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Instytut Zachodni
1944-2014

Institute
for Western Affairs
in Poznań

PRZEGLĄD ZACHODNI

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Europe's Future

Continuing the discussion on the new balance of power in the world, we propose to reflect on the changing position and role of Europe and on prospects for further European integration.

Discussions and disputes concerning the vision and future model of Europe have been carried for years. Evaluations and forecasts offered have been both pessimistic and full of optimism.

Europe's future will depend on its capability to respond to a multitude of already diagnosed and hardly predictable developments as well as on finding new strategic solutions acceptable to most Europeans.

Will Europe meet the expectations? Will it maintain its role in the rapidly changing world? Is it able to ensure a peaceful and prosperous life to millions of people and not be indifferent to what happens elsewhere? What should the role of the European Union be? What future is ahead of this great civilisational, economic and political project? Questions, efforts to find solutions, concerns and hopes multiply.

In this volume, authors focus on selected and important problems concentrating, *inter alia*, on the second institutional reform of the EU in the context of the report of the Reflection Group on the Future of Europe, the draft Constitution for Europe, Common Security and Defence Policy and EU internal security issues.

Transatlantic relations are also analysed. It is highlighted that Europe is no longer a priority for the US and that expectations about the EU being a US partner taking more responsibility for its own security increase. An attempt to consolidate the North Atlantic Alliance by dividing tasks and responsibilities anew, is an example of the above.

Authors also point to the decreasing intensity and scope of transatlantic economic cooperation and to an increasing involvement of both of the US and the EU in the Pacific region, in China in particular. They suggest that strengthening EU relations with Russia and Turkey and creating new alliances in Europe, could help the EU to restore its role of a global player.

Topics discussed also include EU involvement in solving regional crises (illustrated with the example of Libya), an assessment of the EU's position on unrecognised states, characteristics of anarchist movements in Europe at the beginning of the 21st century, and eurojargon, i.e. a rich 'terminology' which has emerged within the European Union institutions over fifty years of their operation (official meetings, numerous documents and regulations) and contributes to assigning to the EU project the status of a separate being in the linguistic dimension.

On the basis of conducted studies, searches and attempts to answer a wide variety of questions, all authors conclude that only a strong united Europe can meet new challenges of the 21st century.

Europe needs a common effort to counter effects of various crises and transform the world architecture from the model of Western domination to a world dominated (?!) by Asia, and ensure security and prosperity of Europeans at the same time.

"Przegląd Zachodni" [Western Review] 2014, No. I is the English edition of the Polish academic quarterly "Przegląd Zachodni" 2013, No. 1. The quarterly has been published by the Institute for Western Affairs since 1945.

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THE EUROPEAN UNION DEBATE
ON THE SECOND INSTITUTIONAL REFORM (2011-2012)

In this paper, the ongoing political debate in the European Union on the chances of introducing the second institutional reform of the EU is reviewed. The debate began in October 2011 in Germany. The aim of the new reform would be to complement changes in the European Union's structure introduced under the Treaty of Lisbon of 13 December 2007.[1] In the first part of the paper, positions of most important states, representatives of which have actively participated in the debate or taken part in the work of the Reflection Group on the Future of Europe are presented. In the second part, views of EU institutions, in particular of the European Commission and the European Council on the proposed reform are reviewed.

MEMBER STATES

Germany

The debate on the need to carry out the second institutional reform of the European Union, including its transformation into a political union, was initiated in Germany by Minister of Finance Wolfgang Schäuble. On 3 October 2011, in his article titled *The response to the crisis is more Europe* published in "Die Welt", he argued for radical institutional changes in the EU as an international organisation. The first change was to consist in the communitisation of fiscal policies of the euro area Member States. Next, EU institutions were to be strengthened. Finally, a politi-

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[1] The debate devoted to the first reform in the European Union started in 1996. Stages of the reform were determined by four intergovernmental conferences (1996-1997, 2000, 2003-2004, 2007) and two European Conventions (1999-2000, 2002-2003). Its outcomes were: the Treaty of Amsterdam of 2 October 1997, the Charter of Fundamental Rights of 7 December 2000, the Treaty of Nice of 26 February 2001, the Constitutional Treaty of 29 October 2004 (which did not enter into force), as well as the Treaty of Lisbon of 13 December 2007. Cf. J.J. Węc (2012), *Spór o kształt ustrojowy Wspólnot Europejskich i Unii Europejskiej w latach 1950-2010. Między ideą ponadnarodowości a współpracą międzyrządową,* Cracow, pp. 251-384 and idem (2011), *Traktat Lizboński. Polityczne aspekty reformy ustrojowej Unii Europejskiej w latach 2007-2009,* Cracow, pp. 51-299.

cal union was to be created. According to Schäuble, without an institutional reform, the EU would lose its ability to act. The establishment of a political union would not, however, be tantamount to the creation of a superstate (*Superstaat*). It would be a new form of cooperation between Member States in the area of governance. Nation states would continue to be indispensable entities reinforcing their residents' national identity in the age of globalisation but their authority would be significantly limited for the sake of the political union[2].

On 14-15 November 2011, the 24th Federal Congress of the CDU in Leipzig adopted a resolution on European policy titled *Strong Europe – good future for Germany*. It constituted a very significant support for Chancellor Angela Merkel in her efforts to overcome the debt crisis in the euro area, in particular in her dispute on possible solutions with President of France Nicolas Sarkozy. In its resolution, the CDU called for a new institutional reform of the EU and considered it a remedy for the crisis.

The first stage of the reform was to radically strengthen the Economic and Monetary Union by enlarging competences the European Central Bank (ECB) which, however, was never to buy bonds of indebted euro area Member States ('eurobonds'); separation of monetary policy and fiscal policy; introduction of a tax on financial transactions in the EU or at least in the euro area; and introduction of national laws and regulations establishing a debt brake (on Germany's example) to prevent over-indebtedness first in the euro area countries and then in other EU Member States. The second stage would then consist in "completing" the process of creating the Economic and Monetary Union by introducing new mechanisms automatically imposing sanctions on Member States breaching the Stability and Growth Pact, inclusion of provisions of the Pact into the EU Treaty law subjecting the Pact to the jurisdiction of the Court of Justice of the European Union, and adoption of a new three-phase procedure for preventing breaches of the Pact's provisions by euro area Member States. In the end, the European Stability Mechanism (ESM) was to be transformed into the European Monetary Fund. At the third stage of the reform, envisaged to take place someday in the future, the European Union would be transformed into a political union. Such a transformation would follow from a revision of Treaties conducted by

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[2] W. Schäuble, *Die Antwort auf die Krise ist ein Mehr an Europa*, „Die Welt" 3.10.2011, http://www.welt.de/, p. 1. *Schäuble sieht in "mehr Europa" die Lösung der Krise*, "Die Welt" 1.10.2011, http://www.welt.de/, p. 1. Schäuble repeated his reflections on the political union in his speech delivered in Frankfurt am Main on the occasion of German Unity Day, cf. *Schäuble wirbt verstärkt für Mehr-Europa-Plan,* "Die Welt" 2.10.2011, http://www.welt.de, p. 1. In the EU, the discussion on changes in Treaties started already in mid-2011. One of first contributions was Valery Giscard d'Estaing's proposal of 1 July 2011, to create – within the European Union – a Congress of Nations, which would be an assembly composed of members of the European Parliament and national parliaments which would deal with key challenges facing the EU. However, Schäuble was the first to propose such radical institutional changes as a transformation of the EU into a political union, and his proposition brought an entirely new dynamism to the discussion. For more on the proposition of the former President of France, cf. *Giscard: Europe needs a people's congress,* EurActiv 1 July 2011, p. 1.

a new European Convention. The planned reform would cover, above all, the European Commission, the European Parliament and the Council of the European Union. The CDU proposed that President of the European Commission would be elected directly by all EU citizens. Other Commissioners would be appointed according to currently binding regulations. The party was in favour of establishing a second parliamentary chamber which would be the Council of the European Union. Both chambers would have the right to legislative initiative, which would weaken the authority of the European Commission and thus the Community method. It would also be necessary to redesign the apportionment of seats in the European Parliament to reflect "more strongly (*stärker*) than ever" the demographic potential of EU Member States. Furthermore, the CDU argued that, in the future, within the political union framework, a so-called defence union (*Verteidigungsunion*) should be created and manage the "European Armed Force". Despite declarations of political will to preserve the legal and systemic coherence of the EU, the CDU did not exclude further advancement of the integration process in line with enhanced cooperation principles and, consequently, the creation of a "two-speed" European Union. That could not, however, lead to a division of the EU into two parts.[3]

The FDP coalition party also reoriented its European policy. At its 62nd Federal Congress in Rostock (13-15 May 2011), it adopted a resolution titled *Europe is the future of Germany*, in which it opted for future transformation of the EU into a "federalised Europe free of any centralism"[4]. Further deepening of the debt crisis in the euro area made the FDP adopt a new resolution containing farther-reaching postulates the following year. The new resolution titled *Responsibility for freedom* was approved by the 63rd FDP Federal Congress held on 22 April 2012 in Karlsruhe. Liberals opted for transforming the EU into a political union, strengthening the EU Common Security and Defence Policy, and creating the European Armed Force (without prejudice to the position of NATO in Europe). Eventually, in an undefined future, the political union could transform into a uniform "European federal state" (*europäischer Bundesstaat*).[5]

In addition to the CDU and the FDP, two opposition parties, i.e. Alliance '90/The Greens and the SPD, reoriented their programmes in the European policy area. Thus, on 25-27 November 2011, the 33rd Federal Delegates Conference of the Alliance '90/The Greens held in Cologne adopted two relevant resolutions. The Greens demanded the "completion" of the Economic and Monetary Union creation consisting

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[3] 24. Bundesparteitag der CDU am 14.-15. November 2011 in Leipzig. Beschluss. *Starkes Europa-gute Zukunft für Deutschland.* Antrag des Bundesvorstandes der CDU, http://www.cdu.de/, pp. 1-24. Cf. also Bundesvorstand der CDU Deutschlands. Anträge an den 25. Parteitag am 4./5. Dezember 2012 in Hannover. *Starkes Deutschland. Chancen für Alle!,* http://www.cdu.de/, pp. 28-30.

[4] 62. Ordentlicher Bundesparteitag der FDP am 13.-15. Mai 2011 in Rostock. Beschlüsse. *Europa ist Deutschlands Zukunft,* www.fdp.de, pp. 1-4.

[5] 63. Ordentlicher Bundesparteitag der FDP am 22. April 2012 in Karlsruhe. Beschlüsse. *Verantwortung für die Freiheit. Karlsruher Freiheitsthesen der FDP für eine offene Bürgergesellschaft,* www.fdp.de, pp. 96-98.

in the establishment of an economic union and a fiscal union within its framework.[6]
The Federal Congress of the SPD, held on 4-6 December 2011 in Berlin, also ad-
opted a resolution recommending a reorientation of Germany's European policy. In
their resolution, Social Democrats were for, *inter alia*, a fast establishment of a fiscal
union by euro area countries and a future transformation of the European Union into
a political union.[7]

The CSU and the Left opposed the changes proposed by the above-mentioned
political parties. President of the CSU Horst Seehofer not only "categorically op-
posed a further transfer of competences (of Member States) to Brussels", but also
declared that Bavaria would never enter "the road leading to the United States of
Europe". Minister of the Interior Hans-Peter Friedrich (CSU) stated that the idea to
establish a political union was but another attempt to increase "European centralism"
in the present European Union while fighting the euro area debt crisis. Bundestag
CSU deputy Georg Nüßlein argued that the increasing Euroscepticism in the EU
cannot be overcome by means of further attempts to deprive national parliaments
elected by nations and governments of Member States of their competences.[8] As
for the Left, it only argued for replacing current Treaties with a European constitu-
tion accepted by all Member States in referenda. The constitution was to comprise
proposals of a radical revision of provisions related to the Common Foreign and
Security Policy and policies on freedom, security and justice.[9]

Chancellor Merkel joined the debate only after the adoption of the new resolu-
tion on European policy by the 24th Federal Congress of the CDU in Leipzig. On 23
November 2011, during the Bundestag debate on the draft budget for the year 2012,
she delivered her first direct response to Schäuble's speech. The Chancellor agreed
with the necessity to introduce changes to EU Treaties consisting in inclusion of
the Stability and Growth Pact provisions into the Union's primary law. According
to her, it would be but "the first step towards the establishment of a fiscal union" as
"a political structure (*eines politischen Gebäudes*)", where some policies so far in
the competence of Member States would be harmonised.[10]

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[6] 33. Ordentliche Bundesdelegiertenkonferenz am 25.-27. November 2011 in Kiel. Beschlüsse. Die
Zukunft ist Europa, www.gruene.de, pp. 1-10. 33. Ordentliche Bundesdelegiertenkonferenzam 25.-27.
November 2011 in Kiel. Beschlüsse. *Europa gewinnt zusammen – oder verliert,* http://www.gruene.de,
pp. 1-8. Cf. also Sonder-Länderrat am 24. Juni 2012 in Berlin. Beschlüsse. *Mehr Mut zu Europa*, http://
www.gruene.de, pp. 1-18.

[7] Ordentlicher Bundesparteitag der SPD am 4.-6. Dezember 2011 in Berlin. Beschlüsse. *NeuerFort-
schrift für ein starkes Europa,* http://www.spd.de, pp. 109-118.

[8] *Schäuble sieht in „mehr Europa" die Lösung der Krise,* „Die Welt" 1.10.2011, http://www.welt.de/,
p. 1: *Schäubles Forderung nach „mehr Europa" spaltet Union,* „Westdeutsche Zeitung" 2.10.2011, p. 1.

[9] *Programm der Partei DIE LINKE. Beschluss des Parteitages der Partei DIE LINKE vom 21. bis
23. Oktober 2011 in Erfurt, bestätigt durch einen Mitgliederentscheid im Dezember 2011*, http://www.
linke.de/, pp. 66-68.

[10] Deutscher Bundestag. Verhandlungen des Deutschen Bundestages. Stenographische Berichte, 17.
Wahlperiode, 142. Sitzung am 23. November 2011, http://dip21.bundestag.de/, p. 16916.

On 7 February 2012, in her a speech on European policy given to students at the BELA Foundation, Merkel presented her vision of the political union in more detail. She proposed that it was a uniform international organisation with very strong institutions. The European Commission should be transformed into a real "European government" with new competences which, so far, were of governments of Member States. Powers of the European Parliament would also be broadened, while the Council of the European Union composed of Heads of State or Government would become the second (upper) parliamentary chamber. Merkel admitted that the idea to create a political union, which was abandoned during the Intergovernmental Conference held in 1990-1991, would arouse much controversy in Member States but its implementation was necessary to strengthen the EU's global position.[11]

Merkel repeated her views on the political union in her speech on 3 April 2012 at the Charles University in Prague.[12] On 7 June 2012, in an interview for the ARD television, she called for a "work plan" (*Arbeitsplanes*) to create such an international organisation. A new element was Merkel's suggestion to introduce the proposed changes according to enhanced cooperation principles, i.e. in line with the resolution adopted by the 24th CDU Federal Congress of November 2011. The Chancellor argued that the European Union of two speeds, of which some people were so afraid, was long time a reality as exemplified by the Schengen area and the euro area.[13]

On 4 June 2012, former German Minister of Foreign Affairs Joschka Fischer, in his article published in "Süddeutsche Zeitung", strongly criticised methods used by the CDU/CSU/FDP coalition government to fight the euro area debt crisis. He accused the federal government that it tries "to put out (fire) using kerosene instead of water, and fuels the fire by Merkel's policy of forced savings. That is why the financial crisis in the euro area over three years was transformed into a true existential crisis." He judged a dissolution of the euro area to be unthinkable as it would threaten the existence of the EU and its common market, which, in turn, would lead to an outbreak of a new global economic crisis of an unprecedented scale. In order to prevent disintegration of the euro area, Germany and France should persuade the Eurogroup to "dare to build a fiscal union, and political union". In his opinion, Germany had to opt for a fiscal union "to ensure the survival of the euro area with its economic power and assets" while France should consent for the creation of a European political union with joint management and joint parliamentary scrutiny in the euro area. In order to prevent the depression in the eurozone and to create premises

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[11] Rede von Bundeskanzlerin Angela Merkel bei einer Vortrags- und Diskussionsveranstaltung der BELA-Foundation am 7. Februar 2012 in Berlin, http:/www. bundeskanzlerin. de, p. 5.

[12] Rede von Bundeskanzlerin Angela Merkel bei der Diskussionsveranstaltung "Die künftige Gestalt Europas" an der juristischen Fakultät der Karls-Universität am 3. April 2012 in Prag, http:/www. bundeskanzlerin.de, pp. 1-6.

[13] *Merkel für Europa der zwei Geschwindigkeiten.* Interview mit Bundeskanzlerin Angela Merkel im ARD-Morgenmagazin am 7. Juni 2012, http://cities.eurip.com/, p. 1; *Plan prac nad utworzeniem unii politycznej już na czerwcowym szczycie Unii Europejskiej?,* EurActiv 8.06.2012, p. 1.

for economic growth, it would also be necessary to take three actions: first, the ECB should be granted an unrestricted right to buy bonds of indebted euro area Member States; second, debts should be Europeanised by means of eurobonds; third, programmes promoting economic growth should be introduced.[14]

On 26 August 2012, "Der Spiegel" weekly unexpectedly informed that Chancellor Merkel was to demand setting the time for a new European Convention at the meeting of the European Council in December 2012, and that her advisor for European affairs Nikolaus Meyer-Landrut already carried informal negotiations in Brussels.[15] As soon as on the next day, Angela Merkel denied the above. However, there was no doubt that the federal government did much to persuade both EU institutions and governments of EU Member States that the second institutional reform of the European Union was needed.[16]

Poland

On 28 November 2011, Polish Minister of Foreign Affairs Radosław Sikorski delivered a speech titled *Poland and the Future of the European Union* at the German Council on Foreign Relations in Berlin. Sikorski's speech was informal and did not present the official position of the Polish government. It was, however, approved by Prime Minister Donald Tusk.[17] President Bronisław Komorowski was also notified, although as late as on the day of Sikorski's speech.[18]

Radosław Sikorski's speech was a contribution to the debate on solving the debt crisis in the euro area before a very important meeting of the European Council held on 8-9 December 2011 in Brussels and included proposals of changes to Treaties and in the Union's structure-com-system, recognising that their introduction could not be immediate. In his address, Sikorski presented a thesis that the best way to recover from the current debt crisis in the euro area was to deepen European integration.[19] Otherwise, the eurozone could face a risk of breakup which could shake its single market foundations. Furthermore, the Polish Foreign Minister said that the EU faced a choice of whether to be "a proper federation, or not"[20].

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[14] J. Fischer, *Europa steht in Flammen,* "Süddeutsche Zeitung" 4.06.2012, http://www.sueddeutsche.de/, pp. 1-2.

[15] "*Der Spiegel": Merkel domaga się szybko nowego traktatu UE,* PAP, 26.08.2012, p. 1.

[16] *Merkel chce dyskusji o ściślejszej współpracy w UE,* PAP, 27.08.2012, p. 1.

[17] *Polska prezydencja proponuje wzmocnienie Unii Europejskiej,* EurActiv 2.12.2011, p. 1.

[18] Cf. speech of Paweł Graś at a press conference held on 1 December 2011 *Wciąż wrze po wystąpieniu Sikorskiego – nowe fakty,* PAP, 1.12.2011, (wiadomosci.wp.pl), pp. 1-2.

[19] The thesis was not entirely new as similar words were used on 6 July 2011 by Prime Minister Donald Tusk in his presentation of the programme of the Polish Presidency to the European Parliament, cf. *Premier w Parlamencie Europejskim*: *Europa potrzebuje więcej solidarności*, Press Centre of the Chancellery of the Prime Minister, 6 July 2011, http://www.premier.gov.pl/centrum_prasowe, p. 1.

[20] Radosław Sikorski, *Poland and the Future of the European Union*, Berlin, 28 November 2011*,* http://www.mfa.gov.pl/resource/33ce6061-ec12-4da1-a145-01e2995c6302:JCR, p.5

The first stage of new institutional changes in the EU aiming to transform it into a political union was, according to the Polish Foreign Minister, the six-pack which foresaw radical tightening of fiscal policy principles in euro area countries and strengthening economic convergence of EU Member States. In the opinion of Radosław Sikorski, it would be necessary to introduce further instruments reinforcing financial discipline in the euro area and in the EU. Therefore, the European Commission and the Eurogroup should be granted the right to carefully examine *ex ante* "all major economic reform plans" which might impact the euro zone. They could impose "sanctions on countries failing to effect policy recommendations". The European Commission, the European Council and the Court of Justice of the European Union should be empowered "to enforce" financial discipline, i.e. the 3% ceiling on deficit and 60% ceiling on public debt. Access to financial means from rescue funds would only be granted to states abiding by "macro fiscal rules". The European Commission should get "powers to intervene" in policies of countries which could not "fulfil their obligations". Countries subject to the excessive-deficit procedure would have to present their national budgets for approval by the European Commission. As for countries "persistently violating" convergence criteria, they would have their voting rights suspended.[21] The basic condition for the above corrective changes in the euro area was to maintain coherence between the Euro area and the EU as a whole. One of the guarantees for maintaining the coherence would be to grant countries outside the euro area the right to participate (but not to vote) in meetings of Heads of State or Government and meetings of Finance Ministers of the euro area countries. Another guarantee would be to sustain the "central" position of "Community" institutions in the EU.[22]

The next stage of systemic changes in the European Union was to be a reform of its institutional architecture consisting primarily in considerable strengthening of supranational institutions, in particular the European Commission, the European Parliament and the European Central Bank. Too increase effectiveness of the European Commission, the number of its members was to be decreased to at most twelve persons. Moreover, Member States could rotate to have their commissioner, and candidates for commissioners were to be genuine personalities.[23].

According to Sikorski, the reform of the European Parliament should consist mainly in an introduction of a pan-European list of candidates elected by universal direct suffrage. However, only some seats in the Parliament would be elected from the list, while the rest of members would be elected according to currently applicable rules. The position of the Parliament should also be strengthened as far as excessive-deficit and multilateral supervision procedures were concerned. In order to increase effectiveness of the Parliament, it should have its seat in a single location. Changes related to the functioning of the ECB would, in turn, consist in expanding its supra-

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[21] *Ibidem*, p. 6.
[22] *Ibidem*, p. 5 and 7.
[23] *Ibidem*, p. 6.

national powers. It should become a "proper central bank, a lender of last resort that underpins the credibility to the entire Euro zone. The ECB needs to act soon, in anticipation of irreversible legal enactments."[24] A merger of the posts of the President of the European Council and the President of the European Commission would be the crowning of modifications introduced into the institutional system.[25]

In Sikorski's opinion, along with strengthening supranational EU institutions, EU Member States should be granted lasting prerogatives in the area of national identity, religion, public morals and certain aspects of tax policy.[26]

In his Berlin speech, Sikorski called on the German government to help the euro area to "survive and prosper" for the sake of the entire Europe, and to lead the process of new institutional reforms in the EU. He recognised Germany's role in fighting the debt crisis in the euro area indispensable as Germany had the largest economy in the European Union, was the biggest beneficiary of European integration and, for historical reasons, borne "a special responsibility" for preserving peace and democracy in Europe.[27] According to Sikorski, Germany's inaction, as far as the combat against the debt crisis and the process of institutional changes in the European Union were concerned, could turn out to be a much greater threat to the EU than Germany's economic or political power.[28]

Sikorski's address was very well received by European commentators though there were also some critical opinions. It was commented with particular enthusiasm in Germany. The speech of the Polish Minister of Foreign Affairs – consulted with the federal government – turned out to be a significant political support for Chancellor Merkel in her dispute on ways of overcoming the debt crisis in the euro area with President of France Nicolas Sarkozy.[29] In fact, Sikorski opted for the German vision of combating the crisis. Similarly to the federal government, he highlighted the necessity to preserve coherence between the euro area and the European Union. What is more, he proposed to introduce instruments aimed to strengthen financial discipline in the euro area and in the European Union elaborated on the model of German instruments.[30]

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[24] *Ibidem*.

[25] *Ibidem*.

[26] *Ibidem.*

[27] *Ibidem*, p. 9.

[28] *Ibidem*, pp. 9-10.

[29] More on this issue in e.g. B. Koszel (2012), *Niemiecko-francuskie przywództwo w Unii Europejskiej w okresie rządów kanclerz Angeli Merkel,* „Przegląd Zachodni" No. 2, p. 139.

[30] Chancellor Merkel was also in favour of the European Commission's supervision over draft budgets of Member States, and even of vetoing the drafts in case of their non-compliance with the determined financial framework. Moreover, she called for an introduction to the Treaty law the provisions allowing for bringing countries that breach the financial discipline to the Court of Justice of the European Union. President Sarkozy opposed to those proposals, arguing that the control over Member States' budgets should not be exercised by Eurocrats but by the European Council. What is more, he demanded – contrarily to Angela Merkel's stance – the ECB should be granted the right to issue Eurobonds, cf. *Waży się przyszłość Unii Europejskiej. Propozycje zmian traktatowych w Paryżu i Brukseli,* PAP, 5.12.2011, p. 1.

German daily "Die Welt" assessed Sikorski's speech as "great" and a passionate call for a significant deepening of the European integration. "Frankfurter Allgemeine Zeitung" daily informed that Sikorski's address confirmed that expectations towards Germany were considerable in the EU and that referred to fighting the crisis in the euro area and striving to protect the European project against further misfortunes. According to "The Economist" weekly, Sikorski's speech proved that significant changes were introduced to Poland's foreign policy which stopped to be but a "needy recipient of Western largesse" and became an advocate of significant changes in the process of European integration.[31] In turn, the *EUobserver* portal (Brussels) evaluated Radosław Sikorski's words as "remarkable for their candour. While there has been much muttering in other capitals about what Germany should or should not be doing, Poland is the first to come right out and say it aloud"[32].

In Poland, opinions about Sikorski's speech were divided. Prime Minister Tusk strongly supported the Minister of Foreign Affairs declaring that the orientation and main theses of Radosław Sikorski's speech were not only approved by him but were outcomes of his government's long work. In his view, a significant strengthening of the position of the European Commission and the ECB in the economic and budgetary management process in the Economic and Monetary Union became indispensable. The European Commission should, in that respect, be subject to a democratic control by the European Parliament. Moreover, as far as actions aimed to create an economic and budgetary management system within the Economic and Monetary Union were concerned, the participate not vote principle should apply. It meant that EU Member States which were not in the euro area should be able to participate in all the work and meetings concerning the eurozone and agree that voting should be entrusted to Members of the euro area only. According to the Prime Minister, the EU could not remain inactive and allow for a disintegration of the euro area, as in such a situation all Poland's achievements in the field of economy could also be squandered. "Our country, like other European countries, depends on what happens within the euro area. That is the reason why Poland will make efforts to save the common currency." [33]

While assessing Sikorski's speech, government spokesman Paweł Graś stated that it was a continuation of "our concept, our European idea, according to which we need more Europe, more solidarity and more European unity in the fight against the crisis [...]. Judging only from reactions to the speech in Europe and the world, it is clear that it was a relevant and valuable contribution to the debate, although it was not decisive nor conclusive in any way. [...]. At any time, in any place, both the Prime Minister and his Ministers are ready to debate the future of the EU and the role and position of Poland in the EU." [34]

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[31] *Świat chwali Sikorskiego: ważny, pełen pasji apel,* IAR, 30.11.2011, p. 1.

[32] *Ibidem.*

[33] *Polska prezydencja proponuje wzmocnienie Unii Europejskiej,* EurActiv 2.12.2011, p. 1.

[34] *Wciąż wrze po wystąpieniu Sikorskiego – nowe fakty,* PAP, 1.12.2011, (wiadomosci.wp.pl), pp. 1-2.

President Komorowski assessed Sikorski's speech as "significant", comprising "very important points" and "proposals for further discussions". On the other hand, the President suggested that, in the future, it would be better if similar speeches were preceded by a "debate within the country" to "avoid emotions". The Polish vision of the European integration and the future of Europe needed to be debated by "centres of state power and, above all, be a subject of a discussion addressed to the Polish public opinion".[35]

Deputy Prime Minister and Minister of Economy Waldemar Pawlak viewed Sikorski's speech as a "good stimulus for serious talks on the future of the EU".[36] Krzysztof Kwiatkowski MP from the Civic Platform (*Platforma Obywatelska*) and former Minister of Justice, said that the head of Polish diplomacy, "in his speech in Berlin, presented the Polish point of view consistent with our national interest".[37] Chairman of the Stefan Batory Foundation Aleksander Smolar assessed Sikorski's speech as "excellent" and "the most important speech of the Polish Presidency", and "the first very important Polish contribution to the European debate regarding the future of the European Union".[38]

In contrast, the largest opposition party, Law and Justice (*Prawo i Sprawiedliwość*), evaluated Sikorski's speech very critically. Its President Jarosław Kaczyński said that the Polish Minister of Foreign Affairs "presented theses significantly limiting Poland's sovereignty". He even demanded that Sikorski was brought before the Tribunal of State. In turn, Joachim Brudziński (Law and Justice), who is known for his rough language, said that "we have learned" from Sikorski's speech "that the guarantee of Polish security is, today, the return to the Fourth Reich and hegemony of Berlin and Germany. [...] Radosław Sikorski should just pack his bags, go back to Washington and devote himself to writing memoirs. Then, he would do considerably less harm to Polish politics."[39]

In January 2012, during the debate entitled *Confronting Europe and the crisis* (*Wobec Europy i kryzysu*), Minister of Foreign Affairs Radosław Sikorski upheld main theses of his Berlin speech. He again pronounced himself in favour of radical institutional changes in the EU which were necessary since the EU had become "unsteerable"[40]. Seven months later, Sikorski partially reviewed his own stand regarding the institutional reform of the EU. On 28 August 2012, as a guest of honour at a meeting of German ambassadors at the German Federal Foreign Office, he declared that the EU should firstly solve its current problems resulting from the debt

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[35] *Burza po słowach Sikorskiego. Reakcja prezydenta,* PAP, 30.11.2011, onet.pl/, p. 1.

[36] "Sikorski's speech was not governmental. But I am surprised with reactions in Poland", Pawlak in TOK FM radio, http://rn.wiadomosci.gazeta.pl/, p. 1.

[37] *Burza po słowach Sikorskiego...*, p. 1.

[38] *Ibidem.*

[39] *Ibidem.*

[40] *Sikorski o sytuacji w UE: „to co konieczne, stało się niemożliwe",* EurActiv 11.01.2012, p. 1.

crisis in the euro area and only after a favourable social climate was created thanks to ending the crisis, should the EU begin to amend the Treaties.[41]

Other Member States of the European Union

Stands of politicians from other Member States concerning the institutional reform of the EU were divergent. Some shared the opinion of German and, in some measure, also Polish politicians that changes in the structure of the entire EU consisting, *inter alia*, in transforming the EU into a political union would constitute a remedy for the crisis. Others argued that the debt crisis should be overcome by changes in the structure of the euro area only.

The idea to establish a political union was supported by Belgian Minister of Foreign Affairs Didier Reynders. On 9 August 2012, in his commentary titled *Slowly but surely on the path towards a federal European Union*, he opted for the transformation of the EU into a federation with a budget bigger than the present one, with the European Commission as "a real government in charge of European governance", and with a Ministry of Finance issuing Eurobonds. In order to reinforce the European Union's effectiveness, the one country – one Commissioner rule should be abandoned and the number of Commissioners should be reduced. It would also be necessary to create the second parliamentary chamber, which should be constituted by the Council of the European Union functioning as the Chamber of States. Federalisation of the European Union would not be tantamount – according to Reynders – to its centralisation, as the position of nation states and regions would be protected by the principle of subsidiarity.[42]

Institutional changes in the EU proposed by Germany and Poland were treated with caution by French politicians, especially after the election of François Hollande for the President of the country. On 22 June 2012, during a press conference organised after a meeting of the leaders of the four largest euro area countries, i.e. Angela Merkel (Germany), François Hollande (France), Mario Monti (Italy) and Mariano Rajoy (Spain), the French President declared that France would not agree for a political union "without solidarity". A couple of days later, French Minister of European Affairs Bernard Cazeneuve clarified Hollande's position by saying that the political union could not be a prerequisite for urgent anti-crisis measures as such an approach carried a risk that there would be "no political union and no measures".[43] Some German and Polish propositions were also opposed by Austrian

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[41] *Sikorski w Berlinie: najpierw aktualne problemy, potem zmiana traktatów,* EurActiv 28.08.2012, p. 1.

[42] *Belgia za federalizacją Unii Europejskiej*, EurActiv 9.08.2012, p. 1.

[43] *Mini-szczyt w Rzymie za wspieraniem wzrostu gospodarczego,* 22.06.2012, http://pl.euro-news.com/, p. 1. *Francja nie chce oddać suwerenności budżetowej,* PAP, 26.06.2012, p. 1. *Kryzys zadłużeniowy*: *Unia polityczna – łatwiej powiedzieć niż zrobić,* Presseurop 8.06.2012, http://www.presseurop.eu/pl/, p. 1

politicians. Already in April 2012, during deliberations of the Reflection Group on the Future of Europe, Austrian Minister of Foreign Affairs Michael Spindelegger opposed to the idea of creating the office of EU superpresident in result of a merger of the posts of President of the European Commission and President of the European Council. He argued that the merger would mean a fusion of decision-making powers of the two institutions[44] and lead to a considerable weakening of the Community method.

Report of the Reflection Group on the Future of Europe

The Reflection Group on the Future of Europe was established in March 2012 on the initiative of German Minister of Foreign Affairs Guido Westerwelle. It was composed of Ministers of Foreign Affairs of eleven EU Member States: Germany, France, Belgium, Netherlands, Luxembourg, Poland, Austria, Denmark, Italy, Spain and Portugal. The Group met five times in the period from March to September 2012 in order to discuss, *inter alia*, changes to the institutional system, democratic life, economic governance and EU foreign policy, as well as the role of the EU in global politics. At its fifth meeting, on 17 September 2012, in Warsaw, the Reflection Group delivered its final report.[45]

It was the first document prepared in the course of the debate under discussion and two issues were clearly and explicitly separated there: changes in the structure of the euro area necessary to overcome the debt crisis (first part of the report) and institutional changes of the entire EU to strengthen its the position at the international arena due to challenges resulting from globalisation (second part of the report). All signatories of the report emphasised that it was necessary to determine "the right course of action to take" and keep a balance by combining elements which can be implemented immediately and a long-term vision of a stronger Europe.[46]

The need to carry out an institutional reform within the Economic and Monetary Union, in accordance with the guidelines included in the first report of President of the European Council Herman Van Rompuy of June 2012 presented below, was recognised to be an absolute priority and, at the same time, a short-term objective. Like Herman Van Rompuy, members of the Reflection Group demanded: 1) development of mechanisms for supervision of banks of EU Member States, obligatory for euro area countries and non-obligatory for other EU Member States (integrated

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[44] *Austria przeciw ustanowieniu funkcji superprezydenta UE,* EUObserver.com, 23.04.2012, p. 1.

[45] K. Błaszkiewicz, *UE będzie miała superprezydenta?*, http://www.uniaeuropejska.org/, 24.04.2012, p. 1. *Austria przeciw ustanowieniu funkcji superprezydenta UE,* EUObserver.com, 23.04.2012, p. 1. *Grupa refleksyjna debatowała o przyszłości UE,* EurActiv 23.07.2012, p. 1. *Spotkanie Grupy ds. Przyszłości Unii Europejskiej,* 20.07.2012, http://www.msz.gov.pl, p. 1.

[46] *Final Report of the Reflection Group on the Future of the European Union by Ministers of Foreign Affairs of Austria, Denmark, France, Spain, the Netherlands, Luxembourg, Germany, Poland, Portugal and Italy,* Warsaw, 17 September 2012, http://www.msz.gov.pl/pl, p. 1.

financial framework); 2) creation of an authority which would supervise budgets of Member States (although without a precise definition of its powers) fully respect-ing the responsibility of States for the design of national budgets and communitisa-tion of insolvency risk due to sovereign debt (some Ministers) (integrated budgetary framework); 3) coordination of economic policies of euro area countries (integrated economic policy framework); and 4) legitimisation of all institutional changes to the Economic and Monetary Union by extending competences the European Parliament and national Parliaments.[47]

In their report, the Ministers of Foreign Affairs made propositions of Van Rom-puy more precise or opted for somewhat different institutional solutions for the Eco-nomic and Monetary Union than those suggested by the President of the European Council. They proposed to transform the European Stability Mechanism into a Eu-ropean Monetary System (integrated financial framework) in the future.[48] They de-manded that the role of the Commissioner for Economic and Financial Affairs was strengthened in the European Commission (integrated budgetary framework). They called for coordinating economic policies of Member States by the enhanced coop-eration procedure (in particular in the scope of labour markets and sustainability of pension systems), and to make voluntary commitments in the Euro-Plus Pact binding (integrated economic policy framework). Finally, they also opted for a precise deter-mination of new competences of the European Parliament (e.g. engaging the EP in the European Semester procedure, issues related to the Euro-Plus Pact and indebted countries using funds from a budget of the euro area) and national parliaments (giv-ing consent for any actions undertaken at the EU level and concerning competences of Member States [e.g. national budget]), as well as for the establishment of a com-mon permanent committee composed of representatives of the European Parliament and national parliaments to deal with economic and fiscal policies within the frame-work of the Economic and Monetary Union.[49]

After the reform of the Economic and Monetary Union is completed and the debt crisis in the euro area is overcome, the aim of the EU would be its second compre-hensive institutional reform. Some steps should be taken – maybe even in a short-term perspective – within the existing Treaties, while others should be long-term and include a revision of the Treaties conducted by the European Convention and at intergovernmental conferences. The second institutional reform should increase coherence of the Union's external action and improve the decision-making process in that domain, tighten the cooperation and increase the effectiveness of the EU in relations with its strategic partners, strengthen other EU policies, in particular energy policy and policies related to freedom, security and justice, as well as change the EU

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[47] *Ibidem,* pp. 3-5. The notions of "integrated financial framework", "integrated budgetary frame-work" and "integrated economic policy framework" are explained below while analysing of the first report of Herman Van Rompuy.

[48] Like the CDU in its resolution of November 2011 on European policy.

[49] *Final Report of the Reflection Group...,* pp. 3-5.

institutional system, reinforce the EU's axiology, and improve long-term management of the European Union.

In order to increase coherence in the Union's external action, it was judged necessary to design a comprehensive and integrated approach towards all aspects of the EU's role in the international arena. In particular, however, it would be necessary to strengthen the European External Action Service (preferably already in 2013 while reviewing the decision of 26 July 2010 on its establishment)[50] and the position of the High Representative of the Union in particular domains of the external action, to prepare clear principles of cooperation between the said Representative and other Commissioners, to improve the functioning of the Foreign Affairs Council, to increase the frequency of Gymnich meetings of Ministers of Foreign Affairs, to consolidate the Common Security and Defence Policy by means of permanent structured cooperation, and to enlarge the catalogue of its objectives beyond the pooling and sharing initiative[51]. Furthermore, the High Representative of the Union, together with Member States' governments, should undertake necessary initiatives aimed at strengthening cooperation and increasing the effectiveness of the European Union in its relations with strategic partners. In a long-term perspective, in the area of Common Foreign and Security Policy the procedure of making decisions by qualified majority should be applied more extensively, new actions in the field of defence industry should be undertaken (e.g. the creation of a common market of armament projects), and a common representation of the EU in international organisations should be created.[52]

The energy policy could be strengthened by establishing a common energy market based on the Union's energy infrastructure, improving energy efficiency and having defined common external energy relations with the international environment. The primary objective of the reform of policies related to freedom, security and justice should be to establish a European border service, while the medium-term objective should consist in introducing a "European visa".[53]

Changes in the institutional system of the EU were to consist, above all, in increasing the efficiency and legitimisation of activities of its institutions, especially of the European Commission, European Parliament and the Council of the European Union. The European Commission would still play the key role of the engine of the Community method, but its internal organisational structure should be improved (hierarchical clusters of two-level Commissioners should be created), while in the mid-term perspective, the "issue of the number of Commissioners" should be

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[50] *Council decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service, Official Journal of the European Union,* L, 2010, No. 30, p. 32.

[51] More on the pooling and sharing initiative concerning NATO and the European Union, cf. e.g. J.J. Węc (2012), *Pierwsza polska prezydencja w Unii Europejskiej. Uwarunkowania – Procesy decyzyjne – Osiągnięcia i niepowodzenia,* Cracow, p. 114.

[52] *Final Report of the Reflection Group...*, pp. 6-7.

[53] *Ibidem*, p. 7.

addressed. Changes in the European Parliament would include the establishment of a European electoral list (in addition to national lists), organisation of elections on the same day in all Member States, enhancement of the procedure for appointing the President of the European Commission by the Parliament, as well as consolidation of European political parties which should act for the sake of a genuine "European political space". What is more, the position of national parliaments in the EU should be reinforced by tightening their cooperation within the COSAC framework, collaboration of all national parliamentary committees working on the same European dossier, as well as participation of Members of the European Parliament in strategic European debates conducted in national parliaments. As for the reform of the Council of the European Union, it should consist in an improvement of its cooperation with the European Council, especially on the preparation of the European Council's meetings by the General Affairs Council, in collaboration with other configurations of the Council. In the mid-term perspective, the number of permanent Presidents of particular configurations of the Council of the European Union should be increased, and a balance should be found between permanent and rotating Presidents. There is no doubt that it would be tantamount to further weakening the Presidency of the European Union after the changes introduced under the Treaty of Lisbon. Moreover, some of the Reflection Group members opted for the merger of the posts of President of the European Council and President the European Commission.[54]

Axiology of the EU would be consolidated by establishment of a new simpler mechanism for monitoring the observance of the Union's values by Member States. In the event of a breach of EU values stipulated in Article 2 of the TEU, the European Commission would produce an appropriate report and prepare recommendation for the country in breach or pass the case to the Council of the European Union.[55]

In order to improve long-term management of the EU, the Reflection Group opted for an introduction of changes into the Treaty revision procedure. Both the adoption and subsequent entrance into force of amendments to Treaties (except for the accession of new states to the European Union) should be decided on by a super-qualified majority of Member States and the population of the Union which represents them. Changes in Treaties would be biding only for those Member States which ratify them. In a long-term perspective, the EU management system could be improved by changes in its system of separation of powers. According to some members of the Reflection Group, such modifications could consist, *inter alia*, in introducing direct elections of the President of the European Commission who would independently appoint members of his "European government", in granting the right to initiate legislation to the European Parliament and establishing the second parliamentary chamber composed of representatives of Member States.[56]

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[54] *Ibidem*, pp. 7-8.
[55] *Ibidem*, p. 8.
[56] *Ibidem*, pp. 8-9.

INSTITUTIONS OF THE EUROPEAN UNION

First report of Herman Van Rompuy

The debate on institutional changes in the EU entered into a new phase after Herman Van Rompuy presented the report titled *Towards a Genuine Economic and Monetary Union* at the meeting of the European Council held on 28-29 June 2012. The report was prepared in close cooperation with President of the European Commission José Manuel Barroso, President of the European Central Bank Mario Draghi and President of the Eurogroup Jean-Claude Juncker. Although it does not mention the need to establish a political union, it contains calls for a radical strengthening of the Economic and Monetary Union over the next decade by designing integrated financial, budgetary and economic policy frameworks. All institutional reforms in the Economic and Monetary Union would be legitimised by an appropriate extension of powers of EU institutions and national parliaments.[57]

An integrated financial framework would include single banking supervision at EU and national levels, a common deposit insurance and a European resolution scheme to orderly wind down non-viable banks. Pursuant to Article 127(6) TFEU, possibilities to authorise the ECB to supervise euro area banks should be considered. "The deposit insurance scheme and the resolution fund" could be supervised by a "common resolution authority" which could be the European Stability Mechanism.[58]

An integrated budgetary framework should be based on the Stability and Growth Pact, Fiscal Pact and a fiscal union. "Upper limits on the annual budget balance and on government debt levels of individual Member States [of the euro area] could be agreed in common." The issuance of government debt "beyond the level agreed in common would have to be justified and receive prior approval". In a mid-term perspective, a possibility of common debt issuance should be taken into consideration, while in the long-term perspective, the creation of a fully-fledged fiscal union should be considered, with a treasury office or maybe even with a central budget related to national budgets.[59]

An integrated economic policy framework would imply coordination and convergence of economic policies of euro area Member States aimed at preventing imbalances and providing the EU with the capability to compete in the globalised world economy. The integrated economic policy framework would constitute "an essential counterpart to the financial and fiscal frameworks".[60]

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[57]   European Council, *Report of President of the European Council Herman Van Rompuy. Towards a genuine Economic and Monetary Union.* Press release, Brussels, 26.06.2012, EUCO 120/12, p. 3.

[58]   *Ibidem*, pp. 4-5.

[59]   *Ibidem*, pp. 5-6.

[60]   *Ibidem*, p. 6.

Since every decision to limit competences related to budgetary policy concerns one of most crucial attributes of Member States' sovereignty, making financial, budgetary and economic policy decisions in an integrated manner within the Economic and Monetary Union would require necessary legitimisation. It could be achieved e.g. by expanding the range of competences granted to EU institutions (especially the European Parliament) in the areas under reform, as well as by close involvement of national parliaments in making decisions on e.g. limiting Member States' powers in the area of budgetary policy. While undertaking the above mentioned actions, principles of cooperation between the European Parliament and national parliaments determined in the provisions of Protocol No. 1 to the Treaty of Lisbon concerning the role of national parliaments in the EU could be followed.[61]

In his report, Herman Van Rompuy offered also to elaborate – together with José Manuel Barroso, Mario Draghi and Jean-Claude Juncker – a detailed action plan (scheme) aimed at the establishment of "the genuine Economic and Monetary Union".[62] The European Council approved Van Rompuy's report and obliged him to prepare such a plan in close cooperation with the above-mentioned Presidents and after consulting governments of Member States and the European Parliament. A progress report was to be presented by the four Presidents in October 2012 and the final report in December 2012.[63]

European Central Bank Programme

On 6 September 2012, the Governing Council of the ECB announced, despite the opposition of Bundesbank president Jens Weidmann, the implementation of its Outright Monetary Transactions (OMT) programme. According to the programme, the ECB would be able to purchase government bonds of euro area Member States without limitations (i.e. time limits or restrictions regarding the scale of operations). The purchase of bonds would be, however, subject to three essential conditions: firstly, it should take place in the secondary market (e.g. commercial banks or investment funds) an not in the primary market (auctions organised by States) since the Treaty law forbids the ECB to finance States in such a manner; secondly, it should refer to short-term debt securities, the duration (maturity) of which would range from one to three years; thirdly, before the ECB would be able to undertake any action, the European Financial Stabilisation Mechanism (EFSM) would have to start buying bonds in the primary market or, in the future, the European Stability Mechanism (ESM) would do so. For the third and, at the same time, the most important condition to be met, euro area countries interested in financial help would first have

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[61] *Ibidem,* p. 7. More on the inter-parliamentary cooperation and the role of national parliaments in the legislative process in the European Union in e.g. J.J. Węc, *Traktat Lizboński...,* pp. 214-226.

[62] European Council, *Report of President of the European Council Herman Van Rompuy...,* p. 7.

[63] *The European Council meeting on 28ᵗʰ-29ᵗʰ June 2012. Conclusions,* Brussels, 28-29.06.2012, EUCO 76/12, p. 3

to carry out very rigorous corrective reforms monitored by the so-called troika, i.e. the European Commission, the ECB and the International Monetary Fund. The ECB could purchase bonds of States which already received support from the EFSM and those applying for support from EFSM or ESM.[64]

Blueprint of the European Commission

On 12 September 2012, in his State of the Union Address to the European Parliament, President of the European Commission José Manuel Barroso called for a public debate on the new institutional reform of the EU and for it to accompany the 2014 direct elections to the European Parliament. Such a debate should lead to a European Convention which would prepare a new amending Treaty. Its aim should be to transform the EU into a "federation of nation states". José Manuel Barroso appealed to all European political parties to present their candidate for the post of President of the European Commission already at the time of European Parliament elections in 2014.[65]

Following the conclusions of the European Council adopted at the Council's meeting held on 18-19 October 2012[66], on 28 November 2012, the European Commission released *A blueprint for a deep and genuine economic and monetary union (EMU): Launching a European debate*[67]. It was a three-stage agenda of institutional changes in the Economic and Monetary Union and the euro area, part of which could be implemented under the currently applicable Treaties, and part after their revision resulting in an attribution of new competences to the EU.[68]

In the short-term (within 6 to 18 months), the focus should be on the implementation of reforms determined in the European Semester and in the "six-pack", and on the adoption of the "two-pack" (integrated budgetary framework); an agreement on a Single Supervisory Mechanism and, subsequently, a Single Resolution Mechanism should be created (integrated financial framework); a mechanism for *ex ante*

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[64] *EBC podjął decyzję w sprawie wprowadzenia programu skupu obligacji – Draghi,* PAP, 6.09.2012, p. 1. T. Prasek, L. Baj, *Twarde warunki skupu obligacji przez EBC*, 7.09.2012*,* http://wybor-cza.biz/, p. 1. L. Baj, *EBC na ratunek strefie euro,* 9.09.2012*,* http://wyborcza.biz/, pp. 1-2. A. Mitraszewska, *Czy ratunek dla euro nie przyszedł za późno?*, 10.09.2012*,* http://wybor-cza.biz/, p. 1. More on the interpretation of the ECB decision concerning the purchase of bonds in e.g. K. Kozłowska, *W sprawie OMT zderzają się poglądy krajów północy i krajów południa*, http://www.obserwatorfinan-sowy.pl/, pp. 1-2.

