

EUROPEAN UNION MISSIONS IN THE EASTERN PARTNERSHIP REGION

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Abstract

The European Union has long aspired for a leading role in peacekeeping operations, conflict prevention and the strengthening of international security. It actively engages in crisis management and peace building efforts to pursue security and stability, while promoting multilateralism and the respect of democratic values. To this end, the CSDP provides the Union with the operational capacity to deploy both civilian missions and military operations.

Since 2003, the EU has conducted more than 30 CSDP missions. The on-going ones in and regarding the region of the Eastern Partnership include those in Ukraine, Georgia, Moldova and Ukraine; the mission in Ukraine set up in October 2022; the mission in Armenia announced in January 2023, and the mission in Moldova established in April 2023. Meanwhile, in December 2022, the EU Council reaffirmed its commitment to strengthen civilian CSDP through a new Civilian Compact to be adopted by mid-2023.

Taking into account the most recent developments in the field, the aim of the article is to analyse the peculiarities, the legal and political aspects of EU missions in countries of the Eastern Partnership, as well as their contribution to regional/international security.

Key words: EU, Eastern Partnership, missions, security

The European Union's Common Security and Defence Policy (CSDP) has become one of its important instruments for influence in external affairs, with EU operations in fragile states being its most visible manifestations. Although, from a theoretical point of view, the CSDP is much broader in scope, a view is upheld in the specialised academic literature that, in fact, it has taken the form of military operations and civilian missions covering a wide range of activities and aiming to contribute to the security and stability of third countries – mainly in the Balkans, in the countries of the Eastern Partnership within the European Neighbourhood Policy, in the Middle East, and in Africa¹.

¹ Missiroli, A. (ed.) (2016), *The EU and the World: Players and Policies Post-Lisbon. A Handbook*, European Union Institute for Security Studies, Paris, p. 45.

The emergence and the historical development of the civilian dimension of the CSDP is the result of a number of factors – the EU's own internal efforts; the new nature of security threats following the end of the Cold War; the degree of competition and cooperation among the international community; the changed international security context, in which it is clear that most military interventions require long-term efforts to build lasting peace. A general trend may be ascertained towards increasing external demand for civilian capacity to deal with conflicts and crises². At the same time, it is argued that over the past 20 years, the civilian aspect of the CSDP has developed in the shadow of the military one, and, therefore, being likened to „Cinderella“ or the „ugly duckling“ of the CSDP³.

The process of building the European Union's military and civilian crisis management capabilities was initiated in 1999 without having a comprehensive strategic framework for the Union's external action⁴. There is also a lack of capacity in the context of the Common Foreign and Security Policy (CFSP), although the European Commission has acquired considerable experience in non-military crisis management, and Member States have engaged, individually or jointly, in civilian operations. Consequently, the first objective was to identify the available European and national resources in order to build collective civilian capabilities⁵. The initial efforts of the European Council in this regard led to the adoption of the Action Plan on non-military crisis management in Helsinki in December 1999 and to the definition, in Feira in June 2000, of four priority areas for civilian crisis management – police, strengthening the rule of law, strengthening civilian administration and civil protection. The first two still prevail when it comes to the implementation of CSDP missions, while the second two have never been of paramount importance⁶.

The end of 2003 marked the laying of the groundwork for the development of civilian crisis management capabilities⁷. It is noted in the landmark European Security Strategy of 2003 that almost any large-scale military intervention inevitably results in civil chaos⁸. The European Union is thus given the opportunity to prove its share in strengthening international security by mobilising all civilian resources in crisis and post-crisis situations⁹. The European Security Strategy contributed to defining

² Juncos, A. E. (2020), *Beyond Civilian Power? Civilian CSDP Two Decades on*. - In: Fiott, D. (ed.), *The CSDP in 2020. The EU's Legacy and Ambition in Security and Defence*, European Union Institute for Security Studies, Paris, p. 76.

³ Ibid., p. 74.

⁴ Берчев, Д. (2022), *Обща политика за сигурност и отбрана на Европейския съюз*, Велико Търново, изд. „Фабер“, с. 173.

⁵ Grevi, G., Helly, D., Keohane, D. (eds.) (2009), *European Security and Defence Policy: The First Ten Years (1999-2009)*, European Union Institute for Security Studies, Paris, pp. 98-99.

