It managed to involve China, Russia and the United States, the three non-European permanent UNSC members, and in February 2006, the Board of Governors of the International Atomic Energy Agency finally sent the Iran case to the UNSC, opening the door for several Resolutions calling for sanctions on Iran (Resolutions 1737, 1747 and 1803). The EU has implemented slightly tighter sanctions than those of the UNSC Resolutions, thus demonstrating the EU's ability to implement coercive measures against Iran.[37] Yet, at the same time, it has maintained its willingness to negotiate. This has become known as the dual-track approach, with the EU imposing sanctions but also open for dialogue.

Transatlantic Relations

The United States had a conflict-laden relation with Iran and Iraq many years before 2002. Iraq had been a source of conflict since the 1990 Gulf War. The problems with Iran can be traced back to the 1979 Islamic Revolution and the 1979-1981 hostage crisis, when the United States cut off its diplomatic relations with Iran. When George W. Bush became President the US belligerent attitude towards the two countries intensified further. Regime change was the open aim of US policies in both countries. As the doctrine of 'pre-emptive action' showed, the United States was also prepared to use military force against both countries. From mid-2002 on, the Bush administration worked clearly towards the invasion of Iraq, whereas Iran has been regularly threatened with airstrikes against nuclear installations by US officials. However, there existed a significant difference: the US actually decided to invade Iraq, whereas it refused to

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[33] Arms control issues played only a subordinate role.
[34] In 1997, a German court ruled that the then Iranian intelligence minister ordered the assassination of Kurdish Iranian opposition leaders in the Mykonos restaurant in Berlin in 1992.
[35] Walter Posch, 'The EU and Iran: A Tangled Web of Negotiations', in W. Posch (ed.), *Iranian Challenges*, Chaillot Paper 89 (Paris: European Union Institute for Security Studies, 2006).
[36] The E3 consist of France, Germany and the UK. EU/E3+3 is used by the EU internally instead of P5 plus 1, meaning the five permanent members of the UNSC plus Germany.

[37] Sanctions include mainly travel restrictions for certain Iranian officials, financial restrictions and a ban on Iranian arms exports.

engage further with Iran.[38] Thus, the EU member states had to decide whether to follow US policies in Iraq, but not in Iran. In the case of Iran, the EU got the opportunity to pursue its own policies. As a consequence, in Iran the EU was not confronted with one of the most controversial questions in European foreign and security policy, namely if the EU should or should not follow the lead of the only remaining superpower in the world. In Iraq, this question led to deep divisions among European states.

However, the 2002-2003 Iraq crisis was ultimately not divisive because of the question of Europe's relationship with America as such, but because EU member states, in particular the 'big 3,' chose to push their Iraq policies towards opposing extremes: Germany and France openly disagreed with the United States, whereas Britain fully supported the US-led invasion. In International Relations terms, Germany and France tried to balance the United States, whereas Britain was bandwagoning. It is not clear why these countries chose to push their Iraq policies towards these two extremes – the individual leaders, Jacques Chirac, Tony Blair and Gerhard Schröder, and the US administration's heavy pressure certainly played a decisive role – but it made an EU-wide consensus impossible. This does not mean, however, that consensus would have been impossible. After all, in practical terms, the support of the invasion of Iraq was also significant from those states that opposed the war. For example, Germany allowed the coalition forces to use its airspace and military bases and met its NATO obligations. In fact, Germany's support was more important for the war efforts than that of smaller EU member or candidate states that to a lesser or larger degree openly supported the United States.

In the case of Iran, the EU and the United States were already at odds well before 2002. While Europe pursued its dialogue with Iran, the United States implemented an aggressive sanctions policy that also targeted European companies doing business in Iran. However, Iraq-style divisions between EU member states over US leadership were virtually impossible, as America refused to lead on Iran. Ironically, it was the United States that suffered from internal divisions over European leadership. For a long time, the US administration was deeply divided between the supporters of a stronger US involvement in the EU/E3 approach and those advocating unilateral military strikes against Iran. These divisions were reflected in the almost 'EU-ish' compromise formula regarding the US approach towards Iran: 'All options are on the table.'[39] Although it was at first sight shorthand for the threat of military actions, a closer look reveals that the US administration was too divided to actually decide which option it should pursue. In short, the United States was not able to implement a coherent Iran policy. Common EU-US Declarations on Iran resembled largely the moderate European positions at the time without significant American input.

In conclusion, Iran and Iraq are two paradigmatic cases of European foreign and security policy. They show how in similar circumstances the European Union can become either a powerful actor in its own right – as during the Iranian nuclear crisis – or an insignificant foreign policy dwarf – as during the 2002-2003 Iraq crisis. The key argument of this article is that in international crises the EU has to reconcile the different positions of its member states along three core themes to become active: security perception, use of means and the transatlantic relationship. As long as member states do not push radical positions in these three main themes, forceful, though still measured EU foreign policy output is likely, as in Iran. In this case, the security perceptions have been balanced between threat-based and more comprehensive security interpretations. At the same time, unilateral military action has not formed part of the options of the EU member states. The EU's measures have been a mix of persuasive means such as dialogue and coercive power, particularly in the form of sanctions. Finally, since the United States has not implemented an active Iran policy of its own, the EU and its member states have not been confronted with a possibly divisive US leadership. In the case of Iraq, however,

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[38] In 2003, Iran offered to negotiate directly with the United States. But the US administration rejected the proposal. See Tom Sauer, "Struggling on the World Scene: An Over-ambitious EU versus a Committed Iran," *European Security* 17.2-3 (2008)273-293.

[39] See B. W. Kubbig, 'Die Iran-Politik der Regierung Bush ab 2005', *HSFK-Report* 5 (Hessische Stiftung Friedens- und Konfliktforschung, 2008).

some member states pushed too far towards opposing positions in the three core themes. Whereas some presented the Iraq issue as a case of an immediate threat to national security that required swift unilateral military action under the leadership of the United States, others saw it merely as a serious concern that required further international inspections and opposed the use of force by the United States and its allies. Consequently, the EU policy during the 2002-2003 Iraq crisis led directly into a cul-de-sac.◊

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