[65] *Europejska federacja?,* EurActiv 12.09.2012, p. 1; *Barroso wzywa do federacji narodowych państw w Europie,* PAP, 12.09.2012, p. 1. In June 2012, Luxembourgian Commissioner for Justice Viviane Reding pronounced herself in favour of the establishment of a European federation, cf. *Przyszedł czas na Federację Europejską,* "Gazeta Wyborcza" 28.06.2012, p. 1.

[66] *The European Council meeting on 18ᵗʰ-19ᵗʰ June 2012. Conclusions*, Brussels,19.10.2012, EUCO 156/12, p. 6.

[67] European Commission, *A blueprint for a deep and genuine economic and monetary union (EMU): Launching a European debate. Press release,* Brussels, 28.11.2012, IP/12/1272, pp. 1-3.

[68] *Ibidem*, pp. 1, 3.

coordination of major reforms of the economic policy should be established, including an "instrument for convergence and competitiveness" outside the multiannual financial framework which would support timely implementation of institutional reforms by Member States (integrated economic policy framework).[69]

In the mid-term (within 18 months to 5 years), it would be necessary to establish the so-called fiscal capacity instrument for the euro area, i.e. a separate budget of the eurozone, which would support its Member States in a difficult economic situation. It could be developed on the basis of the "instrument for convergence and competitiveness". It would also be necessary to consider the possibility of creating within its framework the so-called redemption fund and the introduction of "eurobills", which jointly should result in debt reduction and stabilisation of financial markets (integrated budgetary framework). Moreover, the collective conduct of economic policies should be strengthened, in particular of tax and employment policies (integrated economic policy framework)[70].

In the long-term (beyond 5 years), a fully-fledged Banking Union and Fiscal and Economic Union would be established. All institutional changes in the Economic and Monetary Union and in the euro area should be legitimised by an appropriate extension of competences of EU institutions and national parliaments to include fields covered by the said changes. It would make it easier to transform the EU into a political union in the future[71].

Interim and Final Reports of Herman Van Rompuy

After consultations with governments of all Member States and representatives of the European Parliament conducted in September 2012, Herman Van Rompuy presented the Interim Report to the European Council at its meeting on 18-19 October 2012.[72] Building on conclusions arising from the discussion on the Interim Report at the said meeting and on Conclusions adopted at that time by the European Council, as well as on the aforementioned Blueprint of the European Commission of 28 November 2012, Herman Van Rompuy prepared the Final Report.[73] In conformity with previous arrangements, both reports were consulted with José Manuel Barroso, Mario Draghi and Jean-Claude Juncker. The Final Report was discussed at the meeting of the European Council held on 13-14 December 2012.[74] It contained a three-

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[69] *Ibidem*, p. 1.

[70] *Ibidem*, p. 2.

[71] *Ibidem*, p. 2.

[72] European Council, *The President. Towards a genuine Economic and Monetary Union. Interim Report,* Brussels, 12.10.2012, pp. 1-8.

[73] European Council, *The President. Towards a genuine Economic and Monetary Union. [Final Report],* Brussels, 5.12.2012, pp. 1-18.

[74] *The European Council meeting on 13th-14th December 2012. Conclusions,* Brussels, 14.12.2012, EUCO 205/12, pp. 1-5.

stage action plan aimed at completing the process of constituting the Economic and Monetary Union. Part of the programme could be implemented on the basis of existing Treaty provisions and another only after a revision of the TEU and the TFEU.[75]

The first stage was to begin in December 2012 and include the following tasks: firstly, the establishment of a Single Supervisory Mechanism (SSM) for the banking sector, agreement on restructuring and harmonisation of national bank resolutions and deposit insurance schemes, and setting up the operational framework for direct bank recapitalisation through the European Stability Mechanism funds (integrated financial framework); secondly, the completion of work on strengthening economic and budgetary management in the Economic and Monetary Union by implementing the "six-pack", adopting the "two-pack" and the Fiscal Pact entering into force. The new solutions should ensure, *inter alia*, an *ex ante* coordination of annual budgets of euro area Member States ("two-pack") and strengthen the supervision over euro area countries which experience financial difficulties (integrated budgetary framework); thirdly, the establishment of an *ex ante* coordination mechanism (framework) for major reforms of economic policy, in conformity with Article 11 of the Fiscal Pact, i.e. the Treaty on Stability, Coordination and Governance (integrated economic policy framework).[76]

The completion of the first stage should result in consolidation of public finance management and in breaking links between banks and governments, which were one of main causes of the debt crisis. The breaking of those links would mean that the cost of bank failures would be borne by the banks themselves, and not by governments (taxpayers). In result, the probability of a new systemic banking crisis would decrease.[77] The single supervisory mechanism, composed of the ECB and national banking supervisory authorities, would cover banks of euro area countries. As for banks from outside the eurozone, they would have the possibility to join it in the future after the conclusion of an agreement on "close cooperation" between the interested country and the ECB. After the single supervisory mechanism becomes fully operational, banks subjected to its operation could count on direct recapitalisation from the funds of the European Stability Mechanism.[78]

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[75] European Council, *The President. Towards a genuine Economic and Monetary Union. Final Report...,* p. 18.

[76] *Ibidem*, p. 4.

[77] Since the banking supervision, bank crisis management and resolution have remained, until now, vested in Member States, the European Union did not have effective crisis management instruments. Therefore, the probability of the occurrence of a systemic banking crisis was significant.

[78] European Council, *The President. Towards a genuine Economic and Monetary Union. Final Report...,* pp. 5-8. In the morning of 13 December 2012, i.e. a couple of hours before the meeting of the European Council, the Economic and Financial Affairs Council, after negotiations which lasted a couple of months, reached a political agreement regarding drafts of two Regulations: a Regulation which charged the ECB with tasks related to the supervision over credit institutions within the framework of the Single Supervisory Mechanism, and a Regulation amending the Regulation of 2010 on the creation of the European Banking Authority. The Single Supervisory Mechanism would cover the ECB and appropriate

At the second stage, which was to begin already in 2013 and be completed in 2014, the following objectives were to be fulfilled: first of all, a single resolution authority with appropriate guarantees was to be created. The authority was to be managed by the ECB and cover countries from outside the euro area (integrated financial framework); secondly, a mechanism for coordination and convergence of economic policies of euro area countries, based on reform agreements signed between Member States and EU institutions, was to be created. The contractual agreements would include an agenda of reforms agreed with EU institutions and focus mainly on enhancing competitiveness and economic growth. In return for the commitment to implement structural reforms, Member States would receive financial support from the EU budget. However, that support would be of temporary nature and, therefore, it would not be included in the multiannual financial framework (integrated economic policy framework).[79]

The completion of the second stage was to result in an establishment of a fully integrated financial framework and a creation of a mechanism for coordination and convergence of economic policies of euro area countries. The fully integrated financial framework would be composed of the Single Supervisory Mechanism, Single Resolution Authority and provisions ensuring harmonisation of national deposit insurance schemes. In this way, a fully-fledged Banking Union (Financial Market Union) would be created. Coordination and convergence of economic policies would be founded on reform agreements under which individual countries would be obliged to implement structural reforms (e.g. in the labour market). Such agreements would be mandatory for euro area countries and voluntary for other EU Member States. The agreements would be included in the European Semester procedures. The European Commission would supervise and review implementation of national reforms on regular basis and would, in that respect, be accountable to the European Parliament.[80]

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national bodies. The ECB should directly supervise banks in close cooperation with national banking supervisory authorities. Responsibilities of the ECB related to the monetary policy will be separated from supervisory responsibilities in order to eliminate potential conflicts of interest between the two types of its powers. Therefore, a Supervisory Board responsible for supervisory tasks implementation will be established within the ECB. Countries which are not members of the euro area and participate in the Single Supervisory Mechanism will have full rights, including the right to vote in the Supervisory Board. Draft decisions prepared by the Supervisory Board will be considered adopted unless they are rejected by the Governing Council of the ECB. National supervisory bodies will still be responsible for all tasks not vested in the ECB (including consumer protection, money laundering, payment service, branches of banks in third countries). The European Banking Authority will retain its rights to design a single rulebook and to ensure convergence and consistency of supervisory practices. The ECB will begin to execute its tasks related to the SSM on 1 March 2014 or 12 months after the entry into force of appropriate regulations; cf. *Meeting of the Council of Economics and Finance. Press release,* 17739/12, Brussels, 13.12.2012, pp. 1-2.

[79] European Council, *The President. Towards a genuine Economic and Monetary Union. Final Report...,* p. 4.

[80] *Ibidem*, pp. 7-8, 13-16.

The third stage was to begin after 2014 and constitute the culmination of institutional changes. At that stage, two basic objectives should be executed, i.e. firstly, the so-called fiscal capacity should be established which would be a separate permanent budget of euro area countries, within the framework of which also a "shock absorption" function would be established. The aim of the latter would be to support euro area Member States suffering from cyclical economic shocks (integrated economic framework); secondly, coordination of economic policies should be enhanced, in particular in areas of taxation and employment. Coordination of employment policies should include the Member States' national plans to increase employment (integrated economic policy framework).[81]

The completion of the third stage should lead to the establishment of a fully integrated budgetary framework and further coordination of economic policies. The fiscal capacity would be financed with contributions from euro area countries or own resources (e.g. tax on financial transactions), or both sources simultaneously. It would not play the role of a crisis management instrument but aim at preventing crises. The reason for that is that it would enhance general economic resilience of euro area countries and, thus, decrease the probability of future interventions of the European Stability Mechanism. The latter would remain a crisis management instrument. One of the conditions on participation in the shock absorption function as a component of the fiscal capacity could be the fulfilment of obligations resulting from reform agreements. The fiscal capacity could constitute a basis for the introduction of common debt issuance within the euro area, i.e. taking loans, in the future. A fully integrated budgetary framework would also require the establishment of a special Treasury function with clearly defined fiscal responsibilities.[82]

Institutional changes in the Economic and Monetary Union and in the euro area should be legitimised by appropriate extension of competences of EU institutions, the European Parliament in particular, and of national parliaments in respect to areas covered by the said changes. Although accountability of the ECB as single supervisor and of a future single resolution authority within the integrated financial framework should be at the EU level, national parliaments should at least be kept informed. As far as the integrated budgetary and integrated economic policy framework are concerned, national parliaments should participate in the procedure of signing agreements between Member States' governments and EU institutions, as well as in the European Semester procedure. It would also be indispensable to establish new mechanisms of closer cooperation between the European Parliament and national parliaments pursuant to provisions of Protocol No. 1 of the Treaty of Lisbon on the

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[81] *Ibidem*, p. 5.

[82] *Ibidem,* pp. 9-12. A. Słojewska, *Drogi budżet strefy euro*, „Rzeczpospolita" 7.12.2012, p. 1*;Sera-fin*: *na razie bez budżetu dla strefy euro,* EurActiv 12.12.2012, p. 1; *Niemcy przeciwko obecnej propozy-cji odrębnego budżetu dla strefy euro,* „Gazeta Wyborcza" PAP, 12.12.2012, p. 1; T. Bielecki, *Łagodze-nie wstrząsów niemiecką gotówka?,* „Gazeta Wyborcza" 14.12.2012, p. 23.

role of national parliaments in the EU, and provisions of Article 13 of the Fiscal Pact.[83]

The European Council approved of the final report of Herman Van Rompuy and called on the Council of the European Union and the European Parliament to quickly adopt the "two-pack"; to rapidly reach a political agreement regarding the Regulation charging the ECB with responsibilities related to the supervision of credit institutions within the framework of the Single Supervisory Mechanism, as well as the Regulation amending the Regulation of 2010 on the creation of the European Banking Authority; to conclude negotiations on the Regulation and Directive concerning capital requirements for banks, thanks to which the financial sector would be better prepared to manage the market and absorb shocks. Furthermore, the European Council urged the European Commission (which should draft appropriate legislative proposals), the Council of the European Union and the European Parliament to reach a compromise regarding the Bank Recovery and Resolution Directive and the Directive on Deposit Guarantee Schemes by June 2013. At the same time, the European Council asked Herman Van Rompuy to design a roadmap, in cooperation with José Manuel Barroso and after consultations with Member States' governments, on the following institutional changes: closer *ex ante* coordination of major economic policy reforms in Member States, the social dimension of the Economic and Monetary Union, the feasibility and modalities of mutually agreed contracts for competitiveness and growth: individual arrangements of a contractual nature with EU institutions, and financial support for Member States which, under the said agreements, undertake to carry out the needed reforms.[84]

CONCLUDING REMARKS

The debate on the second EU institutional reform began in the end of 2011. It was one of the outcomes of the protracted debt crisis in the euro area. The progress of the debate to date has made it clear that according to governments of some Member States the way of overcoming the debt crisis should consist in an introduction of systemic changes in the euro area only. Governments of other States considered institutional changes in the entire EU, consisting, *inter alia*, in its transformation into a political union, to be a remedy for the crisis. Three reports prepared by Herman Van Rompuy, in collaboration with José Manuel Barroso, Mario Draghi and Jean-Claude Juncker, presented to the European Council in June, October and December 2012 led to the preparation of a roadmap aimed at the completion of the process of constituting the Economic and Monetary Union by creating integrated financial, budgetary and economic policy frameworks and, in consequence, at overcoming

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[83] European Council, *The President. Towards a genuine Economic and Monetary Union. Final Report...*, pp. 16-17.

[84] *The European Council meeting on 13th-14th December 2012. Conclusions...*, pp. 2-5.

the debt crisis in the euro area. The report of the Reflection Group on the Future of Europe of September 2012 contained, in turn, a call for conducting the second in history comprehensive systemic reform of the entire European Union. Eventually, the European Council decided, while approving the third report of Herman Van Rompuy in December 2012, to choose a pragmatic solution consisting in the necessity to conduct, first and foremost, institutional changes in the Economic and Monetary Union and in the euro area in order to overcome the debt crisis. As a result, the idea of a possible transformation of the European Union into a political union has been postponed for at least several years.

ABSTRACT

The debate on the second institutional reform of the European Union began towards the end of 2011. The purpose of the new reform is to complete the systemic changes of EU implemented by the Treaty of Lisbon of 13 December 2007. The first part of the article presents standpoints of most important States whose representatives took active part in the debate or participated in the proceedings of the Reflection Group on the Future of the European Union. The second part discusses opinions of EU institutions, particularly the European Commission and the European Council on the proposed reform. The three reports of Herman Van Rompuy prepared in collaboration with Barroso, Draghi and Juncker, which were presented to the European Council in June, October and December 2012, led to the development of a plan of measures aimed at completing the process of constituting an Economic and Monetary Union by creating an integrated financial, budgetary and economic policy framework that would eventually overcome the debt crisis in the eurozone. In turn, the report of the Reflection Group on the Future of the European Union of September 2012 contained the postulate of a second in history, complex systemic reform of the entire EU. The idea of a possible transformation of the European Union into a Political Union has been postponed for at least a few years.

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FROM THE CONSTITUTION FOR EUROPE
TO THE "REFORM TREATY"

The Treaty of Nice signed on 26 February 2001 prepared the European Union to function after its enlargement but was assessed by many as not ambitious since it lacked the idea of the Union's further development. The Treaty, nevertheless, gave rise to a wide debate on a future systemic and institutional model of the EU and its place in the increasingly globalising world. Already in May 2000, at the Intergovernmental Conference aimed to establish the foundation for the future Treaty of Nice, some major European newspapers published an article written jointly by former German Chancellor Helmut Schmidt and former President of France Valéry Giscard d'Estaing in which they called for the creation of a "hard core" within the European Union. Authors of the article presented a quite pessimistic view that future integration of 30 countries would be impossible due to their different economic development. The only realistic alternative would be further integration of countries similar to one another like members of the Economic and Monetary Union. An integration centre would have its own institutions and decide on conditions to be met by countries wishing to join the "core".[1]

The issue was taken up and deepened by German Minister of Foreign Affairs Joschka Fischer in his famous speech of 12 May 2000 at the Humboldt University in Berlin. In his opinion, the changing reality and external environment of the EU required considerable and radical changes. The transformation of the EU into an efficiently operating federation with appropriately modified institutions and the acceleration of integration were to be a response to challenges coming from both Americas and Asia. The crowning of the process was to be the signing of the Constitution for Europe.[2]

Joschka Fischer's speech stirred a debate in European intellectual circles and provoked heated discussions leading to the emergence of camps of, generally speaking, supporters of federal solutions and supporters of the community of na-

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[1] Valéry Giscard d'Estaing and Helmut Schmidt, *Time to Slow Down and Consolidate Around 'Euro-Europe'*, "International Herald Tribune" April 11, 2000. http://ig.cs.tu-berlin.de/oldstatic/w2001/eu1/dokumente/Politikerreden-polDokumente/Giscard_Schmidt2000.pdf.

[2] Cf. "Blätter für deutsche und internatonale Politik" No. 6/2000, pp. 758-761.

tion states and the primacy of intergovernmental cooperation over the so-called Community method.[3]

Attempts at reconciling the disparate positions became the reference point for the European Council meeting in Laeken (14-15 December 2001) concluding the six-month Belgian Presidency of the European Union. In the "Laeken Declaration on the Future of the European Union", European integration successes were reviewed and future objectives were set. The assessment of European integration was highly positive as for over fifty years there was no war involving all countries of the Old Continent. For the first time in history, the debate concerning the future of the EU openly referred to the question of whether Europe had "a leading role to play in a new world order, that of a power able both to play a stabilising role worldwide and to point the way ahead for many countries and peoples". It was highlighted that, after the period of the Cold War, Europe has been responsible, in the globalising and, at the same time, highly divided world, for the course of globalisation. It was also emphasised that the next task for Europe as a world power was to counter all kinds of violence, terror and fanaticism. Europe as a world power should influence events taking place in the world in such a way as to make them beneficial not only for rich countries, but also for the poorest.

The greatest concern was to bring European institutions closer to EU citizens who, generally, did not identified themselves with the European Union's activities and objectives. It was highlighted that the EU needed "to become more democratic, more transparent and more efficient". The EU had to face three principal challenges: how to bring citizens, especially young ones, closer to the European design and in-stitutions; how to organise its politics and the European political area in an enlarged EU; how to develop the EU to make it a stabilising factor and a model to follow in the new multipolar world. The necessary condition to answer those questions was to be a profound reform of the European Council, the European Commission and the European Parliament and clarification of the relations of the latter with national parliaments. The last key issue was the "transparency" of decision-making process and simplification of the procedure. It was evident that it was impossible to sustain the so-called Nice system in a long run and that it should be modified as soon as possible.[4]

Pursuant to provisions of the Laeken Declaration, a Convention on the Future of Europe composed of 105 persons (including representatives of applicant States) was established to prepare a draft project or several alternative variants of the EU reform. It was expected that as a result of the Convention's work a draft Constitution

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[3] For an explicit description of the discussion, cf. A. Podraza (2007), *Unia Europejska w procesie reform traktatowych,* Lublin, pp. 412-471.

[4] *Laeken Declaration on the future of the European Union. Annex I. Laeken European Council of 14th-15th December 2001. Presidency Conclusions,* http://libr.sejm.gov.pl/oide/images/files/dokumenty/konkluzje/laeken200112.pdf

of the EU (Constitutional Treaty) would be prepared or, at least, EU Treaties would be unified and simplified.[5]

On 28 February 2002, an inaugural plenary meeting of the European Convention was held. From the very beginning, Chairman of the meeting Valéry Giscard d'Estaing had a significant impact on the debate, its conclusions and solutions adopted. As expected, federalists clashed with the adherents of the community of nation states both at the Convention level and especially in working groups. Representatives of Germany and Benelux countries but also of France opted for the creation of a European federation, the strongest points of which would include a Common Foreign and Defence Policy, a European taxation system, a strong executive body appointed within the European Commission, and a competent European Parliament with broad powers. Representatives of the UK, Nordic countries and most candidate countries were in favour of the intergovernmental cooperation model in the European Union. All of them agreed that the common European homeland had to be reformed. The need to propagate the idea of a common Europe among EU citizens, to make the decision-making process more transparent and to reform the current system of six-month EU Presidency were agreed upon.[6]

That stage of the discussion on the future of united Europe was concluded on 26 May 2003. The 105 members of the Convention received letters from Brussels with a draft of first 59 articles of the Constitutional Treaty. According to the Presidium of the Convention, the text was properly coherent and concise although it included thousands of amendments and comments (usually contradictory) reported from the debate. Due to heated disputes, it did not comprise the most important chapter on institutions. On 20 June 2003, the Chairman of the Convention presented a draft European treaty to the Thessaloniki European Council. On 10 July 2003, after having consulted Member States, the European Convention adopted the final draft of the first Constitution for the EU. Controversies persisted however. The main disputants were the supporters of deeper European integration, who came mostly from national parliaments and the European Parliament, and representatives of Member States. While members of parliaments strived to widen the application of qualified majority voting (especially on the CFSP), representatives of Member States opposed any major changes to the proposed text. At the last minute, an Article was added which enumerated common European symbols: the flag (12 golden stars on an azure background), the anthem (based on the final movement of Beethoven's 9th Symphony), the motto ("United in diversity"), currency (euro), and Europe Day (9 May) to celebrate anniversaries of the historic Schuman Declaration of 1950.[7]

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[5] J. J. Węc (2006), *Spór o kształt instytucjonalny Wspólnot Europejskich i Unii Europejskiej 1950-2005,* Cracow, p. 327ff.

[6] Cf. K. Hänsch (2003), *La France, l'Allemagne et la Convention,* in: *Documents*, Paris, 58 (July-August), pp. 43-45.

[7] Proposals of amendments and additions as well as the final version of the draft Constitutional Treaty in e.g. *Debata o przyszłości Europy. Projekt Futurum*, http://www.futurum.gov.pl/futurum.nsf/

Germany and France were especially determined to have the draft Constitution approved without major amendments and adopted by 25 States by the end of 2003 and, in that respect, both demonstrated unfailing solidarity. D'Estaing, who closed the Convention on 10 July, called for the adoption of the Constitution in the version prepared by the Convention. On the next day, the appeal was reiterated by German Chancellor Gerhard Schröder. It was made clear that Member States contesting the agreements reached by the Convention would face retaliatory measures.[8]

Warnings issued by Germany and France were primarily addressed to Poland and Spain where the preliminary version of the Constitutional Treaty raised many doubts. Against the opinion of France and Belgium, but supported by Italy, Spain, Portugal, Ireland, the Netherlands, Slovakia and Lithuania, Poland demanded a reference to Judeo-Christian traditions in the Preamble to the Constitution. However, most controversy was caused by Article 24, which modified the wording of a provision of the Treaty of Nice on the decision-making process in the EU Council based on the weighted voting system. According to the Convention's proposal, from 1 November 2009, the qualified majority in the Council of the European Union was to be a simple majority of Member States representing at least 60% of the EU population. In such a situation, the so-called blocking minority would be constituted by countries representing 40% of the EU population. It would eliminate Poland and Spain from the group of large countries having the largest influence on the key decision-making in the European Union.[9]

Deliberations of the Intergovernmental Conference, which began on 4 October 2003, confirmed the diverging stances. Poland and Spain expressed their willingness to seek new solutions regarding the question of making decisions within the EU Council, which was their biggest concern, but only after 2009. Both the so-called Conclave in Naples (28-29 November) and the Brussels European Council (12-13 December) did not manage to bridge the gap. A breakthrough took place at the beginning of 2004, when Warsaw manifested its willingness to compromise after it was abandoned by its most important ally Spanish Prime Minister José Maria Aznar who lost in parliamentary elections in March 2004. After Chancellor Schröder's visit to Warsaw on 23 March 2004, Germany declared that changing the double-majority rule in the decision-making process was out of question although there was a pos-

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konwent? open& konwent=tk.; K. Bachman (2004), *Konwent o przyszłości Europy. Demokracja deliberatywna jako metoda legitymizacji władzy w wielopłaszczyznowym systemie politycznym,* Wrocław; W. Wessels (2002), *Der Konvent: Modelle für eine innovative Integrationsmethode,* „Integration" No. 1, pp. 83-98; for other additions, cf. A. Podraza (2007), *op. cit.,* pp. 572-573.

[8] B. Koszel, *Rola zjednoczonych Niemiec w procesie integracji europejskiej,* in: J. Kiwerska, B. Koszel, M. Tomczak, S. Żerko (2011), *Polityka zagraniczna zjednoczonych Niemiec,* Poznań, p. 98.

[9] More on the Polish stand in B. Koszel, *Polska wobec systemu instytucjonalnego UE w świetle Konstytucji dla Europy i traktatu lizbońskiego,* in: A. Chodubski, L. Kacprzak (eds) (2010), *Społeczeństwo obywatelskie w Polsce a instytucjonalna rzeczywistość demokracji w jednoczącej się Europie,* Piła, pp. 27-42.

sibility of modifying the voting system so that it could be more favourable to Poland and other medium-size EU Member States.[10]

The text of the Constitutional Treaty was corrected by legal experts and linguists and then solemnly signed on 29 October 2004 in Rome. In the event, 25 EU Member States and 3 candidate countries (Romania, Bulgaria and Turkey) participated. The official name of the Constitution was the Treaty establishing a Constitution for Europe. It comprised the Preamble, 4 Parts (448 Articles), attached Protocols (36), the Final Act and Declarations (50).[11]

The signed document could have been considered to be a synthesis of all founding Treaties and Treaties amending them, complemented by the Charter of Fundamental Rights. It granted the EU a legal personality, determined its competences, simplified and improved decision-making procedures, and provided for the establishment of new institutions and councils. Nevertheless, despite its advantages, it also had many disadvantages. It was not as concise as the American Constitution, or even the Polish one. The necessity to compromise and to include all reservations of Member States increased its volume to a disproportionate size. Average EU citizens got discouraged while reading the document and only specialists were able to understand its contents in depth.

As far as decision-making procedures and provisions regarding institutional changes are concerned, the Treaty introduced many beneficial changes. In the new voting system, after 1 November 2009, decisions were to be made by the aforementioned double-majority of 55% of States (but not less than 15 States representing 65% of the EU population). The blocking minority was to be constituted by a group of 45% of countries or those which represented 35% of EU population (but no less than four countries). The agreed proposal was a gesture towards Poland although under the new provisions, Poland had less power to bloc decisions than it had under the Treaty of Nice. That was the reason why, at Poland's request, a so-called decision-blocking mechanism was to be used until 2014: if a controversial proposal was made, a group of 30% of States or a group representing 26.25% of the population would have the right to demand further negotiations which could last up to six months. This would not, however, be a classic veto right. In order to avoid complications, the "blocking mechanism" was not included in the Constitution. In the case of particularly significant issues such as membership suspension or appointment to the highest offices, the majority was to be higher: 72% of States (20 of 27) and 65% of the population.

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[10] B. Koszel (2008), *Polska i Niemcy w Unii Europejskiej. Pola konfliktów i płaszczyzny współpracy,* Poznań, p. 36; idem, *Verfassung für Europa und Vertrag von Lissabon – dornige Anfänge der deutsch-polnischen Zusammenarbeit in der EU,* in: J. Franzke (ed.) (2011), *Europa als Inspiration und Herausforderung,* Potsdam, pp. 117-144.

[11] *Treaty establishing a Constitution for Europe,* Official Journal of the European Union, C 310 of 16 December 2004.

Initially, it was decided that from 2014, the size of the European Commission would be reduced – after the accession of Romania and Bulgaria – to 18 Commissioners appointed on the basis of "fair" rotation. At the same time, the number of Members of the European Parliament was to be increased from 732 to 750. The minimum national representation was to have six MEPs (Malta would have one more), while the maximum representation was to have 69 MEPs (Germany would lose three). A detailed division of seats was to be designed before elections to the European Parliament in 2009.[12]

For France and Germany, it was difficult to accept the changes, especially those modifying the broadly understood decision-making process. According to analyst Wolfgang Wessels, in comparison to clear proposals of the Convention, solutions adopted were more difficult to understand and made the procedures more complicated. Insisting on the preservation of "one country – one Commissioner" idea until 2014 was to significantly decrease the effectiveness of the Union's governance and to duplicate EU Commissioners' competences and tasks.[13]

Despite Poland's strenuous efforts, it was not possible to introduce a provision referring to Christian values to the Preamble of the Constitution for Europe due to France's vehement opposition. The second Part of the Constitution comprised the entire Charter of Fundamental Rights of the Union advocated by Germany and proclaimed in Nice in December 2000. An integral part of the Constitution for Europe was also the EU citizenship. The EU, acting in line with its competences, was to be governed by the principle of powers conferred (delegated) to it by Member States, and principles of subsidiarity and proportionality. In the Constitution, competences granted only to the European Union (common trade policy, customs union, competition rules, monetary policy for the euro zone countries, protection of biological resources of the marine environment and signing of international agreements) were clearly distinguished from much more numerous "shared competences" of the Community and Member States. Citizens of the EU were for the first time granted the right to initiate legislation through the European Commission if a legislative proposal was supported by "not less than one million citizens who are nationals of a significant number of Member States". What is more, the Constitution allowed for "enhanced cooperation", i.e. a faster integration within a group of countries, provided that the cooperation was open to others. For the first time, a clear provision concerning the possibility to withdraw from the European Union and the suspension of membership were introduced. Furthermore, an Annex allowed for a more significant participation of national parliaments in the EU legislative process.[14]

In line with the intent of France and Germany, new bodies were to be established – a permanent chairperson (President) of the European Council and the post

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[12] *Ibidem,* Articles 1-20.

[13] W. Wessels, *Die institutionelle Architektur der EU nach der Europäischen Verfassung: Höhere Entscheidungsdynamik – neue Koalitionen?,* „Integration" No.3/ 2004, p. 167.

[14] *Treaty establishing a Constitution for Europe…,* Articles 1-47.

of Minister of Foreign Affairs of the European Union. The President was to coordinate the Council's work and to represent the EU externally. The Minister was to be a member of the European Commission and participate in the work of the European Council. The Minister was to be supported by the European External Action Service (EEAS). The Service was to cooperate with diplomatic services of Member States and be composed of officers from appropriate directorates of the Secretariat-General of the Council and of the Commission, as well as of staff delegated by national diplomatic services of Member States.[15] In a sense, the establishment of those offices was a response to the words – wrongly attributed to former head of American diplomacy Henry Kissinger – that there was no specific place or phone number in the EU to consult the Union in case of urgent and pressing problems regarding the world security policy.[16]

An important novelty was the establishment in July 2004, under the Treaty, of an agency in the field of defence capabilities development, research, acquisition and armaments called the European Defence Agency (EDA). It surely was not a development welcomed in the United States. Formally, the EDA is an intergovernmental organisation operating within the EU single institutional framework. Its statutory responsibilities include defining and development of defence capabilities in cooperation with other EU institutions, promotion and coordination of military requirements harmonisation, support for research and development as well as proposing multinational programmes related to armaments cooperation in Europe. The EDA also strives for the harmonisation – within the European Union – of regulations and rules on procurement of armaments and military equipment. Ultimately, the EDA could establish one giant European defence company and become independent from supplies of expensive military equipment from the US. All Member States applied for admission to the EDA except for Denmark which, under the Treaty of Maastricht, is excluded from the implementation of the CFSP.[17]

The goals which the EU planned to achieve in external relations were defined as follows: "the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter."[18]

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[15] *Ibidem,* Articles III-296, p. 3.

[16] Kissinger, during his stay in Warsaw in June 2012, said he was not sure if he said "Who do I call if I want to call Europe?". Cf. *Kissinger i Sikorski o Europie,* „Nowy Dziennik" 27.06.2012, http://www.dziennik.com/wiadomo-sci/artykul/.kissinger-i-sikorski-o-europie. Cf. *Kissinger w Warszawie: Europa za słaba by być supermocarstwem,* „Gazeta Wyborcza" 27.06.2012.

[17] More on the EDA at http://www.eda.europa.eu/. Cf. J. Zielonka (2007), *Europa jako imperium. Nowe spojrzenie na Unię Europejską,* Warsaw.

[18] *Treaty establishing a Constitution for Europe…,* Articles 1-3, p. 4.

It was important that the idea of conducting Common Foreign Policy and, in future, also Defence Policy was sustained. It was highlighted that the competence of the European Union covers "all areas of foreign policy and all questions relating to the Union's security", and that Member States are obliged to support "the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness"[19]. The Member States also agreed to act jointly in a spirit of solidarity in the event of a terrorist attack.

Concrete and practical arrangements confirmed that the Treaty expanded the scope of the Petersberg tasks. The already existing list (tasks of a humanitarian, rescue, peacekeeping and peacemaking and crisis-management nature) was expanded with common joint disarmament operations, military advice and assistance tasks, conflict prevention and post-conflict stabilisation tasks.[20] The Treaty allowed for those tasks to be implemented by a group of EU Member States and for a permanent structured cooperation to be established in this field. It also introduced the so-called mutual defence clause, in accordance with Article 51 of the United Nations Charter. A very important provision was the solidarity clause to be implemented if a Member State fell victim of a terrorist attack, natural or man-made disaster.[21]

The signing of the Constitution for Europe on 29 October 2004 initiated the ratification process at the European Parliament and in Member States. On 12 January 2005, the European Parliament ratified the *Constitution for Europe* by a huge majority of votes (500 votes for, 137 against, 40 abstentions).[22]

After the summit held in Brussels in March 2005, the attention of public opinion focused on the upcoming ratification of the Constitution in Germany and France. The experience of the ratification progress in EU countries gave no grounds for optimism and suggested that the adoption would not be an easy task. Poland openly demonstrated its reluctance but the main opponent of the Constitutional Treaty was the UK. As it turned out, the only successful referendum took place on 20 February 2005 in Spain, where 77% of residents voted for the project. In eight next countries (Austria, Belgium, Greece, Hungary, Italy, Lithuania, Slovakia, Slovenia), their Parliaments ratified the Constitution. The key role was to be played, however, by largest EU countries, i.e. Germany, France and the United Kingdom. From the beginning, the stance of Germany was not a concern as Berlin planned to ratify the Treaty by parliamentary voting and most members of the Parliament were in favour of the Treaty. In the UK, which decided for a referendum, the number of opponents was so overwhelmingly high that politicians from European capitals must have been

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[19] *Ibidem,* Articles I-16, p. 1,2.
[20] *Ibidem,* Article III-309.
[21] *Ibidem,* Article I-43, Article III-329; also A. Podraza (2007), *op. cit.*, pp. 675-676.
[22] A. Słojewska, *Polacy nie poparli konstytucji*, „Rzeczpospolita" 16.01. 2005.

aware of the need to find a special solution for London.[23] In contrast to France and Germany, the UK, despite its great economic and demographic potential, was never a driving force of European integration. Therefore, the stance of British Eurosceptics was not a major worry. Of true concern was France where the percentage of supporters of the Treaty kept shrinking steadily. [24]

On 12 May 2005, despite reservations of members of the CDU, CSU and the Greens, the Bundestag ratified the EU Constitution by an overwhelming majority of 569 votes for, with 23 votes against (CDU/CSU and PDS) and 2 abstentions (SPD).[25] As it had been pessimistically expected, on 29 May 2005, the French rejected the Constitutional Treaty, seriously destabilising the European Union politically. According to official data of the French Ministry of Internal Affairs, the referendum had a record turnout (69.9%) and as much as 54.87% of voters were against the Constitution for Europe while only 45.13% voted for its ratification.[26]

At first, EU politicians tried to rescue the Constitution, in particular because after the French, it was the turn of the Dutch to go to polling stations. Leaders of the European Commission and the European Parliament, José Manuel Barroso and Joseph Borell, together with the then President of the European Council, Prime Minister of Luxembourg Jean-Claude Juncker, urged European capitals to continue ratification procedures. However, the significance of the dramatic appeal weakened in the face of results of the Dutch referendum. Citizens of the Netherlands followed the example of the French and, on 1 June 2005, rejected the Constitution even more strongly. i.e. by majority of 61.6%. Due to the decision taken by Dutch citizens, Prime Minister Jan Peter Balkenende withdrew the proposal for ratification of the Constitutional Treaty from the Dutch Parliament. The future of the Constitution was jeopardised, and the decision of the Latvian Parliament of 2 June 2005 to ratify the Treaty was not very reassuring. Although leading European politicians called for the continuation of the ratification process, they did it without much faith as European societies were not enthusiastic about the Treaty. The postponement of the referendum in the United Kingdom, initially planned for 2006, practically sealed the fate of the Constitution. Berlin, Paris and London accused one another of squandering the Constitution.[27]

The summit of leaders of EU Member States held on 16-17 June 2005 in Brussels, focused on issues related to the 2007-2013 budget. Little was said about the

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[23] More on solutions for the situation, in Ch. Grant, *What if the British Vote No?,* "Foreign Affairs" Vol. 84, No. 3, May/June 2005

[24] A. Maurer, *Die Ratifikation des Verfassungsvertrages,* in: M. Jopp, S. Matl (Hg.) (2005), *Der Vertrag über eine Verfassung für Europa,* Baden-Baden, pp. 453-472.

[25] *Bundesrat ebnet Weg für Annahme der EU-Verfassung,* „Welt am Sonntag" 30.05.2005; A. Rubinowicz-Gründler, *Bundestag ratyfikował konstytucję,* „Gazeta Wyborcza" 13.05.2005.

[26] J. Schild, *Ein Sieg der Angst – das gescheiterte französische Verfassungsreferendum,* „Integration" No. 3/2005, pp. 187-191.

[27] H. Kleger, *Über das erfolgreiche Scheitern einer europäischen Verfassung,* in: J. Franzke (ed.) (2005), *op. cit.,* pp. 21-42; M. Jopp, G.-S. Kuhle (2005), *Wege aus der Verfassungskrise – die EU nach den gescheiterten Referenden in Frankreich und den Niederlanden,* „Integration" No. 3, pp. 257-259.

Constitution not to offend the President of France and the Prime Minister of the Netherlands. The chairman of the meeting, Jean-Claude Juncker, said that, under the circumstances, at least a year was needed to collect opinions and reflect on the future of the Constitutional Treaty.[28]

In the face of the fiasco of the constitutional referendum in France and the Netherlands, in conformity with arrangements of the EU summit held in June in Brussels, the EU postponed discussing issues related to the Constitution for a year to have time to reflect and to work out a new compromise. In autumn 2005, governments in Poland and Germany changed. After parliamentary and presidential elections in Poland, the power was taken over by a conservative-nationalist camp concentrated around the Law and Justice party. In Germany, after the autumn elections to the Bundestag, the "great coalition" of the CDU/CSU-SPD was formed once again and Angela Merkel became the Chancellor.

At the beginning, the new German Chancellor forced the idea to revive the Constitutional Treaty and was reluctant to proposals of changes in its contents. She had, however, to take into consideration the position of France where, generally speaking, two concepts clashed. Socialist Ségolène Royal running for the office of President, made it clear that if changes were introduced to the Constitutional Treaty, she was determined to subject it to another referendum, results of which were not certain. In turn, Minister of the Interior Nicolas Sarkozy, who since the beginning of 2006 searched for a solution to the impasse, persistently opted for the adoption of a "simplified Treaty" (*traité simplifié*). He suggested to "slim down" the document and to adopt its most important provisions which would enable the Union to function effectively in the future.[29]

Sarkozy's proposal was tempting as a new Treaty preserving the essential substance of the previous one would not need to be subject to referendum. Since the proposal was supported by Spain, in May 2006, Germany gave way. On 27-28 May, at the meeting of Ministers of Foreign Affairs of EU Member States held in Klosterneuburg near Vienna, head of German diplomacy Frank-Walter Steinmeier admitted that it would be unthinkable to once again present an unchanged version of the Treaty to the French and Dutch societies.[30]

France and Germany agreed that the upcoming German Presidency of the EU, which was to begin in the first half of 2007, and the 50th anniversary of the adoption

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[28] G. Amato (2005), *Nach der Sintflut,* "Internationale Politik" No. 7, pp. 13-16; K. Lamers, *Die Fundamente tragen noch, ibidem,* pp. 29-35. Cf. A. Severin (2006), *The Future of the EU: A Need for a New Vision,* "Internationale Politik und Gesellschaft" No. 1/, pp. 11-19.

[29] G. Müller-Brandeck-Bocquet (2007), *Frankreich zurück in Europa, aber mit welchem Kurs?,* „Aus Politik und Zeitgeschichte", Bd. 38, pp. 11-18; idem (2006), *The Grand Coalition and Franco-German relations*, „Foreign Policy in Dialogue" No. 4/.

[30] A. Maurer (2007), *Verhandlungen zum Reformvertrag unter deutschem Vorsitz,* „Aus Politik und Zeitgeschichte", Bd. 43, pp. 3-8; G. Müller-Brandeck-Bocquet, *Deutsche Europapolitik unter Angela Merkel. Enge Gestaltungsspielräume in Krisenzeiten,* in: G. Müller-Brandeck-Bocquet (2009) *Deutsche Europapolitik von Adenauer bis Merkel,* Wiesbaden, p. 276.

of the Treaties of Rome would be a good occasion to present constructive solutions. Already at the preparation stage, Germany and the European Commission decided to navigate the entire debate on the future of the European Union. In the course of the summit of 25 Member States held in Brussels on 16-17 June 2006, a document was officially adopted at the end of the summit (i.e. the Council Conclusions) which read that the German Presidency of the EU would prepare a report containing "possible future developments" with regard to the Constitution for Europe, and that "the necessary steps" to conduct institutional reforms were to be "taken during the second semester of 2008 at the latest", i.e. after elections in France and the Netherlands.[31]

German Presidency of the Council of the European Union in the first half of 2007 was subordinated to the revival of the Constitutional Treaty and the celebration of the 50th anniversary of the Treaties of Rome. In the German Chancellor's Office, the Constitution for Europe was given the highest priority, and actions were taken to sound out opinions and persuade EU Member States to adopt the project which was long and strongly supported by Germany.

Due to conciliatory activities of Germany which consisted in numerous meetings and exchange of views with special plenipotentiaries of Member States' governments (the so-called sherpas), a compromise was achieved. On 21-23 June 2007, at the European Council meeting and after 36 hours of extraordinarily difficult negotiations, EU leaders agreed on a negotiating mandate on the basis of which an Intergovernmental Conference was to draw up a new document, i.e. the Reform Treaty amending the Treaties in force, to improve effectiveness of the Union's functioning after its enlargement, to consolidate its democratic legitimacy, and cohesion of its external actions.

The Intergovernmental Conference started to work during the Portuguese Presidency at a meeting of Ministers of Foreign Affairs held on 23 July 2007 in Brussels. At that time the first draft of the Reform Treaty was presented. The final shape of the Treaty was agreed upon by Heads of State and Government at the EU summit in Lisbon held on 18-19 October 2007. After technical and editorial improvements and its translation into all EU official languages, the Treaty reforming the EU, i.e. the Treaty of Lisbon, was signed on 13 December 2007 at the Jeronimos Monastery in Lisbon.

The new Treaty did not reflect the constitutional concept consisting in repealing all older Treaties and replacing them with a Constitution. It was important, however, that crucial provisions of the Constitution (approx. 75-80% of its contents) were included in the new Treaty. It included two fundamental clauses changing the Treaty on European Union (TEU) and the Treaty establishing the European Community (TEC) respectively. The TEU's name was not changed, while the name of TEC was changed to the Treaty on the Functioning of the European Union. After its entry into force, the EU was to be a single legal entity with its own legal personality. The word "Community" was replaced with the word "Union" in the entire text;

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[31] K. O. Lang, *Wie weiter mit dem EU Erweiterungsprozess?,* in: J. Franzke (ed.) (2005), *Europa in der Denkpause. Wege aus der Verfassungskrise,* Potsdam, pp. 23-36.

a statement informing that the new Treaty and the Treaty on the Functioning of the European Union constitute the foundation of the Union and that the Union has replaced and succeeded the European Community was introduced to the text. As mentioned above, the TEU and the Treaty on the Functioning of the EU did not have a constitutional nature. And the term "Constitution" was not to be used in the future. The "EU Minister of Foreign Affairs" became the High Representative of the Union for Foreign Affairs and Security Policy. The Treaty of Lisbon introduced significant changes concerning the General Affairs and External Relations Council. It was divided into the Foreign Affairs Council and the General Affairs Council. Chairing the Foreign Affairs Council was excluded from competences of the EU Presidency. The Foreign Affairs Council, chaired by the High Representative of the Union for Foreign Affairs and Security, conducts external activities of the EU implementing strategic decisions of the European Council, and ensures cohesion of actions taken. Terms such as "law" or "framework law" were no longer used while currently employed terms, i.e. "Regulation", "Directive" and "Decision", were used. To meet requests of some countries, including those of Poland, and to erase an impression that the Union was becoming a "superstate", the new Treaty did not comprise the article about EU symbols such as the flag, anthem and the motto. As far as the supremacy of EU law is concerned, the Intergovernmental Conference adopted a declaration referring to the applicable case law of the Court of Justice of the EU.

Most important provisions concerned the ways of making decisions. Eventually, it was agreed that until 1 November 2014, the Nice system would be applied. Afterwards, the aforementioned rule of "double majority" would enter into force. However, during the first three years, i.e. until 31 March 2017, every country might demand that a voting follows the Nice system. Additionally, in 2014-2017, several countries could delay the entry into force of a decision in line with the Ioannina Compromise of 1994. If a group of the Council's members had not enough votes to block a specific resolution, they were, nevertheless, able to delay the voting in order to find a solution. The condition was the necessary size of the group to create the blocking minority (until 2017: countries representing at least 75% of the population or 75% of the number of States; from 2017: 55% of the population or 55% of the number of States). Other important provisions referred to the extension of areas (including judicial matters and police matters) where decisions would be taken by majority vote. The principle of unanimity was increasingly abandoned because the criterion of qualified majority was expanded to another 44 areas covered by the EU.[32]

With changes made to the TEU and TFEU, the Treaty of Lisbon introduced new rules on the Presidency of the EU Council. They derived from efforts to introduce Group Presidency on the basis of equal rotation alongside the full time President of the of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy. The Treaty on the European Union and the declara-

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[32] J. Barcz, E. Kawecka-Wyrzykowska, K. Michałowska-Gorywoda (2012), *Integracja europejska w świetle Traktatu z Lizbony,* Warsaw, p. 111.

tion (No. 9) of the 2007 Intergovernmental Conference stipulate that the Presidency (in various configurations of the Council of the EU), except for the External Relations Council, shall be held by representatives of three Member States on the basis of equal rotation for the period of 18 months, each of them chairing each configuration of the Council for 6 months. The creation of the so-called trio was to improve the functioning of the Council mainly in the field of legislative actions which, due to their complex nature, regularly exceeded the time of one Presidency. In addition, a rotating Presidency lasting for six months was considered to be a main source of a lack of continuity and stability of the Common Foreign and Security Policy, which weakened the position of the EU in the international arena.[33]

The Treaty foresaw the establishment of the post of the President of the European Council elected by Heads of State or Government of Member States. The President was to chair (for 2.5 years, with a possibility to be re-elected once) the European Council to ensure proper preparation and continuity of the Council's work in cooperation with the President of the Commission and on the basis of the work of the General Affairs Council, to endeavour to facilitate cohesion and consensus within the European Council and to present a report to the European Parliament on every meeting of the European Council. Pursuant to a provision of the Treaty, the President of the European Council was to, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.[34]

From 2014, the composition of the European Commission will be changed. The "one country – one Commissioner" formula has been abandoned to reduce the number of Commissioners to 2/3 of the number of EU Member States. In accordance with a postulate of the Netherlands, the role of national parliaments has been reinforced, so that they will be able to request the European Commission to re-examine each new regulatory act, to ensure the observance of the principle of subsidiarity, to participate in the implementation of the "area of freedom, security and justice" (to scrutinise Europol and Eurojust activities). They will also be consulted in the case of accession of new members to the EU.[35]

Also at the request of the Netherlands, it was agreed that applicant countries for membership in the European Union would be obliged to strictly observe the criteria

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[33] J. J. Węc (2011), *Nowe zasady sprawowania prezydencji w Radzie Unii Europejskiej,* „Przegląd Zachodni" No. 3, pp. 4-20.

[34] Article 15*, Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union,* Official Journal of the European Union, C 83 of 10th March 2010, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0013:0046:PL:PDF and http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:en:PDF; see also http://www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf; M. Rewizorski, B. Przybylska-Maszner (2012), *System instytucjonalny Unii Europejskiej po traktacie z Lizbony. Aspekty prawne i polityczne,* Warsaw, pp. 173-176.

[35] *Ibidem,* Article 12.

for admission determined in Copenhagen in June 1993. Finally, the Treaty underlined the binding character of the Charter of Fundamental Rights (despite the opposition of the UK and concerns of Poland about its own family and gender policies).[36]

As far as the Common Foreign and Security Policy is concerned, the Treaty of Lisbon reformed, to a limited extent, the set of instruments used to implement the CFSP. Legal procedures used to date were simplified and ordered. Instead of determining rules and general guidelines, now the Council specifies strategic interests of the EU, objectives and general guidelines, and adopts necessary decisions. The use of the term "common strategies" has been abandoned and "joint action" and "common position" replaced with "action" and "positions to be taken by the Union" respectively.[37] An important element contributing to the strengthening of the Common Foreign and Security Policy is the right of the President of the European Council, if required by an international situation, to convene an Extraordinary European Council in order to determine an EU strategy for action in the face of a given situation.[38]

The main shortcoming of the newly defined CFSP has been the preservation of *de facto* the former structure of the second pillar of the European Union, the nature of which is intergovernmental cooperation, while the nature of the first pillar is supranational. Formally, the Treaty of Lisbon abolished the pillar structure of the European Union. It resulted, *inter alia*, in the inclusion of the Common Foreign and Security Policy in the External Action of the EU. However, in the field of foreign, security and defence policy of the EU, due to the uncompromising pressure from the UK, unanimity was to be required instead of qualified majority. That immediately led to questions about the efficiency and effectiveness of the policy.