⁶ Missiroli, A. Op. cit., p. 64.

⁷ For more information regarding the civilian capability development process up to the setting of the Civilian Headline Goal 2008 in 2004, see: Nowak, A. (ed.) (2006), *Civilian crisis management: the EU way*, Chaillot Paper No. 90, European Union Institute for Security Studies, Paris.

⁸ Council of the European Union. European Security Strategy. A Secure Europe in a Better World, p. 40. < <https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf> >

⁹ Pirozzi, N. (2015), *The European Union and Civilian Crisis Management after Lisbon* - European Foreign Affairs Review, vol. 20, No. 2, p. 304.

civilian crisis management under ESDP as a core element of the EU foreign policy in general and of the EU approach to crises in particular.

Since 2004, the importance of the CSDP military component has declined in favour of civilian missions. They are less expensive and less politically controversial for the EU, especially as public opinion in most Member States becomes more and more sceptical of military interventions following Iraq and Afghanistan. The trend towards an increase in the number of civilian missions may also be explained by the EU's more comprehensive and already integrated approach to crises in third countries¹⁰. Another distinguishable trend is towards applying a holistic approach to the mandates of civilian missions – from more limited in scope police missions through rule of law missions (for example, EULEX Kosovo launched in 2008) to civilian security sector reform missions (for example, the EU Advisory Mission in Ukraine established in 2014). Such a trend may be perceived as an expression of the EU's aspiration to play a more significant role, if not for global, then for regional security. At the same time, the operational reality of the civilian dimension of CSDP over the last two decades has been characterised by more modest achievements in terms of the relatively small number of deployed personnel, the assignment of predominantly non-executive responsibilities to missions, and the short duration of certain missions¹¹.

The Global Strategy for the EU's Foreign and Security Policy, published in 2016, marked an important milestone in the development of the CSDP. While putting the emphasis on the military aspects of the policy, the Global Strategy identifies civilian missions as the „trademark“ of the CSDP¹². The integration of all crisis management structures, including those dealing with civilian and civilian-military aspects, within the new diplomatic service of the EU constitutes another change which is worth mentioning¹³. In relation to CSDP and crisis management, the structures of the European External Action Service include a separate Civilian Planning and Conduct Capability (CPCC) directorate. Furthermore, each mission works in agreement and coordination with the EU Delegations in the same area and in the framework of EU regional policies thus reinforcing the EU's presence and role on the spot.

In September 2018 z., as the next step in the process of strengthening civilian CSDP and in line with the tasking of the 2017 European Council Conclusions as well as the Council conclusions on strengthening civilian CSDP of May 2018, a Civilian Capabilities Development Plan was adopted¹⁴. On the one hand, it removes monitoring missions and the support for EU special representatives from the CSDP priority list, but, on the other hand, directs the development of the Union's civilian capabilities to a number of new areas in view of the new security challenges – organised crime, border management, terrorism and radicalisation, illegal migration, hybrid threats, cyber security and more.

¹⁰ Meyer, C. O. (2020), *CSDP Missions and Operations. In-Depth Analysis*, Policy Department for External Relations, Directorate General for External Policies of the Union, European Parliament, p. 5.

¹¹ Juncos, A. E. Op. cit., p. 78.

¹² Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the EU's Foreign and Security Policy, p. 47. <https://www.eeas.europa.eu/sites/default/files/eugs_review_web_0.pdf>

¹³ Pirozzi, N. Op. cit., p. 293.

¹⁴ Council of the European Union, Civilian Capabilities Development Plan, 11807/18, 4 September 2018.

A logical consequence of the adoption of the Civilian Capabilities Development Plan is the establishment of a Civilian Compact in the field of CSDP as a follow-up to the conclusions adopted by Member States within the Foreign Affairs configuration of the Council of the European Union in November 2018. The Compact should lead to „a more capable, more effective, and more joined up civilian CSDP“¹⁵. Adhering to the Compact, Member States committed to increasing the share of seconded personnel in civilian missions. In 2020, an increase in the number of seconded officials driven by the expansion of several missions was established¹⁶. Different scenarios for the development of the Civilian CSDP Compact have been envisaged in the scientific literature. The first option relates to its full implementation, including the implementation of all the new tasks that are mentioned but not specified in the Council's conclusions. The second option – partial implementation of the Compact in specific areas or for tasks such as training and equipment. The third scenario is a failure of the Civilian Compact, which would lead to a return to the priorities set in Santa Maria de Feira¹⁷.