There have been major concerns about the merger of the previously independent posts of the High Representative of the Union for the CFSP and the European Commissioner for External Relations. The worry concerned a possible "conflict of interests", i.e. the High Representative of the Union as a Commissioner, would have to represent the overriding interest of the EU and, as the executive of the CFSP, would have to take into consideration interests of Ministers of Foreign Affairs of Member States acting within the framework of the classical formula of intergovernmental cooperation. It was known that the High Representative would be able to act only on the basis of decisions made by all Member States. Nevertheless, much was to depend on the personality and charisma of the High Representative, the effectiveness of whose activity would determine the effectiveness of the CFSP and, indirectly, also the position of the EU in the world.[39]

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[36] For more on the subject, cf. J. Sozański (2010), *Prawa Człowieka w Unii Europejskiej po Traktacie Lizbońskim,* Warsaw-Poznań; A. Wróbel (ed.) (2009), *Karta Praw Podstawowych w europejskim i krajowym porządku prawnym,* Warsaw.

[37] Article 25, *Consolidated versions.*

[38] Article 13, *ibidem.*

[39] R. Kownacki, *Wspólna Polityka Zagraniczna i Bezpieczeństwa w Traktacie Lizbońskim – realne wzmocnienie czy nieistotny lifting?* http://www.sdpl.fc.pl/WPZiB_Traktat_Lizbonski.pdf.

The new High Representative of the Union for the CFSP chairs one of the most important diplomatic services in the world, i.e. the European External Action Service which cooperates with diplomatic services of Member States. It is composed of officers of appropriate services of the General Secretariat of the Council and of the Commission, as well as a personnel seconded by national diplomatic services. The Council, on a proposal from the High Representative after consulting the European Parliament and obtaining a consent of the Commission, was to establish the organisation and functioning of the Service.[40]

It was easy to see that the idea to establish the European External Action Service aimed at ensuring closer cooperation and cohesion of action within the CFSP and making the CFSP a significant instrument of the EU supra-regional policy. Its actual role would, however, be determined by the scope of actions covered. The task of identifying its role and of preparing the establishment of the service was entrusted to the Secretary-General of the Council, the High Representative, the Commission and to Member States.[41]

Having considered doubts of some Member States about possible limitation of prerogatives attributed to national foreign diplomacies by granting them to the Service, a *Declaration concerning the common foreign and security policy* accompanying the Treaty of Lisbon comprised guarantees that no provision of the Treaty, including those providing for the creation of the EEAS, would influence the applicable legal basis, responsibility or rights of Member States related to shaping and implementing their own foreign policy, national diplomatic service, relations with third countries and participation in international organisations, including the participation of Member States in the UN Security Council.

The Treaty of Lisbon determines also the role of the European Parliament in the functioning of the CFSP. The High Representative has been obliged to consult the Parliament on a regular basis on main aspects and basic choices of the Common Foreign and Security Policy and the Common Security and Defence Policy. The cooperation with the Parliament should also consist in informing the latter how those policies evolve. The High Representative has been also obliged to ensure that views of the EP are duly taken into consideration.[42]

A considerable part of the Treaty was devoted to the Common Security and Defence Policy created in 1999. It was highlighted that the said policy constituted an integral part of the Common Foreign and Security Policy, and that its aim would be to provide the EU with operational capacity drawing on civil and military assets. It was mentioned that the Union may use those assets on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter, and that the performance of those tasks was to be undertaken using capabilities provided by Member

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[40] Article 13a, *Consolidated versions.*
[41] R. Kownacki, *op. cit.*
[42] Article 12, *Consolidated versions.*

States. Commitments of countries which agreed to participate in the implementation of the CSDP were also specified. They have been obliged to make their civilian and military capabilities available to the Union to fulfil objectives determined by the Council. Furthermore, multinational forces created by Member States may be made available to the CSDP.[43]

An important provision transferred to the Treaty of Lisbon from the Constitutional Treaty concerned the mutual defence clause (Article 42 (7) of the TEU). Like in the case of previous Treaties, in order not to make the US resentful, partners from overseas were reassured that the "policy of the Union [...] shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework"[44].

The provision regarding the EU mutual defence clause has, however, clear limitations. It cannot lead, as mentioned above, to a conflict between the European Union's interest and NATO as this would cause serious disruptions in the area of the European Security. The clause covers only mutual aid and assistance provided by Member States. In the event of armed aggression against any Member State, neutral States (or States which conduct such a policy) which are Members of the EU are not obliged to participate in actions taken though they might benefit from the assistance and support of other EU countries. Finally, assistance provided to a Member State has to comply with Article 51 of the United Nations Charter. As it was aptly highlighted by Janusz J. Węc, the mutual defence clause does not mean that the European Union has become a defensive alliance. Decisions on this matter are to be made someday in the future by the European Council acting unanimously, and all Member States will have to ratify the decision according to their constitutional requirements. The significance of the clause is weakened also by the fact that the Treaty of Lisbon does not specify detailed procedures for its use at the institutional and/or operational levels.[45]

The Treaty of Lisbon comprises the Solidarity clause which applies to the CFSP and also to all external actions of the European Union. Form the institutional point of view, the clause goes beyond that field and obliges the Union and its Member States to cooperate in a joint manner if a Member State is a victim of a terrorist attack or a natural or man-made disaster. In such a situation, the EU is authorised to mobilise all means and instruments, including military ones.[46]

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[43] Article 42, *ibidem.*

[44] *Ibidem.* More on the initial stage in R. Zięba (2007), *Wspólna Polityka Zagraniczna i Bezpieczeństwa Unii Europejskiej,* Warsaw.

[45] J. J. Węc (2011), *Traktat lizboński. Polityczne aspekty reformy ustrojowej Unii Europejskiej w latach 2007-2009,* Cracow, p. 265.

[46] Article 222. *Consolidated versions.*

The Treaty of Lisbon reaffirms previous provisions on administrative expenditure incurred by EU institutions and expenditure on operations, including the objectives and tasks of the CFSP. It will still be financed from the general budget of the European Union, except for operations with military or defence implications, or if the Council of the European Union, acting unanimously, decides otherwise. Expenditure which is not covered from the general budget of the EU shall be borne by Member States according to the GDP criterion (the ATHENA mechanism). For the first time, the Treaty of Lisbon has obliged the EU to establish a special fund which would guarantee fast access to EU budgetary resources to finance *ad hoc* initiatives, including preparatory activities for the "Petersberg tasks". Decisions in this field will be made unanimously by the Council of the EU after having consulted the European Parliament. In addition, a start-up fund made up of Member States' contributions is to be established to finance preparatory activities for the "Petersberg tasks".[47]

After some perturbations, the Treaty of Lisbon entered into force on 1 December 2009. After elections to the European Parliament, which took place in June, a new European Commission was elected in autumn, the post of the President of the European Council was established and Herman van Rompuy, an experienced politician and a former Prime Minister of Belgium though little known outside the Benelux area, was appointed the first President. Commonly known as little enterprising, Catherine Ashton was appointed the head of the EU diplomacy, to whom the European External Action Service was subordinated. Both appointments were welcomed with mixed feelings by EU leaders who shortly had to face aggravated problems related to EU missions to Afghanistan, the Middle East and especially to North Africa in 2011.

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Institutional solutions adopted in Lisbon could be assessed as a consolidation of the intergovernmental cooperation method in the European Union. Main powers jealously guarded their position and reluctantly agreed to a reduction of their prerogatives. The financial crisis in the euro area, however, made shortcomings of the organisational and institutional system of the EU more visible with every day that passed, and jeopardised the future functioning of the EU based on the Treaty of Lisbon. Today, shortcomings in the area of economic integration can be clearly seen and it is commonly believed that the progress of economic integration should be accompanied by close political cooperation. At the beginning of 2012, an initiative was taken by Germany strongly supported by Poland. On 2 March 2012, while signing the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, Chancellor Angela Merkel expressed her hope that the Treaty includes elements which would allow to transform the EU into a political union shortly.[48]

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[47] J. J. Węc, (2011), *Traktat lizboński...,* p. 255.

[48] *Pressekonferenz von Bundeskanzlerin Merkel zu den Ergebnissen des Europäischen Rates am 1./2. März in Brüssel,* http://www.bundesregierang.de/Content/DE/Mitschrift/Pressekonferenzen/2012/03/2012-03-02-eu-rat-bkin.html;jsessionid= F458A5386E89610086C5 F39441F36975.s2tönn= 28588&_site =Nachhaltigkeit.

At about the same time (20 March), Germany promoted the convention of a Reflection Group on the Future of Europe, composed of Ministers of Foreign Affairs from 11 Member States (Poland, Germany, France, Austria, Belgium, Denmark, Italy, Luxembourg, Netherlands, Portugal and Spain), which offered ideas on how to overcome the crisis in Europe in order to improve the functioning of the EU and make it more democratic.

After the well-known speech of Polish Minister of Foreign Affairs Radosław Sikorski, delivered on 28 November 2011 at the headquarters of the German Society for Foreign Policy in Berlin, in which he called for a new European solidarity and courage in making difficult decisions which may result in full European integration (federation) and encouraged Germany to lead the needed reforms, Poland began to actively participate in the debate on prospective EU development. Minister Sikorski many times declared to be in favour of the merger of competences of the President of the European Commission and the President of the European Council. In his opinion, such a person should be elected by the European Parliament or even by direct vote of EU citizens. Such a mandate could clarify the situation in Europe and strengthen the voice of the EU in the international arena.[49]

On 17 September 2012, the final meeting of the Reflection Group at which final arrangements were made, took place in Warsaw. A summary of the arrangements included in its report on the Future of Europe can be found in an article written jointly by Radosław Sikorski and German Minister of Foreign Affairs Guido Westerwelle published in "International Herald Tribune". Among necessary actions, the Ministers mentioned a structural reform of the Economic and Monetary Union and its consolidation by tighter financial discipline in EU countries. They underlined that the discipline should not impede economic growth or decrease competitiveness of the European Union. They called for more competence at the EU level to supervise budgets of Member States, for binding economic cooperation between States in areas crucial to economic growth and competitiveness, and for establishment of an effective resolution mechanism. It was proposed to transform the European Stability Mechanism into a European Monetary Fund. Among other necessary steps, they mentioned further development of EU foreign diplomacy and strengthening the protection of external borders of the Schengen area (European border guard). Guido Westerwelle and Radosław Sikorski underlined that the extension of competences of EU institutions would be possible only under the condition that they would have strong democratic legitimacy. To this end, the Ministers suggested to strengthen the European Parliament (create a common European list of 25 candidates to the EP) and to engage national parliaments more directly.[50]

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[49] *Minister Radosław Sikorski i Henry Kissinger debatowali o Europie, 27.06.2012. Ministerstwo Spraw Zagranicznych,* http://www.msz.gov.pl/Minister,Radoslaw,Sikorski,i,Henry,Kissinger,debato-wali,o,Europie,54183.html.

[50] R. Sikorski, G. Westerwelle, *A New Vision of Europe,* „International Herald Tribune" 17.09.2012, http://www.nytimes.com/2012/09/18/opinion/a-new-vision-of-europe.html?_r=0; *W Warszawie ostatnie spotkanie Grupy Refleksyjnej ds. przyszłości UE,* „Gazeta Wyborcza" 17.09.2012.

Undoubtedly, EU politicians are increasingly aware that if the European Union wants to remain a key player on the "great chessboard", as Zbigniew Brzezinski put it, it needs to speak in one strong voice in the world where globalisation progresses fast. That is especially valid in the context of the unilateral position of the United States of America, the growing power of China and India and threats of global environmental challenges and international terrorism. The EU should closely cooperate with the US where it is necessary and indispensable, and, at the same time, resolutely defend its interests, especially economic ones, against American competition. In this context, a comprehensive reform of the CFSP and CSDP is essential to increase their effectiveness. Former State Secretary Henry Kissinger was right when, during his visit to Warsaw in June 2012, he concluded with regret that on many important issues, Europe did not speak in one voice and that "Europe does not have an internal architecture nor an idea how to become a superpower".[51]

At the same time, we cannot forget that the European Union is, above all, a civilian power despite huge military means of its particular Member States. Since the 1990s, the EU has been actively participating in stabilising governments and states, from Sierra Leone, to Morocco, Lebanon, Ukraine, Georgia, Macedonia and Chad. After 2001, its military and civil missions have been present in various areas of unrest: in the Horn of Africa (Djibouti, Eritrea, Ethiopia), Persian Gulf (United Arab Emirates, Kuwait), Sub-Saharan Africa (Democratic Republic of the Congo, Kenya, Darfur), the Balkans (Macedonia, Bosnia-Herzegovina, Kosovo), Middle East (Lebanon), the Indian Ocean and the Mediterranean Sea. Thus, the EU strongly supports efforts of the United States aimed at stabilising the world order. American politicians and security experts increasingly appreciate this commitment.[52]

[51] *Kissinger w Warszawie: Europa za słaba by być supermocarstwem,* „Gazeta Wyborcza" 27.06.2012.

[52] A. Moravcsik, *U.S-EU Relations: Putting the Bush Years Perspective*, in: F. Bindi, (ed.) (2010), *The Foreign Policy of the European Union*, Washington, p. 207.

ABSTRACT

In the European Union, since the beginning of the 21st century, a debate has been underway on the future systemic model of this organisation and the necessity of implementing indispensable institutional changes that would prepare it to operate in an increasingly globalising world. The discussion that took place in the years 2000-2002 resulted in launching the work of the European Convention, which in June 2003 drafted a bold project of a Constitution for Europe. As a result of opposition from many countries which feared the loss of their sovereignty and especially after referenda in France and the Netherlands at the end of May and in the beginning of June 2005, the Constitutional Treaty was not enforced. Following a French-German agreement, it was modified and given the form of a "reform treaty" (a "simplified" one). Elements that could be associated with the project of the earlier EU Constitution were deleted. However, it is estimated that the Treaty of Lisbon enforced in December 2007 retained about 80% of the substance of the old Constitutional Treaty.

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COMMON SECURITY AND DEFENCE POLICY
OF THE EUROPEAN UNION: CURRENT PROBLEMS

The EU Common Security and Defence Policy (CSDP)[1] has been a subject of numerous and very diverse studies and analyses. A considerable part of them is, however, of principally descriptive nature and focuses on e.g. the genesis of the CSDP, its main stages, institutions, or legal foundations. Too little attention is paid, *inter alia*, to attempts at systematising its components, to present causes of problems occurring in this sector of integration, their classification and consequences. These issues are the subject of considerations presented below.

ATTEMPTS AT SYSTEMATISING COMPONENTS
OF THE EU COMMON SECURITY AND DEFENCE POLICY

The CSDP may be examined from various points of view. An interesting form of presenting it was introduced by Irma Słomczyńska who distinguished three main groups of conditionalities of the functioning of the CSDP.[2] The groups are: sub-systemic, environmental, and systemic conditions. The first group refers to specific security interests of particular EU countries. Their interests may be divided into three categories, i.e. identical, conflicting and complementary. They are sub-systemic because they follow from policies of particular Member States. The second group of (environmental) conditionalities[3] covers all relations between the European Union and other international actors (both states and organisations) "functioning in the security domain". This group includes also issues related to the substance and specific nature of the European Union as an actor in the international political system. The third (systemic) group of conditionalities comprises regulations applicable in the

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[1] Earlier, different names were used, e.g. European Security and Defence Policy. In the Treaty establishing a Constitution for Europe and in the Treaty of Lisbon, the *Common Security and Defence Policy* has been used.

[2] I. Słomczyńska (2007), *Europejska Polityka Bezpieczeństwa i Obrony. Uwarunkowania – struktury - funkcjonowanie*, Lublin, p. 19.

[3] *Ibidem.* A question arises whether the environmental level includes also relations between the EU and entities like private companies producing armaments.

EU, decisions made at EU summits, and decisions of particular states with address the EU security and defence policy.

Another method of systematising the CSDP was offered by Beata Przybylska-Maszner[4] who used a chronological criterion and distinguished its two perspectives. The first wider perspective covers attempts at creating the foundations of a system of cooperation in the field of security and defence after the World War II and subsequent developments. The second and much narrower perspective includes events which have been taking place in that field since 1998 when the European Security and Defence Policy "began to emerge" from the Common Foreign and Security Policy. The emergence process included, *inter alia*, the UK declaration at an informal meeting of Heads of State or Government of EU Member State in Pörtschach[5] and the France-UK meeting in Saint-Malo[6] at which it was highlighted that the European Union had to be able to undertake independent actions in the field of security and defence. At the same time, it was noticed that the shaping of European defence capabilities cannot lead to a duplication of tasks or capabilities of NATO.

In Costanza Musu's opinion, the security policy of the European Union should be analysed in terms of two groups of variables of extraneous and endogenous nature. Extraneous variables refer to the pressure exerted by the international environment on the European Union to act in a collective and coordinated manner and is a result of a growing significance of the EU in the international arena and its impact on global economy. Endogenous variables are similarities and differences in defining interests and priorities by particular Member State and the functioning of common EU institutions responsible for implementing the security policy.[7]

A focus on security brings to the debate interesting analyses of the CSDP performed within different schools. According to realists, for example, the key element of the CSDP is the issue of the state security and its cooperation in this field in the international arena. The above are variously described within different schools of political realism such as neoclassical, offensive or defensive realism.[8] A noticeable diversity of approaches can also be observed in the case of liberal theories. For example, intergovernmental liberalism considers the analysed issue to be a "bar-

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[4] B. Przybylska-Maszner, A. Potyrała (2009), *Leksykon integracji europejskiej w obszarze Wspólnej Polityki Zagranicznej i Bezpieczeństwa i Europejskiej Polityki Bezpieczeństwa i Obrony,* Poznań, p. 35.

[5] Pörtschach summit (24-25 October 1998), www.consilium.europa.eu (10.08.2012).

[6] Meeting in Saint-Malo (3-4 December 1998). The signing of the 1998 Declaration on European Defence called also the Saint-Malo Declaration is considered to be the turning point in the development of the CSDP. Cf. B. Przybylska-Maszner, A. Potyrała (2009), *op. cit.,* p. 23.

[7] C. Musu (2003), *European Foreign Policy: A Collective Policy or a Policy of Converging Parallels?* "European Foreign Affairs Review" Vol. 8, No. 1, pp. 37-40.

[8] Cf. e.g. S. Rynning (2011), *Realism and the Common Security and Defence Policy,* "Journal of Common Market" No. 1, pp. 24-32; J. Czaputowicz (2012), *Bezpieczeństwo międzynarodowe. Współczesne koncepcje*, Warszawa, pp. 131-132.

gain" or "tender" between EU Member States, in which internal interest groups play a key role. Institutionalism highlights the impact of the European Union on foreign policy and security of Member States, smaller States in particular.[9] Constructivism, in turn, strongly emphasises that the CSDP changes the identity and interests of EU Member States. Its essential components include, *inter alia*, country socialisation, i.e. a community point of view, and cultural factors shaping the security policy of a particular State[10].

In one of most recent approaches systematising the CSDP, its three dimensions are distinguished:

A) an idea;

B) actions which led to the emergence of the CSDP;

C) functioning of the CSDP.

The first dimension (A) refers to the idea of integration of Member States being implemented not only at economic, social and political levels but also in the military domain. The second one (B) covers all actions initiated after the World War II which led to the development of the CSDP. The third dimension (C) is the functioning of the CSDP including its aims, mechanisms, institutions, evolution, *et cetera*.

Diagram 1

Three dimensions of the Common Security and Defence Policy[11]

A. The idea of cooperation which has been functioning for a long time, regularly implemented, analysed and modified (no time framework, i.e. an open interval).

(........)

B. Completed actions which resulted in the creation of the CSDP (determined time framework, i.e. a closed interval).

[........]

C. Functioning of the CSDP (determined time of the beginning of the CSDP but its end is not specified, i.e. a left-closed interval).

[........)

The analysed matter could be examined in a much wider context referring to many other conceptual models or trends. This, however, would require a separate and much broader study.[12]

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[9] More on this topic in e.g. J. Czaputowicz (2012), *op. cit.,* pp. 150-152; A. Wivel (2005), *The Security Actor,* "Journal of Common Market Studies", No. 2.

[10] See e.g. R. Ginsberg, S. Penksa (2012), *The European Union in Global Security. The Politics of Impact,* New York.

[11] The following mathematical symbols are used: (.....) – open interval; [.....] – closed interval; [.......) – left-closed interval.

[12] E.g. W. Kostecki (2012), *Strach i potęga. Bezpieczeństwo międzynarodowe w XXI wieku,* Warszawa.

CAUSES OF PROBLEMS WHICH CURRENTLY OCCUR
IN THE CSDP AND THEIR SYSTEMATISATION

The current CSDP is variously assessed. In addition to its achievements (including Operation Atalanta and Operation Artemis, European Security Strategy, etc.), there are numerous problems and shortcomings. It is very important to try to identify the reasons or causes of the latter. Problems and shortcomings are due to many different determinants which are variously systematised. For example, according to Przemysław Żurawski vel Grajewski, they can be divided into two basic categories: moral and legal constraints and financial constraints. The first group of factors comprises:

− lack of political leadership able to push through decisions essential for effective implementation of the CSDP at the European forum;

− different national security priorities of EU Member States determined, *inter alia*, by the history and geographical location of a given State;

- lack of European ethos manifested e.g. by the fact that there is no politically unified European nation which could build the foundation for a possible military effort of the European Union within the CSDP framework. In result, a question mark can be put next to the "solidarity" of EU countries if an event seriously threatening security of a Member State takes place.[13]

The second group of factors is related to the currently impossible increase of military expenditure. The situation has been additionally aggravated by the financial crisis and lack of public support for the idea. In this situation, funds for logistics operations, purchase of equipment and training of soldiers have been decreased.[14]

Another classification of current CSDP problems follows from Zbigniew Brzeziński's observations about sources of difficulties in the US as they can be transferred to the European area. Brzeziński divided those sources into two basic groups. The first one covers "hard" problems, i.e. more susceptible to changes by specific governmental or supra-governmental actions. The second category covers shortcomings, the overcoming of which requires fundamental changes. Both groups of problems are mutually dependent as they are based on political, economic, social, and ideological/moral determinants.[15]

A classification I wish to offer, divides sources of CSDP current problems into three main categories:

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[13] Such a view was strongly expressed by e.g. G. Friedman who warned Poland that in case of serious trouble with Russia or Germany, it should not count on the EU or NATO; cf. G, Friedman, *Analysis: Poland's Balancing Act,* "Global Economic Intersection" 4 October 2012, http://econintersect.com/wordpress/?p=25747.

[14] P. Żurawski vel Grajewski (2012), *Bezpieczeństwo międzynarodowe. Wymiar militarny,* Warszawa, pp. 292-295.

[15] Z. Brzeziński (1992), *Out of Control: Global Turmoil on the Eve of the 21st Century* [Polish translation (2013), *Bezład. Polityka światowa na progu XXI wieku,* Warszawa, p. 93ff.]

A. internal causes related to the situation within the European Union (e.g. conflicts of competence, divergent interests, bureaucratisation, etc.) and in its Member States (e.g. financial difficulties or lack of appropriately prepared personnel);

B. external causes due to the situation in the international arena (e.g. the size and escalation of new hot spots in different parts of the world which have an impact on the Union's policy).

C. combined causes, in which case factors comprised in categories A and B intertwine (e.g. the current financial crisis, which has both global and European implications, or EU-NATO disputes which are particularly complex as certain countries are members of both NATO and the EU).

Those three categories of problems may be illustrated by means of A, B and C axes, where axis A represents internal sources, axis B represents external causes, and axis C represents combined causes. In the diagram below, axis C is in between A and B to illustrate the fact that C frequently integrates elements included in A and B categories.

Diagram 2

Three categories of causes of problems occurring in the field of the CSDP
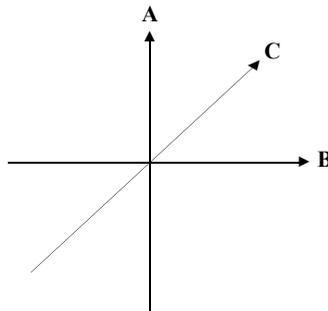
CATEGORY A. Internal causes include, *inter alia*, a list of determinants.

● A factor diminishing the effectiveness of the CSDP is the dependence on the necessary approval of Member States for its actions. If positions differ, the above mentioned requirement may prolong or nullify the decision-making process. Due to the number of Member States, diversity of their opinions and interests, such situations do happen.[16] Telling examples include approaches to developments in former Yugoslavia, Iraq and Libya and to the anti-missile shield project.[17] Recent examples include stances on Syria, Afghanistan and Iran and a future shape of the CSDP.

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[16] More on differences between Member States in e.g. I. Słomczyńska (2007), *op. cit.;* B. Koszel (2008) *Polska i Niemcy w Unii Europejskiej. Pola konfliktów i płaszczyzny współpracy,* Poznań.

[17] P. Turczyński (2012) *Amerykańskie koncepcje tarczy antyrakietowej w Europie,* Warszawa.

● Currently the EU experiences a financial and economic crisis, but the expression "Europe of many crises" is also justified.[18] There are problems in e.g. social and institutional spheres, the sphere of political leadership, legitimisation, *et cetera*. In other words, they affect different sectors of European integration including security and defence. In addition, there is a dispute over major values, the multiculturalism issue, escalation of radicalism and revival of anti-integration social movements.

● It is also important that the interest in security issues declines. Due to the escalation of economic problems and a decrease in the feeling of insecurity level (e.g. in the context of terrorism), both political elites and public opinion are less interested in security and defence issues. This is accompanied by a declining support for the EU using force or engaging in conflict situations.

● Conflicts over political or competence issues, which involve particular EU institutions and countries, are also relevant. This is reflected in the discussion concerning the establishment of permanent Operational Headquarters initiated by Ministers from France, Germany and Poland. Their proposal has been opposed by the UK which argued that the effectiveness of the EU mission command should be improved not by the establishment of a new institution but by making procedures more efficient. This has caused an intense discussion in which Member States and European institutions participated.[19]

● There is no lively geopolitical or geostrategic debate[20] on the position and role of the EU in the international environment. At the same time, there are many questions and dilemmas regarding e.g. the directions or concepts of the Union's future development and solutions to key problems. It is reflected, *inter alia*, in the lack of a comprehensive approach to EU foreign policy (strategy)[21] and a continuous lack of agreement between EU Member States on its priorities, funding and implementation. Considering the multiplicity and complexity of problems and the pace of developments in the international arena, the above situation significantly weakens the role[22] and image of the European Union.

● Comprehensive solutions to certain aspects of the functioning of the CSDP have not been offered yet. Examples include the Union's commitment to the fight against piracy off the coast of Somalia. Sea and air patrols carried within the framework of the Atalanta mission and appropriate coordination of actions with NATO forces turned out to be an effective tool to deter piracy. However, effective solutions

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[18]   *Rocznik Strategiczny 2011/2012, Przegląd sytuacji politycznej, gospodarczej i wojskowej w środowisku międzynarodowym Polski,* Warszawa 2012, p. 49ff.

[19] *Rocznik Strategiczny 2011/2012, Przegląd sytuacji...,* pp. 253-255.

[20] Questions related to e.g. geoeconomics are also important. For more on the subject, cf. E. Haliżak (ed.) (2012), *Geoekonomia*, Warszawa.

[21] For more on the CSDP, cf. e.g. R. Zięba (2007) *Wspólna Polityka Zagraniczna i Bezpieczeństwa Unii Europejskiej*, Warszawa.

[22] For more on the power of a state and its determinants in the international arena, cf. e.g. A. Wojciuk (2010), *Dylemat potęgi. Praktyczna teoria stosunków międzynarodowych*, Warszawa.

aimed at eliminating the causes of the problem, i.e. sources of piracy there, have not been designed.

Another example is the fact that some important issues like territorial defence, remain vested in NATO[23] and have not been included in the CSDP. Therefore, actions undertaken within the CSDP do not cover defence policy in the full sense of the word and EU military capacities can be viewed as limited.

● It is also necessary to point to delays in the implementation of adopted programmes and objectives and visible symptoms of stagnation in selected sectors of the CSDP. Examples include the slow building of the Galileo navigation system, problems connected with the functioning of battle groups and armaments market deregulation.[24] In the case of the Galileo system, the delay is already of a couple of years and may grow further due to financial problems. As far as battle groups are concerned, it was assumed that in the middle of 2012, two groups would be on duty. In reality, there was one. As for the armaments market deregulation, its aim was to induce governments to hold open tenders for armaments and thus to improve effectiveness of the sector. However, some EU countries did not implement appropriate directives within the set time limit, i.e. by August 2011, or delayed legislative proceedings.

Furthermore, the process of shaping the EU crisis response model has not been completed. Due to legal and political conditionalities, conflicts of interest, insufficient funds, and the complex nature of the model itself (covering both political, military, police and economic actions), this situation will probably persist for some time and, in consequence, weaken the Union's effectiveness and hinder the use of the mechanism in question.[25]

An example of stagnation within the CSDP is the deadlock in the debate started in 2010 on the implementation of the Permanent Structured Cooperation (PESCO)[26] provided for in the Treaty of Lisbon.

● The long time needed to complete many decision-making processes corresponds to the above. They are prolonged due to, *inter alia*, the "never-ending" consultations between particular States or institutions and the complexity of administrative and legal procedures (e.g. a long process of shaping many EU missions). It considerably decreases the Union's effectiveness and credibility of its policies.

In an assessment of the functioning of the CSDP, obstacles of purely bureaucratic nature must be considered. An example are difficulties in the execution of the

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[23] R. Zięba, *Wspólna polityka zagraniczna i bezpieczeństwa UE – strategie i wyzwania*, in: *Pytania o Europę. Opinie ekspertów*, Warszawa 2010, p. 144.

[24] M. Terlikowski (2011), *Liberalizacja rynku produktów obronnych w UE*, „Materiały Studialne PISM" No. 15. Another example is a reform of the Athena mechanism, which has been postulated for several years.

[25] E.g. J. Gryz (ed.) (2009), *System reagowania kryzysowego Unii Europejskiej. Struktura – charakter – obszary*, Toruń.

[26] S. Biscop (2008), *Permanent Structured Cooperation and the Future of ESDP*, "Egmont Papers" No. 20.

so-called Civilian Headline Goal and the appointment of national experts whose number is too low. Although experts were formally proposed by Member States, obstacles of, *inter alia*, administrative or legal nature have hindered their activities.

● Unpreparedness and lack of full consent or dedication of some EU Member States and their elites to develop integrated supra-national solutions in the field of security do matter as well. The above, combined with e.g. limited mutual trust and attachment to national sovereignty, may lower effectiveness of actions undertaken, which is illustrated, *inter alia*, by the low effectiveness of the Ghent Initiative.

● It is also worthwhile to consider an apparent advantage of the CSDP as a source of its weakness. One of fundamental principles of the CSDP is that EU activities in the international arena have to conform to the United Nations Charter and to decisions of the UN Security Council. From the legal point of view, it is a proper solution. However, from a strategic perspective, this principle may limit the Union's effectiveness including EU efforts to solve conflicts.

● National interests of Member States do matter.[27] Their significance can be seen when it comes to budgetary issues. Examples include no consultations or information exchange between States on introduced or planned cuts in military expenditure. Another example is the "attachment" of certain countries to their independence in the area of purchasing or modernising armaments. This weakens both the potential and cohesion of the European Union.

Situations where particular EU States place their interest above the Community interest are due to various reasons (Table 1 below).

● The human factor also needs to be emphasised. In some Member States the number of properly trained personnel is too small. This refers primarily to EU actions in the international arena. Moreover, cases of corruption or lack of professionalism can be observed both among political elites and civil servants.

Furthermore, limited civilian and military resources of the EU do not meet the needs of the CSDP.[28] Still, according to critics, no key attempts have been made to solve that problem. On the contrary, it has escalated due to cuts caused by the financial crisis.

● According to some specialists, problems occurring in the field of the CSDP might have also been caused by the implementation of provisions of the Treaty of Lisbon. It suffices to notice that the responsibility for CSDP implementation is largely vested not in the State holding a rotating Presidency as it was before, but in the

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[27] For more on the significance of national interest in the functioning of the EU, cf. T. Grosse (2010), *Rola interesów narodowych w polityce europejskiej: przykład dyskusji o Strategii „Europa 2020",* „Międzynarodowy Przegląd Polityczny" No. 26.

[28] In the opinion of some experts, conflicts may be caused also by the fact that closest co-workers of the High Representative originate mainly from the so-called big Member States while Commissioners represent primarily small countries. Cf. *Rocznik Strategiczny 2010/2011, Przegląd sytuacji politycznej, gospodarczej i wojskowej w środowisku międzynarodowym Polski,* Warszawa 2011, p. 111.

High Representative and the subordinated service.[29] However, the institution of the High Representative is a relatively new entity, all mechanisms of which have not yet been fully developed.[30] What is more, some EU countries[31] still perceive this EU institution with "some distrust".

Table 1

Five categories of interest conflicts between European Union countries in the security context

1st category	Conflicting interests due to geopolitical location of a given EU Member State.
2nd category	Conflicting interests due to historical experience of a given EU Member State.
3rd category	Conflicting interests resulting from assessment and articulation of defence integration concepts and the role of transatlantic relations.
4th category	Conflicting interests due to a perception of security and its main threats.
5th category	Conflicting interests due to other circumstances, e.g. economic factors, public opinion views, strategic culture and the like.

Source: Author's own work based on J. Kukułka (2000) *Teoria stosunków międzynarodowych*, Warsaw, p. 224; I. Słomczyńska (2007), *op. cit*., p. 37.

● The distrust of some countries towards the functioning and evolution of the CSDP is reflected, according to some experts, in the tightening of Franco-British (two largest military powers in the European Union)[32] cooperation and increasingly frequent suggestions that in some cases these countries "forget" common European interest. It may further weaken the CSDP or even marginalise it.

One of the latest manifestations of the above was the signing of two new Franco-British agreements on 1 November 2012. The UK and France decided to conduct joint research on nuclear weapons, cooperate on submarine technologies and systems, using aerial refuelling aircraft tankers, and sharing aircraft carriers.[33] An

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[29] More on the assessment of cooperation between the State holding a rotating Presidency of the Council of the EU and EU decision makers in the context of EU foreign policy implementation in: A. Gostyńska, D. Liszczyk (2011)*, "Prezydencja wspomagająca" jako model funkcjonowania prezydencji rotacyjnej w zakresie działań zewnętrznych UE,* "Biuletyn PISM" No. 56.

[30] Assessment of functioning of the High Representative of the Union for Foreign Affairs and Security Policy, cf. D. Liszczyk (2011), *Bilans pierwszego roku urzędowania wysokiego przedstawiciela UE,* "Biuletyn PISM" No. 16.

[31] *Rocznik Strategiczny 2011/2012, Przegląd sytuacji...,* pp. 248-249.

[32] D. Jankowski (2010), *Entente cordiale czy entente frugale? Francusko-brytyjskie porozumienie w dziedzinie bezpieczeństwa i obrony,* "Bezpieczeństwo Narodowe" No. 14, pp. 26-28. Also D. Liszczyk (2011), *Aktualne podejście Francji do polityki bezpieczeństwa i obrony UE,* "Biuletyn PISM" No. 6.

[33] After 2020, both armies will maintain one aircraft carrier in combat readiness at sea (in rotation,

important element of the agreements was the intent to create common joint expeditionary force of 5,000 soldiers, which could be used under a mandate of NATO, EU or the UN, or in Franco-British missions. Despite the fact that looking for expenditure cuts constitutes an important reason for cooperation tightening, the agreements can also be interpreted as another example of uncertainty about the future of the European defence policy. Especially, since the two countries wish to expand their cooperation further.

● The dispute on "leadership" in the European Union and a growing crisis accompanying it matter as well. Should one or maybe two or three States play the role of the EU leader in the future? If more than one, then in what constellation, on what basis and with what competences? Is the concept of the "hard core" still valid or maybe now the concept of "two speeds" prevails? Or maybe, in the light the idea of two budgets of the EU (one for the euro area and another for other countries), is some form of dualism also planned in respect to foreign policy and defence?

CATEGORY B. External causes comprise international elements.

● Multiple threats in the international arena have a direct or indirect impact on the security and defence of the European Union. They have both a geographic dimension (hot spots in e.g. Iran, Syria, Somalia, North Korea) and a thematic dimension (challenges related to, *inter alia*, terrorism, fundamentalism, separatism, conventional armaments, weapons of mass destruction, ethnic conflicts, so-called failed states[34]).[35] The list of threats in both geographic and thematic perspectives is subject to on-going modification and evolution, which makes it even more difficult to plan and carry the CSDP.[36]

An especially difficult problem, not only for the EU, is to take action against countries violating democratic principles, in particular if a given country has a power status. What model of conduct should be adopted in relation to such countries? Should far-reaching criticism be presented? Should a dialogue be carried? Or, maybe, would "balancing" between the two positions be a good solution? None of the solutions is optimal. And none of them guarantees the fulfilment of set objectives.

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a British and a French one), which will service the partner's air force. To this end, technical adjustments were foreseen. T. Bielecki, *Londyn i Paryż uzbroją się razem,* "Gazeta Wyborcza" 02.11.2012.

[34] More on the subject in e.g. R. Kłosowicz, A. Mania (ed.) (2011), *Problem upadku państw w stosunkach międzynarodowych,* Kraków.

[35] More on the essence and evolution of current threats in e.g. R. Schultz, R. Godson, G. Quester (eds) (2006), *Security Studies for the 21st Century,* Washington-London; K. Booth, N. Wheeler (2008), *The Security Dilemma. Fear, Cooperation and Trust in World Politics,* New York.

[36] More on threats and problems in e.g. R. Zięba (2004), *Instytucjonalizacja bezpieczeństwa europejskiego. Koncepcje – struktury – funkcjonowanie,* Warsaw; P. Turczyński (2011), *Bezpieczeństwo europejskie. Systemy – instytucje – funkcjonowanie,* Wrocław; Council of the European Union (2009), *European Security Strategy. A Secure Europe in a Better World,* Brussels, www.consilium.europa.eu (accessed: 13.10.2012).

● Activities of such players as the Russian Federation and China intensify in the international arena. It refers to various aspects of their activity, from the economic or military sphere to geopolitics and military and technological espionage. It forces the European Union to counteract and, thus, to allocate additional efforts and funds to be able to do so.

● The US military engagement in Europe decreases. In the current American strategy, the issue of European defence is giving way to two other regions, i.e. Asia-Pacific and the Middle East. This has been confirmed with decisions to decrease the 2012-2021 expenditure of the US Department of Defence by USD 487 billion. Its further reduction is possible. The US Budget Control Act of 2011 foresees that if, by the end of 2012, the Congress does not reach an agreement on the reduction of national deficit by USD 1.2 trillion by 2021, the US defence budget will be reduced in that period by further 500 billion.[37] For the European Union, it means that it needs to take over part of tasks from the US and to increase its participation in costs incurred by e.g. NATO or initiatives guaranteeing security in Europe.

CATEGORY C. The third group of determinants covers combined factors which have both internal and external aspects.

● The aforementioned diverse challenges facing the European Union and the fast pace of huge changes in the world, make it necessary for the EU to engage in many parts of the globe and contribute to dispersion of funds. Examples include missions carried within the framework of the CSDP. Most of them are of civilian[38] and their scope of action is limited e.g.. the EU Police Mission (EUPM) in Bosnia and Herzegovina, EULEX in Kosovo, EU Monitoring Mission (EUMM) in Georgia, EU Border Assistance Mission (EUBAM) in Moldova/Ukraine, EUJUST Lex in Iraq, EU Border Assistance Mission (EUBAM) in the Palestinian Authority, EUPOL in Afghanistan, EUPOL in the Democratic Republic of Congo. Civilian missions may have a very different focus e.g. EU police missions, advisory/training missions supporting a security sector reform or introduction of the rule of law, border control assistance missions and EU monitoring missions.[39] Their broad spectrum clearly demonstrates the enormity of tasks awaiting the EU in one integration sector only.

Logistics of military operations is more advanced and thus their costs are higher. Budgets (in euro) allocated to the following missions illustrate the point: over 8 million for ATALANTA – Coast of Somalia, over 119 for EUFOR – Chad/Central African Republic, over 149 million for EUFOR – Democratic Republic of the Congo, over 71 million for EUFOR – ALTHEA – Bosnia and Herzegovina, over 6 million

[37] S. Daggett, P. Towell, *FY2013 Defense Budget Request. Overview and Context, CRS Report for Congress,* 20.04.2012; *NATO's Sea of Trouble,* "The Economist" 30.02.2012.

[38] Cf. B. Przybylska-Maszner (ed.) (2010), *Misje cywilne Unii Europejskiej,* Poznań; CSDP EU-Common Security and Defence Policy, http://consilium.europa.eu; J. Dobrowolska-Polak (2009), *Międzynarodowa solidarność. Operacje pokojowe ONZ, NATO, UE,* "IZ Policy Papers" No. 3; *Rocznik Strategiczny 2011/2012. Przegląd sytuacji...,* pp. 263-265.

[39] B. Przybylska-Maszner, A. Potyrała (2009), *op. cit.,* p. 133.

for CONCORDIA – the former Yugoslav Republic of Macedonia, and the especially complex and expensive operation EUFOR- Libya.

● The key determinant which weakens current actions carried under the CSDP is the financial crisis of both global and European (mainly the EU) dimensions.[40] In the case of the European Union, it has led, *inter alia*, to an economic slowdown, increased unemployment and decreased budgetary revenues. This strongly "destabilised" national budgets of EU Member States. For example, in 2010, budgetary deficit (% of GDP) in Ireland amounted to -14.7; in the UK to -12.9; in Greece to -12.2; in Spain -10.1; in Portugal -8.0; in Italy -5.3.[41] The above has translated into a decline in investment in the defence sector, including a decrease in expenditure on modernisation, long-term research projects and development programmes. Bulgaria reduced its defence budget by 40% in 2010; the Czech Republic reduced it by 20% in 2009-2011; Germany decided to reduce the budget by 25% in 2010-2014 while, in the same period, Italy would reduce it by 10%, and the UK by 7%. In total, in last three years, defence expenditure of EU Member States decreased by USD 45 billion.[42] The scale of this phenomenon is underlined by the fact that in 2010 the US invested EUR 58 billion in military research and development while the EU only 9 billion.[43] Investment cuts strongly affected the military industry sector where both public (national) and private companies have reduced employment or taken measures to fight their competitors. It has had an impact on relations between EU Member States, their priorities, and defence expenditure.

Table 2

Comparison of defence expenditure in the US and the EU in 2009-2010

Defence expenditure	2009		2010		2009-2010 change (%)	
Side	EU	US	EU	US	EU	US
Total (EUR bln)	194	471	194	520	0%	10.4%
As % of GDP	1.7%	4.6%	1.6%	4.8%	- 4,1%	3.0%
As % of total government expenditure	3.3%	11.1%	3.2%	11.2%	- 3.3%	1.3%
Per capita (in EUR)	392	1533	390	1676	- 0.4%	9.3%

Source: *Europe and United States Defence Expenditure in 2010,* European Defence Agency, 12.01.2012.

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[40] A. Małkiewicz (2010), *Kryzys. Polityczne, ekologiczne i ekonomiczne uwarunkowania,* Warszawa; R. Kuźniar (ed.) (2011), *Kryzys a pozycja międzynarodowa Zachodu,* Warszawa.

[41] V. Rossi, R. Delgado Aguilera (2010), *No Painless Solution to Greece Debt Crisis,* Programmer Paper IE PP 2010/03, London, p. 6.

[42] T. Valasek (2011), *Surviving Austerity. The Case for a New Approach to EU Military Collaboration,* Centre for European Reform, London.

[43] Europe and United States Defence Expenditure in 2010, www.eda.europa.eu (accessed: 3.10.2012).

● Relations within in the geopolitical triangle of the European Union – NATO – the US are an important challenge in this area. While analysing foreign policy of both the EU and its individual Member States, discrepancies between promoted solutions, concepts or particular interests become apparent. What is especially important in the case of the CSDP, certain Members fear "militarisation" of the European Union or a conflict of interests with NATO due to, *inter alia*, duplicating some tasks or actions.[44]

Examples of discrepancies include an assessment of the situation in Iraq, Afghanistan and Syria, tensions between Cyprus and Turkey, the question of the anti-missile defence and many more other issues.[45] Furthermore, it needs to be pointed out that currently the EU concentrates its efforts primarily on overcoming the financial crisis while NATO is focused on the situation in Afghanistan.

The above comparison comprises only selected factors which, to a greater or smaller extent, impact the CSDP. A full list of factors/determinants is much longer and requires a more extensive study. It needs to be emphasised that some of the above-mentioned causes complement or follow from one another. That is why their systematisation may change.

CONCLUDING REMARKS

(i) The multitude and diversity of issues covered by the CSDP and the complexity of problems accompanying them is an incentive to analyse the above again in a comprehensive manner. Outcomes may manifest themselves in the EU creating its new security strategy or adoption of a White Paper on defence. The aforementioned actions must be founded on, *inter alia*, a precise and long-term determination of objectives, identification of appropriate means and their sources, implementation of needed mechanisms, and a consensus reached by all Member States which will strengthen the EU from the political, logistics and financial point of view, improve its image, and consolidate its defence and security policy. Without undertaking such initiatives, it is difficult to expect the Union's higher effectiveness.

If the European Union wants to play an important role in the international arena, it needs to have a considerable economic, technological, political and also military potential. The necessity to undertake actions to this end was emphasised, *inter alia*, in the 2008 report of Javier Solana assessing the implementation of the European security strategy. "For our full potential to be realised we need to be still more ca-

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[44] P. Natkański (2004), *Polityka Stanów Zjednoczonych wobec Europejskiej Tożsamości Bezpieczeństwa i Obrony,* Toruń; P. Turczyński (2011), *Bezpieczeństwo...;* A. Demkowicz (2007), *Integracja Europy Zachodniej w dziedzinie bezpieczeństwa i obrony. Od EWO do WEPBiO,* Toruń; M. Soja (2011), *Stosunki UE-NATO w dziedzinie bezpieczeństwa europejskiego i obrony na przełomie XX i XXI wieku,* Toruń.

[45] More on transatlantic relations and their evaluation in e.g. J. Kiwerska (2011), *Wydarzenia w Afryce Północnej i układ transatlantycki*, „Biuletyn Instytutu Zachodniego" No. 64.

pable, more coherent and more active."[46] Otherwise, the stagnation of the CSDP will deepen and lack of effective diplomatic actions, as it happened in the case of e.g. Syria, will become a norm.

(ii) Functions of the EU Common Security and Defence Policy vary. They are implemented in many ways and to a different extent. Most important functions attributed to the CSDP are presented in Diagram 3 below.

In practice, in all above-mentioned areas, functions attributed to the CSDP are not exercised to a sufficient extent. In consequence, serious discrepancies arise between theoretical assumptions and their actual implementation.

Diagram 3

Selected major functions of the Common Security and Defence Policy of the European Union
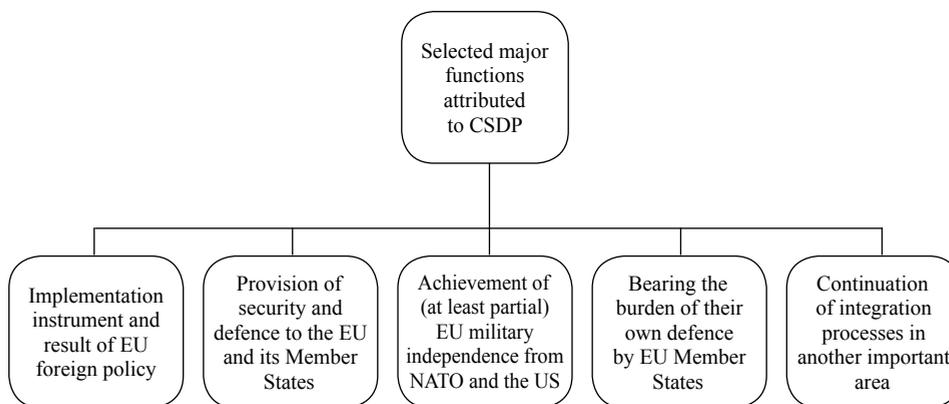
(iii) Reasons for that situation are the many different factors discussed above. Among them, the following determinants should be underlined: differing positions and interests of Member States, financial problems (including budgetary cuts) and the ongoing financial crisis in the European Union, lack of political determination to reform and boost cooperation in the analysed sector, and the mechanism called a lack of awareness of the common enemy. That awareness became "dormant" to the end of the Cold War, and then again when fears of threats from Islamic fundamentalists (attacks in New York, Madrid, London) dispelled.[47] Nevertheless, that awareness should be shaped again if only because of threats to the European Union posed by failed states where phenomena like fundamentalism, terrorism, mass migration, ethnic cleansing may occur and escalate. In short, it needs to be emphasised that the

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[46] *Europejska...*, p. 9

[47] For more information on the contemporary threat of terrorism, cf. e.g. R. Jackson, L. Jarvis, J. Gunning, M. Smyth (2011), *Terrorism. A Critical Introduction,* London or S. Wojciechowski (2013), *Terroryzm na początku XXI wieku. Pojęcie – przejawy – przyczyny,* Poznań.

European Union has its strategic interest in democratisation and stabilisation not only in the Balkans and the Caucasus but also (or maybe first of all) in the Middle East and North Africa.

(iv) In the light of a theoretical approach, security policy may be perceived as a sum of three components and interactions between them. These components include: set objectives, values and interests; challenges and related risks; structures considered; strategies for action; instruments used, application of law, force and will to act (Diagram 4 below).

While analysing EU security policy using the model presented in Diagram 4, it appears that currently in each component there are some problems and uncertainties, big or small. This refers not only to the structure, strategy or instruments of the security policy, but also to setting long-term objectives, conflicts of interest, disputes concerning interpretation of law, use of force, lack of will to act, *et cetera*. To sum up, all or almost all components of the EU security policy are "disrupted" to an extent. That is why the system cannot function truly effectively.

Diagram 4

Components of security policy
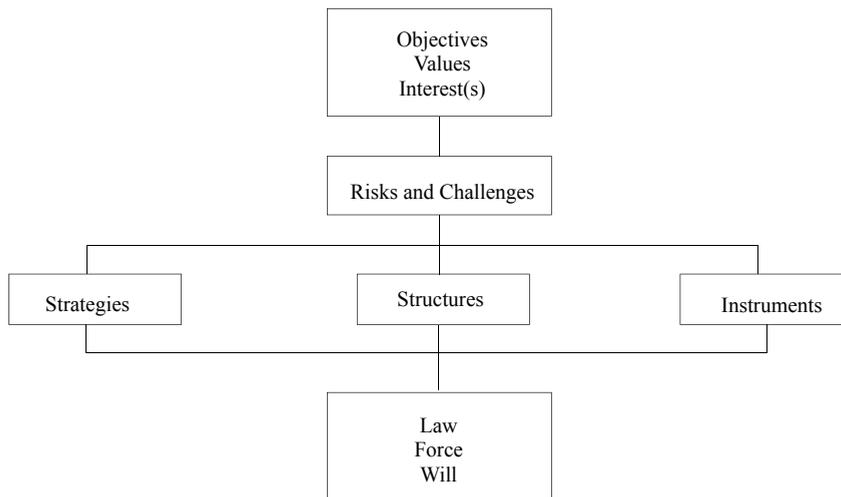
Source: D. Wellershoff (1999), *Mit Sicherheit. Neue Sicherheitspolitik zwischen gestern und morgen,* Bonn, p. 21.

(v) Increasingly frequent manifestations of the "two speeds" phenomenon can be observed both in NATO and the CSDP. They reflects varying engagement of particular Member States in the functioning of those institutions. NATO Secretary-General Anders Fogh Rasmussen has pointed out that European members of the Alliance

currently cover only 20% of NATO defence expenditure which may have many different consequences. According to him[48], the most important ones are that:

• The European Union will lose its capacity to participate in international crisis operations due to, *inter alia*, its limited military capabilities e.g. air force, intelligence, logistics. One of the latest illustrations of the above was the operation in Libya where the EU needed support of the United States.

• In the international arena, the significance of the European Union will decrease. This geopolitical gap may be filled by other actors like China, India or Brazil. In consequence, the US may focus on its relations with other countries at the expense of the European Union and, thus, weaken transatlantic relations.

• This situation may also increase the pressure exerted by American public opinion which increasingly opposes expenditure on European security from taxes Americans pay.

Robert Gates, former US Secretary of Defense, expressed similar opinions frequently underlining that the United States was highly concerned with the decrease in the European defence expenditure. Consequences of that situation could have been observed, *inter alia*, during the operation in Libya, where – after some dozen weeks – some European allies lacked munitions and Americans had to deploy additional air force personnel. What is more, only eight NATO Member States participated in combat operations. Thus it is justified to say that European partners lacked both necessary resources and political will. European engagement in operations in Afghanistan and financial contributions to NATO defence policy (according to Gates, the US covers over 75% of all NATO expenditure) were also criticised.[49]

Disproportions between the US and the EU financial contributions to various constituents of military engagement are illustrated in Table 3 below.

Table 3

Structure of the defence expenditure of the US and the EU in 2009-2010, in EUR billion

Defence expenditure breakdown	2009		2010		2009-2010 (change %)	
	EU	US	EU	US	EU	US
Personnel	98	148	99	166	0.3%	12.2%
Operations and maintenance	40.9	140	42.9	155	4.8%	10.7%
Investment	44.2	149	44.1	159	- 0.1%	6.4%
Other	10.5	33	7.9	39	- 24.8%	18.9%

Source: *Europe and United States Defence Expenditure in 2010,* European Defence Agency (accessed: 12.01.2012).

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[48] *Szef NATO dla „Gazety". Europa może przestać się liczyć,* T. Bielecki interview, „Gazeta Wyborcza" 29.06.2011.

[49] E.g. R. Gates, *NATO Has Become Two-tiered Alliance,* http://www.defense.gov/mews/newsarticle.aspx (accessed: 15.11.2012).

(vi) Highly relevant are initiatives related to the security and defence of the European Union such as the creation of the Weimar Combat Group consisting of soldiers from Poland, France and Germany, which will be ready for action on 1 January 2013 and used as part of peacekeeping missions under the direct control of the Council of the European Union.

Another manifestation was a Declaration signed in November 2012 at a meeting of the so-called Weimar Triangle Plus, i.e. Poland, France, Germany, Italy and Spain. They called for conducting an "ambitious" defence policy of the European Union and for an increased engagement of the EU in security issues beyond its borders.[50] Furthermore, representatives of the Weimar Triangle Plus announced that further actions would be undertaken in order to boost the CSDP.

Such initiatives, however, are but a prelude to a much broader, real and not only declared, reform of the CSDP. They will have an impact on the security of both Poland[51], other Member States, and the entire European Union. The above was emphasised, *inter alia*, by Stanisław Koziej, Head of the Polish National Security Bureau, at a conference on a new EU security strategy held in Warsaw in October 2012. He said that a new security strategy should respect national interests, point out interests common for all EU Member States, and define EU-NATO relations more precisely. This should be done in two stages. Firstly, a strategic review of national security of each Member State should be conducted to identify its interests and strategic objectives. Secondly, a review of security issues in the entire European Union should be performed to specify common interests constituting the foundation of a new strategy.[52]

(vii) The Common Security and Defence Policy of the European Union can be analysed at micro and macro levels. The first refers to a situation in which the Union focuses its actions in the area of security and defence mainly on Member States, without paying too much attention to other entities. The second refers to a situation where the EU wants to both ensure its own security and to play an important role in the international arena contributing to global security and actively engaging in eliminating key hot spots. In this case, however, the European Union has to be ready to effectively carry much more difficult actions. This will require much more effort, means and readiness to take possible risk.

Being a global player means that a given actor must have a needed potential, is aware of the consequences (rights and obligations), wants to play an important role

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[50] S. Łucyk, *Trójkąt za większym udziałem UE ws. bezpieczeństwa poza Unią,* „Gazeta Wyborcza" 15.11.2012.

[51] E.g. B. Balcerowicz (2004), *Bezpieczeństwo polityczne Rzeczypospolitej Polskiej,* Warszawa; R. Jakubczak, J. Flis (eds) (2006), *Bezpieczeństwo narodowe Polski w XXI wieku – wyzwania i strategie,* Warszawa; *Strategiczny Przegląd Bezpieczeństwa Narodowego: rola, struktura, procedury,* Report of Instytut Bezpieczeństwa Krajowego WSZP, Warszawa 2009; S. Wojciechowski, A. Wejkszner (eds) (2013), *Kluczowe determinanty bezpieczeństwa Polski na początku XXI wieku,* Warszawa.

[52] *Koziej o strategii bezpieczeństwa UE: uwzględnić interesy narodowe,* „Gazeta Wyborcza" 18.10.2012.

and has a clear idea how to be an important actor. The question is to what extent the above-mentioned elements are features of the European Union today. Doubts will not be dismissed by declarations or spectacular gestures such as awarding the Nobel Peace Prize to the European Union...

ABSTRACT

Common Security and Defence Policy of the European Union (EU CSDP) has been the subject of numerous and diverse publications. However, they are largely descriptive rather than analytic, focusing on e.g. highlighting the origin of the above mentioned issue, its main stages, institutions or legal grounds. Too little attention is paid to, among others, such matters as: an attempt to systematise the constitutive elements of CSDP, depiction of the causes of problems occurring in this area of integration, their classification and presentation of consequences of such a state of affairs. These issues are considered in the present paper.

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QUASI-LEGISLATIVE CITIZENS' INITIATIVE AS AN ELEMENT OF PARTICIPATORY DEMOCRACY IN THE LEGAL AND INSTITUTIONAL SYSTEM OF THE EUROPEAN UNION

Democracy has various faces and their enumeration ends with participatory democracy.[1] The term *participatory democracy* is attributed to Arnold Kaufman, advisor of an American student organisation which, in 1962, called for direct participation of students in governance of universities.[2] Thereby, in the 1960s, the United States became the cradle of the modern concept of participatory democracy. However, a need to conduct institutional changes which would encourage citizens' political activity was recognised in the US already in the 1920s. Modern concepts of democracy which concentrate on political participation do not question legitimacy of representative institutions but point to different non-electoral forms of political expression and collective decision-making which enhance active citizenship and are better adjusted to post-industrial societies. Channels of the desired participation include referenda, citizens' legislative initiatives, discussion forums, public hearings, local government and self-governing professional institutions.[3]

In view of the manner in which legislative power is exercised in a state (or in a supranational organisation), democracy is often divided into direct and indirect only. However, there is also its third form which combines elements of those two traditional forms of democracy, i.e. semi-direct democracy.[4] The introduction of this third form of democracy into the political and legal discourse helps to avoid

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[1] M. Safjan (2007), *Wyzwania dla państwa prawa,* Warsaw, p. 23.

[2] Cf. F. Cunningham (2005), *Theories of Democracy. A Critical Introduction,* Oxon, p. 123.

[3] P. Sekuła (2009), *Kultura polityczna a konsolidacja demokracji,* Cracow, p. 29ff. See also P. Nolte (2012), *Was ist Demokratie? Geschichte und Gegenwart,* München, p. 356ff.

[4] E.g. B. Banaszak (2010), *Prawo konstytucyjne,* Warsaw, p. 275 and 300. Giovanni Sartori distinguished direct democracy, referendum democracy, electoral democracy, representative democracy and, finally, participatory democracy. Having outlined a map of identifiable and definable kinds of democracy, he asked "where should we place on such map a *participatory democracy*?" and answered "nowhere in particular and, to differing extents, everywhere ." At the same time, he noticed that most proponents of the notion do not argue that participatory democracy "should do away with elections or utterly dismiss representation" (G. Sartori (1987), *The Theory of democracy revisited, Part One: The Contemporary Debate*, New Jersey, p. 112).

simplification and a manifest error consisting in equalising participatory democracy with direct democracy.[5] Semi-direct democracy may include all instruments which presuppose participation of a collective entity which is the bearer of sovereignty in decision-making processes, even though the final decision is made by public bodies of representative nature. Thus, in semi-direct democracy, members of the collective entity have a possibility of presenting opinions on a given matter. Such an opinion has to be heard by public bodies but the latter are not obliged to take the opinion into consideration.[6] Both direct democracy and semi-direct democracy are forms of democracy which incite citizens to take part in the national or supranational decision-making process. These two forms of democracy should not be equalised as the outcomes of active citizenship differ. On the other hand, similarities between the two make it possible to examine their instruments jointly while analysing the functioning of direct citizens' authority and to use a cover term, i.e. "participatory democracy". Citizens' participation should therefore be understood as a possibility of citizens to influence, in a binding or non-binding way, final decisions taken in the exercise of public powers. Citizens' participation in the exercise of public powers is important regardless of the scope of their rights at particular stages of decision-making.[7] While adopting Piotr Uziębło's approach as a starting point of deliberations presented below, it needs to be mentioned that a view that direct democracy comprises participatory and plebiscite democracy can be found in the subject literature as both aim at broadening the range of citizens' rights in decision-making[8]. Using the "broadening" criterion, it is possible to consider participatory and deliberative democracy as types of democracy oriented towards citizens' participation.[9] It is also possible to distinguish between deliberative democracy, cooperative democracy, participatory democracy, and plebiscite democracy.[10] Different approaches and terminological disputes[11] are, however, hardly relevant to the European Citizens' Initiative which,

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[5] Cf. A. Kost (2013), *Direkte Demokratie,* Wiesbaden, p. 10.

[6] Piotr Uziębło noticed that many American and some European researchers, in particular French ones, consider semi-direct democracy to be a specific combination of representative democracy and direct democracy in its classic sense where the final decision is made by the sovereign. In this approach, instruments which produce binding results and those which come down to an expression of opinion are assumed to constitute components of the system of instruments of semi-direct democracy. (P. Uziębło (2009), *Demokracja partycypacyjna,* Gdańsk, p. 19). Cf. F. Meerkamp (2011), *Die Quorenfrage im Volksgesetzgebungsverfahren. Bedeutung und Entwicklung,* Wiesbaden, p. 38ff.

[7] P. Uziębło (2009), *op. cit,* p. 18ff.

[8] F. Pilz, H. Ortwein (2008), *Das politische System Deutschlands. Systemintegrierende Einführung in das Regierungs-, Wirtschafts- und Sozialsystem,* München-Wien, p. 33.

[9] M. G. Schmidt (2010), *Demokratietheorien. Eine Einführung,* Wiesbaden, p. 237 *et seq*. Cf. H.-J. Lauth, *Regimetypen: Totalitarismus – Autoritarismus – Demokratie,* in: H.-J. Lauth (ed.) (2010), *Vergleichende Regierungslehre. Eine Einführung,* Wiesbaden, p. 100.

[10] C. Buß (2008), *Kooperative oder direkte Demokratie?,* Berlin, p. 13.

[11] The variety of researchers' views is excellently illustrated by the notion of participatory democracy used by Thorsten Hüller (Th. Hüller (2005), *Deliberative Demokratie: Normen, Probleme und Institutionalisierungsformen,* Münster, p. 152ff.).

unquestionably, is an instrument of participatory democracy, i.e. democracy focused on citizens' participation. The EU Regulation on the European Citizens' Initiative (ECI) extends that participation much beyond the requirement of holding a thorough political debate for the public in the decision-making process. Its aim is to impact a decision content or even to "prescribe" the contents. However, the ECI does not guarantee the achievement of a desired goal as plebiscite democracy (or direct democracy in its narrow sense) does.

Critics of participatory democracy argue that proponents of the ECI unrealistically and excessively underline its normative aspect and their image of citizens is overoptimistic as citizens primarily want to maximise their individual benefits and only occasionally act for the common good. Moreover, participatory democracy overestimates political resources of an average citizen, i.e. obtaining all necessary and comprehensive information on a given issue or situation and devoting much time to widely engage in public affairs. Finally, the critique refers also to a growing threat of despotism (demands of self-proclaimed "avant-garde" social groups or leaders of "sects" claiming to represent "true" interests of their clientele or community) which exacerbates conflicts and destabilises the situation by "excessive" citizen participation (growing demands addressing the political system which destroy not only a necessary balance between conflict and consensus and between active engagement and apathy, but also destabilise the political order). Critics also point to a limited one-dimensional perspective, i.e. striving to increase citizen participation in the decision-making process without taking its consequences into account.[12]

One of the instruments of participatory democracy is the citizens' legislative initiative called also a popular initiative or citizen(s') initiative.[13] This institution should be understood as an entitlement of a legally defined number of members of the collective sovereign to initiate legislative proceedings aimed at the adoption, amendment or repeal of a particular ordinary or basic law. Taking into consideration the form of an initiative proposal, one may distinguish between a formulated and unformulated initiative. In the first case, the initiators propose a ready draft legislation while in the second, they only propose to amend binding legislation, in which case the preparation of a draft and further legislative proceedings are responsibilities of competent legislative bodies.[14] Regardless of its form, the citizens' legislative initiative is a direct exercise of power by the sovereign. It, however, only launches an activity of competent representative bodies which make the final decision regarding the content of the proposal. That is the reason why it is considered to be a "non-authoritarian form of direct democracy"[15] or, to be consistent, a non-authoritarian form

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[12] F. Pilz, H. Ortwein (2008), *op. cit.,* p. 33ff.

[13] I. Grądzka *Zasada suwerenności narodu,* in: D. Dudek (ed.) (2009) *Zasady Ustroju III Rzeczypospolitej Polskiej,* Warsaw, p. 198.

[14] B. Banaszak (2010), *op. cit,* p. 307.

[15] J. Kuciński, W. J. Wołpiuk (2012), *Zasady ustroju politycznego państwa w Konstytucji Rzeczypospolitej Polskiej z 1997 roku,* Warsaw, p. 276.

of participatory democracy. Nevertheless, it has to be emphasised that, in principle, the competent legislative body is obliged to accept the proposal submission and, as long as it meets legal requirements, to start an appropriate procedure. That is why it is called an *agenda (setting) initiative* where "agenda setting" points to the necessity to include the (people's) initiative into the agenda of a competent body. This necessity makes the citizens' legislative initiative different from the right to petition which does not force a competent body to examine the petition within the framework of defined proceedings.[16]

So far, an indirect citizens' initiative was in focus as this type of citizen initiative is most often debated by European researchers.[17] For the purpose of further considerations, it is necessary to distinguish two notions, i.e. direct citizens' initiative and indirect citizens' initiative. From the point of view of the European doctrine[18], the direct citizens' initiative occurs in two situations. In the first situation, a certain number of citizens, who are part of the collective sovereign, have the right to prepare a concrete draft legislation which is subsequently submitted for approval to the sovereign and the latter makes the final decision by popular vote. In the second situation, a certain number of citizens, who are part of the collective sovereign, also have the right to prepare a concrete draft legislation which is subsequently debated by a representative authority. The representative authority cannot modify citizens' proposal. It may approve the draft in its entirety, prepare its own draft (counter proposal) or reject the proposal of citizens. In the two last cases, a referendum takes place in which the sovereign makes the final decision on the original proposal or the draft of the representative authority. The indirect initiative is a proposal addressed only to a representative authority and is not subject to public vote at any stage. Therefore, the final decision on the adoption or rejection of the proposal is made by the representative authority.[19] In the light of those definitions, it is obvious that the direct citizens' initiative is an instrument of direct democracy, while the indirect citizens' initiative is an instrument of semi-direct democracy.

Participatory democracy as a principle of the legal and institutional system of the European Union was introduced in the Treaty establishing a Constitution for Europe. Its Article I-47 included the citizens' initiative.[20] After the fiasco of the Eu-

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[16] P. Uziębło (2009), *op. cit.,* p. 43ff.

[17] Cf. e.g. M. G. Schmidt (2010), *op. cit.,* p. 348; A. Kost (2013), *op. cit.,* p. 106; H. Wilms (2007), *Staatsrecht I. Staatsorganisationsrecht unter Berücksichtigung der Föderalismusreform,* Stuttgart, p. 42; W. Berka (2008), *Lehrbuch Verfassungsrecht,* Wien, p. 165; Th. Meyer (2009), *Was ist Demokratie? Eine diskursive Einführung,* Wiesbaden, p. 88.

[18] More on the position of the American doctrine in e.g.. P. Uziębło (2009), *op. cit.,* p. 42ff.

[19] P. Uziębło (2009), *op. cit.,* p. 43. Cf. Th. Schiller, M. Setälä, *Introduction,* in: M. Setälä, Th. Schiller (ed.) (2012), *Citizens' Initiatives in Europe. Procedures and Consequences of Agenda-Setting by Citizens,* Basingstoke, p. 1.

[20] Treaty establishing a Constitution for Europe (Official Journal of the EU C 310 of 16 December 2004, p. 34). More on the genesis of provisions of the Treaty establishing a Constitution for Europe regarding the citizens' initiative in e.g. J. De Clerck-Sachsse (2012), *Civil Society and Democracy in the*

ropean Constitution proposal, the substance of that principle was then included in the Treaty of Lisbon[21] but the term "participatory democracy" was not used there. Nevertheless, provisions of Article 1-47 of the Treaty establishing a Constitution for Europe were transferred to the Treaty of Lisbon in a nearly identical wording. This meant a significant change in the legal order of the European Union in respect to the situation before the new Treaty entered into force. The change refers especially to the citizens' initiative, the institution of which had not existed on the European level either in the normative sphere or in practice.[22] The situation is different in respect to other institutions constituting the principle of participatory democracy at EU level, i.e. rights of citizens and their associations to express and to exchange their views in all areas of EU action, obligation of EU institutions to conduct an open, transparent and regular dialogue with representative associations and civil society, obligation of the European Commission to conduct broad consultations with parties concerned in order to ensure consistency and transparency of the Union's action (Treaty on the European Union, Article 11 (1-3)). Actually, the mentioned rights and obligations had been practically implemented in the EU in absence of concrete Treaty provisions.[23] However, the latter have been necessary if the popular initiative which is one of most important instruments of participatory democracy, was to be applicable at a supranational level. That is the reason why its introduction was a true normative and practical novelty in the legal and institutional system of the EU. This observation is an incentive to analyse the European citizens' initiative in detail, especially since the Treaty of Lisbon entered into force four years ago.

The aim of this paper is to review provisions of EU primary and secondary law on the citizens' initiative at the supranational level which are relevant to the imple-

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EU: The Paradox of theEuropean Citizens Initiative, "Perspectives on European Politics and Society" Vol. 13, No. 3, p. 301ff.

[21] The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community signed in Lisbon on 13 December 2007 (Official Journal of the EU C 306 of 17 December 2007).

[22] Cf. S. Smismans, *European civil society and citizenship. Complementary or exclusionary concepts?,* in: U. Liebert, H.-J. Trenz (eds) (2011), *The New Politics of European Civil Society,* Oxon, p. 89; L. Bouza Garciá, J. Greenwood (2012), *Introduction,* "Perspectives on European Politics and Society" Vol. 13, No. 3, p. 251.

[23] Cf. e.g. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: *The Commission's contribution to the period of reflection and beyond: Plan D for Democracy, Dialogue and Debate*, Brussels, 13 October 2005, COM(2005) 494 final; Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. *Communicating Europe in Partnership*, Brussels, 3 October 2007, Com (2007) 568 final; Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. *Debate Europe – building on the experience of Plan D for Democracy, Dialogue and Debate*, Brussels, 2 April 2008, COM (2008) 158 final; Joint Declaration of the European Parliament, the Council and the Commission of 22 October 2008 *Communicating Europe in Partnership* (Official Journal of the EU C 13 of 20 January 2009, p. 3); *European Parliament Resolution of 24 March 2009 on active dialogue with citizens on Europe* (Official Journal of the EU C 117E of 6 May 2010, p. 27).

mentation of organisational and infrastructural solutions, as well as first experiences of applying adopted legal norms, administrative procedures, and the experience of using information and communication means. An analysis of the legal basis should allow to locate the European citizens' initiative within classifications of democracy and its instruments proposed to date, and to adjust theoretical approaches to (national) states to analyse interstate, pro-integrative organisations. An analysis of the course and results of applications of provisions on the European citizens' initiative so far, should help to answer the question whether and how the direct power of EU citizens is practically exercised at the EU level. The issue investigated is whether the entrance into force of the Treaty of Lisbon has resulted in a real, and thus not only theoretical but also actual, broadening of the range of participatory democracy and whether European citizens are interested in using the new instrument of the democracy, i.e. the citizens' initiative at the supranational level. The thus formulated research objective means that both merits and flaws of new institutional legal solutions as well as incentives and obstacles for entities exercising the citizens' initiative law need to be considered.

LEGAL BASIS OF THE EUROPEAN CITIZENS' INITIATIVE

Due to the entrance into force of the Treaty of Lisbon (1 December 2009), the Treaty on the European Union has been expanded with a new title: *Provisions on democratic principles* (Title II of the consolidated version of the Treaty on European Union). Article 11 (4) of Title II reads: "Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties." The provision does not specify conditions which have to be met by EU citizens or the number of Member States represented by them needed to submit an "invitation" (initiative) to the European Commission to propose legislation. Therefore, the procedures and conditions required shall be determined in accordance with the first paragraph of Article 24 of the Treaty on the Functioning of the European Union (TFEU). The citizens' legislative initiative right is similarly regulated in the basic law of Member States. The Constitution of the Republic of Poland of 2 April 1997, Article 118 (2), is somewhat more precise as it stipulates that the right to introduce legislation belongs to a group of at least 100,000 citizens having the right to vote in elections to the Sejm, i.e. in parliamentary elections . However, "The procedures in such matter shall be specified by statute."[24], i.e. by law. The first paragraph of Article 24 of the TFEU authorises the European Parliament and the Council to adopt, in accordance with the ordinary leg-

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[24] Cf. the Act of 24 June 1999 on the exercise of legislative initiative by citizens (Journal of Laws, No. 62, item 688).

islative procedure, provisions for procedures and conditions required for a citizens' initiative within the meaning of Article 11 of the Treaty on the European Union, including the minimum number of Member States from which citizens presenting such an initiative must come.

Thus it clearly follows from the Treaty provisions that the European citizens' initiative differs from the citizens' legislative initiative in the Polish constitutional system and constitutional systems of other Member States.[25] The new formula of EU citizens' participation in the creation of the Union's law is, in fact, a quasi-*legislating* initiative[26] or – more appropriately in the context of EU law – a quasi-*legislative* initiative[27]. Other authors (e.g. Katarzyna Miaskowska-Daszkiewicz, as well as Jacek Barcik and Aleksandra Wentkowska) use the term "indirect legislative initiative".[28] In view of the above understanding of the indirect citizens' initiative as an institution comprising an obligation of a competent legislative representative body to recognise citizens' proposal as the first stage of the legislative process, the term "indirect legislative initiative" does not seem to be appropriate as it does not reflect the difference between the "optionality" of the European citizens' initiative and the "obligatoriness" of the citizens' legislative initiative in respect to subsequent proceedings of authorities with essential competences in the field of law-making. Other authors do not highlight the specific nature of the European citizens' initiative and refer to it as the legislative citizens' initiative.[29]

The granting of the right of initiative in the legislative process at the supranational level to citizens of the European Union is not tantamount to the right to petition as the initiative is not addressed to the European Parliament, but to the European Commission.[30] No Treaty provision obliges the Commission to launch the legislative procedure once EU citizens submit their invitation (initiative proposal) to the European Commission to propose legislation.[31] Thus, the European citizens' initiative is an initiative related to the legislative work programme.[32] It does not influence the

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[25] E.g. P. Sarnecki (1999), *System konstytucyjny Austrii,* Warsaw, p. 24.

[26] J. Galster, in: J. Galster (ed.) (2010), *Podstawy prawa Unii Europejskiej z uwzględnieniem Traktatu z Lizbony. Zarys wykładu,* Toruń, p. 353.

[27] European Treaties are not consistent in that respect. On the one hand, they mention the "legislative function" and "legislative planning" and, on the other hand, legislative acts, legislative procedure and legislative initiatives.

[28] K. Miaskowska-Daszkiewicz, in: A. Kuś (ed.) (2010), *Prawo Unii Europejskiej z uwzględnieniem Traktatu z Lizbony,* Lublin, p. 211; J. Barcik, A. Wentkowska (2011), *Prawo Unii Europejskiej po Traktacie z Lizbony,* Warsaw, p. 194.

[29] J. Maliszewska-Nienartowicz (2010), *System instytucjonalny i prawny Unii Europejskiej,* Toruń, p. 46.

[30] J. Meyer, *Braucht die Europäische Union eine Verfassung?,* in: O. Leiße (ed.) (2010), *Die Europäische Union nach dem Vertrag von Lissabon,* Wiesbaden, p. 64.

[31] R. Watson, R. Corbett, *How Policies Are Made,* in: E. Bomberg, J. Peterson, R. Corbett (ed.) (2012), *The European Union. How does it work?,* Oxford, p. 138.

[32] Cf. D. Finke, Th. König, S.-O. Proksch, G. Tsebelis (2012), *Reforming the European Union: Realizing the Impossible,* Princeton, p. 195.

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Commission's right to legislative initiative. It obliges the Commission to examine proposals submitted by EU citizens.[33] It is similar to the right granted to the European Parliament under Article 225 of the TFEU, and to the Council under Article 241 of the same Treaty.[34] The European Parliament may, upon authorisation by a majority of its members, request that the Commission submits all relevant proposals on issues considered by the Parliament as needing an EU act in order to implement Treaties. If the Commission does not submit any proposal, it notifies the European Parliament about it and provides its justification. Similarly, the Council, acting by a simple majority, may request the Commission to conduct any analyses the Council considers to be desirable for the purposes of the fulfilment of common objectives and thus to provide the Council with appropriate proposals. If the Commission does not submit any proposals, it notifies the Council and provides its justification. Citizens of the European Union (not less than one million) have therefore been put on an equal footing with the European Parliament and the Council.[35] This strengthens their position in relation to Member States represented in the Council because it is the European Parliament which represents EU citizens. Thus, EU citizens can ask the Commission to prepare a legislative proposal via the European Parliament or directly, i.e. using the European citizens' initiative instrument.[36] In this way, the democratic foundation of the EU, mentioned in the Treaty on the European Union, Article 2, has been formally strengthened and the EU citizenship gained on importance as the range of EU citizens' rights was expanded.

Under the TEFU, Article 24, first paragraph, on 16 February 2011, the European Parliament and the Council adopted the Regulation on the citizens' initiative[37]. The Regulation came into force on 1 April 2012, pursuant to its Article 23. According to the second and third recital of the Regulation, procedures and conditions required for the citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative to encourage citizens' participation and to make the Union more accessible. They should also strike a judicious balance between rights and obligations and ensure that citizens of the Union are subject to similar conditions while supporting a citizens' initiative regardless of the Member State of their origin.

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[33] J. Galster, in: J. Galster (ed.), *op. cit,* p. 353. See also I. Skomerska-Muchowska, *Udział obywateli Unii w życiu demokratycznym Unii,* in: J. Barcz (ed.) (2010), *Ustrój Unii Europejskiej,* Warsaw, p. IV-99.

[34] Cf. H. Isak, *Die Anwendung der demokratischen Grundsätze unten besonderer Berücksichtigung der Europäischen Bürgerinitiative,* in: Th. Eilmansberger, S. Griller, W. Obwexer (eds) (2011), *Rechtsfragen der Implementierung des Vertrags von Lissabon,* Wien, p. 167.

[35] Cf. J.-L. Sauron, *The European Citizens' Initiative: not such a good idea?,* Fondation Robert Schuman Policy Paper, 31 January 2011, p. 4.

[36] A. Chytła, *European citizens initiative – remedy or placebo for the democratic deficit in the European Union?,* in: R. Grzeszczak, I.P. Karolewski (eds) (2012), *The Multi-Level and Polycentric European Union. Legal and Political Studies,* Wien - Zürich - Berlin, p. 165ff.

[37] Regulation (EC) No. 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (Official Journal of the EU L 65 of 11 March 2011).

Subsequent (fifth and sixth) recitals suggest that the European legislator strived to make the citizens' initiative sufficiently representative of a Union interest and, at the same time, to ensure that the instrument is friendly. That is why the legislator decided it was necessary to establish the minimum number of Member States from which the citizens should originate (one quarter of Member States), and the minimum number of signatories from each Member States. The minimum number of signatories should correspond to the number of Members of the European Parliament elected in each Member State, multiplied by 750 and, therefore, it should be degressively proportional.[38]

To ensure coherence and transparency in relation to proposed citizens' initiatives and to avoid a situation where signatures would be collected for a proposed citizens' initiative not complying with conditions laid down in the Regulation, the European legislator decided to introduce an obligation to register citizens' initiatives on a website made available by the Commission prior to collecting necessary statements of support from citizens (tenth recital). With the aim of putting modern technology to good use as a tool of participatory democracy, the European legislator decided to provide a possibility to collect statements both in paper form and online. An appropriate software was to be made available by the Commission (recitals fourteen and sixteen). In order to ensure that proposed citizens' initiatives remain relevant, whilst taking account of the complexity of collecting statements of support across the Union, that time was to be no longer than 12 months from the registration date of a proposed citizens' initiative (recital seventeen).

The aforementioned recitals of the Regulation on the citizens' initiative ease the understanding of particular solutions adopted in the act. The European citizens' initiative should be understood as an initiative submitted to the Commission in conformity with the Regulation and inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties. Furthermore, it is an initiative which has received the support of at least one million eligible signatories coming from at least one quarter of all Member States (Article 2(1)). "Signatories" means citizens of the Union who have supported a given citizens' initiative by completing a statement of support form for that initiative (Article 2 (2)). The term "organisers" is also used in the Regulation, and refers to natural persons forming a citizens' committee responsible for the preparation of a citizens' initiative and its submission to the Commission (Article 2 (3)). The organisers must

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[38] The number of 750 is the maximum number of Members of the European Parliament under Article 14 (2) of the Treaty on European Union as amended by the Treaty of Lisbon. In fact, the number is 751 as the above-mentioned provision stipulates that the number of representatives of the European Union included in the European Parliament does not exceed 750 plus the President. The representation of EU citizens in the European Parliament is degressively proportional, which means that the number of seats per Member State is proportional to its population but the larger the number is, the more citizens each EPM represents.

be citizens of the Union and be of the age to be entitled to vote in elections to the European Parliament (Article 3 (1)). A citizens' committee should be composed of at least seven persons who are residents of at least seven different Member States. Organisers who are Members of the European Parliament should not be counted for the purpose of reaching the minimum number required to form a citizens' committee (Article 3 (2)). In order to be eligible to support a proposed citizens' initiative, signatories must be citizens of the Union and must be of the age to be entitled to vote in elections to the European Parliament (Article 3 (4)). Moreover, they must come from at least one quarter of Member States, and in at least one quarter of Member States, signatories must comprise at least the minimum number of citizens set out in Annex I to the Regulation. Those minimum numbers shall correspond to the number of the Members of the European Parliament elected in each Member State, multiplied by 750 (Articles 7 (1) and (2)). In the case of Poland, the minimum number of citizens is 38,250 (Annex I).[39]

Prior to initiating the collection of statements of support from signatories for a proposed citizens' initiative, the organisers must register it online with the Commission, providing the required information on the subject matter and objectives of the proposed citizens' initiative in particular (Article 4 (1)). Within two months from the receipt of the required information, the Commission registers a proposed citizens' initiative and sends a confirmation to the organisers, provided that the following conditions are fulfilled:
– the citizens' committee has been formed and the contact persons have been designated;
– the proposed citizens' initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties;
– the proposed citizens' initiative is not manifestly abusive, frivolous or vexatious;
– the proposed citizens' initiative is not manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on the European Union (Article 4 (2)).

A proposed citizens' initiative that has been registered shall be made public in the register (Article 4 (4)). At any time before the submission of statements of support, the organisers may withdraw the proposed citizens' initiative (Article 4 (5)). The organisers are responsible for the collection of the statements of support from signatories for a proposed citizens' initiative which has been registered. Only forms which comply with the models set out in Annex III to the Regulation may be used (Article 5 (1)). The organisers may collect statements of support in paper form or electronically (Article 5 (2)), first sentence). All statements of support are collected after the date of registration of the proposed citizens' initiative and within a period

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[39] The highest required minimum number of citizens is 74,250 (Germany), and the lowest one is 4,500 (Estonia, Cyprus, Luxembourg and Malta). Cf. Commission Delegated Regulation (EU) No. 268/2012 of 25 January 2012 amending Annex I to Regulation (EC) No 211/2011 of the European Parliament and of the Council on the citizens' initiative (Official Journal of the EU L 89 of 27 March 2012).

not exceeding 12 months (Article 5 (5)). After having collected the necessary state-ments of support from signatories, the organisers submit them in a paper or elec-tronic form to relevant competent authorities in Member States[40] for verification and certification. The competent authorities, within a period not exceeding three months from receipt of the request, verify the statements of support submitted on the basis of appropriate checks. On that basis, they deliver to the organisers a certificate in accor-dance with the model set out in Annex VI, certifying the number of valid statements of support for the Member State concerned (Article 8 (2)).

After obtaining the certificates provided for in Article 8(2), and provided that all relevant procedures and conditions set out in the Regulation have been complied with, the organisers may submit the citizens' initiative to the Commission, accom-panied by information regarding any support and funding received for that initia-tive (Article 9). Where the Commission receives a citizens' initiative, it publishes it without delay in the register, receives the organisers at an appropriate level to allow them to explain in detail the matters raised by the citizens' initiative, and – within three months – sets out in a communication its legal and political conclusions on the citizens' initiative, the action the Commission intends to take, if any, and its reasons for taking or not taking that action (Article 10 (1)). Where the conditions regarding prompt publication of the citizens' initiative in the register were fulfilled and the or-ganisers were received by the Commission, the organisers are given the opportunity to present – within three months – the citizens' initiative at a public hearing. The Commission and the European Parliament ensure that this hearing is organised at the European Parliament, if appropriate together with such other institutions and bodies of the Union as may wish to participate, and that the Commission is represented at an appropriate level (Article 11).

The Regulation on the citizens' initiative charged the European Commission with the task of setting up free and open-source software incorporating relevant technical and security features necessary for compliance with the provisions of the Regulation regarding the online collection systems by 1 January 2012 and maintaining it there-after (Article 6 (2)). By 1 January 2012, the Commission was also to adopt technical specifications for the implementation of the provisions of Article 6 (4) defining the online statement collection systems (Article 6 (5)). The Commission fulfilled the obligation by implementing the Regulation of 17 November 2011.[41]

Provisions of the Regulation on citizens' initiative are of technical nature, i.e. they specify in detail how the right granted to EU citizens under the Treaty of Lisbon should be exercised, and this is the perspective from which they should be assessed.

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[40] Where "relevant" means Member States of residence or of nationality of signatories or Member States which issued their personal identity number or personal identity document.

[41] Commission Implementing Regulation (EU) No 1179/2011 of 17 November 2011 laying down technical specifications for online collection systems pursuant to Regulation (EU) No 211/2011 of the European Parliament and of the Council on the citizens' initiative (Official Journal of the EU L 301 of 18 November 2011, p. 3).

However, they also go beyond the purely technical dimension and contain an interpretation of the expression "not less than one million citizens who are nationals of a significant number of Member States" used in the Treaty as they establish representativeness criteria for the purpose of the European citizens' initiative. In this context, one should agree with Walter Frenz who writes that it is difficult to understand why a specific required number of Member States was not established in the Union's primary law while in many different cases it was. What is more, relating to the primary law, it has been asked whether the bottom limit of one million persons refers to all EU citizens or only those who are eligible to vote in elections to the European Parliament, or have reached the minimum voting age in a given Member State[42]. It seems that both issues mentioned by Frenz should be regulated in the Treaty on the European Union and not in an act of the Union's secondary legislation.

The above analysis of procedures and conditions stipulated in the Regulation on submission of citizens' initiatives to the European Commission leads to a conclusion that particular stages of proceedings related to this type of initiatives have been properly designed from the normative and practical point of view. This refers in particular to provisions ensuring representativeness and transparency of the initiative in the European Union as a whole, conformity of an initiative with principles, values and law of the Union, preparation of the content of an initiative, collection of statements of support and their verification employing modern information and communications technologies, submission of an initiative to the Commission and examination of the initiative by the Commission, and presentation of an initiative to all interested entities at a public hearing. The adopted solutions should be recognised as a successful compromise between the need to ensure formal representativeness, social credibility and substantive correctness of citizens' initiatives, and the objective to ensure that the new instrument of participatory democracy is easily accessible and thus it facilitates participation of EU citizens in the process of shaping European law and encourages them to engage in it. Of course, it is clear that the procedures and conditions specified in the Regulation reflect and, at the same time, consolidate the essence of the European citizens' initiative, i.e. only the participation of citizens is direct, while their impact on the content of EU legal norms remains indirect and only in the domain of the Union's secondary law.[43] Fifteen registered initiatives and seven initiatives not accepted for registration within the first couple of months of the Regulation's application, i.e. from 1 April to 30 November 2012, constitute an incentive to examine whether it is already possible to confront the above theoretical deliberations with the Union's practice.

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[42] W. Frenz (2011), *Handbuch. Europarecht*. Band 6. *Institutionen und Politiken*, Berlin - Heidelberg, p. 81.

[43] *Ibidem*, p. 84.

EUROPEAN CITIZENS' INITIATIVE IN PRACTICE

Assessments and predictions about the ease of use and effectiveness of the new EU legislation regulating the institution of citizens' initiative in the European Union were very diverse. Already at early stages of the legislative work, there were doubts whether the established formula of EU citizens' participation in shaping the Union's law would be workable in practice due to the number of over 500 million people living in Member States.[44] That is one of the reasons why many commentators concluded that the provisions of the Treaty on the European Union, Article 11 (4), and the Treaty on the Functioning of the European Union, Article 24 (1), were of little significance in the context of the entire Lisbon reform, and that the institution of participatory democracy established by the Treaties had its advantages but most of them would remain theoretical. According to Margot Horspool, the real consequence of the introduction of the European citizens' initiative to the Union's legal and institutional system will, to a considerable extent, depend on the interpretation of Treaty provisions referring to it and their effectiveness in practice.[45] In contrast, Jean-Claude Piris thought that the Treaty provisions on the European citizens' initiative were "very innovative and symbolic", and that one million signatures was an easy goal to reach in the case of 500 million citizens.[46] The experience of first registered initiatives and initiatives not accepted for registration demonstrate which authors underlining the actual practice of the ECI were close to the truth. However, in a long term, nothing is certain as so far none of the registered initiatives has completed the collection of statements of support, not to mention their submission to the Commission and its presentation of appropriate draft legislation.

The first European citizens' initiative to be registered by the European Commission on 9 May 2012 was called *Fraternité 2020 – Mobility. Progress. Europe*. It was prepared by young people identifying themselves with the Young European Citizen's Convention organised every year in Cluny (France). The aim of the initiative has been to improve and consolidate all European exchange programmes such as Erasmus or European Voluntary Service, to contribute to the creation of a united Europe founded on solidarity of its citizens. The authors of the initiative called for more consistent use of current EU funds allocated to mobility and increasing them to 10% of the EU budget as exchange programmes provide experience which develops intercultural skills, and, for better control of the progress in the field of mobility, e.g. by means of Eurostat analyses or Eurobarometer surveys.[47]

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[44] F. Schorkopf (2010), *Der Europäische Weg*, Tübingen, p. 128.

[45] M. Horspool, *The Concept of Citizenship in the European Union*, in: H.-J. Blanke, S. Mangiameli (ed.) (2012), *The European Union after Lisbon. Constitutional Basis, Economic Order and External Action*, Berlin - Heidelberg, p. 290.

[46] J.-C. Piris (2010), *The Lisbon Treaty. A Legal and Political Analysis*, Cambridge, p. 134.

[47] *European citizens' initiative. Official register,* European Commission website: http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000001; *Fraternité 2020,* website: Fraternité 2020 – Mobility. Progress. Europe, http://en.fraternite2020.eu/index.html (accessed: 1 December 2012).

As soon as on the next day, i.e. on 10 May 2012, the European Commission registered three other ECIs: *Single Communication Tariff Act, Water and sanitation are a human right! Water is a public good, not a commodity!*, and *EU Directive on Dairy Cow Welfare*. The subject of the first is a single monthly tariff covering all services and calls from mobile phones within the borders of the EU. Its principal objective is to erase roaming fees in the EU and to complete the European common market for mobile communication.[48] The initiative was withdrawn by its organisers on 3 December 2012. Afterwards, at their request, the Commission registered the initiative with an identical title and a slightly changed content.[49] In the case of the second initiative, organisers asked the European Commission to propose legal acts which would allow individuals to benefit from their right to drinking water and sanitation, in accordance with the guidelines of the United Nations, and contribute to the provision of access to water and sanitation as basic public services for everyone. The organisers demanded that the European Union's institutions and Member States should be obliged to provide residents with the right to water and sanitation, that water supply and management of water resources should not be subject to EU internal market rules and, generally, not be subject to free market laws, and, finally, that the EU increases its efforts to ensure universal access to water and sanitation.[50]

Authors of the third initiative (of 10 May 2012), withdrawn their initiative ten weeks after its registration (20 July 2012). In a letter addressed to the European Commission[51], they argued that the ECI in its present form was too risky for the organisers and supporting organisations and it was not yet suited to achieve the intended objective or purpose. At the same time, they announced that in the future they would submit an initiative on the same matter provided that the mentioned risk was minimised and the ECI becomes an instrument truly applicable as they believed that, in principle, it gave European citizens' a possibility to participate in the Union's law-making. According to the organisers, the biggest challenge they encountered was overcoming the data protection risks given the high level of personal data required for both online and paper signature collection. They wrote that although the Commission knew that the risk factor was the main cause of issues with software implementation, it might be less aware of the fact that the

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[48] *European citizens' initiative. Official register,* European Commission website, http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000002 (accessed: 1 December 2012).

[49] *European citizens' initiative. Official register,* European Commission website, http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000016 (accessed: 8 December 2012).

[50] *European citizens' initiative. Official register,* European Commission website, http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing/details/2012/000003 (accessed: 1 December 2012).

[51] Letter of 20 July 2012 to the European Commission, European Citizens' Initiative Unit. Subject: Withdrawal of the EU Directive on Dairy Cow Welfare (ECI(2012) 000004), website of the "Initiative for the European Citizens' Initiative" (The ECI Campaign), http://www.citizens-initiative.eu/?p=1222 (accessed: 1 December 2012).

said factor was also a huge obstacle to the collection of paper statements of support. They had been aware that the collection of one million signatures in just one year was a considerable challenge but hoped for success with the support of other European non-governmental organisations, hard work and financial commitment from sponsors. On the basis of information obtained in January 2012, they decided that though some issues had not been sorted out yet, particularly those connected with the verification process, the mechanism would be manageable. When they submitted their application for registration in April 2012, they did not realise the extent of problems which they were about to face, nor the scale of the challenge consisting in the collection of one million signatures within organisational constraints which soon became apparent. The above delayed their campaign and considerably decreased their chance to collect the required number of signatures. They also raised concerns that unprecedented financial outlays would be necessary. On 29 May 2012, the organisers complained to the European Commission about problems with the software it made available. In response, the Commission invited them to a discussion on 16 June 2012 and offered them further technical support, which eventually turned out to be ineffective. Problems which kept occurring resulted from the fact that the software had not been tested before it was made available. Organisers feared further delays and growing costs. In the case of the collection of signatures on paper, the obstacle was the template form which had to be used (space for 10 signatures, no information about organisations supporting the initiative). Moreover, due to the required sensitive personal data, citizens were exposed to identity theft and fraud, and left organisers liable for fines (in Germany, the possible penalty was EUR 300,000) if the data was not protected at every stage of the campaign. It completely changed the organisers' plans of collecting signatures off-line. They thought that there was a huge data protection risk and expenses were potentially endless. According to the organisers, the costs related to the provision of appropriate data protection measures aimed at eliminating or limiting the risk of security breaches of personal data gathered in paper statements could grow enormously. Furthermore, a comprehensive logistics operation might be necessary in all 27 Member States. Organisers argued that it was not enough that the Commission protects the data once it is submitted at the end of the 12 month signature collection period because the personal data required changed all traditional forms of collecting signatures of people supporting citizens' initiatives. They also worried that there could be problems with national verifying authorities as not all of them adopted a clear position. For instance, the UK informed that it might send traditional paper letters to all signatories to verify their signatures and costs incurred would be covered by the initiative organisers. This might result in a decreased number of the initiative supporters. Due to all above-mentioned reasons, the organisers concluded that the institution of the ECI in its original form did not seem to be adjusted to the task of collecting one million signatures safely and at reasonable costs to the organisers.

Next ECIs registered in the analysed period were:

- *One of Us*: Protection of the dignity, the right to life and of the integrity of every human being from conception in the areas of EU competence (11 May 2012);
- *Let me vote*: Strengthening the rights listed in article 20§2 TFEU by granting EU citizens residing in another Member State the right to vote in all political elections in their country of residence, on the same conditions as nationals of that State (11 May 2012);
- *Stop vivisection*: Proposing a European legislative framework aimed at phasing out animal experiments (22 June 2012);
- *High Quality European Education for All*: Common education goals reflecting EU basic values should be the foundation for responsible handling of today's challenges (16 July 2012);
- *Pour une gestion responsable des déchets, contre les incinérateurs*: Proposing framework principles to ensure responsible management and treatment of waste by all EU Member States (16 July 2012);
- *Suspension of the EU Climate & Energy Package*: Suspension of the 2009 EU Climate & Energy Package (excluding energy efficiency clauses) and further climate regulations until a climate agreement is signed by major CO_2 emitters: China, US, and India (8 August 2012);
- *Central public online collection platform for the European Citizen Initiative*: Enabling all EU citizens to participate in shaping European policies by provision of a simple tool which works instantly and does not require technical expertise (27 August 2012);
- *End Ecocide in Europe: A Citizens' Initiative to give the Earth Rights*: Adoption of legislation to prohibit, prevent and pre-empt ecocide, the extensive damage to, destruction of or loss of ecosystems (1 October 2012);
- *European Initiative for Media Pluralism*: Protection of media pluralism through partial harmonisation of national rules on media ownership and transparency, noticing conflicts of interests and the issue of independence of media supervisory bodies (5 October 2012);
- *30 km/h – making the streets liveable!*: Introduction of a 30km/h EU-wide default speed limit for urban/residential areas (13 November 2012);
- *Kündigung Personenfreizügigkeit Schweiz*: Termination of the agreement on free movement of persons with Switzerland by the Council and Member States (19 November 2012)[52].