The importance of the Compact as regards the civilian dimension of the CSDP has been confirmed in a subsequent strategic document of the EU, namely the Strategic Compass agreed by the Council of the European Union in March 2022 and endorsed by the European Council. According to it, the overall objective of the Civilian CSDP Compact is to contribute to the development and strengthening of the civilian missions of Union so that they can respond quickly and effectively to existing and evolving threats and challenges that undermine the executive, judicial or legislative systems in crisis areas. The specific objective – readiness to deploy a mission of 200 civilian experts within 30 days¹⁸. In December 2022, the EU Council reaffirmed its commitment to strengthen civilian CSDP through a new Civilian Compact to be adopted by mid-2023.

The establishment of EU military operations and civilian missions requires a unanimous decision of the Council of the EU under the CFSP, based on a proposal by the High Representative of the Union or on the initiative of a Member State. The missions may involve a different number of EU Member States. Once initiated, they are placed under the political control and strategic direction of the Political and Security Committee. The decisions to establish, finance, conduct and terminate such missions are influenced by a number of factors: the level of support by leading Member States, the priorities of the EU and its key institutions, the security challenges in Europe's neighbouring countries and the changes in the behaviour of the major powers in international relations (the USA, Russia and China). From a legal point of view, operations are based on a cumulation

¹⁵ Council of the European Union, Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the establishment of a Civilian CSDP Compact, 14305/18, 19 November 2018, p. 3.

¹⁶ For more information on the Civilian CSDP Compact, see: Smit, T. (2020), *Increasing Member State Contributions to EU Civilian CSDP Missions*, SIPRI Policy Brief, SIPRI, Stockholm and Smit, T. (2019), *Towards a More Capable European Union Civilian CSDP*, SIPRI Policy Brief, SIPRI, Stockholm.

¹⁷ Faleg, G. (2020), *The 'Civilian Compact'. Three Scenarios for the Future*. - In: Fiott, D. (ed.), *The CSDP in 2020. The EU's Legacy and Ambition in Security and Defence*, European Union Institute for Security Studies, Paris, pp. 144-145.

¹⁸ Council of the European Union. A Strategic Compass for Security and Defence. For a European Union that protects its citizens, values and interests and contributes to international peace and security, 7371/22, 21 March 2022, p. 16.

of a Council decision and an invitation from the host country, or of a Council decision and a UN Security Council resolution under Chapter VII of the Charter¹⁹. Thus far, no CSDP operation has been conducted without the consent of the host country.

The legal grounds for the actions of the European Union in the field of the CSDP are to be found in Article 42, Paragraph 1 of the Treaty on the European Union wherein the only reference made is to „missions“ carried out by civilian and military means. In theory and practice, a notion has been ascertained that operations are „executive“ and „military“, and missions are understood to be „non-executive“, as far as they are conducted by the Civilian Planning and Conduct Capability/Military Planning and Conduct Capability (MPCC/CPCC), but may be of military, civilian or hybrid nature²⁰. A European Union training mission, for example, is an example of a non-executive military mission. Another most recent example is EUMAM Ukraine. In this article, for the sake of convenience, the widest possible distinction is drawn between military operations and civilian missions.

In crisis management, the EU has acted in several ways: mediator of peace between the parties to a conflict; assistant to border management (Moldova/Ukraine); adviser in justice reform (Georgia); trainer of police staff; security sector reformer; security guarantor during elections; peacekeeper on the invitation of a host country (FYROM); as a regional arrangement operating under a mandate by the UN Security Council; component of an international transitional administration. The EU has never acted in the capacity of enforcer of the peace, like NATO in Kosovo in 1999, nor in defence against an armed attack on its territory²¹. In recent years, the EU has been deploying new types of missions with the purpose of implementing ceasefire agreements, strengthening aviation security and preventing and ending acts of piracy. However, they are being deployed in an increasingly conflict environment.