Except for last two initiatives and the re-introduced initiative on the single telecommunication tariff, which were registered after 1 November 2012, the Commission extended the deadline for collecting statements to 1 November 2013. The Commission's decision was due to numerous problems in the making and appli-

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[52] *European citizens' initiative. Official register. Open initiatives,* European Commission website, http://ec.europa.eu/citizens-initiative/public/initiatives/ongoing (accessed: 9 December 2012).

cation of ECI law. As late as on 30 March 2012, a Corrigendum to Regulation (EU) No 211/2011 of the European Parliament and the Council was published. Amendments concerned statement of support forms and, thus, the software provided by the Commission had to be upgraded. In July 2012, it became clear that the Commission had to provide extraordinary *ad hoc* assistance to organisers who had difficulties finding Internet providers willing to host an initiative website on their servers. The Commission decided to avail its servers. The Commission also declared its readiness to help initiative organisers at all stages of the certification of online statement collection systems by competent national bodies and announced that it would extend the one-year deadline for collecting statements to ensure that all organisers had full 12 months from the moment of the launch of the Commission's platform irrespective of whether they decided to use it or not. As late as in September 2012, online statement collection was launched for one of the first initiatives registered (*Right2water*), i.e. after a private server provider agreed to host the statement collection system and the system was certified by a competent national body. Collection of online support statements for *Fraternité 2020* started to the end of October 2012. In this case, the European Commission provided its own server and helped to obtain a certification of the statement collection system which was issued by the Centre for Information Technologies of the State, i.e. a certification body in Luxembourg, where a server of the Commission is located. On the last day of October 2012, due to problems faced by many ECI organisers at an early stage, the Commission, as promised, extended the deadline for statement collection for all already registered initiatives and declared that, by way of exception, it would accept statements collected before 1 November 2013.[53]

Thus after the first months of preparations needed to introduce and implement the Regulation on the citizens' initiative, the picture that emerges includes: a delayed Corrigendum to the Regulation; complains about inconsistency of solutions provided for in the act with personal data protection regulations applicable in Member States; interpretation of the act provisions by national bodies in a manner which may cause serious practical difficulties for organisers; provision of untested software obligatory for organisers by the Commission; withdrawal of one of first initiatives by its organisers due to their negative experience despite meeting all preliminary procedural and substantive requirements; delayed launching of online statement collection in the case of the first registered initiative by six months after its registration. Despite the innovative nature of the citizens' initiative at the European level and the magnitude of organisational challenges to properly lay down and implement its provisions, its current form seems to compromise the EU if only because of the long time which passed since the Treaty of Lisbon entered into force and was not effectively used to properly prepare and implement new legal and institutional solutions.

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[53] *European citizens' initiative. Official register.* Headlines, European Commission website, http://ec.europa.eu/citizens-initiative/public/welcome?lg=pl#top (accessed: 9 December 2012).

In the analysed period, the European Commission refused to register seven initiatives which failed to meet conditions set out in the Regulation on the citizens' initiative. In the case of the first rejected initiative titled *My voice against nuclear power*, the Commission explained in a letter addressed to its organisers that the initiative "fell manifestly outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties". The same reason for registration refusal was given to organisers of other six initiatives.[54] Every time, the Commission analysed Treaty provisions in detail to find a legal basis for the draft legislation proposed by organisers.[55] Thus it happened that organisers of initiatives which fulfilled procedural conditions were ignorant about the Union's primary law or did not interpret it properly by attributing to the Union legislative powers which it does not have. However, interpretation and application of the EU's law cause problems to European Union institutions themselves and to Member States. Thus, it is not surprising that European citizens err. It should be noticed that, in the analysed period, no manifestly abusive, frivolous or vexatious initiatives nor initiatives contesting the Union's values were proposed. This proves responsibility of ECI organisers, i.e. European citizens initiating the use of the new instrument of participatory democracy.

CONCLUSIONS

The European citizens' initiative is a new instrument of participatory democracy, precisely of semi-direct democracy, at a supranational level. It still has features of an experimental phase though three years have passed since the Treaty of Lisbon entered into force.[56] The ECI is a manifestation of extended direct power of citizens of all 27 EU Member States. It provides them with an opportunity to directly participate in the political decision-making process at the supranational level and shape the Union's law which is an expression of those decisions and the instrument for their implementation. That power, however, is highly limited because it comes down to

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[54] Titles of those initiatives were: *Recommend singing the European Anthem in Esperanto*, *Fortalecimiento de la participación ciudadana en la toma de decisiones sobre la soberanía colectiva*, *Abolición en Europa de la tauromaquia y la utilización de toros en fiestas de crueldad y tortura por diversión*, *Création d'une Banque publique européenne axée sur le développement social, écologique et solidaire*, *ONE MILLION SIGNATURES FOR "A EUROPE OF SOLIDARITY"*, and *Unconditional Basic Income.*

[55] *European citizens' initiative. Official register. Rejected initiatives,* European Commission website, http://ec.europa.eu/citizens-initiative/public/initiatives/non-registered?lg=pl (accessed: 9 December 2012).

[56] Cf. Statement by Vice-President of the European Commission Maroš Šefčovič: *Commission offers own servers to help get first European citizens' initiatives off the ground,* http://ec.europa.eu/commission_2010-2014/sefcovic/headlines/press-releases/2012/07/ 2012_07_18_eci_en.htm (accessed: 12 December 2012).

presenting a position which is not binding on EU institutions as they have the exclusive right to set their agendas and take final decisions on European matters. The very presentation of a position, supported by at least one million signatures of European citizens, to the Commission obliges EU institutions to examine it and enable the initiative organisers to present their position to the public. This means that the initiative is an institution which actually can impact agendas and final decisions as it is difficult to imagine that all essential postulates included in ECIs could be consistently ignored by European institutions. If they were ignored, it would surely be reflected in results of elections to the European Parliament and national parliaments as the latter appoint governments responsible for the composition of the European Commission and for actions taken by the Council of the European Union. Even if only some of citizens' postulates are taken into consideration by European institutions, the impact of the citizens on EU policies and law will become a fact. The above conclusion is valid in spite of the observation that, due to its characteristic features, the ECI does not fit the division into direct and indirect initiatives adopted for the needs of national systems, i.e. it is more similar to a petition than to a legislative initiative in the legislation of particular states. That is the reason why it should be classified as a quasi-legislative citizens' initiative which may take the form of both a formulated initiative and an unformulated one.

The normative aspect of this new institution does not seem to be a source of problems observed in the first phase of implementation of EU primary and secondary law provisions which established the ECI. Though the organisers of the *EU Directive on Dairy Cow Welfare* initiative complained about too wide personal data required and its insufficient protection under the EU Regulation, it must be acknowledged that for organisers of other initiatives neither data processing nor its security were judged to be too risky or an obstacle impossible to overcome. In fact, Article 12 (1) of the Regulation stipulates that "in processing personal data pursuant to the Regulation, the organisers of a citizens' initiative and the competent authorities of the Member State shall comply with Directive 95/46/EC[57] and national provisions adopted pursuant thereto" and Article 12 (3) stipulates that "the organisers shall ensure that personal data collected for a given citizen's initiative are not used for any purpose other than their indicated support for that initiative". The Regulation also charges the organisers with an obligation to implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, in particular where the processing involves the transmission of data over a network, and against all other unlawful forms of processing (Article 12 (6)). Thus ECI organisers should be aware of the scale of tasks awaiting them while collecting and processing personal data. It

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[57] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (Official Journal of the EU L 281 of 23 November 1995, p. 31).

is, however, necessary to codify or, at least, harmonise verification procedures followed in different Member States. The current provision which allows competent national authorities to verify statements of support "in accordance with national law and practice, as appropriate" (Article 8 (2)) will inevitably lead to significant differences between Member States and may result in a highly undesirable situation where organisers would collect signatures in States using simpler verification methods thus excluding citizens of other Member States from exercising the right to express their support. This, in turn, would contribute to uneven animation of European citizens from different countries and, in consequence, to nationality discrimination forbidden by EU law.

What clearly needs to be negatively assessed is the practical side of the new legal and institutional solutions. Organisers of the first initiatives surely will not remember the "procedures and conditions" they had to comply with as "clear, simple, user-friendly and proportionate to the nature of the citizens' initiative", nor as ones that "encourage participation by citizens and make the Union more accessible". The European Commission was not properly prepared to implement the new provisions and slowly responded to resulting technical problems. Two days before the new Regulation was the apply, a relatively comprehensive corrigendum (12 points) to its content, referring, *inter alia*, to statements of support forms, was published. As a consequence, it was necessary to update the software which was subsequently made available to organisers without prior testing. That, in turn, resulted in difficulties in finding private Internet service providers and with certification of online statement collection systems by competent national bodies. Initial technical problems and resulting delays of stages following the ECI registration, seem to confirm concerns of commentators who were sceptical about the new institution of participatory democracy at the European level.[58]

Positive features and outcomes of adopted solutions have also manifested themselves in practice. Unquestionably, the ECI has encouraged EU citizens to be politically active and channelled their activities in a pro-systemic manner. The number of initiatives submitted for registration in the analysed period should be considered high in view of the organisational and financial burden on the shoulder of ECI organisers. Contrary to those who criticise this form of participatory democracy, first groups of European citizens demonstrated that they are capable to mobilise social and financial resources and make people devote their time to address specific public issues. It would be hard to sustain claims about maximisation of individual benefits and lack of orientation toward common good as registered ECIs have addressed issues of general interest including future prosperity of young people in the Union enhanced by learning others (mobility) and desirable education, common access to public goods, animal welfare, no roaming costs, full protection of the dignity, life and integrity of every human being, expansion of political rights of EU citizens,

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[58] Cf. also C. Berg (2012), *The European Citizens' Initiative – Europe's First Experiment with Participatory Democracy,* "NECE Newsletter" No. 2, p. 3.

protection of natural environment and energy economy, improved access of the ECI itself, effective protection of media pluralism, higher road safety, and termination of free movement of people between the EU and Switzerland. Moreover, the initiatives do not lead to conflict or destabilisation as ECI proposals do not go beyond an acceptable and natural diversity of views.

It seems that the obligation to collect at least one million statements of support prevents advocating particularly controversial proposals which, eventually, would be approved by a small number of European citizens. The necessity to collect a set number of statements of support in at least seven Member States also excludes initiatives the subject-matter of which is country-specific. It has to be mentioned that it is in the interest of organisers to collect one million signatures as quickly as possible to reduce costs of the entire undertaking. At the same time, quantitative requirements do not discourage European citizens from using the new instrument of participatory democracy as proved by over twenty initiatives submitted for registration. Of course, it is not yet known whether organisers of first initiatives will manage to collect the required number of statements of support. If they do not, it will be a bad message to other groups of EU citizens planning to use the new tool. Nevertheless, it seems that Jean-Claude Piris was right saying that the requirement to present proofs of one million citizens' support of an initiative does not constitute an insurmountable barrier. It has been confirmed, as some people claim, by the experience of "pilot European citizens' initiatives" in 2004-2011 when various social organisations carried campaigns to change the Union's law addressing the European Commission despite the lack of a legal basis to do so. Some of those campaigns were supported by over one million European citizens e.g. the campaign for one seat of the European Parliament in Brussels or the campaign to eliminate all forms of discrimination against people with disabilities.[59]

Ignorance about or misunderstanding the nature of the European Union's law by European citizens may be an obstacle to practicing this form of participatory democracy. A justified refusal to register an initiative has an educational value. Thus failed attempts to use the new instrument may contribute to increasing legal awareness of both ECI organisers and all those who will observe their activities and be interested in the course of proceedings related to citizens' initiatives at the European level. It may also happen that proposed ECIs will, later, become an incentive to expand the powers of the Union by Member States which will be able to invoke democratic legitimisation of new Treaty amendments.

Both Treaty provisions on the ECI and solutions adopted in the Regulation (EC) No. 211/2011 constitute an important change in the legal and institutional system of the EU. The political significance of the ECI is, however, still greater than its role in the process of EU law-making since only the Commission is formally authorised to initiate a legislative process in the European Union (except for judicial cooperation

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[59] More in S. Carrara, *Towards e-ECIs? European Participation by Online Pan-European Mobilization*, "Perspectives on European Politics and Society" 2012, Vol. 13, No. 3, p. 354ff.

in criminal matters, police and administrative cooperation in the area of freedom, security and justice, in which case a quarter of Member States may also do so). Nevertheless, from the normative point of view, the introduction of the quasi-legislative initiative of EU citizens increases their participation in the Union's law-making process. After the elimination of temporary problems which are easy to solve, the new institution should fulfil the hopes invested in it by supporters of participatory democracy.[60]

ABSTRACT

   The objective of the article is to review primary and secondary law of the European Union serving the implementation of organisational and infrastructural solutions pertaining to the citizens' initiative at the suprastate level and first experiences with implementing the adopted provisions, administrative procedures and information-communications technology. The analysis of the legal grounds aims at positioning the European citizens' initiative in the classifications of democracy and its tools proposed so far, and adjusting theoretical approaches to states to the needs of studies on a suprastate organisation of an integrative nature. The analysis of the course and results of hitherto application of provisions on the European Citizens' Initiative purports to answer the question whether and how the direct power of the citizens of the European Union is exercised in practice at the level of this organisation. The focus of the study is the question whether implementation of the Treaty of Lisbon actually results in a significant broadening of the scope of participating democracy and whether European citizens are interested in using this new instrument of democracy, namely a popular initiative at the suprastate level.

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   [60] Cf. P. M. Kaczyński, *The European Citizens' Initiative: A Proper Response from the Commission*, "CEPS Commentary", 8 January 2010, p. 1ff; Ch. Schnellbach, *The European Citizens' Initiative: a useful instrument for a public participation?*, "CAP Perspectives" 3 September 2011, p. 2ff.

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INTERNAL SECURITY OF THE EUROPEAN UNION AND TRANSATLANTIC RELATIONS

The European Union increasingly impacts global international relations, becoming both their active participant and coordinator. Alongside its growing potential, its engagement in political, economic and social matters makes the EU a major component of the modern world arena. Its ability to co-shape the international framework of security is one of basic ways of maintaining its independent authority status (legal person) in the international arena and, at the same time, of sustaining its unimpeded growth.

Security environment includes all factors which impact the ability of an entity to decide about its own fate in the foreseeable future. It is composed of a system of external and internal factors, both independent of and depending on the sovereign entity protecting its "steady state". The way in which a given entity assesses the security environment depends mainly on its power, technological and economic potential, prestige and a current geopolitical situation. Factors shaping this environment include: a high level of EU development in the political-economic dimension, EU unilateral shaping of relations with other actors in the international arena, a high level of EU technological development and ability to project power and defend its territory. To this list one should add protection of the Union's vital interests and the architecture of the international system in the region, as well as the place and role of the European Union in that system.[1]

Nowadays, a considerable impact on the security environment in which the EU functions is exerted by threats of a new type which are often called asymmetric or unconventional threats.

In general, those threats result from activities of non-state actors and constitute a very heterogeneous group of phenomena. That is the reason why they are difficult to classify. Their nature is dynamic which makes their classification truly troublesome. However, following Marek Madej's analysis[2], it is possible to distin-

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[1] M. Preus, *Wybrane problemy kształtowania środowiska bezpieczeństwa Unii Europejskiej*, in: J. Knopek (ed.) (2009), *Unia Europejska jako współczesny aktor stosunków międzynarodowych*, Toruń, pp. 187-189.

[2] M. Madej (2007) *Zagrożenia asymetryczne bezpieczeństwa państw obszaru transatlantyckiego*, Warsaw, pp. 44-62.

guish some characteristic features which they have in common. They are usually of non-state nature, transnational and aterritorial. In other words, in contrast to States which constitute a source of traditional threats, non-state actors lack a geographically defined territory over which they have official authority and thus they cannot claim sovereignty of "their" territory.

A most distinctive feature of asymmetric threats is their quasi-military nature which, to a considerable extent, is a consequence of the non-state nature of entities that are the source of such threats. Asymmetric threats do not take the form of threats posited by an attack of regular armed forces. Consequently, it is impossible to recognise them as a military threat in the traditional sense. Nevertheless, in order to achieve a desired goal, it is necessary to use some form of force and to question the existing order. At the same time, entities that are sides to international relations may respond to such threats with the use of armed forces.

The impact of asymmetric threats is usually psychological. They are mainly used to involve the civil sphere in a conflict e.g. by shaping public opinion and reducing the will of the society and State authorities of the country attacked to fight. Another distinctive feature is the blurred distinction between an internal and external threat. The transnationality of non-state entities positing asymmetric threats allows them to develop their structures regardless of national borders. Moreover, hostile and/or harmful actions may be performed at any time and take various forms. As a consequence, the boundary between a war (open conflict) and peace is blurred. The activity of non-state entities is thus primarily aimed at the civilian population and institutions of a threatened country which are considered to be an easier target of an attack or effective pressure. Another important distinctive feature of asymmetric threats is a very low susceptibility of entities which are their source to determent and other strategies used to prevent and combat threats.

It is also necessary to mention a relatively small intensity of asymmetrical threats in comparison to conventional military aggression. Thus the intensity of an asymmetric threat cannot be measured in the same way as that of traditional threats, i.e. the number of casualties, direct material damage, *et cetera*. It is also impossible to estimate the capacity of entities which are a source of threat to consistently and continuously sustain a high intensity of their activity. In this context, it is important to notice that the activity of particular entities posing such threats does not truly endanger the survival of State structures. Asymmetric threats mainly impact the security of the civilian population living in the attacked territory or country while their consequences are painful for both the State system and the average citizen. In result, they may bring about a decrease in the quality of life and welfare of residents of a given country and limit its freedom to develop.

Security of the EU is closely related to the perception of its unity, ability to efficiently take decisions and actions on behalf of the whole Union. That is why it is important to deepen the Union's political integration enhancing its ability to take political decisions, long-term in particular, on the future of the Union as a whole

and its international relations with other entities. Thus, the pursuit of a common and transparent foreign and security policy, common and consistent assessment of challenges and external threats, and adoption of remedial measures have become a priority.[3] However, asymmetrical conflicts are not at the core of modern threat to security feeling. In their case, EU Member States may demonstrate their advantage especially since the EU is, in fact, protected by NATO's defence umbrella. In fact, asymmetrical threats define contemporary threats for the Euro-Atlantic area.

This is the context in which the Union's capacity to face military, economic, social, environmental, energy (access to resources, energy carriers distribution) and cyber threats should be considered. It is influenced by numerous factors: formal (strategy and normative sphere) and real (technical and technological) defence capability resulting from a determined development level; expenditure on research and development; functioning of initiatives like the European Common Security and Defence Policy; efficiency of the European Defence Agency; the size and potential of EU armed forces which emerge with difficulty in the European Union.

A symbolic date determining a new EU approach to internal security matters is that of terrorist attacks on the World Trade Center in New York and the Pentagon in Washington, DC, which took place on 11 September 2001. After 9/11, new joint Euro-Atlantic initiatives in the security area were undertaken. Those initiatives influenced EU regulations on its internal security.

Terrorist attacks carried out on the territory of the United States triggered compassionate solidarity response in EU Member States to what happened to the American ally and evoked a feeling of insecurity. After 9/11, Heads of State or Government of EU Member States undertook first actions to improve security. Presidents of the European Parliament and the European Commission, and the High Representative of the Union for Foreign Affairs and Security Policy declared solidarity with the American nation and promised to fully cooperate with the United States in the fight against terrorism. As soon as on 12 September, a special meeting of the EU Council was held during which a statement of solidarity with the US was issued.[4] On 20 September, representatives of the EU met with US Secretary of State Colin Powell in Washington and issued a joint statement on combating terrorism. It foresaw a declaration on cooperation in the field of transport security (air transport in particular), border controls, export controls, prohibition of funding and supporting terrorists, as well as police and judicial cooperation.[5]

Already on 21 September 2001, the European Council at its extraordinary meeting adopted the multifaceted Action Plan on Combating Terrorism, which expanded

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[3] M. Preus (2009), *Wybrane problemy...,* pp. 189-190

[4] *From Nice to Laeken.* European Defence: Core Documents, vol. II, compiled by M. Ruten, "Chaillot Papers" No. 51, April 2002, pp. 143-144.

[5] J. Monar, *The European Union's response to 11 September 2001: Bases for action, performance and limits,* www.albany.edu/rk289758/BCHS/col/JHA-TERRORISM-NEWARK.doc (accessed: 23.07.2012)

the Council's Tampere programme of October 1999[6]. In the document, terrorism was recognised as a threat to the idea of open, democratic, tolerant and multicultural society, and the fight against it as a priority objective of the EU. The European Council declared the Union's readiness to strengthen cooperation with the United States to bring to justice and punish the perpetrators of and accomplices to acts of terror, as well as organisations and states responsible for such attacks, recognising legality of EU actions in conformity with the position of the UN Security Council expressed in Resolution No. 1368. Within the framework of the above-mentioned plan, the legal basis for the fight against terrorism was to be established by means of implementing 79 legal measures referring to, *inter alia*, a definition of terrorism, introduction of the European arrest warrant and procedure for the transfer of people accused of terrorism between Member States, and freezing financial assets of persons suspected of terrorist activities. The Council pronounced itself in favour of the establishment of an antiterrorist coalition, with the participation of Russia and Arab and Muslim partners. The decision was unanimously supported by 13 countries which at that time were candidates for EU accession.[7]

The fight against terrorism was also one of main topics of the summit meeting of the EU and the United States held on 2 May 2002 in Washington. At that time, Americans sought the support of European countries for their war plans against Iraq. However, in 2003, the Iraqi crisis and disagreements between the United States and the EU, i.e. mainly France and Germany, about methods of fighting terrorism dominated transatlantic relations. Most considerable differences of opinion could have been observed in the period preceding the intervention in Iraq under the American and British aegis since at that time France, Germany and Russia formed a coalition opposing those undertakings.[8]

Paris and Berlin were in the first line of countries trying to block American efforts to open a broad international front against Iraq and, together with Moscow, they consulted plans to torpedo the planned military action with the UN Security Council.

In addition, the paths of the US and some EU Member States forked as far as the development of and the approach to the European Security and Defence Policy were concerned. It happened after the so-called "praline summit", held on 29 April 2003 in Tervuren where heads of Belgium, France, Germany and Luxembourg agreed on their close cooperation in the domain of defence. Its main idea to build up, without

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[6] During the Tempere European Council held on 15-16 October 1999, a decision was made to create, within the framework of the EU, the area of freedom, security and justice; cf. Tampere European Council 15-16 October 1999. Presidency conclusions, http://www.europarl.europa.eu/summits/tam_en.htm (accessed: 23.07.2012).

[7] *EU Plan of Action on Combating Terrorism*, http://ue.eu.int/uedocs/cmsUpload/EU-planl6090.pdf (accessed: 23.07.2012).

[8] S. Parzymies, *Unia Europejska wobec wyzwań i zagrożeń w stosunkach międzynarodowych,* in: J. Symonides (ed.) (2010), *Świat wobec współczesnych wyzwań i zagrożeń,* Warsaw, pp. 609-637; See also J. Kiwerska (2005), *Neokonserwatywna polityka George'a W. Busha. Założenia, realizacja i skutki.* "Zeszyty Instytutu Zachodniego" No. 38, Poznań.

the participation of the UK, a command structure independent of NATO was considered to be particularly controversial and clearly contradicting the Alliance. Those plans were later nullified largely due to financial and logistics reasons, and finally abandoned after the post-war improvement of transatlantic relations[9].

Those events probably had largely influenced "A Secure Europe in a Better World. European Security Strategy"[10] document adopted at the Brussels European Council of 12 December 2003. The European Security Strategy (ESS) comprised crucial objectives resulting from an analysis of contemporary threats to the EU and the entire transatlantic community. Most important objectives included ensuring border security and the development of a rule-based international order and a system of multilateral institutional cooperation.[11]

The EU strategy resulted from a compromise and was neutral and concise. It specified in detail common values in the security domain without covering elements of the defence strategy as the latter remained exclusive competence of Member States. It was a strategy of a global actor taking actions at a local level and focusing, above all, on the neighbourhood of the European Union after its enlargement. There were two main reasons for the above. It was recognised that the neighbourhood of the EU is a potentially instable territory and that not all EU countries had global interests at the time.

It was important that many issues referred to in the document, in particular in the domain of EU internal security, were in conformity with the US National Security Strategy which was presented in September 2002 and went down in history as the Bush Doctrine[12]. Some thoughts were differently worded but the perception of threats was almost identical in both documents. Threats mentioned included: terrorism, proliferation of weapons of mass destruction (WMD), regional conflicts, failed states and organised crime. In both strategies, it was emphasised that terrorism undermined the basis of the openness of societies or, more generally, of the Western model of society. In both documents there were statements concerning the need to use various methods and means to combat threats, in particular terrorism. However, in the case of the American strategy, more emphasis was put on the use of military means, while the EU document focused on maintaining an equilibrium of political, economic and military instruments. This was due to differences in measures and capacities possessed and divergent strategic cultures. At the same time, the EU and the US were in agreement that no state or any other actor in international relations was able to combat modern threats by itself. Thus, in both strategies, the following

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[9] B. Koszel, *Mocarstwowe aspiracje Niemiec w Europie XXI wieku: realia i perspektywy,* "IZ Policy Papers" No. 6 (I), Poznań 2012, pp. 13-32.

[10] *A Secure Europe in a Better World. European Security Strategy*, http://www.consilium.europa. eu/uedocs, (accessed: 07.08.2012).

[11] M. Preus (2009), *Wybrane problemy...,* p. 192.

[12] Cf. J. Kiwerska (2010), *Strategia Bezpieczeństwa Narodowego USA*, "Biuletyn Instytutu Zachodniego" No. 40, http://www.iz.poznan.pl/news/ (accessed: 07.08.2012).

international institutions were enumerated as cooperation platforms: the UN, NATO, WTO, OSCE, Council of Europe, ASEAN, MERCOSUR, the African Union and the Organisation of American States. Both strategies mentioned also a need for co-operation with such countries as Russia and China. However, the European strategy paid much more attention to collaboration of the international community operating in accordance with provisions of international law. It was significant that in both strategies threats were perceived in an almost identical way and both referred to the same values, despite numerous differences due to divergent interests, potentials and strategic cultures[13].

The ESS read that "Acting together, the European Union and the United States can be a formidable force for good in the world" highlighting the significance of transatlantic solidarity. It was underlined that the EU, as a Union of States having in total approx. 500 million residents and accounting for 1/4 of global GDP, was unquestionably a global actor, and should be ready to share in responsibility for global security[14]. The executive summary of the Report on the Implementation of the European Security Strategy published 5 years later (2009) read: "We are recognised as an important contributor to a better world. But, despite all that has been achieved, implementation of the ESS remains work in progress. For our full potential to be realised we need to be still more capable, more coherent and more active." In its introduction, it quoted the original ESS text saying: "The increasing convergence of European interests and the strengthening of mutual solidarity of the EU makes us a more credible and effective actor. Europe should be ready to share in the responsi-bility for global security and in building a better world."[15]

As far as European regulations on internal security are concerned, EU legisla-tive work speeded up after September 2001. In the years 2001-2004, European legal framework for the fight against organised crime and terrorism was developed.

One of the first regulations was the Framework Decision of the Council of the European Union of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (2001/500/JHA).[16]

Moreover, procedures regarding the European arrest warrant were regulated by the Framework Decision of the Council of the European Union of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States requiring national judicial authorities to replace national regulations on extradition in relations between the Member States with the provisions of the above-mentioned decision which entered into force on 1 January 2004. That was a simplified proce-dure of extradition between Member States of the European Union, which made it

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[13] E. Posel-Cześcik, *Strategie bezpieczeństwa Unii Europejskiej, Stanów Zjednoczonych i Polski*, http://www.pism.pl (accessed: 22.03.2012).

[14] S. Parzymies (2010), *Unia Europejska...*

[15] *A Secure Europe in a Better World...*, and the 2009 publication, https://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/QC7809568ENC.pdf (accessed: 12.03.2012)

[16] Council Framework Decision of 26 June 2001, Official Journal L 182, 05/07/2001, pp. 158-159.

possible to arrest a sentenced person, a suspect or a person charged with a criminal offence and to surrender the person to the country where they would be brought to justice or for the purposes of the sentence execution.[17]

A new incentive to cooperate in the fight against international terrorism was the Framework Decision of the Council of the European Union of 13 June 2002 on combating terrorism. It comprised provisions concerning legislation of Member States, which were to facilitate cooperation in this field. The Decision applied to each and every terrorist act performed or prepared in a Member State, which might seriously damage a country or an international organisation. Under the Decision, each Member State undertook to establish its jurisdiction over perpetrators of terrorist acts, in cases where national legislation did not provide for extradition of its nationals, and to take all measures to provide protection of and assistance to victims of terrorist acts and their families. Furthermore, for the first time in history, precise definitions of the following terms were given: terrorist act, terrorist group, offences linked to terrorist activities.[18] What is more, Council Regulation No. 881/2002 of 27 May 2002 imposed specific restrictive measures directed against certain persons and entities associated with Osama bin Laden, the Al-Qaida network and the Taliban, and extended the freezing of funds and other financial resources of the Taliban in Afghanistan.[19]

In addition to the above-mentioned key decisions, the Council of the European Union took decisions on the following: establishment of a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism[20]; implementation of specific measures within the framework of police and judicial cooperation in the fight against terrorism[21]; investigation and prosecution of genocide, crimes against humanity and war crimes[22]; signing the Agreement between the European Union and the United States of America on extradition and mutual legal assistance in criminal matters[23]; procedures for conducting Commission inspections in the field of civil aviation security[24]; universalisation and reinforcement

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[17] Council Framework Decision of 13 June 2002 relative to the European Arrest Warrant and surrender procedures between the Member States, JO L 190 of 18.07.2002, http://eur-lex. europa.eu (accessed: 25.03.2012).

[18] Council Framework Decision of 13 June 2002 on the fight against terrorism, JO L 164 of 22.06.2002, http://eur-lex.europa.eu (accessed: 25.03.2012).

[19] Official Journal L 139, 29/05/2002 P. 0009 – 0022. Special edition in Polish: Chapter 18 Volume 01, pp. 294-307.

[20] Council Framework Decision No. 2002/996/JHA of 28 November 2002, Official Journal L 349, 24/12/2002 P. 0001 – 0003. Special edition in Polish: Chapter 19 Volume 06, pp. 68-70.

[21] Council Decision No. 2003/48/JHA of 19 December 2002, Official Journal L 016, 22/01/2003 P. 0068 – 0070. Special edition in Polish: Chapter 19 Volume 06, pp. 87-89.

[22] Council Decision 2003/335/JHA of 8 May 2003, Official Journal of the European Communities L 118, 14/05/2003, p. 12.

[23] Council Decision 2003/335/EC of 6 June 2003, Official Journal of the European Communities L 181, 19/07/2003, p. 25.

[24] Council Regulation (EC) No 1486/2003 of 22 August 2003, Official Journal of the European Communities L 213, 23/08/2003, p. 3.

of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery[25] and establishment of the European Network and Information Security Agency[26].

At that time, the EU declared its active involvement in initialising and taking part in global actions against terrorism. Therefore, it undertook actions to intensify activities aimed at developing the Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP), as well as at consolidating intelligence cooperation and accelerating its work on the establishment of the European Judicial Area. In the case of the latter, the work visibly accelerated after the establishment of the Eurojust (European Judicial Cooperation Unit). It was created under the Council Decision of 28 February 2002[27] in order to effectively combat transnational crime. Its tasks include detection, prosecution, arrest, and formulation of accusations. The body has a legal personality.

In 2001-2004, work was launched to improve Europol's activity, create the European Agency for the Operational Management at the External Borders (FRONTEX), consolidate the Schengen system, introduce biometric data to passports and visas, fight religious extremism and protect minorities. The security of air and maritime transport was improved. It involved exchange of data regarding airline passengers. The introduction of the aforementioned regulations was a significant step in the creation of a new legal basis of cooperation between EU Member States[28].

The above also confirmed a profound change in the European Union's priorities in respect to its internal security. Gradually, the strategy focusing on combating illegal immigration and strengthening of border controls gave away. A need to limit civil liberties and freedom to improve security was noticed.[29]

However, before terrorist attacks in Madrid in March 2004, none of the above-described framework decisions was implemented in all Member States. After the Madrid attacks, the European Council urged all Member States to undertake all actions necessary to fully and promptly implement the aforementioned legislative measures. Once again, the problem of insufficient information exchange between Member States' services and between the latter and EU agencies (Europol, Eurojust), and the issue of their powers were on the agenda. Only after March 2004, attempts

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[25] Council Common Position 2005/329/PESC of 17 April 2003, Official Journal of the European Communities L 302, 20/11/2002, p. 24.

[26] Regulation No. 460/2004 of the European Parliament and of the Council of 10 March 2004, Official Journal of the European Communities L 349, 25/11/2004, p. 1.

[27] Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (2002/187/JHA), http://eur-lex.europa.eu (accessed: 08.08.2012).

[28] J. Gierszewski, *Unia Europejska w walce z terroryzmem międzynarodowym*, http://januszgierszewski.pl/files/Polityka%20UE%20wobec%20terroryzmu.pdf (accessed: 13.07.2012), pp. 5-6.

[29] Cf. P. Pawlak, *Issues for the Euro-Atlantic Area of Freedom,* in: *Security and Justice The EU-US Security and Justice agenda in Action,* P. Pawlak (ed.) (2011),, "Chaillot Papers", December, pp. 15-24.

were made at creating a common, supranational, European internal security system at the EU legislative and organisational level.[30]

At the European Council of 25-26 March 2004, convened after the attacks, the Declaration on Combating Terrorism[31] and the EU Plan of Action to Combat Terrorism, which was an annex to the Declaration, were adopted.[32] The events in Spain made governments of EU Member States aware of the necessity to take more decisive actions against international terrorism. A most important decisions was the adoption of the solidarity clause which provides that if a Member State is the victim of an attack, all other Members are obliged to provide aid and assistance by all the means in their power, military means included.

Unfortunately, the number of new solutions adopted was small. Moreover, many EU Members did not implement all provisions adopted by the EU in relation to, *inter alia*, the performance of the 2001 plan. Several countries did not introduce the European arrest warrant into their internal law. Other Members did not take any steps to appoint joint investigation teams. The idea to establish a common intelligence agency was rejected, in particular by Germany. Although the ESS and the new Plan of Action to Combat Terrorism provided for the use of military force in combating terrorism, the rules for its use were not laid down. Their lack was a serious gap also in the context of the declared close collaboration with the United States in combating terrorism. It has to be highlighted that the issue of using military force raised controversies in transatlantic relations. In the EU-US collaboration agreement referred to above, it was but mentioned. Differences in this field were caused mainly by diverging approaches to pre-emptive attacks, the scope of transferred personal data of airline passengers, and even to compiling lists of terrorist organisations by the United States and the EU.[33]

A further manifestation of institutionalisation of EU countries' cooperation in combating terrorism was the appointment of the Counter-Terrorism Coordinator (CTC) charged with strengthening and coordination of all instruments available to the EU and monitoring of the implementation of the counter-terrorism strategy. The office was created as part of the EU Council Secretariat and in close cooperation with the European Commission.[34]

Another aftermath of terrorist attacks in Madrid was the European Union-US summit held in Ireland on 26 June 2004. At the summit, the EU-US Declaration on

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[30] A. Podolski (2004), *Program Haski (bezpieczeństwo wewnętrzne i sprawiedliwość w latach 2005-2009) – polska perspektywa,* "Centrum Stosunków Międzynarodowych, Raporty i analizy" 14, pp. 1-9.

[31] Declaration on Combating Terrorism, http://www.consilium.europa.eu/uedocs (accessed: 10.09.2012).

[32] EU Plan of Action on Combating Terrorism, http://ue.eu.int/uedocs (accessed: 10.09.2012).

[33] B. Górka-Winter, *Plan Unii Europejskiej zwalczania terroryzmu* (25 March 2004), http://www.pism.pl, (accessed: 15.09.2012).

[34] See also: EU Counter-terrorism Coordinator, http://www.consilium.europa.eu (accessed: 15.09.2012).

Combating Terrorism was signed. The document constituted a new incentive for anti-terrorist actions in transatlantic relations. It referred, *inter alia*, to: efforts to undertake joint actions within the UN, including reaching a consensus on legislative issues; cooperation within the framework of the UN Counter-Terrorism Operative (CTO); implementation of the Global Programme of the United Nations on Drugs and Crime; and implementation of the UN Conventions on terrorism. Both the EU and the US expressed their commitment to cooperation in combating the financing of terrorism, supporting the Financial Action Task Force (FATF) and monitoring any transfer of financial means. The declaration foresaw joint investigations and other cooperation mechanisms at the operational and regulatory level (in particular in areas of prevention, witness protection, and personal data exchange). It emphasised the need to strengthen the exchange of information in accordance with the US-Europol agreements and coordination of actions undertaken by American prosecutors and Eurojust, to bring the EU-US agreements on extradition and mutual legal assistance into force, and to improve cooperation on the sharing of law enforcement information concerning bank transfers and banks involved in illegal financial operations. Other objectives included: cyber-terrorism prevention and protection of critical infrastructure; exchange of intelligence; protection of borders and international transport within the framework of the EU-US Policy Dialogue on Border and Transport Security; enhancement of complementarity of policies on security in land and maritime transport with the use of such solutions as: the Container Security Initiative, further development of the International Ship & Port Facility Security Code, creation and improvement of standards for the detection of hazardous materials in maritime and air transport, full implementation of the EU-US PNR Agreement (concerning the transfer of air passenger name record), enhancement of travel document security (biometric data and systems for their verification), cooperation with Interpol in the area of lost and stolen passports; mitigation of the effects of terrorist attacks; identification of areas for closer cooperation between the EU and NATO; prevention of threats of attacks using CBRN contaminants. The objective of counter-terrorism capacity building in third countries was also important.[35]

Steps taken by the EU after 11 March 2004 aimed at ensuring closer collaboration in the fight against terrorism were not sufficient and did not protect the Union against the attacks carried out on 7 July 2005 in London. The initial response was another Council Declaration of 13 July 2005 which read that the attacks were an affront to universal values. The will to quickly adopt legislation on combating terrorism was underlined.

The tragic events seemed to have contributed to intensification of work on regulations on EU security. In December 2005, the European Council adopted the EU Counter-Terrorism Strategy which obliged the EU to combat terrorism. The Union announced its strategic commitment to " combat terrorism globally while respecting

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[35] Cf. *EU-U.S. Declaration on Combating Terrorism*, Dromoland Castle, 26 June 2004, http://www.eurunion.org/partner/summit/Summit0406/2004SumTerror.pdf (accessed: 16.09.2012).

human rights, and make Europe safer, allowing its citizens to live in an area of free-dom, security and justice".[36]

The Strategy document contained mainly internal regulations but there were also provisions promoting international partnership, including broad cooperation with entities from outside the EU, in particular with the UN and key third countries. It read: "Continuing to make counter-terrorism a high priority in dialogue with key partner countries, including the USA, will also be a core part of the European approach.".[37] The document was completed with an Action Plan, thanks to which the work progress could be monitored by the Permanent Representatives Committee (COREPER II). COREPER is an auxiliary body of the Council of the European Union, the role of which is to reach agreements on a common position of EU countries on proposals submitted by the European Commission for approval of the Council of the European Union[38]. In 2005, the European Council adopted also another relevant document, i.e. the European Union Strategy for Combating Radicalisation and Recruitment to Terrorism[39].

In December 2008, the European Council approved the Report of Secretary-General of the EU Council/High Representative for the Common Foreign and Security Policy (CFSP) on the implementation of the ESS. The assessment of threats to the security presented in the 2003 Strategy remained valid, however, the Report comprised many new elements and guidelines. The aim of the Report was to reinforce the ESS and indicate areas and actions where the European Union should strengthen its efforts. The document identified new threats for the security of Europe. Most important of them included: energy security, in particular the need to diversify sources of energy; increasing relevance of climate change to international security; cybersecurity and piracy. Concerns were expressed about the escalation of "frozen conflicts", particularly about the Russia-Georgia war. EU enlargements were recognised to be an important factor stabilising the Union's neighbourhood. The Report positively evaluated progress in the European Neighbourhood Policy. It also highlighted the fundamental importance of cooperation with the US, the crucial role of the UN in the international system, and cooperation with regional organisations. Moreover, the report emphasised the need to deepen the strategic partnership with NATO and improve operational cooperation.[40] These solutions and tasks were described in detail in the

[36] Council of the European Union, *The European Union Counter-Terrorism Strategy*, 14469/4/05 REV 4, 2, http://www.consilium.europa.eu/uedocs (accessed: 03.03.2012).

[37] *The European Union Counter-Terrorism Strategy. Prevent – Protect – Pursue – Respond*, http://register.consilium.eu.int (accessed: 08.08.2012).

[38] M. Narojek, *Strategia UE w zakresie zwalczania terroryzmu,* "Stosunki Międzynarodowe" 09.12.2005, http://www.stosunki.pl (accessed: 07.08.2012); *EU Action Plan on combating terrorism*, Council of the European Union, http://register.consilium.europa.eu (accessed: 09.07.2012).

[39] *The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism*, Council of The European Union, http://register.consilium.europa.eu (accessed: 09.07.2012).

[40] *European Security Strategy*, http://www.msz.gov.pl/Europejska,Strategia,Bezpieczenstwa,29342.html (accessed: 17.02.2011).

Treaty of Lisbon which entered into force on 1 December 2009. Its Title V is devoted to the Common Security and Defence Policy (CSDP)[41].

Most important areas of cooperation in the field of justice and internal affairs within the EU were determined in the European Union's Internal Security Strategy (ISS; Draft Internal Security Strategy for the European Union: "Towards a European Security Model") adopted by the European Council of 25-26 March 2010[42] and in the Communication from the Commission to the European Parliament and the Council titled "Internal Security Strategy in Action: Five steps towards a more secure Europe"[43] of the same year.

Interestingly, those documents focused almost entirely on internal security issues hardly including transatlantic cooperation. They redefined most important threats to Europe, including criminal threats. They included: terrorism, organised crime, drug trafficking, cybercrime, trafficking in human beings, sexual exploitation of minors and child pornography, economic crime and corruption, illicit arms trafficking and cross-border crime. It was observed that those threats kept evolving rapidly in footsteps of research and technological progress, and were illegally used to undermine values and well-being of European societies. The Strategy read that its aim was not to create new competences but to integrate existing strategies and concepts while "recognising the interdependence between internal and external security in establishing a 'global security' approach with third countries". It was recognised that internal security of the European Union cannot be separated from its external dimension, and it can be guaranteed only through international collaboration, both bilateral and multilateral, of the EU and its Member States. In this context, the policy towards third countries should approach security as a key factor and "develop mechanisms for coordination between

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[41] The Treaty of Lisbon introduced, *inter alia*, the confirmation of commitment to progressively shape common defence policy; commitment of Member States to make their military and civilian capabilities (including multinational forces) available in order to implement the CSDP; regulations related to the European Defence Agency (EDA); confirmation of the principle and practice of unanimity in cases relating to defence, also in the case of decisions on initiating a mission; making it possible for States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area, to establish permanent structured cooperation (PESCO) within the Union framework; introduction – in Article 42.7 – of the "clause of mutual aid and assistance" in the case of military aggression; expansion of the scope of the so-called Petersberg tasks (joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation); introduction of the solidarity clause (Part V Title VII, Article 222 of the TEU) in the case of a terrorist attack, natural or man-made disaster. (the idea of the clause emerged as a result of terrorist attacks in Madrid in 2004); based on: *Geneza Europejskiej Polityki Bezpieczeństwa i Obrony...*

[42] Internal Security Strategy of the European Union. Towards a European Security Model, Luxembourg 2010, p. 31.

[43] Communication from the Commission to The European Parliament and the Council. "The EU Internal Security Strategy in Action: Five steps towards a more secure Europe", eur-lex.europa.eu (accessed: 2012.08.17.).

security and other related policies, such as foreign policy, where security issues must increasingly be taken into account in an integrated and proactive approach"[44].

Priorities for the area of freedom, security and justice (AFSJ) for the period 2010-2014 were set out in "The Stockholm Programme – An open and secure Europe serving and protecting citizens" adopted by the European Council a year before, i.e. in December 2009. The Stockholm Programme also marginally referred to transatlantic cooperation. However, the need for a coherent legislative framework for personal data transfers to third countries, the US in particular, was recognised.

In the fight against terrorism, the Programme objective was to strengthen and expand cooperation in the external dimension. It was declared that the EU would play an active role in the fight against terrorism at various multilateral forums, in particular in the UN, and cooperate with partners to enhance the effectiveness of sanctions imposed by the UN Security Council. Prevention and the fight against terrorism were to constitute an area of cooperation with third countries, the United States in particular.[45]

Security issues in transatlantic relations, with their broad resonance in the area of internal security of EU Member States and North Atlantic Alliance Members, were largely reflected in NATO's new Strategic Concept of November 2010. As in the ESS, NATO's Strategic Concept emphasised the changing nature of the international environment and the emergence of new threats. Thus, one of main challenges would still be problems resulting from the weakness and instability of many countries of the world. Failing and failed states do not constitute a direct military threat but might be a source of other challenges of military nature and emerging asymmetric threats. It is true that for most EU Member States, NATO remains the basic instrument ensuring security, which significantly contributes to the stability and security in the entire Euro-Atlantic area and globally. The new Strategic Concept of the Alliance is an important attempt at reaching consensus on strategic issues and an instrument invigorating the organisation, which makes the Alliance better prepared for contemporary challenges. However, it is not and will not be a common platform to solve all global problems.

The above was underlined by Adam Daniel Rotfeld, a member of the so-called Wise Men Group[46] elaborating the Concept:

> The greatest source of threat to the international system of security nowadays is uncertainty, unpredictability and instability. Threats are various and complex. The nature of their sources is not traditional: extremism, cyber attacks, global proliferation of nuclear weapons and all sorts of other

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[44] *Internal Security Strategy of the European Union...*

[45] A. Gruszczak, *Prewencja i zwalczanie terroryzmu*, in: A. Gruszczak (ed.) (2010), *Program Sztokholmski – implikacje i wyzwania dla Unii Europejskiej i Polski*, Warsaw, pp. 99-111.

[46] Proposals for the document were elaborated by the so-called Wise Men Group, appointed by Secretary-General of the Alliance Anders Fogh Rasmussen. It was headed by American State Secretary Madeleine Albright. The group was composed of 12 representatives of NATO Member States. In addition to A. D. Rotfeld, the group members were representatives of the US, Germany, UK, France, Italy, Spain, Canada, Greece, Turkey and Latvia.

technologically advanced weapons. In terms of geography, it is very difficult to foresee a potential threat location. [...] In Europe peace and stability are undermined by acts of political blackmail and local frozen conflicts. Obviously, NATO is not a remedy and the only response to every security problem especially in situations where military solutions are not an option. That is why NATO's partnership with other countries, institutions and organisations is indispensable to efficiently combat, mitigate and respond to security threats. Progressive work towards establishing a new kind of relations between NATO and the European Union may be play a unique role. Moreover, the significance of institutions such as the Organisation for Security and Co-operation in Europe and the Council of Europe should not be underestimated.[47]

Generally, provisions of the new NATO Strategic Concept went hand in hand with the European Security Strategy contents. As most EU countries are also North Atlantic Alliance Members, it was very important to make the two documents compatible. In the ESS, three crucial objectives of the EU were determined, i.e. contribution to the stability and good governance in the EU closest neighbourhood, development of international order based on effective multilateralism, and countering threats – both new and traditional ones. It was also highlighted that the EU shared responsibility for global security and should play an important role in ensuring it. Threats which needed to be countered by the Union were identified as follows: regional conflicts, terrorism, proliferation of weapons of mass destruction and possibility of using them against the EU territory, failing states and conflicts within them and in their neighbourhood, and organised crime.[48] Detailed provisions covered threats like social migration, organised crime, human trafficking, arms and drugs smuggling.

Striving to optimise actions taken, the Barack Obama administration in its subsequent strategies: National Security Strategy of 2010, National Military Strategy of 2011 and National Strategy for Counterterrorism of 2011, gradually abandoned methods used by the former George W. Bush administration and chose a more comprehensive approach including the use of political, economic and military instruments. They put more emphasis on non-military measures in line with the Union's activity in this area[49].

The US National Security Strategy of 2010 stroke the same tone. It defined basic US national objectives including security and development of the international order by enhanced international cooperation with international institutions and "our close friends and allies in Europe, Asia, the Americas, and the Middle East". Authors of the strategy considered US relations with European allies to be "the cornerstone for U.S. engagement with the world, and a catalyst for international action", although

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[47] A. D. Rotfeld, *Nowa koncepcja strategiczna NATO: perspektywa środkowoeuropejska*, http:// kulturaliberalna.pl/7s =Nowa + koncepcja + strategiczna+NATO (accessed: 18.02.2011).

[48] European Security Strategy. A Secure Europe in a Better World, www. consilium.europa.eu (accessed: 17.02.2011).

[49] *National Security Strategy*, May 2010, http://www.whitehouse.gov; *National Military Strategy*, February 2011, http://www.army.mil; *National Strategy for Counterterrorism*, June 2011, The White House – Washington, http://www.whitehouse.gov (accessed: 13.08.2012).

equally much space was given to cooperation with US allies in Asia and Northern America.[50]

The Obama Doctrine is a vision of the US functioning in the world of broader alliances and cooperative relations. Although the United States is the superpower, it needs partners to share the burden, means and responsibility for the international order. Execution of American interests has been evolving from the use of force to political, economic and military activities. The role of military force in the fight against unconventional (asymmetric) threats keeps diminishing. According to Obama, a deeper cooperation in the international environment is a prerequisite for reducing the risk of conflict outbreak and increasing national security. As for terrorism, Obama has tried to avoid combat rhetoric in reference to Islamic terrorism and focused on countering extremism.

Actions, declarations and documents on transatlantic cooperation constituted a favourable foundation for detailed regulations. It was not an easy task to write them down, especially from the European perspective. Those regulations encroached on European internal security and were often in conflict with EU legal culture. The latter results from the need to reach a multinational compromise within the EU and is, to a greater extent than in the case of the US, oriented towards minimal limitation on civil liberties.