As far as civilian missions are concerned in particular, they may be classified according to the field of their mandate, as follows: police; capacity building; border assistance, i.e., border missions or training and control missions; strengthening the rule of law; security sector reform; monitoring, i.e., observation missions, and mixed civil-military missions²². Leaving aside EUBAM Rafah and EUMM Georgia, which were established to monitor a contested/dangerous border line between two entities, EU civilian missions are all about capacity-building and strengthening the rule of law in third states undergoing a period of instability²³. The first police mission was sent to Bosnia and Herzegovina in 2003 and the first rule-of-law mission to Georgia in 2004. EULEX Kosovo is the only mission with executive powers, and also the largest in terms of personnel.

By way of summary, a few more core characteristics of EU civilian missions will be enumerated: their geographical scope is not limited by the Treaty on the European

¹⁹ Missiroli, A., Op. cit., p. 47.

²⁰ Meyer, C. O. Op. cit., p. 4.

²¹ Van Vooren, B., Wessel, R. A. (2014), *EU External Relations Law. Text, Cases and Materials*, University Printing House, Cambridge, pp. 426-427.

²² Zajackowski, K. (2020), *CSDP Missions and Operations as Instruments of EU Crisis Management - Their Essence, Role and Determinants* - Online Journal Modelling the New Europe, No. 34, p. 11.

²³ Tardy, T. (ed.) (2017), *Recasting EU Civilian Crisis Management. Report No. 31*, European Union Institute for Security Studies, Paris, p. 12.

Union or by the European Council (however, they emphasise the role of the Union as a regional player seeking to solve problems in its immediate neighbourhood); they have a fixed mandate that they cannot exceed; they are deployed in an international environment with many other actors in crisis management at different legal, political and operational levels; they are implemented on a small or medium scale, which guarantees them a lower level of risk; they are usually relatively small in size, and serve as Member States' policy instruments and as continuation of their policies; their intergovernmental nature, coupled with the fact that they do not involve the use of military force, induces greater credibility and trust in host countries; they are funded under the budget allocated to CFSP, which makes them less controversial from a financial and political point of view; however, they are less suitable for intervening in situations of acute conflict or extreme instability.

The analysis of the development of the civilian dimension of the CSDP and the clarified, thus far, general terms in relation to the civilian missions of the EU provide the necessary basis for addressing the more specific issue of the Union missions concerning part of the Eastern Partnership countries, namely – Ukraine, Moldova, Georgia and Armenia. In the present article, these missions are tackled with a special focus due to several reasons. Firstly, the Eastern Partnership has always constituted an integral part of the European Neighbourhood Policy, and relations with the Eastern neighbours are an element of the EU's strategic vision in the area of regional security. Secondly, the geopolitical situation in the so-called „post-Soviet space“ has undergone major changes since the onset of the armed conflict in Ukraine in 2022. Thirdly, the most recent developments in relation to the building and improvement of the EU's civilian capabilities in the Eastern Partnership region may be identified as exceptionally topical, insofar as some of the missions concerning the region under consideration were established in 2022 and 2023.

As of May 2023, six missions (five civilian missions and one military mission) have been established; are currently operating, or are yet to begin operating in countries, or regarding countries, encompassed by the Eastern Partnership: the Border Control Assistance Mission to Moldova and Ukraine (**EUBAM Moldova - Ukraine**); the Monitoring Mission in Georgia (**EUMM Georgia**); the Advisory Mission for Civilian Security Sector Reform Ukraine (**EUAM Ukraine**); Partnership Mission in Moldova (**EUPM Moldova**); mission in Armenia (**EUMA**), and Military Assistance Mission in support of Ukraine (**EUMAM Ukraine**). All of them, with the exception of EUBAM Moldova - Ukraine, have been established by a CFSP decision of the Council of the European Union. Without detracting from the fact that EUBAM Moldova - Ukraine established in 2005 and EUMM Georgia set up in 2008, are the longest-lasting and still operational missions in the Eastern Partnership region, this article examines the missions launched from 2014 to date, i.e., since the deterioration of EU relations with Russia. The analysis is from the point of view of their political and legal features, as well as their importance for regional international security.