Nevertheless, some very important compromises were reached. On 1 August 2010, the EU-US Agreement on SWIFT bank data transfers (Society for Worldwide Interbank Financial Telecommunication) entered into force. It was relevant to the fight against financing terrorist activities and prevention of money laundering.

Key to the agreement has been the issue of aggregate data transfer to the Americans. The European Terrorist Finance Tracking Programme, created on the American model, was expected to be launched in next 3 years. It was assumed that the data would be initially processed in the EU, and only individual data on concrete operations suspected of having been used to finance terrorist activities would be transferred to the US. Furthermore, Europol's operations were improved, as it was authorised to block the transfer of data to America if it considered a given motion to be groundless, and to oversee data processing in the US. Access to the SWIFT database was to be permitted if there were actual premises that the object of the search is related to terrorist activity or its funding. The agreement was initially in force for 5 years and then was to be automatically extended for one year at a time.[51]

Since crisis response policy is a most important element of European security both in its external and internal dimensions, the Framework Agreement between the United States and the European Union, which provides a legal framework for the participation of the United States of America in crisis management missions

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[50] Cf. *National Security Strategy...*; see also J. Kiwerska (2010), *Strategia Bezpieczeństwa Narodowego USA...*

[51] *Fight against terrorism: new SWIFT agreement*, European Parliament, http://www.europarl.europa.eu (accessed: 08.08.2012).

conducted by the European Union, signed on 17 May 2011, needs to be mentioned. The Framework Agreement applies to all EU crisis management missions to third countries, in which the United States decides to participate. It defines conditions for US participation and relations with the EU during a given mission.[52] Positive outcomes of the cooperation could have been observed during operations of the EUTM and EUNAMFOR in Somalia, EULEX in Kosovo, and the EUPOL in Afghanistan.

In the area of freedom, security and justice, negotiations between Brussels and Washington on the PNR (Passenger Name Record) data exchange, and on personal data protection (used for combating terrorism purposes), gave surprisingly positive results. On 19 April 2012, the European Parliament consented to the conclusion of the new and quite controversial Agreement which was formally adopted by the European Council on 26 April 2012.

The PNR is the data on passengers regularly collected by airlines for commercial purposes (surname, e-mail address, telephone, itinerary, form of payment for the ticket, credit card number, information about baggage, etc.). However, few persons are aware of the fact that the collected data may also include hotel bookings, car rental or train ticket purchase. It may also comprise sensitive information like individual preferences for the seat number, meal served onboard of the plane (kosher, vegetarian or no pork) or hotel booking details like a double bed room. The PNR data has long been used in the US for the purpose of combating terrorism and crime. Under the 2004 EU-US Declaration, the EU had been obliged to transfer such data on its citizens to Americans. The document was reviewed as not meeting the requirements of the European Data Protection Directive.[53]

The new Agreement specifies the legal framework for data transfer, determines how long information can be stored, defines its use, security measures and dealing with complaints from individuals. It is valid for 7 years. US authorities will retain PNR data for no longer than 5 years. After 6 months, all information which could be used to identify a passenger, i.e. their name, surname and contact data, must be encrypted, i.e. "depersonalised"; after 5 years, the information will be kept in a dormant database for up to 10 more years and access to it will be restricted. It means that after that time, the data will be entirely anonymous, and information allowing to identify a passenger will be permanently deleted. The PNR data relevant to a case under investigation, will be stored until the proceedings are over. Proponents of the Agreement argued that if the European Parliament rejected it, the US would probably need to sign bilateral agreements with particular EU Member States, which could result in lesser protection of personal data.

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[52] Framework Agreement between the United States and the European Union on the Participation of the United States in European Union Crisis Management Operations conducted by the European Union, Official Journal of the European Union, L 143/3, 31.05.2011.

[53] M. Marciniak, *Kontrowersyjne porozumienie UE i USA w sprawie przekazywania danych osobowych,* http://www.computerworld.pl/news/377774/Kontrowersyjne.porozumienie.UE.i.USA w.sprawie. przekazywania.danych.osobowych.html (accessed: 09.07.2012).

However, according to opponents of the Agreement, which has been approved by the Helsinki Foundation for Human Rights, it brings little benefit to EU citizens. What is more, it is inconsistent with the Charter of Fundamental Rights, and the scope of transferred data is imprecise and disproportionate to benefits expected. On the basis of the data supplied by carriers, it is possible to identify one's habits connected with travelling, retrace social networks and even personal relations with other passengers. It is also possible to deduce the voyager's religion, lifestyle and financial status. Those reservations presented also by the European Data Protection Supervisor have not been taken into consideration.[54] Policymakers recognised arguments of those in favour of passengers' higher security and a potentially more effective fight against crime.

Generally, the issue of SWIFT and the PNR, clearly demonstrates lack of compliance between data protection standards in the EU and in the US. Temporary solutions, similarly to the Safe Harbor, Binding Corporate Rules (which allow multinational corporations for internal transfer of data within international exchange), are a manifestation of helplessness of the parties involved, well aware that it is impossible to prohibit data transfer over the Atlantic. At the same time, long-time attempts to reach a compromise have not produce a sound result. Thus, there is a need for in-depth reflection on causes of the lack of consensus. The crux of the matter are probably different traditions and methods of regulating the discussed issue in European systems and in the US.[55]

One of key elements of the Union's multidimensional internal security are economic problems, energy policy in particular. In transatlantic relations, allies' energy security and stability including diversification of energy sources play an important role. Secure access to energy resources and their transport also matter. The intensity of the transatlantic dialogue on economic issues results from deep integration of EU Member States and their single market. At present, economic cooperation between the EU and the US is the largest and strongest area of economic cooperation in the world. Intensification of actions aimed at consolidation and liberalisation of trade and investment is still a priority objective of the EU. It is the Transatlantic Economic Council (EU-US TEC) which works on eliminating trade barriers, promotion of investments, coordination of financial markets and protection of intellectual property rights and thus on deepening the economic integration.[56]

In the course of the EU-US summit held in November 2009, the EU-US Energy Council (TEC) was established to deepen the dialogue on energy issues and

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[54] Agreement between the EU and the United States on the exchange of passenger data (PNR), http://e-ochronainformacji.pl/; New EU-US agreement on PNR data: better data protection and the fight against crime and terrorism, http://europa.eu (accessed: 10.07.2012).

[55] B. Marcinkowski, *Globalna wizja ochrony prywatności a transfery finansowe, "*Rzeczpospolita" 09.05.2011.

[56] European Parliament resolution of 8 May 2008 on the Transatlantic Economic Council, Official Journal of the European Union, C 271 E/l, 12.11.2009.

strengthen cooperation for the development of new technologies in the domain of environmental protection. The Council focuses on energy sources diversification (e.g. increased use of liquefied natural gas, solar and wind energy, biofuels and the use of nuclear energy).[57]

It seems that the future of that initiative will depend on the Energy Council's relations with third countries and international organisations. The EU and the US are two major players at the forum discussing energy and climate issues but they will not be able to achieve much without other entities' engagement in the debate. Thus it is necessary to build multilateral contacts while avoiding unnecessary duplication of tasks of other organisations. At the same time, the Council cannot draw new dividing lines giving an impression that an alliance of the EU and the US is created to impose concrete solutions on Russia, China or India. That could damage global efforts made to solve energy and climate issues.[58]

In her speech at the Brookings Institution on 29 November 2012, US Secretary of State Hilary Clinton summarised activities of the TEC speaking about its achievements in eliminating regulatory barriers and the on-going work on establishing common standards which have already resulted in development of smart grids and other new energy technologies. She said that despite progress made, the US continues to be one of few WTO countries which has not managed to move beyond the Most-Favored-Nation status with the EU. Meanwhile, in the face of rising challenges and the growth of trade barriers, it is necessary to promote open, free and transparent global market with fair competition. Washington and Brussels keep discussing a comprehensive agreement that would increase trade, improve market access and stimulate economies on both sides of the Atlantic. Overcoming the existing barriers may considerably support global competitiveness of the Western world.[59]

This is an image of the functioning of the European Union in the face of new challenges and threats and the necessity to shape its internal and external security, which emerges from numerous debates on security in the contemporary world. Resources, which in the past guaranteed power and domination (wealth, possession of colonies, domination in trade and finance, population and size of the territory, industrial power, military advantage) have changed. Nowadays, traditional actors in international politics have lost their monopoly. New actors include new organisations, transnational corporations, religious communities and non-governmental organisations but also criminal networks able to play an important role on the international stage. Even small states and agreements between them may block the largest powers. However, the principal threat to the *status quo* is constituted not by nation states but

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[57] Stosunki Unia Europejska – Stany Zjednoczone, http://www.msz.gov.pl/Stosunki, Unia,Europejska,-,Stany,Zjednoczone,40161.html (accessed: 14.08.2012).

[58] P. Pawlak (2009), *Transatlantycka Rada Energetyczna: jak uniknąć kolejnej porażki,* Centrum Stosunków Międzynarodowych, "Raporty i Analizy" No. 2, p. 7

[59] H. Clinton, *U.S. and Europe: A Revitalized Global Partnership*, 29 November 2012, Brookings Institution, Washington D.C., http://www.brookings.edu (accessed: 01.11.2012).

individuals, independent organisations, mafias, terrorist groups or organised criminal groups. Relocation and diffusion are the two kinds of changes in the distribution of power in the world of today.[60]

To the end of the Cold War, it was assumed that multipolarity and balance of power would democratise international relations. Meanwhile, instead of a "new global order" there is a "new global disorder". The authority of the two "old" powers has been replaced by a new constellation and led to dispersion of power, not to building a "new global architecture". That is why, in current accounts of the situation, terms like zero polarity or G-zero are used. Consequently, popular discourse abounds with expressions like "the age of uncertainty", "world of entropy", "decade of disorder", "decade of destruction", and "decade of drift". President of the Stefan Batory Foundation Aleksander Smolar follows that reasoning and argues that, until recently, it was assumed that the EU would be a main centre of the new multilateral world driven by transatlantic partnership, while today, after hundreds of years of the domination of the West, competences and moral authority of the latter are questioned.

Basic political values of the West have been delegitimised not only by wars in Iraq and Afghanistan but also by the success of China which undermined, in the eyes of a considerable part of the world, the relevance of liberal democracy for social and economic modernisation of developing countries. According to Smolar: "Europe – which, until recently, was praised as a model of civilised relations between previously hostile nations – is now often described as a world of the past, dying demographically, colonised by numerous immigrants; a continent of pensioners wishing a quiet life, unable to change nor having great ambitions."

This sharply contrasts with the potential of EU Member States and the European market which is the largest accounting for about 17% of world trade while the US market accounts for about 12%. Europe is the world's second military power, and its military expenditure amounts to 21% of global expenditure on armaments (China's expenditure is 5%, and Russia's 3%). Moreover, Europe funds half of world economic aid (the US around 20%). However, according to Smolar: "Europe is unable to translate this enormous potential into real power and international influence. The EU is still a community whose objectives in its relations with the world and whose armed forces are poorly integrated. It more resembles a large civil society than a political community with goals in the international arena and values it wants to spread and consolidate on other continents."

Among reasons for the necessary engagement of Europe in the global system, there is the issue of maintaining and multiplying prosperity which is correlated with the situation in rest of the world. In this context, security issues do matter and security is largely provided to Europe by America. Further development of the Old Con-

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[60] More in e.g. J. S. Nye, *Understanding International Conflicts: An Introduction to Theory and History* [Polish translation: (2009) *Konflikty międzynarodowe. Wprowadzenie do teorii i historii*, Warsaw].

tinent also depends on the inflow of cheap labour force, on raw materials producing countries and selling markets for European exports. "In the contemporary world of deep interdependencies and progressing integration of most distant parts of the world in areas of security and transport, migration and information flows, exchange of goods and services, movement of capital and services, it is inevitable to think in terms of the whole world, and Europe as its part [...]"[61].

The above considerations are the quintessence of the discussion on the shape of European security and ways of preventing new sorts of threats which, so far, are typical of the international environment in the 21st century. Their sources are processes occurring both far away from Europe and those which take place in the international surrounding of the European Union, not to mention changes within its structure. In practice, those processes intensify, *inter alia*, within the framework of agreements and relations with the United States, within the Euro-Atlantic community of interests, and while exercising the community's freedom to grow.

At the threshold of the 21st century, issues in EU internal security, which resulted from common interests in transatlantic relations, concentrated on the fight against international terrorism and other forms of organised crime, and on preventing nonconventional threats. Therefore, internal security is strongly correlated with international security in its wide sense, i.e. embracing economic, social and military structures. At the same time, in transatlantic relations, Washington expects the European Union to become a partner of the United States in security issues, to take responsibility for its own security and to defend its interests in a more courageous manner. For the time being, Europeans' external security is protected with the NATO umbrella financed mainly by the US. As for cooperation in areas of internal security, Europeans largely concentrate on the protection of civil liberties.

In the current global crisis situation, the EU is much more oriented inside than outside. This refers primarily to economic issues. In the declarative sphere, discussed above, common security policy does exist but practically national policies still dominate. Under the crisis, a temptation to re-nationalise foreign and security policies grows stronger. In such a situation, European leaders have little to offer the United States, and NATO remains the main channel for maintaining transatlantic ties, in addition to bilateral relations. Considering the entire European security policy, it is the US which incurs main costs of defence of the Western world. The Europeans are more interested in economy because they feel safe and this makes it more difficult to prioritise common security policy. The North Atlantic Alliance is the only institutionalised form of the EU-US collaboration in the domain of security. In other areas like e.g. economy, where the EU is strong, there are no similar institutions.[62] Other areas of transatlantic cooperation, in particular those which influence

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[61] A. Smolar, *Wiek niepewności: Europa i ład światowy*, „Gazeta Wyborcza" 21.02.2011.

[62] *Unia Europejska-Stany Zjednoczone: definiowanie nowych stosunków* [European Union - United States: defining new relations], Discussion with the participation of Adam Daniel Rotfeld, Nick Witney and Aleksander Smolar, 2010.06.24, http://www. batory.org.pl (accessed: 10.09.2012).

EU internal security, result from laboriously negotiated agreements. Consequently, effective implementation of agreements on transatlantic cooperation and possible creation of new cooperation platforms need to be reconsidered.

ABSTRACT

The article deals with the impact of transatlantic relations on the shape of internal security of the European Union, especially in the context of escalation of unconventional threats. It also shows the dependence between the ability to co-shape the international framework of security and the maintenance of a strong position on the international arena together with possibilities of an unhampered development.

At the threshold of the 21st century issues of EU internal security were strongly correlated with broadly understood international security. This is particularly visible in transatlantic relations where expectations towards the EU to play the role of the USA's partner and to take upon itself responsibility for its own security to a larger extent than before, grow.

Niemiecka polityka wobec Polski 1990-2010

[German Policy toward Poland 1990-2010]

Bogdan Koszel, Krzysztof Malinowski, Zbigniew Mazur

The 4th volume of our series titled "The Federal Republic of Germany. Twenty Years after the Reunification" is devoted to issues which were most controversial in Polish-German relations in 1990-2010. After the unification, the influence and role of the Federal Republic of Germany grew in the international arena. Its activities related to both European integration and development of a pan-European security system had to affect the shape of Polish-German neighbourhood and cooperation.

The publication has three parts which deal with various aspects of relations between Bonn/Berlin-Warsaw and together present a comprehensive picture of German policy toward Poland in 1990-2010.

Breakthrough events and developments in the German reunification process, Poland's attitude toward the prospect of two German states being reunified, and problems in negotiating the Polish-German Border Treaty and the Treaty of Good Neighbourhood and Friendly Cooperation are discussed in the light of previously unknown materials. The Polish path to the EU is widely reviewed emphasising the support of Germany and démarches aimed at speeding Poland's accession. Much attention is also given to the cooperation of Poland and Germany in the European Union after 2004, which had its difficult moments especially in 2005-2007. Finally, Germany's involvement in developing a new European and Transatlantic Security Strategy after the collapse of the communist system is analysed highlighting Germany's efforts to include Central and Eastern European countries in the new system and its support for Poland's aspirations to join NATO.

JADWIGA KIWERSKA
        Poznań

DETERMINANTS OF AMERICAN POLICY TOWARDS EUROPE

One of most important processes taking place in the international arena are changes in relations between the United States and Europe/EU. They are an outcome of new conditionalities of the functioning of the transatlantic alliance. New conditionalities included the weakening of the US leadership and higher independence of Europe, difficulties in reaching agreements on various issues between America and its European allies and problems of military nature connected with the Afghanistan mission, which have undermined the credibility and effectiveness of NATO. In result, relations between the US and Europe deteriorated. The transatlantic alliance ceased to make sense as a community as it lacked a distinctive binder and common goals and priorities which would focus the attention of all interested members of the alliance strongly enough.

The situation was more complicated than that due to the fact that the world was clearly heading towards multipolarity. That is why, at the threshold of the second decade of the 21st century, a new determinant of US-Europe relations was the necessity that the United States competed with other powers and political groups of various nature in the geopolitical market, i.e. in addition to the European Union, special attention should be paid to China and Russia, as well as some Latin American and African countries. It was not enough that America was the only state which had all – economic, military, technological and political – attributes of a superpower. Other powers had various and, usually, individual strengths. Their strengths allowed those countries to have their say in some areas. In a world of complicated connections and dependencies, in particular economic ones, they were able to block and hinder Washington's actions more efficiently than ever before. They were also able to form alliances against America. Some called the new geopolitical constellation a multipolar system of relations or a return to rivalry between powers. Others talked about a world without poles, and for some we lived in time of chaos or a transitional period[1]. It could have been an opportunity for the transatlantic community but also a factor increasing the distance between America and Europe.

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[1] Numerous works are devoted to the formation of a new world order. Most important of them include: Z. Brzezinski (2007), *Second Chance. Three Presidents and the Crisis of American Superpower,* New York [Polish translation: *Druga szansa. Trzej prezydenci i kryzys amerykańskiego supermocarst-*

That is why the question about the future of transatlantic relations was one of most important for the Barack Obama administration in 2009. It was commonly hoped that with the new administration, relations between America and Europe would improve. The change of host at the White House was received in Europe enthusiastically which created an opportunity to overcome the crisis in transatlantic relations to an extent sufficient to make the community an aware and necessary choice for all parties and a community able to act effectively. All the more so because European leaders increasingly felt that poor transatlantic relations weakened Europe's prestige and significance. Therefore, President Obama already at the beginning of his presidency benefited from important assets: sympathy, credit of trust and declared interest of European partners.

Did Barack Obama manage to restore harmony in US relations with Europe? Has the transatlantic alliance got new contents? Have European capitals understood expectations and objectives of the United States better? What determinants defined America's approach towards Europe?

There is no doubt that restoring a good atmosphere in mutual relations was of key importance in the context of restoring strong ties between the US and Europe. The new Washington style of doing politics served the purpose as attention began to be paid again to foreign diplomacy, and willingness to cooperate and to listen to partners' arguments was demonstrated. American politicians recognised multilateralism as the best and most effective method of achieving goals and accomplishing tasks in the current highly complicated situation.[2]

An attempt to return to the "soft power" was the announced closing down of the controversial and contradicting democratic principles prison in Guantanamo in Cuba, as well as the declared readiness to participate in the fight against climate changes in the world. The agenda of the Obama administration included also withdrawal of American troops from Iraq and stronger involvement of the US in the reconstruction of Afghanistan, not only fighting against rebels there. An even more important difference in comparison with the previous American line of action in the international arena was an offer of talks and negotiations, almost without preconditions, addressed to enemies and opponents. A proposal of the kind was made in March 2009 to Iraq.[3] An appeal made by President Obama in April 2009 during his

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wa, Warsaw 2008]; F. Zakaria (2008), *The Post-American Word,* New York [Polish translation: *Koniec hegemonii Ameryki,* Warsaw 2009]; idem (2008), *The Future of American Power, "*Foreign Affairs" May/June, No. 3; R. N. Haass (2008), *The Age of Nonpolarity, "*Foreign Affairs" May/June, No. 3 [Polish translation: *Świat po Ameryce, "*Europa" Supplement to "Dziennik" 31.05.2008]; R. Kagan (2008), *The Return of History and the End of Dreams, "*Policy Review" [Polish translation: *Powrót historii i koniec marzeń,* Poznań 2009].

   [2] The necessity to return to multilateral activities in the international arena was considerably emphasised in e.g. the National Security Strategy presented in May 2010. National Security Strategy, May 2010, www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf

   [3] More in M. S. Indyk, K. G. Lieberthal, M. E. O'Hanlon (2012), *Bending History. Barack Obama's Foreign Policy,* Brookings Institution Press, Washington, pp. 190-191.

visit to Prague was a very spectacular event. He called for the creation of a world without nuclear weapons.[4] Although his ideas were idealistic and rhetoric closer to that of President Wilson from the beginning of the previous century than to the reality of the 21st century, they made a great impression and reinforced, in Europe, an image of Obama as a leader with a vision and willingness to introduce changes. A couple of months later, he was awarded the Nobel Peace Prize for his proposal.

Those gestures and actions aimed at reconstructing the image of America as a "soft power", which was highly appreciated in Western Europe, allowed to restore a better atmosphere in mutual relations. The European part of the transatlantic alliance felt appreciated by the partner country headed by the leader pronouncing himself in favour of multilateralism, and felt co-responsible. The Obama administration, in turn, could have had an impression that European allies would be ready to play the role of the strategic partner of the US in the international arena, actively participating in solving global problems. The White House urgently needed such partners, as it was subjected to strong pressure to, above all, fight the growing economic crisis in the country.

However, relations between the US and Europe were far from perfect. New circumstances and challenges emerged and complicated the situation. For Washington with Obama as President, the European continent ceased to be the region of primary importance. In addition to the American administration being busy with internal economic problems, this was also partly due to the weakening of emotional ties between American politicians and European leaders. Also the Afro-American origin of the US President (father from Africa, childhood spent in Asia and Hawaii) automatically implied his less emotional relation to Europe than of former US presidents. Thus, close relations with the Old World were to be determined more by pragmatic reasons than historical, emotional or cultural ties as it used to be for over fifty years.

The decreasing interest in Europe resulted also from the simple fact that Europe's security, stability and democratisation processes were no longer of high concern as they had been during the Cold War and in the first period after it ended. President Obama perceived Europe primarily in the context of other problems constituting an actual challenge for American interests and priorities. Europe, which was no longer the United States' principal commitment in the field of security, was subdued to other objectives of American foreign policy. This observation was developed by Robert Kagan, who said: "Obama is the first truly post-Cold War president of the US. He does not feel great emotions towards Europe. [...] As a man steering a superpower with numerous troubles, he primarily wonders what Europe can do for him. And Europe's strategic importance keeps decreasing year by year. It happens at its own request, i.e. it results from what Europe does and doesn't do (...)".[5]

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[4] President Obama's Speech on Nuclear Disarmament, 5 April 2009, http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered

[5] Conversation with R. Kagan titled *Obama – cudu nie było*, "Gazeta Wyborcza" 16-17.01. 2010.

Thus, the Obama administration expected transatlantic relations not only to be a community of values and principles coming down to security issues, i.e. NATO, but to have a more practical dimension. America wanted Europe which could be counted on while solving various problems and would engage as much as possible in different parts of the world, even distant from the European theatre. "We want strong allies. We are not looking to be patrons of Europe. We are looking to be partners of Europe," said Barack Obama in April 2009 during his first European trip.[6] In the face of various challenges, such as global economic problems, terrorism, threat of proliferation of nuclear weapons and the Middle East conflict, the objective of the Obama administration was to cooperate with everyone willing to provide effective assistance in solving international problems. Washington expected that its European allies would play a special role in the above.[7] In practice, it meant an equal footing in transatlantic relations and a new division of tasks.

Meanwhile, European countries integrated within the European Union having its specific Foreign Minister, did not yet manage to present themselves as an effective, active player in the international arena. They did not take over the role of an important actor in the world, which the EU potentially has been. The problem was not only that European states consistently criticised detention of persons suspected of terrorism without charge at Guantanamo but refused to accept released prisoners in their territory. EU Member States also lacked determination to diplomatically engage to the best of their abilities in the implementation of the peacekeeping process in the case of the Middle East conflict. The role of the EU in solving the dangerous and still insurmountable dilemma of Iran's nuclear ambitions was also barely visible. And there had been a time when the so-called troika countries significantly contributed to talks with the ayatollahs' regime.

Europe proved unfit to be a strategic player, contrary to the United States' expectations. It was due to the economic crisis and an array of problems resulting from it. But the prime reason was the lack of readiness of European states to make considerable commitments and take bigger responsibility for developments in the world. To be ready, Europe would have to overcome national egoisms, be more committed and demonstrate its willingness to collaborate with the US as a partner. Those conditions were often not met. Europe was still unable to create its own political leadership and to agree on the role it should play in the world.[8] It should be added that EU Member States have sought to preserve their national independence in foreign and defence policy. It was therefore difficult to force one European point of view. Even while engaging in NATO's mission in Afghanistan, European countries did it as individual allies strongly dependent on their national conditionalities and limitations.

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[6] After M. E. O'Hanlon, *Obama's Solid First Year on Foreign Policy*, www.brookings.ed/opinions/2010/0101_obama_foreign-_policy_ohanlon.aspx.

[7] Cf. B. Obama, interview titled *Potrzebujemy siebie nawzajem,* "Polityka" 8-14.06.2001.

[8] Cf. Z. Brzezinski (2010), *From Hope to Audacity. Appraising Obama's Foreign Policy*, "Foreign Affairs" January/February, No. 1, p. 28.

From the American perspective, Afghanistan confirmed Europe's reluctance to engage and to support US efforts. At the end of March 2009, President Obama presented a new strategy for Afghanistan aimed at changing the destiny of the war in the Hindu Kush. The strategy was of more political than military. It was proposed to negotiate with different powers in Afghanistan, also with moderate Taliban groups, to expand the programme for training Afghan soldiers and police force and to take efforts to rebuilt and develop Afghanistan. The plans, in particular those referring to increased civilian and political measures, were warmly welcomed by European allies. However, when Barack Obama asked European allies to deploy more soldiers in the Hindu Kush, the response was not that positive. Europe turned out to be a more difficult partner, significantly less acquiescent than before. The contingent of 4 thousand, mainly policemen and trainers, was assembled with great difficulty. However, despite shortages, there were no significant successes in the fight against the Taliban and Al-Qaeda in Afghanistan, and this fact did not raise the prestige of the US, Europe or the transatlantic community.

The response of European allies to the next Afghan strategy announced by President Obama on 1 December 2009 was even weaker. The new plan provided for sending another 35 thousand American soldiers to Afghanistan and for an increase in contingents of other states, mostly NATO members. President Obama explained that the world had to feel responsible for the war. It was another solidarity test, the Atlantic one in particular. Europe was not enthusiastic about the plan. The United Kingdom, the most loyal ally of the United States, offered to deploy only 500 soldiers and Turkey responded likewise. France, President of which praised Barack Obama's speech as "courageous, decisive and transparent", did not take any concrete action. In such a context, Warsaw's declaration to increase the Polish contingent by 600 soldiers was significant. In Germany, the question whether to send more soldiers caused a public debate in which opponents of the idea prevailed. Only at the end of January 2010, Chancellor Angela Merkel announced that additional 500 Bundeswehr soldiers would go to Afghanistan. [9] At that stage, Europe passed the exam on the Atlantic solidarity though with great difficulty.

Although European politicians declared that a successful mission in Afghanistan was an element of their national security, in practice the mission was treated as almost sole responsibility of the United States. Many European leaders and a large majority of the public opinion in Europe did not consider the war in Afghanistan to be an existential combat against terrorism. For them, it was "Bush's war", which they did not want or support. And although this time widely liked President Obama called for support, the response of European allies was relatively poor. Opinions were expressed that the Obama administration wanted nothing from Europe but new military troops in Afghanistan.[10] Mutual transatlantic disappointment grew and Eu-

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[9] More in J. Kiwerska, *Niemcy we wspólnocie atlantyckiej*, in: J. Kiwerska, B. Koszel, M. Tomczak, S. Żerko (2011), *Polityka zagraniczna zjednoczonych Niemiec*, Poznań, p. 260.

[10] Cf. opinions presented during a meeting in Washington organised within the framework of *Berge-*

rope did not prove to be an engaged and responsible partner needed at that time by Washington. Europe did not take a common clear stance.[11]

The American administration counted on Europe's consolidation and effectiveness and had to be disappointed. That was why President Obama refused to participate in the EU-US summit planned for May 2010. After a disappointing meeting in Prague in early April 2009, he came to the conclusion that the summit would come down to listening to divergent and conflicting opinions and views of 27 leaders of EU Member States who would not contribute to overcoming global challenges. Obama wished for Europe's common and thus meaningful stance on contemporary world issues, the economic crisis in particular. As a result, it was decided that the EU-US summits would not be held annually, as it used to be, but when concrete developments would call for solutions.[12]

In that situation, the American administration was forced to actually limit the Atlantic partnership to bilateral relations with three main European states of high status in the world: the United Kingdom, Germany and France, like in the old days. Those countries were most frequently visited by President Obama during his few trips to Europe. From among all EU Member States, only those countries were named as closest US allies in the National Security Strategy.[13] However, US ties with them were hardly strong. "The utility of such dialogues is reduced by the personal and political differences among these countries' leaders," wrote Z. Brzezinski repeating his earlier thesis that "The emergence of a unified and therefore influential European worldview, with which Obama could effectively engage, seems unlikely anytime soon.".[14]

Next question was whether transatlantic relations were successfully enriched with more contents. That was to be achieved by reinvigoration of the North Atlantic Treaty Organisation, the condition of which after the Bush era was not good. In 2004, new Members joined NATO, including three former Soviet republics. Thus NATO did what seemed to be impossible a couple of years earlier; it crossed the boarders of the former Soviet Union. The membership of Slovenia and then Croatia meant that NATO was joined by first former republics of Yugoslavia where not long ago the most bloody conflict in Europe since World War II took place. In this way a next step in overcoming divisions in Europe and unifying the continent was made.

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dorfer Gesprächskreis (9-11 March 2010), in: *Grenzen der Macht: Europa und Amerika in einer neuen Weltordnung,* Hamburg 2010, pp. 28-30.

[11] Cf. Ch. A. Kupchan, *NATO's Hard Choices,* "The New York Times" 31.03.2009.

[12] *EU-US summits to take place 'only when necessary'*, 27.03.2010, www.euobserver. com/9/29782?print=1.

[13] *National Security Strategy*, May 2010…. It needs to be added that, although authors of the strategy considered relations with European allies to be the "cornerstone for U.S. engagement with the world, and a catalyst for international action", they paid almost equal attention to cooperation with allies in Asia and North America.

[14] Z. Brzezinski (2010), *From Hope to Audacity…,* p. 28.

But what some judged to be a broadening of the sphere of stabilisation and security, others perceived as transforming NATO into a less effective and efficient institution where decisions were made slowly and with difficulties, by means of exhaustive negotiations and consultations. What is more, its structure was weakened by interests, ambitions and emotions of particular Member States, their attitudes towards American politics, and their perception of the role of Russia in the European security structure. Thus, the sense of being together or, as other observers said, the "NATO's spine" was lost in the process. Before, the spine was formed by values shared by all Member States, i.e. freedom and democracy, and shared insecurity caused firstly by the Soviet Union, and later – as it seemed – terrorism. The poor condition of the organisation, which used to be assessed as the most effective one and the foundation of security of its members, was proved by failures in Afghanistan.

It was expected that the US, the strongest Member State of the Alliance, would be the one to overcome the deadlock in Afghanistan, and that it would fill the Atlantic community with new contents. The more so because Barack Obama declared his appreciation for NATO's significance as the fundamental structure of the Euro-Atlantic security and the main supporting base for the US in dealing with global challenges. Therefore, it was expected that Washington would give a strong impetus to the preparation of NATO's new Strategic Concept. It was necessary to redefine the role of the Alliance, to specify the nature of internal relations, to determine the objectives, scope, methods and direction of action. The problem was urgent because since the adoption of the old Strategic Concept in 1999, many things happened, crucial changes took place in the international arena, and different threats became more visible.

On the other hand, the Obama administration also formulated its expectations towards European allies. It expected members of the Alliance to make global commitments and to offer greater support to the United States in its *out of area* missions. It was not only about Afghanistan, although the latter was of key importance as actual capacities and effectiveness of NATO were verified there and thus it could determine the future of the Alliance. The Obama administration wished that Europe took on more burden in transatlantic defence structures in general. Obama made that clear at the NATO summit held in April 2009. American experts wrote about it, asking the most important question about the Alliance's ability to deal with next challenges. Considering difficulties experienced by NATO in Afghanistan, Charles A. Kupchan wondered whether the allies could undertake new tasks, e.g. in Gaza or other regions located far away from the Euro-Atlantic arena.[15]

In the first year of Barack Obama's presidency, little was done to fulfil mutual expectations. Europeans were not enthusiastic about the suggestion that they should actually play the role of the strategic partner of the United States. It also turned out to be impossible to crystallise the concept of what NATO should be. No answer was

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[15] Ch. A. Kupchan, *NATO's Hard Choices, "*The New York Times" 31.03.2009.

found to the question on the extent to which *out of area* missions should be the Alliance's objective or the direction of its enlargement. In other words, the North Atlantic Treaty Organisation was "a spirit in the search of incarnation".[16] Due to current tasks related mainly to the mission in Afghanistan, other issues like strategic actions in the future and NATO's revitalisation and consolidation were left aside. There was no deeper reflection on the nature and objectives of NATO.

The only visible progress was the clarification of Article 5 of the Washington Treaty charging all members with the obligation to assist an ally. Until now, it was applied only once, i.e. after the terrorist attack on the US in September 2001. However, even then sceptical opinions were expressed and questions asked whether allied states were really obliged to provide unconditional support and who should determine the scope of the aid. At that time, it was only a theoretical dilemma as the Bush administration had not decided to ask allies for support (with the exception of the UK) while attacking Afghanistan. The issue was brought up again while debating the new Strategic Concept of the Alliance and in the context of France rejoining NATO military structures.

The problem became acute in August 2008, due to events in Georgia and manoeuvres of the Russian army, including a simulated nuclear attack on Poland in 2009. It turned out that European security was not a permanent condition. At that time, anxiety was expressed by the Baltic states and countries of Central and Eastern Europe. They realised that there were no military plans for the protection of their territory and there were doubts if there was a common will to aid others. France declared that it rejected automatic application of Article 5 and reserved itself the right to make its own assessment and decisions in this domain. Such statements, repeated by other member states, could entirely destroy the foundation on which NATO was built or, to say the least, considerably undermine its credibility and relevance. That is why, at a certain point, it was the interpretation of Article 5 which dominated discussions and not an enlargement of the Alliance or its possibly global nature. That is why the declaration adopted in the course of the 2009 NATO summit was important. It contained the Article disambiguation: "Article 5 of the Washington Treaty and collective defence, based on the indivisibility of Allied security, are, and will remain, the cornerstone of our Alliance."

As for the new Strategic Concept of the Alliance (elaborated in mid-2010 by a dedicated group of experts), it was adopted as late as in the end of 2010. It specified three basic tasks of the Alliance, i.e. collective defence, crisis management and cooperative security.[17] But, above all, it prepared the Alliance to respond to various

[16] Expression used by A. Smolar during a debate in the Batory Foundation: *Unia Europejska-Stany Zjednoczone: definiowanie nowych stosunków*, 24.06.2010; www.batory.org.pl/debaty/21100624.htm

[17] *Active Engagement, Modern Defence. Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organisation* adopted by Heads of State and Government in Lisbon. Some provisions of the Concept were developed in a declaration adopted at the summit, i.e. *Lisbon*

challenges and threats, many of which were new e.g. cyber and energy threats. The adoption of the Strategic Concept in November 2010 at the NATO summit in Lisbon was clearly an important step in the process of restoring the Alliance's cohesion, and reinforcing its role and importance. The Concept could help strengthen transatlantic ties.[18] However, future events were to verify the readiness of member states to implement the new Strategic Concept.

America's disappointment with its European allies was especially clearly expressed by Secretary of Defence Robert Gates in his speech at a meeting of defence ministers of NATO member states in Brussels on 10 June 2011. NATO's European members were strongly criticised for their lack of willingness to contribute more financial, material and human resources to common defence and security. They were rebuked for not wanting to bear the burden of NATO's commitments and preferring to play the role of an active spectator benefiting from full security guarantees.[19] That criticism was justified only in respect to some NATO members as Poland, the United Kingdom and even the small Netherlands were involved in NATO's undertakings. Nevertheless, the criticism pinpointed the essence of the problem: Europe did not want to stand up to challenges related to security proportionally to its capacities and American expectations.

Robert Gates delivered his rebuke when European members of the Alliance were involved in the operation in Libya for several months already. It seemed that the NATO mission would provide a new impact invigorating transatlantic relations, or, at least, confirm the significance of this political cooperation framework. From the perspective of the Euro-Atlantic community, it was an unprecedented event. Contrarily to most former NATO military interventions, that one was not undertaken on the initiative of the United States, but of a couple of European states, France in particular. Washington was, in a way, compelled to agree for this action. In was also Paris, supported by London, that forced the Security Council to adopt a resolution which actually sanctioned the military intervention. Although at the beginning, the operation in Libya was led by the United States, at the end of March 2011, NATO took over. The US was but a member of the coalition. It was the first military mission of the Alliance in which America took a "back seat".[20] In other words, a situation long awaited by the Obama administration did happen.

This was, however, the only precedent. The length of the operation in Libya (from March to the end of October 2011), the strain on military resources of participating European states and their weakening willingness to continue military actions made the US take the initiative, increase its military participation and play the lead-

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Summit Declaration. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Lisbon on 20 November 2010. Press release PR/CP(2010)0155.

   [18] S. Pifer, J. Waïsse, *The NATO Summit in Lisbon, November 19-20, 2010,* 10 November 2010, www.brookings.edu/research/papers/2010/11/10-nato-summit-pifer-waisse.

   [19] After P. Belkin, *NATO's Chicago Summit,* 14 May 2012, Congressional Research Service 7-5700, CRS Report for Congress, R42529.

   [20] M. S. Indyk, K. G. Lieberthal, M. E. O'Hanlon (2012), *op. cit.,* pp. 160-164.

ing role, directly contributing to the removal and death of Libyan dictator Muammar Gaddafi. It was a consequence of a long process of decreasing defence expenditure by most European allies, which practically meant that their military capabilities declined. That was what Secretary of Defence Robert Gates so strongly reproached.

There were also other issues in the Libyan mission that were negatively assessed by Washington. Firstly, there was limited solidarity as some important states, including Poland and Germany, refused to participate in the mission. It meant that the adopted Strategic Concept did not solve all NATO's dilemmas, in particular those related to the level and nature of allied solidarity. Secondly, one could have reservations about the functioning of the Common Foreign and Security Policy of the European Union. It seemed that the Treaty of Lisbon provided EU foreign diplomacy with tools which could be used in such cases as Libya to integrate Member States to jointly deal with an important foreign policy task. The EU, however, did not pass the test. It was not Head of European diplomacy Catherine Ashton who coordinated actions, but two European capitals, i.e. Paris and London. Thus in Europe, national politics dominated and not EU foreign diplomacy. The European Union was not able to courageously and effectively act as an important player in the international arena what was expected by Washington.

There is also the question whether stances toward Russia had an impact on US-Europe relations. In fact, the formerly Soviet and now Russian factor has constituted a most important point of reference both for Europe and for the United States. If a field where the Obama administration stamped its undeniable spectacular influence was to be indicated, it would be its relations with Russia. Already in February 2009, the American diplomacy announced a new beginning in relations with Moscow. "It is time to press the reset button and to revisit the many areas where we can and should be working together with Russia", declared Vice President Joseph R. Biden at the Munich Security Conference.[21] In today's world of simple verbal messages, the term "reset" became a catchword to the execution of which the White House devoted much time and attention, making it its priority.

Surely, an improvement in Washington-Moscow relations was highly interesting to European partners of the US. Russia had its share in solving and complicating some problems. Russia's help in Afghanistan, consisting in, for instance, availing its space to transport supplies for allied forces' soldiers who stationed there, was invaluable. Moscow was also Washington's main partner in disarmament talks, in particular in START negotiations, which constituted a very important point on the Obama administration's agenda. The list of problems which would be difficult to solve without Russia's participation included the Middle East conflict and energy policy. Russia's involvement in attempts to halt Iranian nuclear ambitions and in Syria was also relevant. Russia's stance on most of those challenges was of key importance and its strong veto in the UN Security Council could block the efforts of the United States

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[21] J. R. Biden, Speech at the 45th Munich Conference, 7.02.2009, www.securityconference.de/kon-ferenzen/rede.php?menu_2009=&menu_konfer

and other Western countries, as it happened in the case of Syria. Ensuring permanent security of our region and dealing with global challenges without cooperation with the Russian partner would be impossible or at least much more difficult.

Nevertheless, the idea to "reset" relations with Moscow was not assessed unequivocally in Europe. At the end of 2009, the new START treaty was signed, which considerably lowered the limit of American and Russian nuclear warheads. However, according to some analysts, the American party was too soft on Moscow. That criticism followed Washington's abandonment of the "missile shield" project in September 2009, elements of which were to be installed in Poland and the Czech Republic. Although arguments of financial and technological nature which influenced the above-mentioned decision of the Obama's administration cannot be refuted, there was also a political dimension, i.e. recognition of Russia's opinion which strongly opposed location of the American installation in countries within its former sphere of influence. When for the Obama administration Russia became a key state in terms of overcoming challenges in the international arena, the US made an important gesture towards Russia. It was made, however, at the expense of relations with some countries of Central and Eastern Europe.

Without much exaggeration it can be claimed that undermining Central and Easter European countries' confidence in Washington was one of the most flagrant "achievements" of the Obama administration in its relations with the Europe. Central and Eastern European countries on the strategic boarder with Russia, traditionally wished to have strong ties with America. They were dedicated and proved to have been fully loyal to the American superpower many times in the post-Cold War period.[22] The Obama administration, however, had other priorities and treated our continent as a whole, as if it had lost sight of that part of Europe. There was no response to the letter sent to the White House in July 2009 by famous intellectuals and authority figures from Central and Eastern Europe, including Lech Wałęsa and Vaclav Havel, who worried about the condition of relations with the US. Shortly after the letter, the "missile defence shield" project was abandoned. Nothing could change the negative resonance of the decision, not even the plans to implement more modern anti-missile technology within the territory of CEE countries or a courtesy visit of Vice President Biden to capitals of countries of the region in autumn 2009. One must agree that governments of CEE countries, Poland in particular, overestimated the value of their assets in relations with the United States. Nevertheless, the way that part of Europe was treated by the Obama administration earned criticism.

In subsequent years, little changed in Barack Obama's approach toward Central and Eastern Europe. Neither the visit of President Bronisław Komorowski to the United States and his talk with Barack Obama in December 2010, nor the visit of the American President in Poland in May 2011 and his meeting with leaders of CEE countries became an incentive to re-evaluate the place and role of Poland (or Central

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[22] More in J. Kiwerska (2009), *Wymarzony sojusznik Polski, "*Przegląd Zachodni" No. 3, pp. 56-67.

and Eastern Europe) in American politics. The issue was not only about expressing support and giving satisfaction to those countries. The right approach could be beneficial for transatlantic relation or at least for strengthening the ties between this part of Europe and the United States.

As a result, after nearly 4 years of Democrats in the White House, it became necessary to accept that Central and Eastern Europe was not an important (if only asymmetric) partner to the United States. This confirmed the prediction of Brzezinski who already in 2009 stated that from the point of view of the US, only Europe as a whole could be its partner. He was largely right but the lesson learned was not a pleasant one for Central and Eastern Europe. However, taking a different perspective, it should be recognised that the lesson forced East European leaders to be realistic in their expectations towards the US and about their place in American politics.

The appropriateness of such a re-evaluation was confirmed by subsequent developments in the United States' approach towards Central and Eastern Europe/Poland. In the famous exchange of views between Barack Obama and Russian President Dmitry Medvedev in March 2012, which was not to be revealed to the public, the American President in a low voice said that after his re-election he would "have more flexibility" to deal with the "missile defence". This perfectly reflected the tone of their relations. It also led to a sad reflection on the credibility of the American President who hid his real intentions from his allies and revealed them to the Russian leader. It gave an impression that, in the face of Russia's persistent opposition to the installation of the missile defence system in Europe, President Obama planned to take decisions reassuring Russia that it was its interest which was taken care of and not interests of certain European allies. Such conclusions could have been drawn from the overheard fragment of the two leaders' conversation.

Generally, the Obama administration's policy towards Russia evoked the feeling of insecurity in Europe by creating new divisions and, above all, by complicating transatlantic relations in which countries of the former Soviet sphere of influence were an important component. On the other hand, it needs to be highlighted that the situation was more difficult because of EU Member States' different approaches to Russia. There were countries, such as Germany, which traditionally considered Russia as an important element of pan-European architecture of security. Chancellor Merkel avoided the exceptional familiarity which characterised her predecessor Gerhard Schröder's relation with Vladimir Putin, and she was able to critically assess Russia's various political moves. At the same time, Berlin claimed that everyone could benefit from better relations between the US and Russia. As for transatlantic security, it could not be built "against" Moscow.[23]

Also those analysts who blamed Europe for its lack of a deeper reflection on relations with Russia were right. In the European Union, there was no discussion on a new security strategy proposed by Medvedev or on energy security. Therefore, it

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[23] More in S. Żerko (2011), *Rosja w polityce Niemiec,* in: J. Kiwerska, B. Koszel, M. Tomczak, S. Żerko, *op. cit.*, pp. 324-336.

was possible to expect that every step of the United States towards Russia would be criticised by some European capitals, causing unnecessary tensions and disputes in the transatlantic community and making it lose its balance.[24]

The importance of all those factors, which contributed to the weakening of Europe's place in American politics, cannot be belittled. However, what happened was also a consequence of US operations in the world of new powers competing against the United States. When the European Union, overwhelmed with the economic and financial crisis and facing a real perspective of disintegration, ceased to be the "inspiration to the world"[25] and, above all, it did not meet American expectations about being an important player in the international arena, other powers became a real challenge for the US. A new challenge for American economy and politics is China, economy of which kept growing both fast and steadily over last years. It suffices to mention some data: the United States is indebted to China for 1.5 trillion dollar; according to Citi Investment Research and Analysis's forecast, in 2020, China, with its nearly 10% economic growth, will outdistance the US in terms of GDP (China's 21.9 trillion dollar GDP versus US GDP of 19.1 trillion dollar), while India will be ahead of Germany, and Russia ahead of the UK and France. In 2030, the Chinese GDP is to be higher than the combined GDP of the US and Japan (while India's GDP will be higher than the combined GDP of Germany, UK and France).[26]

The growing economic potential of new powers increasingly translates into their military resources and capabilities and, thus, into their greater political importance. While four years ago it was thought that ambitions of China were limited to the economic sphere mainly, to the end of Barack Obama's first term, many commentators argued that the growing economic potential of the People's Republic of China increased its political aspirations in the Asian region.[27] Beijing started to expand its influence to its neighbours e.g. Philippines and Vietnam, not to mention Taiwan, which worried Japan and even Australia. Taking into account China's ability to influence politicians of North Korea, who threaten the world with their nuclear programme, it is not surprising that the focus of the Obama administration was on the Far East

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[24] Cf. J. Shapiro, N. Witney (2009), *Towards a Post-American Europe: A Power Audit of EU-US Relations,* European Council on Foreign Relations, November, pp. 54-55.

[25] According to estimates of Carnegie Endowment for International Peace, in 2050 the GDP of the United States will be 12.03 trillion dollar higher than the one of the European Union (in 2010, the GDP of the US was 1.48 trillion dollar smaller than the one of the EU); after Z. Brzeziński (2012), *Strategic Vision. America and the Crisis of Global Power,* New York, p. 56.

[26] After A. Lubowski, *Cegły bez zaprawy*, "Polityka" 18-24.07.2012, p. 42. In turn, Z. Brzezinski (*Strategic Vision…*, p. 56) quotes estimates of Carnegie Endowment for International Peace, according to which the highest global position in terms of the GDP value will be achieved by China as soon/late as in 2030. It has to be highlighted, however, that the situation looks different if the GDP is counted per capita. Then, China remains far behind the United States (in 2030 the US is to have 59.59 dollars per capita compared to 14.69 in China); *ibidem*, p. 57.

[27] Cf. R. Kagan, *Why the World Needs America,* 11 February 2012, www.brookings.edu/articles/2012/0211_us_power_kagan.aspx?p=1.

region. In November 2011, during his visit to Pacific countries, President Obama declared: "I have directed my national security team to make our presence and missions in the Asia-Pacific a top priority." While delivering his speech to the Australian Parliament, Obama emphasised that the United States, as a Pacific power, should contribute to the shaping of the region's future. That is why the US presence in the Asia-Pacific region was to be given the highest priority in American foreign policy[28]. The American "pivot to the Pacific Rim" became another catchphrase.[29]

The above happened at the expense of Europe and European allies. At the time when the Obama administration announced its plans to drastically cut US defence spending (approx. 500 billion dollar in next 10 years) and to reduce American military presence in Europe, it signed an agreement with Prime Minister of Australia on reinforcing American military presence there. It was announced that a contingent of American soldiers (2,500 soldiers initially) would be stationed in northern Australia. There were no plans to reduce US military bases in Japan (40,000 soldiers) and in South Korea (28,500 soldiers). Moreover, the US planned to provide Singapore and the Philippines with armaments. Hence an opinion spread that Obama was not the first Afro-American President of the United States but the first Asian one.[30]

The American "pivot to the Pacific Rim", though expected as changes in the power balance in the international arena were long observed, caused intense reactions worldwide. On the one hand, the re-evaluation of US foreign policy priorities was criticised. There was much disappointment and discontent in European capitals especially.[31] Also in America it was argued that Europe was still the greatest commitment of the United States in the field of security and that the strength of NATO depended on its members on both sides of the Atlantic. What was questioned was the actual capacity of China to transform its economic potential into political significance. Chinese aspirations and the likelihood of China playing the dominant role in the region were also questioned.[32]

On the other hand, however, it was claimed that the greatest challenge for Washington would be the Asia region, with two states growing in power, i.e. China and India, the economic centre moving from the West to the East, and strong "global

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[28] White House, Office of the Press Secretary, Remarks by President Obama to the Australian Parliament, 17 November 2011, www.whitehouse.gov/the-press-office/2011/11/17/remarks-president-obama-australian-parliament.

[29] This expression was used for the first time by the White House press office right before the visit of President Obama to countries of South East Asia in November 2011; cf. M. S. Indyk, K. G. Lieberthal, M. E. O'Hanlon (2012), *op. cit*., pp. 56-59.

[30] Emilio Lamo de Espinosa (President of Real Instituto Elcano in Madrid), in conversation with M. Stasiński, *Nie pozwólmy umrzeć Europie, "*Gazeta Wyborcza" 4-5.08.2012.

[31] J. Dempsey, *Munich Calling: The Seas of South-East Asia*, 23.01.2012, www.securityconference.de/program.425+M548f0d52261.0.html.

[32] R. Kagan, *Not Fade Away: Against the Myth of Americana Decline,* "The New Republic" 17.01.2012.

political awakening".[33] There were predictions that soon the dynamics of the world would be shaped by what British historian Niall Ferguson called "Chimerica", i.e. full of tensions and mutual dependence relations between the United States and China. It was foreseen that China would effectively expand using "soft power" which seemed to be reserved for the US. Chinese foreign investments, which are a component of "soft power", are used by Beijing to consolidate its global position. Chinese aid seems especially attractive for countries which are poor and weak as China does not require democratisation, accounting for subsidies or even a reasonable economic policy, which are required by international institutions dominated by the US, such as the World Bank and the International Monetary Fund.

America has to prepare itself to all that by changing its political priorities and "pivoting to the Pacific Rim". It should strengthen its political and military commitments in that region of the world, revitalise existing alliances and agreements (APEC, ASEAN), finalise new ones (in addition to the already ratified US-Korea Free Trade Agreement, also the Trans-Pacific Partnership). It has been thought that it is the best moment to do so as aspirations of Beijing have been raising growing concerns. It has been noticed that though China is the main and the largest trade partner in the region it does not mean that it will be the desired strategic ally.[34] In such a situation, America, with its experience and potential, seems to be the only counterweight to China and the security guarantor for many Pacific countries.[35] That is the reason why the reorientation of American strategy has been inevitable.

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While analysing the US policy towards Europe, it needs to be underlined that one of its main determinants was the degree of preparedness of the Old World to play the role of an important player in the international arena and to be an effective partner needed by America in the world heading towards multipolarity. The Obama administration opted for dialogue and consultations, referring to advantages of "soft power", and it was the US which initiated its much better relations with Europe. At the same time, however, its standpoint was pragmatic and it called for sharing responsibilities and for greater involvement of European allies in dealing with global challenges. Europe did not meet Washington's expectations. Europe remained diversified and too assertive. At the same time, many European states were disappointed with US actions. Countries of Central and Eastern Europe lost some of their trust in Barack Obama when American conciliatory policy was applied to Russia.

The changing geopolitical reality in the beginning of the 21st century, namely the emergence of new powers with various strengths, had an impact on American policy towards Europe which ceased to be the region of primary importance for the US. The

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[33] Cf. Z. Brzezinski (2012), *Strategic Vision…* p. 16ff.

[34] Cf. *The Rise or Fall of the American Empire*, by D. W. Drezner, G. Rachman, R. Kagan, www.foreignpolicy.com./articles/2012/02/14/the_rise_or_fall_of_the_american…

[35] R. Kagan (2012), *The World America Made*, New York; also: Z. Brzezinski (2012), *Strategic Vision…*, p. 184ff.

necessity to compete with other powers in the geopolitical market caused the American "pivot to the Pacific Rim" which has become the most important trend in American foreign policy of recent years. It is difficult to say today whether the turn means a general and long-lasting change in American orientation, i.e. from the Atlantic to the Pacific one, or whether it is just a tactical move used under some circumstances. Nevertheless, it has not served strengthening transatlantic relations. Even the joint mission in Afghanistan and military intervention in Libya did not improve the condition of the community. On the one hand, we feel that Europe is marginalised in US global policy. On the other, the inertia of European states persists. Many challenges have not been addressed to the disappointment of the Obama administration. The transatlantic community still lacks a strong impetus and a purpose or sense of its existence. In consequence, it seems that Europe (European Union) and the United States are growing apart.

ABSTRACT

New elements of American policy towards Europe can currently be observed in connection with recent developments at the beginning of the 21st century, including the emergence of new powers which challenge the USA. Since nowadays Europe only to a limited extent meets the expectations of Washington as an important actor on the international arena, it ceases to be a priority in the USA's policy. Therefore, America's pivot towards Asia-Pacific will certainly not be without impact on transatlantic relations posing a genuine threat to their significance. On the other hand, it must be emphasised that despite other factors, common principles and values make Europe (European Union) a key partner for Washington in solving many global and regional problems.

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EUROPE, THE US AND THE FUTURE
OF THE NORTH ATLANTIC ALLIANCE

The post-Cold War evolution of the North Atlantic Alliance was characterised by an ongoing search for reasons justifying the sense of its further existence. NATO's adaptations to a changing environment were usually quite effective. One of the reasons was that the functioning of NATO was founded on a minimal political consensus of its member states. The needed consensus was difficult to reach but it made redefining NATO's strategic tasks possible. Examples include the reviewed strategic concepts of 1991, 1999 and 2010, the dialogue with former members of the Warsaw Pact, admission of Central and Eastern European countries to NATO, and military operations in the Balkans. All those examples seemed to contradict the neorealist doubts about the survival of a strictly defensive alliance, which NATO used to be, in a situation where the threat of a military confrontation with the Soviet Union disappeared. Only after the 11th of September 2001, NATO entered a new formative stage as it become clear that the paths of the United States and Europe might diverge and that NATO needed to be revitalised. New operations, new capabilities and new members have surely changed NATO. That process, however, took place in unfavourable international circumstances. In the case of the war on terrorism, the US opted for the "coalition of the willing" and was not interested in the Alliance's cohesion. France and Germany temporarily assumed that NATO was no longer an appropriate forum for discussing security issues with the US. Due to the Iraqi crisis and in result of the prolonged operations in Afghanistan (and the lack of true successes in the reconstruction of the country), the Alliance has been in the most serious deadlock since the end of the Cold War. Divergences between member states with regard to key issues concerning the future of the Alliance has become increasingly clear.

The adoption of the new Strategic Concept at a special NATO summit in Lisbon (18-19.11.2010)[1] was hoped to consolidate the Alliance. The Concept was a response

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[1] *Strategic Concept for the Defense and Security of the Members of the North Atlantic Treaty Organization. Adopted by Heads of State and Government in Lisbon. Active Engagement, Modern Defense.* Some of the provisions of the Concept were developed in the declaration adopted during the summit. *Lisbon Summit Declaration. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Lisbon on 20 November 2010.* Press Release/Communiqué de press, PR/CP(2010)0155.

to most urgent issues resulting from tensions between the classical primary functions of the Alliance focused on military defence (founded on Article 5 of the North Atlantic Treaty) and on deepening the transatlantic cooperation, and NATO's tasks related to the post-Cold War role of the Alliance in the non-Treaty area. Compromises in the Concept provisions were surprising. They did not eliminate differences between positions of particular member states. The document was a sort of review of different interests within NATO, reminding that the interests should be identified by member states on a regular basis. There is no doubt that the Concept was adopted to halt the growing divide between member states. An obvious conclusion is that the soothing of differences was to serve the cohesion of the Alliance. This was a key issue for NATO's future. The ambitious concept was to stimulate the Alliance to enter a new phase of activity and to prepare it to respond to various challenges and threats which earlier did not reach a critical mass e.g. threats in the areas of cyber security and energy.

Soon, the member states were put to a test which, to an extent, verified their readiness to implement the new Strategic Concept and, at the same time, underlined the need of a much more thorough preparation of the Alliance for new challenges. Conclusions drawn from NATO's operation in Libya, conducted under a mandate of the UN Security Council in 2011, raised doubts about whether the design of the Concept was adequate for the purpose, i.e. for solving strategic dilemmas of the Alliance. Firstly, member states were still unable to agree whether NATO, even under the UN mandate, should get militarily involved in a non-Treaty area. Secondly, the Libyan experience induced a debate on a new model of burden-sharing by the allies, in other words, a debate on whether European member states should be more financially and militarily engaged in the Alliance's operations or, to put it differently, on defining anew the political and military role of the United States and Europe in NATO. The lack of a common assessment of strategic threats, a common vision of the future role of NATO and its critical military capabilities, and the lack of member states' consensus on the content of allied solidarity, have been the most serious ills of the Alliance.[2]

However, what really raised doubts concerning the Lisbon concept and, at the same time, pushed for a new debate were not the Libyan experiences or the critical evaluation of NATO Afghanistan operations as such, but a much wider and multilayered international context. NATO's situation was critical as disagreements between member states coincided with the changing conditionalities in the form of (i) a financial crisis in the US and the EU, (ii) the unknown future of the revolution in North Africa, civil war in Syria and Iran's nuclear programme, and (iii) the US strategic shift to the Pacific. In consequence, at the NATO Chicago summit in May 2012, the implementation of Lisbon agreements was reviewed and a plan to end combat operations in Afghanistan was endorsed (concrete plans to withdraw troops by the end of 2014 were announced). At the same time, the summit induced a much wider debate

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[2] K. Volker, K. P. Green, *NATO Reform: Key Principles,* Issue Brief, Atlantic Council 07.11.2012.

on rebalancing the transatlantic relationship, including the need for a much stronger military integration of NATO members as a necessary prerequisite for NATO's further adaptation to more serious challenges than those it faced in the 1990s.

<div align="center">LISBON STRATEGIC CONCEPT: STRATEGIC DYSFUNCTIONALITIES
OR COMPLEMENTARY DEVELOPMENT STRATEGIES?</div>

An internal consolidation of the Alliance was an unquestionable need. For its member states, the need to restore NATO's internal cohesion was basically obvious, similarly to finding a new Archimedean point crucial to ensure NATO's further existence. Various experiences in Afghanistan implied a need to re-identify strategic interests of the Alliance and to build a new consensus on redefined tasks. Until the Lisbon summit, there was no true agreement on NATO's basic tasks and their hierarchy. This indicated that there was no coherent strategy and that members' solidarity was weakened by the Afghan factor. It all suggested a very probable forecast that within NATO, divisions would grow deeper.

Three basic strategic issues which gradually emerged in last two decades[3] and which the Lisbon concept intended to resolve included:

1) whether and to what extent the collective defence function embodied in Article 5 and the deterrence principle were to be sustained and to what extent they should be complemented by the out-of-area function, i.e. NATO's military involvement in the non-Treaty area in order to e.g. combat threats such as terrorism and proliferation of weapons of mass destruction;

2) whether NATO should be an organisation of a transatlantic character or whether, due to its presence in the non-Treaty area, it should strive to globalise its activities, establish strategic partnerships with countries from other regions of the world and assume the role of a patron of a new global security network;

3) whether NATO, while engaging outside its area, should perform its military tasks only or apply a comprehensive approach which includes civilian operations, i.e. NATO's cooperation with other organisations like the UN, EU and OSCE, aimed at implementing new kinds of reconstruction tasks in post-conflict areas.

The Lisbon Strategic Concept was designed to resolve various problems which the Alliance encountered before 11 September 2001, to redefine its tasks and to reach a new consensus on the tasks to halt the growing divide with the Alliance. The Concept specified three basic tasks of the Alliance: collective defence, crisis management and cooperative security.

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[3] Cf. e.g. Z. Brzeziński (2009), *An Agenda for NATO. Toward a Global Security Web,* "Foreign Affairs" September/October, pp. 2-20; A. D. Rotfeld, *W kierunku nowej koncepcji strategicznej NATO: Przyszłe zadania i wyzwania Sojuszu a rola partnerów.* Lecture at a conference in Oberammergau, 20-21.02.2010, in: B. Górka-Winter and M. Madej (eds) (2010), *Państwa członkowskie NATO wobec nowej koncepcji strategicznej Sojuszu. Przegląd stanowisk,* Polski Instytut Spraw Międzynarodowych, Warsaw, March, p. 134; idem (2010), *NATO 2020: Nowa koncepcja strategiczna Sojuszu,* "Sprawy Międzynarodowe" no. 4.

Collective defence and deterrence vs. out-of-area tasks

The issues whether and how the Alliance should respond to external threats and challenges were topics of discussion already in the 1990s' e.g. at the time the 1999 Washington Strategic Concept was adopted. It should be noted that the collective defence function as the reason for the existence of the Alliance both was not questioned by the member states at that time and has not been recently, despite different motives of the allies and some of them underlining the relevance of other, non-classical, threats to the Alliance. Adherents of the NATO reform, i.e. the US and the UK but also Canada and Denmark[4] argued that the Alliance should respond to such phenomena as the proliferation of weapons of mass destruction, terrorism and regional crises, and that NATO should strive to play a global role. A logical consequence of the above was that they postulated further development of the Alliance's expeditionary capabilities so that it could execute new tasks. After the attacks of 11 September, the US pushed through the idea of creating the NATO Response Force, the aim of which was to strengthen NATO's ability to respond to new threats. With the beginning of the war on terrorism, one very significant aspect of the US policy towards NATO kept gaining on importance. The US had been increasingly assessing NATO's usefulness for the US by the readiness of European allies to follow the US policy of developing military capabilities needed to participate in out-of-area operations.

The issue of engagement in the non-Treaty area has had a considerable impact on relations between countries advocating the maintenance of the *status quo* in NATO (they included France and Germany, as well as member states from Southern Europe)[5] and the US. Contrary to the United States, during the debate on the new Concept, they opted for NATO's limited use of military force in combating threats and only under a UN Security Council mandate. They considered a repetition of the Kosovo War path to be inadmissible. They were afraid that the Alliance could be used by the US to legitimise Americans' increasing engagement in the world and that NATO could act as the "world's policeman"[6]. On the other hand, they wished the US would have not preferred coalitions of the willing over its involvement in NATO activities which the US did after the attacks of 11 September. That is the reason why the *status quo* group was ready to accept the US leadership only in the context of multi-lateralisation of US policy, for which the group hoped once Barack Obama became the US president.

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[4] T. Noetzel, B. Schreer (2009), *Does a multi-tier NATO matter? The Atlantic alliance and the process of strategic change,* "International Affairs" no. 2, pp. 211-226.

[5] *Państwa członkowskie NATO...*, p. 8. These states were also called *Russia firsters.* Cf. P. Jonson (2010), *The debate about Article 5 and its credibility. What is all about?* "Research Paper" Research Division – NATO Defense College, Rome, No. 58, May, p. 8.

[6] BGW [B. Górka-Winter] (2010), *Francja,* in: *Państwa członkowskie NATO...,* p. 41. Cf. e.g. *"Die NATO kann nicht als Weltpolizist eingesetzt werden".* Interview with former Chairman of the NATO Military Committee, Retired General Harald Kujat, Deutschlandfunk, 03.04.2009, http://www.dradio. de/dlf/sendun-gen/interview_dlf/945089/.

The United States gave priority to tasks in the non-Treaty area but it did not mean that the collective defence function lost its significance for the country. The Obama administration assumed that Article 5 would remain the "heart and soul of the NATO commitment"[7]. However, for the US, the prospect of defending Europe against an unlikely threat of classical aggression has slowly become of lesser relevance than the Near East and Central Asia where growing challenges for international security were generated. And, above all, the US was increasingly involved in the struggle for preponderance in the Far East. The threat of Iran's nuclear programme implementation, made the Obama administration interested in developing a concept of a missile defence system for the Alliance area (European Phased Adaptive Approach[8]), the implementation of which – inscribed in the NATO context – was, in a way, to compensate Europe for the US preference in further development of expeditionary capabilities.

Germany and France still treated collective defence as the foundation for the Alliance's further existence, however, during the debate on the new Strategic Concept, they were concerned about postulates of member states from Central Europe (Poland and Baltic states in particular) which emphasised the need to consolidate the obligation to collective defence provided for in Article 5 of the Washington Treaty, i.e. the so-called defence reassurance[9]. France and Germany were attached to the idea of taking Russia's objections into account and unwilling to complicate their relations with Russia, should they support Poland. They wanted to have best possible relations with Russia and, thus, they strived to include the latter in the common missile defence system.[10]

Poland, the Baltic states, Czech Republic, as well as Norway and Iceland which sympathised with them, preferred the Alliance to be focused on Article 5, i.e. its capability to defend the allies against conventional threats. They wanted that capability to remain NATO's cooperation frame in the future. They viewed out-of-area missions as a functional part of executing collective defence tasks. In other words, for those countries a further development of NATO's intervention capabilities could not negatively impact collective defence of the allies. Russia's invasion in Georgia in August 2008, and big Russian military exercises in 2009, including a simulated nuclear attack on Poland, raised concerns of NATO members under discussion.[11] That was why they called for confirming the credibility of Article 5, i.e. allies' com-

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[7] S. McNamara, *NATO Summit 2010: Time to Turn WordsInto Action,* "Backgrounder" Published by The Heritage Foundation, No. 2498, December 10, 2010, p. 2.

[8] Cf. US Fact Sheet at: http://www.whitehouse.gov/the_pressoffice/FACT-SHEET-US-Missile-Defense-Policy-A-Phased-Adaptive-Approach-for-Missile-Defense-in-Europe/.

[9] N. Busse, *Krieg gegen Russland? Die Nato diskutiert über die Lehren aus dem Georgien- Konflikt,* "Frankfurter Allgemeine Zeitung" 3.11.2008.

[10] *Berlin und Paris einig über NATO-Strategie, "*Süddeutsche Zeitung" 19.11.2010.

[11] M. Day, *Russia "Simulates" Nuclear Attack on Poland, "*The Daily Telegraph" 1.11.2009, [http://www.telegraph.co.uk/news/worldnews/europe/poland/6480227/Russia-simulates-nuclear-attack-on-Poland.html].

mitments by introducing premises for their "principled engagement".[12] The reassurance was to include updating contingency plans for threats of external aggression[13], strengthening NATO's presence in the region by development of an appropriate infrastructure and carrying joint military exercises.[14]

The position of Poland and the Baltic states was opposed by Russia which argued that the Founding Act on Mutual NATO-Russia Relations of 1997 excluded not only deploying nuclear weapons on the territories of new NATO member states, but also dislocation of larger NATO troops. Russia ignored the part of the Act where NATO declared that, in the future, due to the need to enhance the interoperability of the new member states' armed forces and the armed forces of the Alliance and their joint exercises, NATO troops might be deployed on the territories of the said countries.[15] NATO as an organisation did not develop the capacity to provide military aid to those countries, were they threatened with aggression. In fact, it was because of NATO's negligence of Central European countries demanding the same security standards as those ensured for Western Europe.[16]

The reassurance issue was connected with deterrence issues in two contexts. The concept and implementation of an anti-missile shield – both in its earlier version forced by the Bush administration, i.e. based on an agreement with the US outside the NATO framework, and in the version proposed in September 2009 by the Obama administration, i.e. as part of the NATO missile defence system – were to improve the quality of the collective defence function. What is more, the idea of the shield questioned the maintenance of American sub-strategic nuclear weapons in the territory of Europe. Those who wished to strengthen territorial defence were concerned about the postulate of Germany and Belgium to withdraw nuclear weapons from Europe. They argued that such a move would be too unilateral and increase Russia's advantage which was huge in that weapon category. Germany's position was and has been a manifestation of its principled position on disarmament and its belief that building a new missile defence system within the framework of NATO would make the principle of nuclear deterrence obsolete.[17] The significance of that principle was,

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[12] *Niech NATO działa z automatu. Wywiad z Jerzym M. Nowakiem, b. ambasadorem Polski przy NATO, wiceprezesem Stowarzyszenia Euroatlantyckiego,* "Gazeta Wyborcza" 27.10.2010.

[13] According to recently disclosed diplomatic documents of the US, although Poland supported the creation of contingency plans for the Baltic states, it wished them to be separate from the contingency plan for Poland, i.e. not one plan for the entire region only. *US embassy cables: Poland sceptical over Baltic Defence plan,* "The Guardian" 6.12.2010.

[14] For Polish postulates see *Poland's Priorities in the Debate on a New Strategic Concept for NATO,* "PISM Strategic Files" No. 12, April 2010.

[15] Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation, signed in Paris, France, 27 May 1997, http://www.nato.int/cps/en/natolive/official_texts_25468.htm.

[16] R. Asmus (2010), et al., *NATO, new allies and reassurance,* Centre for European Reform, May, p. 2.

[17] Cf. speech by German Minister of Foreign Affairs Guido Westerwelle in the Bundestag, Deutscher Bundestag, 17. Wahlperiode, 71. Sitzung, Berlin, Donnerstag, den 11. November 2010, p. 7599 et seq.

in turn, underlined by France which considered Germany's approach to be denigrating France's prestige as a nuclear power with its own nuclear arms. From Poland's perspective, the German approach could undermine the value of reassurance and complicate transatlantic relationships.

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In the Strategic Concept, the basic dilemma of member states concerning the significance of collective defence and out-of-area tasks for the Alliance's further existence was mitigated. A manifestation of the above was the high place assigned to territorial defence which remained the *raison d'être* of the Alliance (point 4 of the Concept). The document bridged the classical and more innovative conceptualisation of hybrid and fluxional threats thus making the rigid division between collective defence and intervention measures obsolete as it was inadequate from the perspective of combating modern threats. In the document, it was pointed out that, although a conventional attack on NATO member states was unlikely, its occurrence should not be excluded. Moreover, it was recognised that ballistic missiles constituted a real threat to NATO countries, especially since the issue of missiles has combined with the proliferation of nuclear weapons, international terrorism, and instability created by failing states. Moreover, cyber attacks and disruptions in energy supply were considered as increasingly significant factors. Thus, in the Concept, emerging challenges were qualified as threatening the existence of Western democracy similarly to the classical type aggression and, consequently, as requiring the Alliance's response in the form of collective defence (point 4a).

The Concept confirmed the basic meaning of collective defence consistent with Article 5 of the Washington Treaty (point 16). At the same time, it went beyond the interpretation according to which collective defence referred to the defence of a NATO member territory against the classical type aggression of other countries and opted for its broader understanding including military interventions outside the Treaty area. A separate chapter on crisis management (points 20-25 in the Concept) reads: "Crises and conflicts beyond NATO's borders can pose a direct threat to the security of Alliance territory and populations. NATO will therefore engage, where possible and when necessary, to prevent crises, manage crises, stabilize post-conflict situations and support reconstruction." The document provided for complementarity of collective defence missions and external activities, i.e. for the inter-relation between the two functions: on the one hand, it highlighted the significance of territorial collective defence, on the other, it left no doubt that modern defence must be founded on operational/expeditionary capabilities: "We will develop and maintain robust, mobile and deployable conventional forces to carry out both our Article 5 responsibilities and the Alliance's expeditionary operations, including with the NATO Response Force" (point 19).

Thus, the document met the postulates of supporters of the classical Alliance, who prioritised collective defence. What is more, in the hierarchy of threats, the

threat of ballistic missiles was assigned a high place. It might suggest that a priority assigned to the missile defence system somewhat enhanced the credibility of the provision on the need to maintain the Alliance defence function and, at the same time, to "consolidate" it as the frame of the Alliance's further existence. As a matter of fact, the very idea of building a missile defence system as part of the "core" mission of NATO did not rise significant controversy among the allies.[18] However, at the Lisbon summit, it turned out that the new system was the most important issue to be resolved.[19] On the other hand, the extract quoted above shows that intentions of the US and the UK were also taken into consideration as the Alliance's expeditionary mission was clearly confirmed. The fact that the role of the United Nations was underlined (point 2) indicated that NATO would not try to play the role of the "world's policeman" undertaking unlimited interventions, which corresponded with the views of European member states.

Another issue, the possible consequences of which spoke for the classical function of the Alliance, was the nuclear strategy. In the face of new threats (terrorism, cyber attacks), the role of nuclear weapons in NATO's strategy remained quite vague. The Strategic Concept addressed that issue in a conservative way and opted for a nuclear *status quo*. The document ruled out the possibility of NATO's unilateral nuclear disarmament, emphasising that NATO would be a nuclear alliance for as long as there are nuclear weapons in the world (point 17). In other words, it conformed the significance of nuclear deterrence for NATO. It also took into account the stance of France and the UK by granting their nuclear forces an independent deterrence role. Furthermore, it revealed that France's and Germany's intentions lacked cohesion. The Concept reflected arguments of France according to which nuclear deterrence and missile defence constituted two separate issues. The document read that they would not be treated jointly, as it was idealistically imagined by German diplomacy, i.e. that missile defence would not make the issue of nuclear deterrence obsolete.[20]

Transatlantic dimension vs. partnerships

On the eve of the Lisbon summit, the sense and the character of partnerships and, to a lesser extent, their geographical range were still under discussion. The US and UK wanted the Alliance to establish global partnerships. Such a method of international cooperation was already adopted by the Alliance. NATO already made partnership arrangements with Australia and Japan on their participation in ISAF forces in Afghanistan.[21] Actually, in the ISAF operation led by NATO, more NATO partner

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[18] P. Podvig, *NATO and the future of missile defence in Europe*, "Bulletin of the Atomic Scientists" 28 October 2010.

[19] Press Briefing by U.S. Ambassador to *NATO* lvo Daalder and Deputy National Security Advisor for Strategic Communications Ben Rhodes, ww.whitehouse.gov/the-press-office/2010/ll/19.

[20] *Westerwelle brüstet sich mit Abrüstungsvision,* "Der Spiegel" 19.11.2010.

[21] *Partnerships with non-NATO countries,* http://www.nato.int/cps/en/natolive/topics_5U03.htm.

states participated than member states. In terms of partners' contributions, Australia, Japan and South Korea and New Zealand were the leaders. The way and extent of partner states' participation in the decision-making process concerning NATO operations has always been disputable. Earlier, the United States proposed that NATO should promote liberal-democratic values and gradually transform into an alliance of democracy.[22] Gradually, the US increasingly favoured transforming the Alliance into a patron or hub of global security networks. In other words, NATO would establish not only partnerships with particular states, but also cooperate more closely with various international organisations of various interests and outreach. Thus, NATO would stimulate them to take more responsibility for security issues.[23] In winter and spring 2010, the "hub" concept was actively promoted by Secretary-General Anders Fogh Rasmussen.[24]

The opposition of France and Germany to the Alliance globalisation, be it the idea of the alliance for democracy or the hub of global security networks, was due to reasons similar to objections to the expansion of NATO expeditionary capabilities.[25] They argued that if NATO developed that way, it could undermine the monopoly of the United Nations. What is more, they were sceptical about the idea of a global NATO as a project in competition with Russia and China. In particular, they were afraid that it could lead to NATO being entangled in the competition between the US and China in Asia, especially if partner states like e.g. Australia sought the Alliance's support. Germany and France argued against the programme of radical globalisation and for restructuring the US and European members relations in NATO.[26] They postulated that NATO should become the primary forum for the transatlantic dialogue and that Article 4 of the Washington Treaty could be used for that purpose. Should that be accepted, the common agenda could be extended to non-military security issues such as cyber, energy and economic security.

At the same time, France and the UK wished that the EU was recognised as a partner equal to the US and that NATO was transformed into a forum for political dialogue between the US and Europe. Nevertheless, from the point of view of Germany, and – in relative terms – of France, NATO maintains its value due to the engagement of the US in European security matters; NATO is a platform where member states may pursue their – often divergent – security interests. As far as crisis management is concerned, Germany and France were sceptical about establishing closer relations between NATO and the EU to execute civilian tasks. According to

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[22] I. Daalder, J. Goldgeier (2006), *Global NATO,* "Foreign Affairs" Sept.-Oct., pp. 105-113.

[23] I. Daalder (2010), *A New Alliance for a New Century,* "The RUSI Journal" October/November, Vol. 155, No. 5, p. 10.

[24] T. Bielecki, *Rosja nadal boi się NATO,* "Gazeta Wyborcza" 8.02.2010; L. Hemicker, *Denkanstöße für eine neue NATO-Strategie: Rasmussen und Guttenberg zur Zukunft des Bündnisses,* 7.02.2010.

[25] M.T. [M. Terlikowski] (2010), *Niemcy,* in: *Państwa członkowskie NATO...,* p. 71.

[26] *Regierungserklärung von Angela Merkel zum Nato-Gipfel,* 26.03.2009 http://www.bundes-regierung.de/Webs/Breg/DE/Service/Suche/Volltext/volltext.html?search=globale%20Herausforde\ rungen%20in%20deutschland&sortString = date&do = search&pc = l&sp = 20.

them, the role of the EU was at stake as it could be diminished once NATO gets used to using EU civilian resources for the purpose of NATO missions.[27]

As far as a further deepening of relations with Russia is concerned, there are no significant differences of opinion between the US and the "old" member states. Germany and France hold a strong belief that it is necessary to "involve" Russia, even at the expense of the Alliance further enlargement. They confirmed their stance already at the Bucharest NATO summit in April 2008 when they opposed NATO Membership Action Plans for Ukraine and Georgia. Both the US and "old" member states of NATO are in favour of further institutionalisation of Russia's affiliation with NATO in military and political terms within the framework NATO-Russia Council and for Russia's inclusion in the missile defence system. Germany particularly strongly supported using the new Strategic Concept to boost NATO's relations with Russia.[28] As for NATO members from Central Europe, they were more interested in the regional dimension than the global one. However, above all, they assigned the greatest importance to the strengthening of transatlantic cooperation and especially to shaping it on the basis Article 4.

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To partnerships a long chapter in the Concept was devoted (pts 28-35). It was underlined that NATO needed partners – both countries and institutions – to effectively ensure security of the Euro-Atlantic area. Special attention was paid to the partnership with the EU which was considered to be a "unique and essential partner for NATO" (pt 32). Furthermore, it was emphasised that both organisations should play complementary roles in supporting peace and security in the world. NATO declared its willingness to strengthen the cooperation in the field of anti-crisis operations e.g. by coordinating operational planning and cooperation in the area of military capabilities in order to, *inter alia*, reduce their duplication. The declaration of willingness to expand political consultations on all matters of common interest was rather vague.

It has to be underlined that the Concept does not mention a possibility of creating one wide agenda forum for a dialogue between the EU and NATO (or the US). Undoubtedly, the recognition of the role played by the EU e.g. the approval for the Union's independent actions aimed at consolidating its military capabilities and the Union's greater dedication to security challenges thanks to the Treaty of Lisbon, confirmed that both the reformists and their opponents acknowledged the need to deepen the transatlantic dimension of NATO by strengthening its institutional bonds with the EU. The approval for the Treaty of Lisbon (and, thus, automatically for the vague position on the *casus foederis* contained in it) in the Concept suggested a le-

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[27] BGW [B. Górka-Winter] (2010), *op. cit.*, p. 42.
[28] *Towards a new Grand Bargain with Russia. Testimony of Ambassador Wolfgang Ischinger before United States Congress, House of Representatives*, Committee on Foreign Affairs, Washington, DC, March 17, 2010.

nient approach of the US. Opportunities to deepen the transatlantic dimension were hidden in the carefully formulated offer to expand the agenda defined in Article 4 of the Washington Treaty (territorial integrity, political independence, security). Member states were granted a chance to report each matter connected with their security in order to consult it and possibly to elaborate a common position (pt 5). It concerned especially two new threats: cyber attacks and energy security.

Further strengthening of the existing mechanisms for cooperation, i.e. the Euro-Atlantic Partnership Council, Partnership for Peace, Mediterranean Dialogue and the Istanbul Cooperation Initiative, was declared. The question of globalisation of the Alliance was referred to very briefly in the Concept. Although a willingness to cooperate with all interested countries was declared, strikingly, it was made not dependant on a clear declaration of approval for democracy and common values. Thus the American concept of transforming NATO into a global alliance of democracy was abandoned. The only condition for the dialogue with "nations and institutions" was their willingness to maintain peaceful international relations. The terms were modest: consultations with partner states on security issues of common concern. Additionally, the willingness to further develop the already existing partnerships "while preserving their specificity" was declared. The existing operational partners were to recognised more strongly as having a "structural role in shaping strategy and decisions" on NATO-led missions (however, Australia, Japan and South Korea were not identified). The abandonment of aspirations to become the gravity centre for democracy in the world and the general character of provisions on partnerships, their global dimension in particular (NATO was not referred to as the *hub* of global security networks in the Concept), points to the impact of the cautious approach of influential European states (France, Germany) interested in the Eurocentric character of NATO.

The cooperation with Russia was qualified to be strategic, and NATO's objective was a "true strategic partnership" with Russia (pt 33). The Concept focused on the consolidation of cooperation based on the Founding Act of 1997 and its terms, and on using the potential of the NATO-Russia Council in such areas as missile defence (listed as the first), combating terrorism, drug trafficking, and piracy. Thus, it did not provide for the establishment of new bodies for that purpose. Furthermore, it did not refer to other forums for dialogue on security between member states e.g. the Berlin-Paris-Moscow triangle dialogue. Actually, the document did not introduce anything new as both the US and Germany thought that relations with Russia should be deepened and that the country should be included in the missile defence project.

Military involvement vs. comprehensive approach

The idea to enlarge partnerships was closely related to the development of the civilian dimension of the Alliance's external activities. Under negative experience of the coordination of actions aimed at the reconstruction of Afghanistan, the reformists argued that NATO should become an institution which would not only be a supplier

of troops but also able to influence political solutions in crisis areas. In other words, they wanted NATO to have a stronger impact on political processes and reconstruction in crisis areas.[29] Thus NATO, according to the Obama administration, should further develop its civilian missions and create special units which would plan such operations.[30] To this end, NATO would have to clarify and regulate its relationships with civilian entities with which it would need to cooperate to manage new challenges, i.e. the UN, EU, World Bank and non-governmental organisations. NATO would have to cooperate with countries and organisations that have the resources which the Alliance does not have. Adherents of active engagement called for a special agreement between NATO and the EU called "Berlin-Plus in reverse"[31] which was to provide for the implementation of a comprehensive approach by deepening the cooperation between the two organisations. Thanks to it, NATO would gain an opportunity to use civilian capabilities of the EU in its own operations. The above referred to an earlier "Berlin Plus" agreement concluded in 2003 which regulated the cooperation between NATO and the EU on NATO availing its military resources and capabilities (planning and command) to EU-led operations.

<p style="text-align:center">*</p>

The Concept confirmed that NATO expeditions would require the Alliance's transformation to be continued. Experiences gained during the operation in Afghanistan and in the Balkans were recognised as a stimulus for a new comprehensive approach covering the military, civilian and political spheres (pt 21). For this purpose, allies were to engage in collaboration with other international actors. The Alliance declared its readiness to contribute not only to stabilisation but also reconstruction operations. It was a clear step into the domain of civilian activities, for the purpose of which a "modest civilian crisis management capability" (pt 25) was to be formed to cooperate with other civilian partners. In short, in the Concept, the allies decided for the Alliance's stronger engagement in comprehensive crisis management to improve its cooperation with partners and to improve NATO capability to carry stabilisation and reconstruction operations. However, the latter initiative could, in a way, collide with analogical activities of the EU and lead to the duplication of capabilities in the civilian domain.[32]

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[29] S. McNamara (2010), *op. cit.,* p. 10; B. Schreer, *Challenges and prospects for NATO "Complex Operations",* in: Chr. M. Schnaubelt (ed.) (2010), *Complex Operations: NATO at war and on the margins of war,* NATO Defense College "NDC Forum Papers Series" July, pp. 210-211.

[30] H. Clinton: *NATO's Future,* Atlantic Council of the United States, 22.02.2010, http://www.acus.org/event/hillary-clinton-future-nato.

[31] M. A. Laborie Iglesias, *NATO-EU Cooperation in the Atlantic Alliance's Future Strategic Concept (ART),* Real Instituto Elcano, Area: Security and Defence, ARI 25/2010, 12.04.2010.

[32] Cf. Chr. Katsioulis (2010), *Die neue NATO-Strategie. Kompromiss auf Zeit, "*Internationale Politikananlyse" November, Friedrich-Ebert-Stiftung, p. 6.

What is more, international crises were to become the subject of more intense consultations (both structural and related to specific crises) between the allies and the partners. The Concept did not contain any proposal of a special agreement with the European Union on using its civilian capabilities in NATO-led operations. That lack should be interpreted in the context of Turkey opposing the recognition of Cyprus[33] and as being consistent with the cautious approach of Germany and France interested in the EU developing its own activities in the civilian domain further. However, in a different part of the Concept (partnerships), the European Union was distinguished as a special partner of NATO and in this context NATO's eagerness to strengthen the cooperation in the civilian dimension of military operations was emphasised (pt 32).

CHICAGO SUMMIT, CHANGED CONDITIONALITIES AND NEW STIMULI

The Alliance operation in Libya was variously assessed by experts and opinion-forming circles. On the one hand, many flaws in armed forces cooperation, inefficiency of military capabilities of countries participating in the operation, and the lack of dedication and solidarity of NATO members were pointed out. Germany was particularly criticised for the absence of the Bundeswehr in the operation (like in the case of embargo control operation in the Mediterranean) carried under the mandate of the UN Security Council. On the other hand, it was highlighted that the operation brought measurable results and that it was a military and political success of the Alliance despite the United States taking a back seat and passing the political leadership to France and the UK.[34] In the opinion of a prominent expert and transatlantic protagonist, the Libyan operation could be an important model solution for future operations of the Alliance.[35] Actually, the Alliance learned at least three things supporting the above. To start with, NATO once again demonstrated that it was capable of projecting its military force. Secondly, the cooperation between the allies improved in terms of its effectiveness. Thirdly, the advantage of the US in the field of military capabilities was confirmed again which would have serious implications for the future. The participation of the United States in future NATO operations will be indispensable anyway, however only in the case of high-intensity conflicts. In other words, Libya could *a posteriori* be considered as an announcement of a new phase in relations between the US and its European allies.

The Libyan operation could potentially become a harbinger of a new and more active approach of NATO also in the geopolitical sense. Processes observed in the

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[33] J. Dempsey, *Between the European Union and NATO, Many Walls,* "International Herald Tribune" 24.11.2010.

[34] To refer to the opinion of V. Perthes, Director of Stiftung Wissenschaft und Politik. Cf. V. Perthes, *Offene Unterstützung und heimliche Hilfe,* "Süddeutsche Zeitung" 27.08.2011.

[35] K.-H. Kamp, *The Transatlantic Link after Chicago,* "NDC Research Report" Research Division NATO Defense College.

Arab world do not follow and do not resemble the scenario known from Central Europe. There it is more a transposition of power than the regime transformation. The risk of internationalisation and spread of internal conflicts grows e.g. the situation in Syria. In the context of Iran's nuclear programme and related geopolitics, the above may constitute an enormous challenge for the Alliance, in particular in terms of maintaining its cohesion. In fact, there is a strong probability of NATO internal divisions (e.g. caused by protests of general public in NATO member states) about possible military responses of NATO to the escalation of events and its *à la carte* mode of action.

Other important conditionalities include repercussions of the recent financial crisis, which implied the necessity to look for solutions that would rationalise military costs in member states' budgets, and the changing strategic priorities of the US. Due to the crisis consequences suffered by economies and social systems, it is not possible to count on an increase in military spending in any large member state. Moreover, restrictions on and reductions in the financing of NATO military capabilities are likely.

Due to the changing circumstances, the focus of the internal debate during preparations to the Chicago summit moved to the issue of new burden sharing between the US and European allies. Thus, Libya inspired the reconsideration of the European initiative within the framework of the Alliance, i.e. its "Europeanisation" or, in other words, new burden sharing between the allies. The postulate of more balanced burden sharing was formulated by the United States and addressed to European members of NATO already at the time of the Cold War. The current debate was, actually, initiated in 2011 by then US Secretary of Defense Robert Gates who, on several occasions, rebuked European allies and urged them to increase their involvement in reforming NATO in the face of the financial crisis, arguing that the stability and sustainability of the Western alliance was at stake.[36] However, Gates' accusations were not repeated by his successor Leon Panetta. The imbalance between the United States and European allies in military spending and capabilities does not seem to be the issue today due to the US strategic benefits from its membership in the North Atlantic Alliance (military bases, legitimisation of its global role, etc.).[37]

The expression "burden sharing" has had various contents. On the one hand, it has referred to an increased financial participation of European countries in the costs of stationing US forces in Europe and to sustaining or increasing national defence budgets. After the Cold War, wars in the territory of former Yugoslavia gave rise to expectations that European members would take greater political and military responsibility for managing regional crises. After the failure of the ESDI Initiative

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[36] Gates' particularly critical speech was delivered in Brussels on 10 June 2011. P. Belkin, *NATO's Chicago Summit*, May 14, 2012, "Congressional Research Service" 7-5700, CRS Report for Congress, R42529, p. 5.

[37] L. Korb, M. Hoffman, *What's Next for NATO? Defining a New Role for the Alliance in a Post-Cold War World*, May 2012, Center for American Progress, p. 5.

which was to be built within the Alliance in the 1990s, the arduous ongoing process of building European autonomous military forces under the auspices of the EU started and has not produced an adequate military capacity which, if necessary, would allow Europe alone to respond to regional crises such as the Yugoslav crisis, the disintegration of Libya in 2011 and the civil war in Syria in 2012.

Another reason for considering a new burden sharing – both from American and European perspectives – was the recent culmination of the slow transformation of the American national security doctrine. The announcement of a new document in 2012 confirmed earlier forecasts of progressive reorientation of US security policy towards the Pacific. Actually, it should be noted that US security policy reached critical mass in the area of its long strategic interest, i.e. in the Far East security, and that development was more relevant than the emergence of its new priority (the US pivot to Asia) and much more relevant than its radically decreased interest in European affairs. At least at that stage, the US turning its back on Europe would definitely be a premature move. Thus, it was not a radical reorientation or change in priorities but a shift in strategic interests, without giving up some and overvaluing other priorities.

Unquestionably, the shift has its specific gravity and its announcement in an important document had to be treated very seriously by the European allies. That was a basic reason why European countries have become more inclined to accept American postulates of burden sharing as part of a new division of tasks and responsibilities within the Alliance framework. The United States, which has key military capabilities at its disposal, indicated that, in the future, it may limit its European interest to crisis management in the region. The above has had a strong impact on the intra-Alliance debate.

It is easy to see that decreasing the Alliance military deficits, in other words, the development, by European member states, of critical military capabilities, which the US already has and which were decisive for the effective implementation of the operation in Libya, is treated as a factor of a more balanced burden sharing. To develop or create these capabilities, cooperation within the Alliance is essential. The example of the cooperation between France and the UK, two European powers which keep strengthening their relationship in a spectacular manner and outside both NATO and the EU (CSDP), speaks for the importance of national defence policies within the framework of which much can be achieved as well.

The above points to the emergence of new divisions within the Alliance. It is a serious problem how to deepen military integration and handle the perpetuation of processes which favour the development of NATO as an *à la carte* alliance. NATO *à la carte* means that regional crises are handled by narrow coalitions of the willing, dominated by powers having appropriate military capabilities.

Thus, in the situation where divergent national interests are obvious and only slightly mitigated by the Lisbon strategy and where the lack of involvement of some NATO members in the Libyan operation has been underlined, not to mention the financial crisis, important questions need to be asked. Are NATO member states able

to reach an appropriate agreement on new burden sharing and what it would consist in? What influence would it have on the Alliance key strategic dilemma which the new Concept tried to resolve, i.e. the balance between collective defence, its old elements (reassurance, the role of sub-strategic nuclear weapons) and new ones (missile defence system) and active external (out-of-area or expeditionary) engagement and on relations between various groups of member states within the Alliance? How would a new burden sharing be implemented?

It appears that protagonists of the Alliance – adherents of its reform – would like the transatlantic division of tasks and responsibilities to be designed in a more comprehensive and clear manner and to be founded on a compromise reached by the US and other NATO member states. Appropriate appeals to addressees from outside the transatlantic security community have been numerous. There have been also many critical opinions caused by the lack of telling successes of the Alliance in Afghanistan. The critics are eager to offer scenarios about the erosion of NATO ideological foundations and the inevitable decline in the Alliance's importance.[38]

The contours of a new division of tasks and responsibilities are relatively clear. In part, NATO would be founded on the so far basic though largely questioned strategy patterns. Main premises of transatlanticism would be upheld. The United States would continue to play the role of an integrated "European power" or, in other words, that of a "benign hegemon" and sustain its military presence in Europe as well as its political influence and stabilising impact on the old continent. Its engagement in Europe would confirm the US function as the ultimate security assurance within the framework of Article 5 provisions. That would mean strategy continuity and the protective function of the US. It would be accompanied by "Europeanisation" of the Alliance. In other words, European member states would, in the face of the American "pivot", make a bigger strategic effort and that refers in particular to political leadership and military engagement in the implementation of the second fundamental task of the Alliance determined in the Lisbon Concept, i.e. in crisis management (without determining areas of geostrategic interest). "Europe" would benefit as it could articulate its independence. Obviously, the question is whether it would actually be a benefit for Europe or only for certain states meaning European powers which have a pragmatic approach to the projection of military power, i.e. France and the UK. Military operations of low intensity organised by these powers within NATO framework would rather confirm their regional leadership than the independence of "Europe" form the US.

Agreements reached at the Chicago summit reflected the emerging new constellation. Smart Defence, promoted since 2011 by Secretary-General Fogh Rasmussen, appears to be the main principle and tool for remodelling the division of tasks within the Alliance.[39] Political and military benefits from the implementation of Smart

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[38] *The World from Berlin. 'The People Have Grown Weary of War', "*Spiegel Online" 05.22.2012, spiegel.de/international/world/german-press-review-on-nato-afghanistan-pullout-a_834476-druck.htm.

[39] *NATO delivers at Chicago Summit*, 20 May 2012.

Defence projects are rather obvious and hardly questionable. The basic premise is that the coordination of cooperation between armed forces of member states must be significantly improved, and the principal objective consists in strengthening collaboration and military integration by combining national military capabilities and their specialisations, and creating critical military capabilities. (In the EU, there is an analogous programme called "pooling and sharing".[40]) According to the originators the above that would be favourable for the allied solidarity consolidation. The final aim would be the development of qualitatively new NATO armed forces: "modern, tightly connected forces equipped, trained, exercised and commanded so that they can operate together and with partners in any environment"[41]. In Chicago, over 20 projects to that purpose were approved. One package of projects addresses deficits in military capabilities. Of key importance is the one to develop the base for the Alliance Ground Surveillance system in Italy by 2017. The system, once acquired, will be a capacity of key importance to military operations. Other projects address further development of NATO Response Force, including a deeper cooperation on air policing, i.e. NATO missions supporting member states which currently do not have the assets to ensure their own airspace security.

The implementation of Smart Defence will have major consequences for member states. It may lead to a limitation of their sovereignty once they dedicate a part of national military capabilities to common projects. Their hidden worry is that they may lose control over decisions on conditions on using their armed forces. That element of Smart Defence is particularly difficult to Germans and their security policy. There are also doubts about partners' loyalty.[42] In Chicago, NATO member states initiated a discussion on national limitations and restrictions on military operations, in order to avoid situations where some allies would block access to integrated weapons systems in the future.[43]

An example of the second package of Smart Defence initiatives is the missile defence system. In Chicago, the launching of the Interim Ballistic Missile Defence system composed of its command centre in Ramstein and a radar in Turkey was announced. In that case, the question of new burden sharing is also important. The first key issue is the way in which European countries would participate in this American project (European Phased Adapted Approach) in the framework of NATO. Surely, they will gradually confront expectations of the US to increase their involvement and, consequently, to prove their readiness to participate in the new burden sharing.[44] Secondly, European countries differently assess the project usefulness for an improvement of US-Russia relations and also relations between NATO and Rus-

[40] Chr. Mölling, *Pooling und Sharing in EU und NATO*, "SWP-Aktuell" 25. Mai 2012.

[41] *NATO delivers...*

[42] C. Major, *Die Armeen der Allianz müssen Souveränität abgeben*, "Die Zeit" 21.05.2012.

[43] *NATO stellt nationale Einsatzvorbehalte in Frage*, "Frankfurter Allgemeine Zeitung" 21.05.2012.

[44] *US Ambassador: We need more European national contributions to NATO missile defense*, 09.10.2012, Atlantic Council, www.acus.org.

sia. Russia has many reservations about the project and already voiced its proposals which NATO could not accept (Russia would like to take responsibility for a part of NATO's territory) as their implementation would jeopardise the very premises on which the Alliance was built and undermine its cohesion and members' solidarity.[45] Already in Lisbon, NATO agreed that it would cooperate and communicate with Russia but the common missile defence system would not include Russia.[46] In other words, the European missile defence system is not an area for Russia's involvement. In Chicago, the intent to establish a partnership with Russia was confirmed. It was declared that in terms of the "reset", the system was not directed against Russia and that it would not harm its deterrence capability.[47] Instead, NATO offered to collaborate with Russia to create two data collection and operational planning centres.[48] In short, the missile defence system may strengthen the Alliance and transatlantic relations at large, as it is an initiative compensating, in a way, for the strategic shift of the US towards the Pacific, provided that European allies will increase their contribution to the initiative.