The European Union's increased activity in the region under consideration is substantiated in its Strategic Compass of 2022 stating that Russia is actively seeking to establish spheres of influence through the armed interventions in Georgia and Ukraine, including the illegal annexation of Crimea and the military intervention in Eastern

Ukraine in 2014, through de facto control of Belarus, and through the continued presence of Russian troops in prolonged conflicts, including in the Republic of Moldova. It is clearly indicated that: „in the eastern neighbourhood, while Ukraine is being directly attacked by the Russian armed forces, also the Republic of Moldova, Georgia and other countries in the South Caucasus are continuously facing strategic intimidations, direct threats to their sovereignty and territorial integrity and are trapped in protracted conflicts“²⁴, and that: „we will boost our cooperation in the area of security and defence with a view to strengthening the resilience of our Eastern partners“²⁵.

Russia – the EU’s largest and, from a military standpoint, most powerful neighbour – has already provoked the Union to implement a technocratic programme of institutional and economic reforms in Eastern Partnership countries. However, it does not envisage effective reform of the security sector with a special emphasis put on defence and intelligence. The EU Advisory Mission on sustainable reform of the civilian security sector in Ukraine was established by Council Decision 2014/486/CFSP of 22 July 2014²⁶ and deployed in December 2014 to advise state authorities on issues pertaining to security, police, judiciary, prosecution, anti-corruption and human rights of person, and to assist them through strategic advice and hands-on support. Since 2022, the mission has been rendering law enforcement support in relation to refugees from Ukraine to neighbouring Member States and the delivery of humanitarian aid to Ukraine. EUAM Ukraine, which was defined, in 2015, by researchers as „token“, serves as more of an indication of weakness rather than of determination on the part of the Union against the background of the strong Russian political and military influence in the Eastern part of the country²⁷.

The lesson was learned in 2022 when the EUMAM Ukraine military mission began. It was established by Council Decision (CFSP) 2022/1968 of 17 October 2022²⁸ as a manifestation of the EU’s steadfast position that it resolutely condemns Russia’s military aggression against Ukraine. Its initial two-year mandate includes individual and collective, including specialised, training of Ukraine’s Armed Forces personnel, as well as training of the Territorial Defence Forces of Ukraine, but without having executive functions. Third countries may be invited to participate in the mission – a practice since the time of the military operation „Concordia“ in FYROM in 2003, where to 14 third countries contributed, including Bulgaria. A peculiar feature of EUMAM Ukraine is that, unless the Council of the EU decides otherwise, it shall operate on the territory of Member States, the latter running contrary to the provision of Article 42, Paragraph 1 of the Treaty on the European Union stipulating that missions are to be carried out outside the Union, but testifying at the same time to the sui generis nature of the EU, including from the point of view of its civil missions.

The momentum gathered by the European Union to act even more actively in the Eastern Partnership region, in order to fulfil its partnership commitments and, above

²⁴ A Strategic Compass for Security and Defence. Op. cit., p. 9.

²⁵ Ibid., p. 42.

²⁶ OJ L 217, 23.7.2014.

²⁷ Blockmans, S., Faleg, G. (2015), *More Union in European Defence. Report of a CEPS Task Force*, Centre for European Policies Studies, Brussels, pp. 8-9.

²⁸ OJ L 270/18.10.2022.

all, to confirm its role in strengthening security there, has revealed itself in 2023 in the establishment of the mission in Armenia²⁹ and the one in Moldova³⁰. EUM Armenia constitutes a civilian EU mission under the Common Security and Defence Policy with a two-year mandate, and, as a crisis management operation, it has a unified chain of command. EUMA was launched on 20 February 2023 when its Operation Plan (OPLAN) was approved³¹. It has the strategic objective of reducing the number of incidents in the conflict-affected and border areas of Armenia by monitoring through routine patrolling and reporting on the situation. In this way, the mission will contribute to the building of trust between Armenia and Azerbaijan, to the normalisation of their relations on the ground and even to the achievement of a possible peace agreement between them. The foreign policy ambition of the Union, which, up to mid-2023, could not boast of a contribution to the resolution of the conflict in Nagorno-Karabakh, is impressive. The deployment of EUMA in the next two years will allow conclusions to be drawn as regards the alignment between ambition and reality, rhetoric and practice. This should be coupled with the fact that the Prime Minister of Armenia and the President of Azerbaijan are one step closer to a comprehensive peace agreement, as they agreed, on 14 May 2023, thanks to the mediation of the EU, to a longer-term negotiation plan. Within the framework of the second meeting of the European Political Community, held on 1 June 2023 in Moldova, they discussed topics, among which border delimitation and conclusion of a peace treaty, and the European Union, represented by the President of the European Council Charles Michel, declared once again its readiness to contribute to the normalisation of the relations.

The Partnership Mission in Moldova was established by a decision of the EU Council of 24 April 2023. Launching its activities depends on the achievement of initial operational readiness and is subject to a subsequent decision by the Council. It is also a civilian mission with a two-year mandate and, as a crisis management operation, has a unified chain of command. EUPM Moldova comes as a result of the European Council conclusions of June 2022 that the future of the Republic of Moldova lies within the European Union and of granting it, along with Ukraine, the status of a candidate country. The mission's mandate is to contribute to increasing the resilience of the security sector in the areas of crisis management and hybrid threats, cyber security and countering attempts at foreign interference and information manipulation. The Union is adamant that it will provide the necessary support to Moldova to deal with the multifaceted impact of Russia's war against Ukraine, especially in terms of energy security³².

In the current security environment, if the civilian aspects of CSDP are properly developed and used, this policy component is capable of turning into a major and even strategic tool of the EU³³ allowing the Union to stand out by its own security identity,

²⁹ Council Decision (CFSP) 2023/162 of 23 January 2023 on a European Union mission in Armenia (EUMA), OJ L 22/24.1.2023.

³⁰ Council Decision (CFSP) 2023/855 of 24 April 2023 on a European Union Partnership Mission in Moldova (EUPM Moldova), OJ L 110/25.4.2023.

³¹ Council Decision (CFSP) 2023/386 of 20 February 2023 launching the European Union Mission in Armenia (EUMA) and amending Decision (CFSP) 2023/162, OJ L 53, 21.2.2023

³² European Council meeting - Conclusions, EUCO 34/22, 15 December 2022, p. 3. <<https://www.consilium.europa.eu/media/60872/2022-12-15-euco-conclusions-en.pdf>>

³³ Missiroli, A. Op. cit., p. 61.

as well as to reaffirm its values in line with its self-identification as a „soft“ or „normative“ power³⁴. The EU is certainly not a typical player in strengthening international security.

The European Union has succeeded in building a strong legal and institutional framework for the Common Security and Defence Policy. However, its ability to act autonomously is still hampered by the lack of sufficient resources to conduct operations and by the lack of a common political will that exceeds simple rhetoric. On the one hand, EU missions are indicative of its ever-growing foreign policy ambitions. On the other hand, there is not sufficiently realistic balance between the level of ambition and the resources available thereto. As the EU does not have the capacity to deal with large-scale crises, it can conduct small and medium-sized operations, or act at the beginning/end of a large-scale operation. Close cooperation with NATO is inevitable. The EU and NATO offer two potentially competitive approaches to European security, which, however, can be compatible and complementary. This is clearly seen as regards the EU's civilian and crisis management missions abroad³⁵. The question remains whether, generally speaking, the Union has fully achieved the initial goals set back in 1999, or whether it continues to respond ad hoc and to refine its political and strategic „talking“.

However, in the case of the most recent missions launched in 2022 and 2023 in Ukraine and Moldova (already enjoying the status of candidate countries), it is a matter of prior concern for the European Union's own security. In addition, including from the viewpoint of the civilian aspects of the CSDP, the EU indirectly demonstrates to Russia its own importance in the field of regional security. The new mission in Armenia, for its part, can be perceived as an attempt by the European Union to restore and strengthen its influence in this country after the failure of the process of signing an association agreement. At the same time, the establishment of EUM Armenia fully fits in the context of the entry into force, on 1 March 2021, of the EU – Armenia Comprehensive and Enhanced Partnership Agreement and of the developments in 2023.

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³⁴ Juncos, A. E. Op. cit., p. 81.

³⁵ Берчев, Д. Op. cit., 291-292.

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