The issue of missile defence is related to the doubly controversial issue of the role of sub-strategic nuclear weapons. First of all, it refers to NATO deterrence and common defence strategies. Secondly, any possible cooperation in the area of the missile defence system could contribute to the withdrawal of sub-strategic weapons of NATO and Russia form Europe. Approaches to this issue reflect divisions between the allies and contribute to further polarisation within the Alliance. In Chicago, a special document titled *The Deterrence and Defense Posture Review*, prepared after the Lisbon summit in the course of confidential negotiations, was presented. It was more conservative than revolutionary. It confirmed the continuation of the earlier approach, i.e. the indispensability of nuclear deterrence connected with conventional defence. It also proved that the argumentation that prevailed was the one treating the stationing of sub-strategic weapons as a factor strengthening transatlantic ties and not an obstacle to disarmament.[49] Thus, those who supported the thesis that the withdrawal of American nuclear weapons from Europe would lead to a decreased presence of the US in Europe won. The opinion that the most probable scenario was to maintain the *status quo* has been confirmed by the fact that, in the face of a huge advantage of Russia over NATO in this category of weapons, any negotia-

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[45] M. Paul (2012), *Raketenabwehr: Probleme und Chancen für die NATO-Russland-Beziehungen*, "SWP-Aktuell" 35, Juni.

[46] This was pointed out by A. D. Rotfeld (2010), *NATO 2020: Nowa koncepcja strategiczna Sojuszu*, "Sprawy Międzynarodowe" No. 4, p. 18.

[47] *Chicago Summit Declaration Issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council in Chicago on 20 May 2012*, par. 62, http:__www.nato. int_cps_ en_natolive_official–texts–87593.htm.

[48] M. Paul (2012), *op. cit*.

[49] T. Hecht, *Germany and Its American Nukes*, September 12, 2012, American Institute for Contemporary German Studies Johns Hopkins University.

tions would be extremely difficult.[50] Russia considers its dominance to be a measure compensating for NATO's advantage in conventional weapons. This undermines the argumentation of European adherents of withdrawal of American weapons since any unilateral NATO's reduction may not meet with Russia's reciprocity.

<div align="center">CONCLUSIONS</div>

The Lisbon Concept showed that NATO may ease the tension between the original tasks of defence and deterrence and out-of-area military involvement aimed at crisis management. In the Concept, that relaxation of the tension depended on the development of an effective military out-of-area function (understood as crisis management), i.e. readiness to effectively perform external (expeditionary) activities, and on the maintenance and enhancement of the collective defence function (security reassurance and deterrence) by implementing a catalogue of reassurance measures (review of contingency plans, development of the missile defence system, joint Steadfast Jazz military exercises in the territory of new member states in 2013). The above was elaborated and concretised in Chicago arrangements.

From decisions taken in Chicago, a modified transatlantic burden sharing emerges. Effective military engagement will depend on the development of crucial military capabilities and better coordination of collaboration between member states while using these capabilities. That will be achieved by specialisation of national military capabilities and integrating the capabilities of particular member states. The interoperability experience from the operation in Afghanistan will also be extremely important in the new burden sharing as it can contribute to the improvement of NATO crisis management. However, the basic strategic condition is that European members of the Alliance will be politically willing to militarily engage and ready to lead particular operations, i.e. take political responsibility for military operations and bear the consequences.

External activities are linked to the "cooperative" partnership issue, i.e. effectively looking for partners to cooperate in several geographical areas where possible partnerships would form concentric circles of varying cooperation intensity and quality. The nature of the operation in Afghanistan and, above all, of the operation in Libya implemented in collaboration with partners form Arab states confirmed that NATO members are aware that the success of "active engagement" will strongly depend on the creation of a favourable regional context, i.e. on political and military assistance provided by partners from outside NATO interested in participating in regional crisis management. The Chicago summit demonstrated that NATO members are inclined to manage crises in partnership, provided that the unique role of the

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[50] O. Thränert (2011), *NATO's Deterrence and Defense Posture Review*, "SWP Comments" 34, November, p. 3.

UN in global security is recognised.[51] Partnership terms of specific gravity are those which might regulate effective partnerships with the BRIC powers, in particular with Russia and China which treat NATO's global role as a manifestation of its containment strategy. Without resolving this problem, NATO will not be able to implement its mission of the global "hub", i.e. global crisis management and cooperative security, announced at the Lisbon summit.

In this context, the relevance of the concept of the missile defence system is obvious. It serves the deepening of military coordination and integration in the Alliance and, at the same time, it strengthens NATO's deterrence potential by increasing doubts of possible aggressors about the effectiveness of their WDM potential attack on the Alliance. In the long term, the above may make the partnership with Russia difficult because a continuous technological advancement of the system may confirm Russia's worries that the balance of power will be disturbed. Thus the worries may turn into a self-fulfilling prophecy and lead to a deterioration in the quality of relations with Russia.

Moreover, the consent on and support of member states for the missile defence system are formally harmonised with the official position of the Alliance on the need to upkeep the role nuclear weapons play in deterrence. Decisions taken by NATO at its Chicago summit document that consensus despite the intra-Alliance dispute.

PROSPECTS

The complexity of various conditionalities, the changing and unpredictable international context and intentions of main actors create a situation where separate alternative scenarios about the future of NATO should not necessarily be distinguished. It is likely that old and new strategic elements will continuously combine and be configured.

At present, the issue is how not to diverge from the strategic hierarchy of the triad of tasks determined in the Lisbon Strategic Concept. Financial restrictions and limitations, no spectacular progress in the implementation of Smart Defence projects and the reluctance of the general public in member states to military engagement on a larger scale, may have various consequences for the performance of NATO's core tasks. An intensification of the crisis situation in the Middle East will make those consequences even more unforeseeable.

Prospect 1: **Will "active engagement" and Smart Defence be enough to revive the Alliance?** The dilemma related to interventions/crisis management may contribute to or even constitute the main factor of NATO's gradual fading. The more the US concentrates on the Pacific, the more likely the above is. On the other hand, the pivot to Pacific is an opportunity for NATO and its globalisation. Solving the

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[51] Cf. R. Weitz, *The NATO Global Hub*, 13 September 2012, http:__www.projectsyndicate.org_ commentary_the-nato-global-hub-by-richard-weitz.

dilemma by means of changed burden sharing entails some internal challenges for NATO: effective out-of-area engagement may be an incentive for NATO *à la carte* with growing military dominance of the UK and France and their increasingly closer *entente cordiale* outside the EU and NATO. Thus the need to advance Smart Defence and to carry crisis management operations by the largest possible coalitions of the willing becomes obvious. Comprehensive missions carried by NATO in the future (comprehensive approach and regional/global partnerships) may be treated as the most credible indicator of its regeneration. At the same time, their failure would quickly lead to NATO members growing apart from each other and disintegration of the Alliance.

Prospect 2: **Consolidation of collective defence insufficient to revitalize the Alliance**. A doubt remains as to whether the maintenance/reassurance of collective defence will be strategically attractive enough to prevent NATO's excessive preoccupation with crisis management challenges. The conclusions of the NATO summit in Wales (September 2014) showd that the Ukrainian conflict is a powerful incentive to strenghten collective defence capabilities. Having NATO serve as a defensive Alliance will be tantamount to maintaining American military bases in Europe and rotating the presence of NATO troops in East European member states. This, as well as the construction of the missile defence system and NATO's growing interest in "new challenges" (cyberterrorism, terrorism and energy threats) expand the existing security agenda and thus will probably halt regressive trends within the Alliance. It is clear that if defence/deterrence and "new challenges" response capabilities get correlated, the Alliance's potential to manage the discord in the system of recurring trends will be increased, i.e. the correlation will prevent NATO's further disintegration. The reconstruction of NATO's unity on the basis of territorial collective defence only will be difficult as not all member states consider it valid to the same extent. What is more, there has been hardly any consensus of the allies on the approach to Russia. The missile defence system complements traditional defence and, in the future, it will increase Americans' interest in Europe.

Prospect 3: **A special and probably the biggest challenge in NATO's post-Cold War history is that both foregoing perspectives combine**. Unexpectedly, the escalating regional crisis in the Middle East precipitated by the dangers posed by the Islamic State has put NATO member states in a dilemma over wheter to protect their strategic interests in the region, i.e. carry out operations in areas falling outside of the scope of Article 5, or reaffirm NATO's collective defence role in Eastern Europe in the face of the worsening Ukrainian conflict. The member states will also need to choose the form of their response, i.e. a collective one or a coalition of the willing like in Libya. Thus a temporary regeneration of the Alliance may take a less expected route, i.e. not structural transformations and new political ideas but a broader military confrontation.

A relatively obvious conclusion follows. A real and deep regeneration of NATO should include (whether its member states like it or note) a strengthening of collec-

tive defence and deterrence and a capacity to actively manage crises. For the sake of transatlantic cooperation, it is necessary to review the hierarchy of NATO's commitments. Europe should engage more in transforming NATO into the "hub" of global security, learn to better define its strategic objectives, have the needed political will, and try to take responsibility for crisis management. The Alliance, exhausted by its operation in Afghanistan, badly needs stabilisation.

ABSTRACT

Consolidation of the North Atlantic Alliance based on a new division of tasks and responsibilities is at present the key issue for the future of transatlantic relations. The new Lisbon Strategic Concept (2010) was supposed to curb discrepancies between the member states on crucial matters pertaining to the future of the Alliance and restore its unity. Those discrepancies resulted from a tension between NATO's original functions, i.e. collective defence and a deepening of transatlantic cooperation and tasks connected with the post-Cold War role of the Alliance in non-Treaty area. The Concept was to prepare the Alliance to respond more efficiently to a new type of challenges like rocket weapons attacks or cyberterrorist attacks and the challenge to ensure energy security. Implementation of the Concept was hindered by such adverse factors as the effects of the financial crisis in the US and the EU and the US strategic turn towards the Pacific. The Chicago summit (2012)initiated a closer military integration of the member states and introduced new burden sharing between Europe and the US as the necessary requisites of the Alliance's further existence.

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ECONOMIC ASPECTS OF TRANSATLANTIC RELATIONS

The aim of this paper is, firstly, to describe institutional dimensions of transatlantic economic cooperation. Secondly, an attempt is made to describe responses to the global crisis on both sides of the Atlantic and their impact on the shape of mutual economic relations. Finally, an evaluation of future macroeconomic prospects of main transatlantic partners is presented as they can determine conditions of future cooperation. Taking into consideration the current situation, development trends, and tendencies outlining the probable macroeconomic landscape for the upcoming years, such an approach is as a possible starting point for a more precise analysis of presumable economic strategies, i.e. probable responses to economic problems which may be faced by parties to transatlantic relations.

TRANSATLANTIC RELATIONS

The EU and the US have developed a broad institutional framework shaping their relations and facilitating cooperation in various fields. The relations exist mostly at a multilateral level. Macroeconomic matters are discussed within the IMF, the OECD, at G7/G8 summits, and informally.[1] Bilateral relations are also shaped at cyclical EU-US summits introduced under the Transatlantic Declaration in 1990. At summits, declarations constituting the foundation of subsequent common actions are formulated. In 1995, the so-called New Transatlantic Agenda (NTA) was agreed. It determined four areas of joint action: promoting peace and stability, democracy and development around the world; responding to global challenges; contributing to the expansion of world trade and closer economic relations; and building bridges across the Atlantic.[2] Despite progressing convergence, the creation of a transatlantic marketplace comprised in the NTA, continues to be a task difficult to execute.[3] In

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[1] EU materials on EU-US relations, after: http://www.eurunion.org/eu/EU-US-Relations/EU-US-Partnership.html (accessed: 09.11.2012).

[2] A. Gradziuk (2003), *Stosunki gospodarcze UE-USA. Konsekwencje dla Polski*, "Biuletyn PISM" No. 28 (132),.

[3] *Ibidem.* Cf. also: P. Świeboda, B. Stokes (2012), *Raport: The Case for Renewing Transatlantic Capitalism*, Raport High Level Group convened by demosEUROPA – Centre for European Strategy (Warsaw), the German Marshall Fund of the United States (Washington DC), Notre Europe (Paris), Stiftung Wissenschaft und Politik (Berlin) and European Policy Centre (Brussels), Warsaw.

1998, the Transatlantic Economic Partnership (TEP) was established, with the aim to deepen the economic cooperation. In terms of bilateral relations, it meant: reduction of customs duties, restrictions on capital movement and other barriers to trade; improvement of access to public procurement markets in the US and the EU for European and US companies; and undertaking joint measures to promote the observance of intellectual property rights. During a meeting held in Washington in 2007, the Framework for Advancing Transatlantic Economic Integration was established. The Transatlantic Economic Council (TEC) was part of the framework agreement. The Council's main task is to oversee transatlantic initiatives, monitor their implementation, accelerate the work programme and verify tasks undertaken while focusing on economic convergence and actions which can be implemented within a defined time frame.

Transatlantic relations in their economic dimension are unique in the world. The economies of the US and the EU account for almost 50% of global GDP and are the main arteries of investment and trade. The potential of an open transatlantic market is highly assessed.[4] Estimates show that the signing of an agreement on zero duty in goods trade could increase the European GDP by 0.48% and the American one by 1.48%. The development of the transatlantic market requires twin goals to be achieved, i.e. reconciliation of consumer safety with competition which is indispensable in free trade. In some areas, it implies both collaboration and rivalry. The real dimension of transatlantic economic ties is the activity of Amchams, i.e. American Chambers of Commerce operating in many European countries.[5] Another interesting example of transatlantic business ties is coopetition (coopertition) of companies.[6] This formula of simultaneous cooperation and competition is popular mainly in the automotive sector, e.g. FIAT and GM or Ford and PSA.[7] The success of transatlantic economic relations, i.e. in comparison to other areas covered by transatlantic relations, is probably best illustrated with the opinion of experts of the influential European Council on Foreign Relations. According to them, the determination and confidence with which Europe has developed and has been benefiting from economic/trade contacts with the US should be transposed to other relations.[8]

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[4] D. S. Hamilton, J. P. Quinlan (2011), *The Transatlantic Economy 2011, Annual Survey of Jobs, Trade and Investment between the United States and Europe*, Center for Transatlantic Relations, http://www.amchameu.eu/Portals/0/2011/Events/Transatlantic_Week/te_2011_exec_summary.pdf, pp. 12, 13 (accessed: 11.03.2011).

[5] http://www.amchameu.eu/ (accessed: 7.06.2012).

[6] Coopetition constitutes a combination of contrary relations: cooperation and competition. It is a way of regulating companies' conduct, i.e. of arranging economic processes in order to ensure highest effectiveness of the entire system. After: B. Jankowska (2009), *Konkurencja czy kooperacja?* "Ekonomista" No. 1, pp. 67-91.

[7] G. B. Dagnino, E. Rocco (2009), *Coopetition strategy: theory, experiments and cases*, Taylor & Francis, p. 34.

[8] N. Witney, J. Shapiro, *Towards a post-American Europe: A Power Audit of EU-US Relations*, http://ecfr.eu/page/-/documents/towards-a-post-american-europe.pdf (accessed: 8.08.2012).

(POST-)CRISIS ECONOMIC DIVERGENCE

The "2008+" global crisis, which began in the US mortgage market, highlighted differences between both sides of the ocean.[9] In most studies, attention is drawn to differing approaches to crisis management, i.e. dealing with the situation, seeking ways out. In response to the crisis, the European Union took decisive steps which prove that the EU has to redefine its economic cooperation. Next years will be a period of testing new solutions and checking the idea of "the union within the Union" or the "two-speed Union", in practice. It is difficult to see transatlantic aspects in those solutions, taking into consideration the scale and intensity of challenges faced by EU Member States.[10] At the same time, on the other side of the Atlantic, questions related to economic policy are dominated by high, by American standards, unemployment and the unprecedented level of debt.

Responses to the crisis and steps taken to prevent its further spread as well as prevention plans, differ considerably between parties to transatlantic relations. While Europe has introduced expenditure cuts and keeps consolidating, the US prefers to stimulate its economy using various methods: extending tax credits, introducing new ones, buying Treasury securities by the Federal Reserve. Nevertheless, the diverging economic strategies on both sides of the Atlantic seem to be justified by the need to adjust actions to local challenges.[11] They are different because of different changes in productivity levels (or considerably different behaviour of principal macroeconomic categories), problems specific to national economies such as high unemployment in the US, different approach to instruments used to overcome the crisis, and economic optimism (i.e. the extent to which recession has been caused by a decline in the demand, and the extent to which it is related to a decrease in total production capacity; in the US the so-called supply side optimism is more common while in the EU supply side pessimism is observed more often), and institutional issues, such as lack of central fiscal authority in the EU. According to experts of a Brussels research institute, the extraordinary condition of global economy requires a coordinated approach of transatlantic partners. Key measures of the so-called critical quantum of coordination include a commitment to avoid unilateral intervention and deliberate currency depreciation, the adoption of medium-term fiscal plans by national parliaments, cooperation on the issue of Chinese yuan undervaluation, and agreement to give the IMF an enhanced monitoring role. Actions aimed at achieving these goals are purposeful due to the vanishing role of economic policy principles which should guide transatlantic relations (the use of "heterodox" instruments, in the light of clas-

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[9] N. Véron, G.B. Wolff, *Transatlantic economic challenge in an era of growing multipolarity*, 24 July 2012, Bruegel and Peterson Institute for International Economics, Special Report 22.

[10] M. Lewis (2011), *Boomerang, Travels in the New Third World*, W.W. Norton&Company Publisher, New York.

[11] J. Pisani-Ferry, A. S. Posen (2011), *From Convoy to parting ways? Post-crisis divergence between European and US macroeconomic policie*s, "Bruegel Working Paper" April, p. 29.

sic guidelines of economic policy, questions the capacity of predicting the future of applied policies). Relevant is also the impact of processes in which markets infect one another (lack of the so-called decoupling which would guarantee that at least one of partners would be able to get out of the crisis and shore up the rest), and an increasing risk of protectionism. Finally, there are concerns that China will exploit the lack of transatlantic consensus to its economic benefit and thus, eventually, that the situation may worsen becoming a self-fulfilling prophecy.[12]

In a long-term perspective, it is likely that the US will use a traditional policy mix (instruments of monetary and fiscal policies) to stimulate its economy. The mix tends to be favourable to production increase and unemployment decrease but it may have its negative side effects including higher inflation and public finance deficit. Europe, in the face of multifaceted economic problems related to economic fragmentation of the group composed of 28 states, will be forced to introduce more heterodox solutions e.g. to appoint new bodies (e.g. ESM) and to create new law (e.g. a competitiveness pact). Thus, the US using classic macroeconomic policies, i.e. fiscal and monetary policies, will be confronted with their both desired and undesired consequences, whereas Europe will probably begin to seek for new ways of mitigating the growing economic imbalance within the group.

Having considered the above, most experts agree that the US – as one state entity– will overcome the crisis easier, mainly because of more efficient implementation of necessary solutions. The situation of the EU, where consensus is a must, is considerably less comfortable.[13] However, according to Jacob Funk Kirkegaard from the influential Peterson Institute for International Economics, the forecast for Europe is more optimistic as due to the crisis, necessary reforms will be introduced which, in time, should improve the economic situation. In the United States, the political paralysis makes such reforms impossible. Economists still speak about significant structural deficits of US economy, which may effectively hamper post-crisis recovery and, in a long term, make further growth impossible. The deficits include long-time unemployment, faulty education system, qualified staff shortage, outdated infrastructure and high taxes.[14] The struggle with the public debt exceeding 110% of US GDP remains a challenge. If measures taken are not strong enough, US public debt may lower US rating and make its creditworthiness disputable. If measures taken are too strong, the slow recovery of US economy may be halted (the so-called fiscal cliff).

In comparison to transatlantic political or security relations, economic relations are considered to be most coordinated and advanced. At the same time, the parties involved, consider the concept and implementation of a transatlantic market to be far from complete. The "2008+" economic crisis, which forced necessary adjust-

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[12] *Ibidem*, pp. 26-28.
[13] C. Bastasin (2012), *Saving Europe: How National Politics Nearly Destroyed the Euro*, Brookings Institution Press.
[14] *Die Supermacht kämpft sich zurück*, "Wirtschaftswoche" 19.03.2012.

ments on both sides of the Atlantic, can unintentionally may make the process more difficult. The reason is that adopted solutions significantly differ and, in result, new barriers will emerge. They will have to be to dealt with at later stages of deepening the transatlantic cooperation. In other words, in addition to the still existing unfinished matters, there are new ones. Instruments, institutions and regulations created hastily in response to the turmoil in global markets, have, in fact, introduced new differences as their side effect.

MACROECONOMIC PROSPECTS

In the era of globalisation, relations between countries may be examined on the basis of their economies. The economic condition of a country influences positions taken in international relations. That refers to preferences and formulated expectations presented on the global scene or within the framework of bilateral contacts with other countries.[15] Being in a similar situation, i.e. where problems coexist, different countries may favour joint adoption of remedial measures and search for new cooperation platforms. However, a similar situation may make countries compete and adopt certain anticipative strategies which either make it possible to defeat the competitor or, at least, to solve the problem at the competitor's expense. A classic example of the above is demography and aging of societies on both sides of the Atlantic, which exacerbate competing for the best personnel. Different timing of problems, i.e. lack of their synchronisation, may constitute a natural method of solving them because of their complementarity (a surplus on the one side, a deficit on the other). Unfortunately, as the last crisis clearly demonstrated, there is a threat of huge imbalance. Moreover, different needs mean different interests, and the needs result from different internal economic "deficits".

In this context, an analysis of the 2012-2016 macroeconomic situation of the US and selected[16] EU countries: Germany, France, UK, Italy, and Poland, has produced interesting results. Calculations have been based on the IMF data, the updated *World Economic Outlook* of October 2011[17] and the concept of macroeconomic stabilisation pentagon (MSP) comprising the following elements expressed in percentages: GDP growth rate being a synthetic expression of the increase in the level of economic development of a given country; unemployment rate measured as the ratio of the number of employees to the labour force able to work; inflation rate (consumer price index); relation between the budget balance and the GDP; and relation between

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[15] J. Frieden, M. Pettis, D. Rodrik, E. Zedillo (2012), *Macro is the New Trade: Future Problems of the International Economy* and *The Domestic Political Economy of International Economic Cooperation,* in: *After the Fall: The Future of Global Cooperation*, Geneva Reports on the World Economy 14, p. 33 and pp. 61-81.

[16] The analysis covered largest economies of the European Union and Poland.

[17] http://www.imf.org/external/pubs/ft/weo/2011/02/weodata/index.aspx (accessed: 01.2012).

the current account balance and the GDP.[18] Taking averaged forecasts into consideration[19], in the examined period, the fastest growth is to be observed in Poland, where the average annual rate of GDP change is to be over 3.5%, while Italy will have the slowest growth, i.e. 1.19%. The most favourable situation in the labour market will probably be in Germany, where average unemployment may amount to slightly over 6%. The worst situation will be in Poland, where the average unemployment in that period is to reach 9%. The lowest average inflation rate will be in the US (1.25%). The highest inflation of 2.56% is likely to be in Poland which is the fastest growing economy in the group. The ranking of countries in terms of public finances measured by the budget balance and the GDP ratio will be headed by Germany, with a deficit slightly over 1%, while the US will be in the last place (over 6%). The highest trade deficit in relation to the GDP will be in Poland (over 5%), while on average, in the analysed period, Germany will have a surplus of approximately 4.5% on the current account.

A more detailed review of the IMF forecasts for the years 2012-2016 allows one to assume that Polish economy will grow fastest in the group examined. The GDP growth is to range from less than 3% in 2012 to 3.6% in 2015. The lowest growth will probably be recorded in Italy, where the GDP may increase by only 0.32% in 2012 and 1.24% in 2016. At the end of the analysed period, the growth of US economy is to accelerate. The most favourable situation on the labour market, measured with the unemployment rate, will be in Germany. The percentage of the unemployed may range there from less than 6% in 2016 to 6.4% in 2013. The highest unemployment rate is to be recorded in Poland, i.e. over 9.2% in 2012 and 8.78% starting from 2014. Attention should be paid to the US since a significant improvement is to be observed there from 2013. As far as inflation is concerned, there will be considerable changes. The leader in terms of the average general growth in price level will still be the US with an inflation rate ranging from 0.9% in 2013 to 1.6% in 2016. At the opposite end there will, most probably, be Poland with the highest, though decreasing, inflation (2.8% in 2012, 2.5% starting from 2014). Consolidation policy will probably allow all the examined countries to improve their public finances. Thus the ratio between budget borrowing needs and the GDP should decrease: in the US from almost 8% of deficit in 2012 to approx. 6% in 2016, and in Germany from a negative level of about 1% to a surplus of approx. 0.4% of the GDP in 2016. In the examined period, Germany, the world leader in terms of exports, is to have a surplus in the current account ranging from 4.92% of GDP in 2012 to 3.95% in 2016. All the remaining analysed countries will record deficits: the highest ones in Poland (from 5.11% of GDP in 2012 to 5.33% of the GDP in 2016) and France (2.55% of GDP in 2014 and 2.49% of the GDP in 2016). The specific character of the US and the fact

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[18] J. Misala (2007), *Stabilizacja makroekonomiczna w Polsce w okresie transformacji ze szczególnym uwzględnieniem deficytów bliźniaczych*, Warsaw.

[19] The arithmetic mean of the inflation value, unemployment rate, current account balance, public finances and GDP growth of the years 2012-2016.

of having the dollar, the reserve currency of the world, probably explains the results of the forecasts which indicate that a deficit will persist on in the current account, despite taking steps consolidating the state budget.[20]

In addition to a simple assessment of forecasts, the aforementioned macroeconomic stabilisation pentagon, known in the literature mainly from being used to analyse transition countries, has been used to predict future macroeconomic situations in the US and selected EU countries. The MSP allows to distinguish important elements of the effectiveness of macroeconomic policy implementation, which indirectly determine engagement in economic exchange. To start with, stable macroeconomic conditions make a country more attractive to foreign investors and enhance the inflow of capital.[21] Secondly, assuming that they determine competitiveness of a country/region[22], they also cover competitiveness of its goods and services.[23] Moreover, in the case of macroeconomic imbalance (i.e. low level of MSP stability), it should be assumed that the country will intensify steps aimed at "healing" its internal situation at the expense of its engagement in external relations ("economic patriotism"). Therefore, the knowledge about the shaping of an economic condition seems to be indispensable in the context of international coordination, including identification of global anomalies and prevention of potential crises.

Obtained results indicate that in the 2012-2016 perspective, the most favourable situation in terms of the MSP, will be in Germany, though a downward trend will occur (from 0.56 in 2012 to 0.46 in 2016). As for Poland, which has the least MSP macroeconomic stability, the situation will significantly improve (from less than 0.01 in 2012 to 0.06 in 2016). What will be the characteristic features of the analysed economies in the years 2012-2016? According to MSP estimates, in 2012, Poland will be characterised with high economic growth, the US will record the lowest inflation in the group, and Germany will be the leader in the domain of public finances, unemployment rate and current account balance. In 2013, as far as the examined group is concerned, Poland will still have an outstanding GDP growth. Like in 2012, the US will have the lowest inflation in the group, while Germany should remain unbeatable having the best condition of the current account, the lowest unemployment rate, and sound public finance. In the latter case, Italy will probably be a good example of improvement. The position of Poland as the leader in terms of economic growth will remain unthreatened also in 2014, and American economy is expected to do

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[20] M. D. Chinn, B. Eichengreen, H. Ito, *A Forensic Analysis of Global Imbalances*, "La Follette School Working Paper" No. 2011-007, 26 March 2011; http://www.lafollette.wisc.edu/publications/workingpapers/chinn2011-016.pdf (accessed: 9.11.2012).

[21] B. Blonigen (2005), *A Review of the Empirical Literature on FDI Determinants*, "NBER Working Paper" 11299, April.

[22] X. Sala-i-Martin, J. Blanke, M. Drzeniek-Hanouz, T. Geiger, I. Mia, F. Paua, *The Global Competitiveness Index: Measuring the Productive Potential of Nations*, The Global Competitiveness Report 2007-2008, Geneva.

[23] *Słownik do Strategii Rozwoju Województwa Dolnośląskiego do roku 2020*, http://www.umwd.dolnyslask.pl/fileadmin/user_upload/_temp_/slownik.pdf (accessed: 5.10.2011).

very well too. Like in 2012-2013, in 2014 the US will probably also have the lowest inflation in the analysed group, while Germany's situation in terms of the current account balance, public finances and unemployment rate will continue to be the best. In 2015, the situation will not change as far as leaders of particular macroeconomic categories in the examined group are concerned. In the last of the analysed years for which forecast data are available (2016), there will not be significant changes either. However, the US should still have the lowest inflation while its unemployment rate will approach the German one and its growth rate will get closer to that of Poland.

The fact of having convergent or divergent economic problems does not guarantee behaviours favourable to achieving a common stance and is not a basis for conflicting or hostile actions. However, awareness of synchronisation of economic problems or its lack, may be valuable for possible scenarios of relations or the shaping of economic policy. Such knowledge seems valuable, although it does not automatically translate into the knowledge of economic conflict or cooperation areas.

THE US AND EUROPE: POST-CRISIS CHALLENGES

According to experts, the primary aim of US economic policy should be to address four problematic areas constituting a burden for the entire economy, which are referred to as "four anchors that have acted as a drag on growth"[24]. The main problem is to reduce debt and public deficit. To solve it, a higher economic growth is needed which, in turn, depends on productivity increase. The situation can hardly be improved without reforming healthcare, education, infrastructure, energy and the public sector.

According to Michael Spence, the challenge for the American economic policy is the labour market. It is not the persistently high unemployment which worries him but the erosion of the social contract, the characteristic features of which were flexibility of employment and promise of high remuneration for hard-working and motivated employees, i.e. the foundation of the American dream[25]. To enliven the labour market, the following are necessary: adjustment of skills to employers' expectations; inflow of foreign direct investment and strengthening of exports; friendly environment for new industries, including business start-ups; and amendments to regulations to encourage investments. The decisive determinant of the further growth of American economy is the acquisition of the most valuable growth factor in the 21st century, i.e. human capital.[26] Furthermore, the United States needs state-supported

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[24] L. Mendonca, L. Tyson, *Reducing the drag on the American Economy*, "McKinsey&Company – What Matters: What's the best way to revive productivity – and the US economy?" 1.06.2011.

[25] M. Spence, *Fixing the US jobs problem*, "McKinsey&Company – What Matters: What's the best way to revive productivity – and the US economy?" 1.06.2011.

[26] N. Schulz (2012) *The Human Capital Imperative: Bringing More Minds to America*, American Enterprise Institute http://www.aei.org/papers/society-and-culture/immigration/the-human-capital-imperative-bringing-more-minds-to-america2/ (accessed: 10.11.2012).

technological investments leading to creation of knowledge-intensive jobs of high effectiveness if the US wants to restore its competitiveness in the international arena and to re-win its place in the international division of labour. The state needs a credible "growth-oriented" strategy free of protectionism. In other words, the US needs a strategy of a mature developed economy, which should not be focused on the reduction of deficit and struggle with debt, leaving issues related to economic growth which is, in fact, critical to financial consolidation, to the private sector.[27]

US global domination in innovation and research begins to weaken.[28] The United States is the leader in terms of its share in global R&D expenditure (40%). The US employs 70% of Nobel Prize winners and has 15 out of 20 best world universities, but the charisma of the Silicon Valley is not as strong as it used to be. Innovation is now treated as a source of employment and economic growth. Innovation needs support or, precisely, a friendly environment for its development, the creation of which should be a priority of the American economic policy.[29] Edmund Phelps, who noticed that the situation in the US has worsened, has suggested that a system of banks for innovation would be created. Such an institution acting as a Government Sponsored Enterprise (GSE) would devise an innovation funding system, i.e. a set of banks which would raise money in the global financial markets at attractive rates, and make that money available to start-up companies; not in the form of loans but, rather, by acquiring their shares (like in the case of venture capital). The establishment of such an institution should help the American economy to return on the path of innovativeness and to wake up its dormant creativity.[30]

Recession in a way encourages the return to economic protectionism or ethnocentric trade. Today, increasingly less objections are raised against activities aimed at attempts to help industries recover by active industrial policy and stimulating exports with subsidies or the weak dollar policy.[31] The question is whether investments in "green economy", i.e. clean technologies and renewable energy sources which are to be the "Apollo programmes of our times" comparable to the programme of flights to the Moon, and investments in education, infrastructure, including information infrastructure and transport, will constitute the "Sputnik moment" for America,

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[27] M. Spence, *Fixing..., passim.*

[28] R. Waters*, Dolina Krzemowa w marazmie*, "Dziennik Gazeta Prawna" 28-30.01.2011.

[29] E. Phelps, *Topic: Growth and Productivity. Supporting Innovation: Why and How?,* "McKinsey&Company – What Matters: What's the best way to revive productivity – and the US economy?" 1.06.2011.

[30] W.J. Holstein (2011), *The next...*, p. 185.

[31] *Economics focus Tinker, tailor*, "The Economist" of 1.10.2011 and the following references cited therein: P. Aghion, M. Dewatripont, L. Du, A. Harrison, P. Legros (2011)*, Industrial Policy and Competition*, Working Paper, June, http://www.economics.harvard.edu/faculty/aghion/files/Industrial%20 Policy.pdf; D. Acemoglu, P. Aghion, L. Bursztyn, D. Hemous*, The Environment and Directed Technical Change*, forthcoming in the „American Economic Review", http://econ-www.mit.edu/files/6515; D. Rodrik (2010), *The Return of Industrial Policy*, April, http://www.project-syndicate.org/commentary/ rodrik42/Engl.

a momentum for modernisation investments that will ensure long-term development. President Barack Obama wants the United States to be again the country which delivers, constructs and contributes more innovation to manufacturing industries than the rest of the world.[32] To this end, the Advanced Engineering Partnership is to be established which will be a form of alliance of the federal government, eminent experts and the most innovative American manufacturers. The initiative is supposed to facilitate the fastest possible industrial development and commercialisation of good ideas and projects. The above is expected to translate into new jobs requiring high skills and to increase competitiveness of American companies.[33]

The opinion that the revival of American economy depends on small companies is increasingly popular.[34] Companies with up to 500 employees constitute 99% of all companies, giving jobs to 66% of persons in the private sector, and accounting for a half of the GDP. Meanwhile, difficulties they encounter, mainly troublesome access to funding, hinder their development. Apart from the need for actions in the financial sector, it seems that as long as the environment of small businesses does not improve, the American economy cannot be expected to recover. Popular is also an opinion that only a carefully designed tax reform, which would encourage companies to increase their investments and employment, could contribute to the economic revival of the US.

Meanwhile, in Europe, economists admit that the weakness of the euro area results primarily from the fact that economic policy is not appropriately coordinated with the advanced monetary union. Differences within Europe consist not only in a diverse level of economic development or macroeconomic situation, but also in the "economic philosophy".[35] Within the euro area itself, the German vision of fiscal restraint and the independence of the central bank can be contrasted with the French vision of economic and political government for Europe. In the face of threats, some compromises are reached despite the differences.[36] Thus, the crisis forces coordination. Even though the foundations of the euro are shaken, the breakup of the area is unlikely to happen. For a single state, consequences of its withdrawal from the Economic and Monetary Union would be disastrous. In fact, a withdrawal would imply insolvency of the state, a collapse of the exchange rate, isolation from financial markets, banking crisis, bankruptcy of indebted enterprises and mass unemployment.[37] If South European countries withdraw from the euro area, it would not necessarily improve their competitiveness as they would have to defend their weak

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[32] *Prezydent Obama chce, aby USA znów stały się krajem, który produkuje*, "Dziennik Gazeta Prawna" 26.06.2011.

[33] C. Romer, *Do Manufacturers Need Special Treatment?* "The New York Times",4.02.2012.

[34] H. Weitzman*, Błędna strategia Obamy*, after: "Financial Times", „Dziennik Gazeta Prawna" 8.10.2011.

[35] *Euro uratowano tylko dzięki naciskowi Waszyngtonu*, "Dziennik Gazeta Prawna" 10.05.2010.

[36] *Berlin i Paryż pogłębią Europę dwóch prędkości*, "Dziennik Gazeta Prawna" 3.02.2011.

[37] D. Rosati, *Rozpad strefy euro? Bzdura!* "Gazeta Wyborcza" 18.01.2011.

currencies with high interest rates and such a state of affairs would impede their economic growth. Thus, without key reforms, those countries would not be able to become competitive internationally again. A scenario where richer countries from the North withdraw from the euro zone, would also imply considerable costs such as appreciation of national currencies and losses in price competitiveness. According to D. Rosati, "despite urgent appeals from behind the Atlantic [...], the euro area will not collapse as this would profit nobody. On the contrary, Member States will strive to consolidate the euro zone to prevent the occurrence of similar threats in the future." The question is whether it will be workable.

Probably there is no risk of the euro area breakup but the zone may be exposed to a progressive lack of cohesion and increasing heterogeneity. The fiscal situation and the condition of banks in EU peripheral countries will be a challenge for the economic coordination of the entire EU. The scenario of insolvency, controlled bankruptcy and debt restructuring has ceased to be a taboo long time ago. At the same time, the condition of finances of the "European core" countries like Belgium, causes a growing market anxiety. The European Central Bank (ECB) faces a dilemma. On the one hand, it is forced to "help" countries at risk and buy their obligations while, on the other hand, it is obliged to warrant price stability in a mid-term perspective. Germany strongly dislikes the idea of reconciling those conflicting objectives. Meanwhile, IMF experts talk about the need for greater intervention of states in solving problems in the euro area.[38] In one of their reports, they strongly criticise European policy makers' indecisiveness with regard to the introduction of necessary steps and call for further integration as the functioning of the monetary union without appropriate fiscal cooperation is impossible.

The future of Europe depends on its ability to use the extensive network of relations to increase Europe's economic growth and to invest in human capital and innovation further. This needs to be accompanied by consolidation of public finance, improved cohesion between EU Members and their higher competitiveness. It is possible to outline four possible scenarios for Europe.[39] According to the first and most optimistic one called "EU competitive", the EU as a whole and its individual Members will have competitive strengths which will enable them to profit from the international division of labour. The second scenario called "EU losing steam" foresees that the EU, despite its ambitious plans and a willingness to change, will not be able to meet the challenges of global economy, i.e. to raise foreign capital, attract highly educated workforce, *et cetera*. The third scenario called "EU unhooked" is a vision of the Union unable to deal with the crisis consequences, a Union of growing internal disparities and social tensions. Finally, the most pessimistic fourth scenario called "EU adrift" foresees a further expansion of the Union's problems, lack

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[38] *IMF tells EU: Stop 'unproductive debate' and integrate 'now'*, Euobserver, 22.06.2011, http://euobserver.com/economic/32518 (accessed: 26.07.2011).

[39] D. Hamilton (2011), *Europe 2020: Competitive or Complacent?* Center for Transatlantic Relations, p. 150.

of economic growth, inability to solve social problems and giving way to competitors in the field of innovativeness and competitiveness.

Despite problems identified and the scale of challenges, experts from leading European and American research institutes disagree with the increasingly popular opinion that transatlantic relations in dynamically changing and unfavourable global conditionalities, have lost their sense, and that their formula has been exhausted. Undoubtedly, they have come to a point at which they need to be revised and redefined. The *acquis Atlantique* of transatlantic relations obliges its parties to continue their cooperation which, at present, is somewhat ineffective due to the scale and scope of challenges which goes beyond existing capabilities. Experts from the Johns Hopkins University Center for Transatlantic Relations in Washington propose a range of initiatives to deepen transatlantic economic integration. They call for establishment of a barrier-free transatlantic market and a reform of the global management/coordination system. In practice, the first proposal underlines the need of further actions to facilitate free trade where tariff barriers would only apply to industrial and agricultural goods, negotiations on reduction of impediments in services industry, promotion of sustainable consumption patterns, early legal cooperation of legislators (in particular in the field of new technologies), and elimination of unnecessary regulatory differences including identification of basically equivalent solutions which would facilitate their mutual recognition and this is to apply to the functioning of the financial sector as well. As for global coordination actions, it seems legitimate to create a G2 Forum to lead changes and initiate reforms in the functioning of the World Bank and financial market rules, prevent a collision of free trade and environmental protection issues, and to work out uniform standpoints in relations with China and India as emerging powers.

INSTEAD OF CONCLUSIONS...

In addition to reviewing the framework shaping economic transatlantic relations and describing crisis responses on both sides of the Atlantic, the aim of this paper has been to assess the future economic condition of selected partners in transatlantic relations and to outline the challenges they may face. Many questions cannot be answered. The pace of changes, a considerable market uncertainty and a strong interdependence between countries involved, make it impossible to address many issues. That is why this paper ends in a somewhat different manner, i.e. with a compilation of major challenges.

To take an example, let us ask if further tightening of cooperation in the euro area, which may save the currency, becomes a threat to EU Member States which have not adopted the euro by now? [40] Is it possible that the Maastricht criteria which are

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[40] D. Walewska, *Francja i Niemcy mają własne propozycje ratowania strefy euro,* "Rzeczpospolita" 17.08.2011.

the foundation of the Monetary Union e.g. the criticised and arbitrarily determined debt and deficit thresholds amounting to 60% and 3% of GDP, will be redefined? [41] New anti-crisis regulations introduced in the EU, i.e. the "17+ pact"[42] and a directive package called the "six-pack" have been ambivalently assessed and criticised as an example of top-down management typical of centrally planned economies. [43] Opinions about the "fiscal pact", i.e. the intergovernmental agreement on *Stability, Coordination and Governance in Economic and Monetary Union*[44] have also been sceptical, *inter alia*, for lacking an effective enforcement method.[45]

Is the worry that the Monetary Union may transform into a transfer union and that Germany would be obliged to support other economies justified? Will the Monetary Union transform into a fiscal union in which case independent economic policies of seventeen euro countries will be mothballed and thus the fight against the crisis will cost euro area Members their sovereignty?[46] The acceptance of aid by indebted Greece required its consent to be controlled and supervised by independent institutions already. Will sovereignty in Europe be a luxury a few countries (Germany) will be able to afford?

Will the imbalance between the US and the EU grow? That refers to economic behaviours, different responses to inflation or deficit which are increasingly visible within the EU, especially once we consider the economic condition and growth of different countries. Does the future of transatlantic relations entail growing discrepancies and lessening convergence?

Will it be possible to successfully implement apparently necessary changes in current economic models pushing "deficit" countries, like the US, to increase exports, and "surplus" countries, like Germany, to undertake activities stimulating domestic demand? Is the twin crisis on the both sides of the Atlantic only an accidental slip-out on the path of continuous growth? Or does it, unfortunately, herald an acceleration of the fall of the Western world?

In the (post-)crisis situation, a more precise forecast of transatlantic economy seem to be impossible as economic developments, increasingly connected with politics, are a consequence of discretionary decisions and a consensus reached, i.e. they are not a consequence of automatic market mechanisms. The last crisis revealed the heterogeneity of financial fragility and thus the list of critical elements of economy needs to be extended to take into account, in addition to the condition of public fi-

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[41] K. Łaski, L. Podkaminer*, Brzemię gospodarcze Unii*, "Rzeczpospolita" 23.07.2010; *N. Veron: Kraj z wielkim długiem też może być wiarygodny*, J. Bielecki interview, "Dziennik Gazeta Prawna" 19-20.09.2010.

[42] *Nine EU states set out post-crisis growth plan*, www.euobserver.com (accessed: 18.03.2011).

[43] *Przeczekamy czas burzy w strefie euro*, "Dziennik Gazeta Prawna" 13.02.2011.

[44] *EU-Fiskalpakt: In Trippelschritten auf Sparkurs*, "Wirtschaftswoche" 31.01.2012.

[45] *Sorman: Unia dwóch prędkości to całkowita fikcja*, "Dziennik Gazeta Prawna" 8.03.2011. The Maastricht criteria are also officially binding, but many countries notoriously violate them.

[46] A. Talaga, *Unia Europejska staje się suwerennym superpaństwem*, "Dziennik Gazeta Prawna" 12.06.2011.

nances, private indebtedness, the risk of insolvency, household capacity to pay debts, *et cetera*. On the one hand, market rationality failed. Asymmetric information and moral hazard, the so-called herd effect and adverse selection, all emerged with full force. On the other hand, arbitrarily defined *de facto* political criteria (like the Maastricht ones) were either not respected or did not capture numerous hidden problems. Thus, in global economy, there is an uncontested need for a systematic and comprehensive macroeconomic assessment, which would include various constellations of circumstances and event scenarios, and offer alternative solutions.

In the face of challenges evoked by the crisis, further limitation of intensity and scope of economic cooperation within the framework of transatlantic relations can be observed and expected. For each party involved, its economy is a priority. Within the EU, coordination and resolution of internal problems can proceed at the cost of relinquishing or temporarily suspending the progress of cooperation with the USA. Economic relations of legal nature, i.e. those referring to agreement negotiations and creation of legal frameworks (e.g. "three dialogues"), will be continued though progress will, probably, be slow. The above-described characteristic features of transatlantic relations (which go beyond a simple trade exchange) make these relations a mixture of simultaneous competition and cooperation. Thus coopetition seems to be their intrinsic feature and different responses to the economic crisis make further studies on the "transatlantic economy" increasingly desirable and interesting.[47]

ABSTRACT

In the face of challenges caused by crisis, further limitation of intensity and scope of economic cooperation within the framework of transatlantic relations can be observed and expected. For each of the parties concerned, their own economies become a priority. Within the EU, coordination and resolution of internal problems can proceed at the cost of relinquishing or temporarily suspending progress of cooperation with the USA. At the same time, however, the potential offered by the setting up of a Transatlantic Common Market is a unique opportunity for both parties and can become a remedy to (post-)crisis problems.

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[47] J. Pisani-Ferry, A. Posen, F. Saccomanni (2011), *An ocean apart? Comparing transatlantic responses to the financial crisis*, Bruegel PIIE.

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CHINA AS AN ECONOMIC PARTNER
OF THE US AND THE EUROPEAN UNION

In the second decade of the 21st century, the world appears to be a multipolar system. The bipolar shape of global economy belongs to the irreversible past. It was constructed on the transatlantic axis and measured by shares of the US and the European Union in global gross domestic product (GDP) values, flows of goods and services, increasingly including technologically advanced ones, and capital flows. The new situation is a qualitative challenge for both the EU and the US. The transatlantic axis of economic collaboration has clearly been supplemented or another axis has been created. The new axis is called a US-Asia Pacific (in fact, Eastern Asia) one or even a Sino-American axis. It is competitive and its growth dynamics is very high. The latter became clearly visible after Barack Obama was elected President of the United States. In 2011, he assigned the highest priority to the Asia Pacific region. It means an increased US engagement and funds allocated to diplomacy, trade and security in Asia. What is more, the United States elaborated a new military strategy toward Asia.

The US is interested in India and China because of their growing economic potential, their area and population. However, there is no other state in the world to which more attention is paid than the Middle Kingdom. It could be claimed that all actions taken in the Asia Pacific region focus on this gravity centre.

The emergence of economically strong China with a different system of values, a liberalised economy, a non-democratic system of governance, and not belonging to US closest allies may result in limiting the US influence not only in Asia. The Middle Kingdom has tangible and intangible means to increase its presence in the world.

That is the reason why China's economic growth causes the transfer of human and financial resources of both the US and the European Union (although to a lesser extent) to the Asian continent. This process accelerates, as the transatlantic cooperation alone cannot resolve important global issues like security, including cybersecurity, limited natural resources, and air pollution.

The new role of China creates a situation which is particularly difficult for the US. The reason is that the US has long treated the Middle Kingdom instrumentally.

At the beginning of the 2010s, China can be considered to be a new gravity centre, especially since 2007 the United States and the EU are affected by subsequent crises, i.e. banking crisis, financial market crisis and public finance debt crisis. In this situation, it is increasingly difficult for the United States to maintain and underline its global leadership. An opinion that the US experiences a relative – but not absolute – decline[1] seems justified.

Europe, or rather the EU27, also increasingly engages economically in Asia, China in particular. However, for the United States, the Pacific axis has a strategic and economic dimension, while Europe's relations with Asia are primarily economic.

This paper focuses on the place of China in economic relations with the United States and the European Union. The size and domains of cooperation with China as well as conflict areas are identified. A closer look at China's economy is in place because its dynamic development has made China an extremely important actor in international relations.

The importance of economic cooperation with China, in particular trade exchange and direct and indirect investments, to both transatlantic partners is assessed. Europe seems to be a pragmatic partner collaborating with China in the domain of economy. As for the United States, while developing its economic relations, it also competes to win influence, not only in the Asia region. As far as China is concerned, it improves its global position not to become a power but rather to warrant its internal growth. It means that China remains concentrated on fulfilling its own long-term interests without feeling the need to act in solidarity to ensure a stable growth of global economy unless it is necessary for China's interest. That is the reason why China avoids assuming functions attributed to a global power. It will engage, however, in all matters threatening its position and image.

DEVELOPMENT AND POTENTIAL OF CHINA IN THE 21ST CENTURY

An increase in American and European activities in Asia is a response to a dynamic growth of many countries there and, in consequence, their return to the centre of world events. A visible manifestation of this tendency is a significant increase in Asia's share in maintaining the pace of global growth. The shape of, *inter alia*, global development, climate, security or energy policies depends on China, India, as well as Brazil and other regional powers, representatives of which take part in meetings of G20 Heads of State and Government.

Undoubtedly, China is the most important element which changes the thinking about the transatlantic system as the principal creator of global order, including economic one. The increased importance of China is a consequence of the pace of growth of its economy never observed before. Its average annual GDP growth in 2000-2012 was and is forecasted to be much higher than that of the euro area coun-

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[1] J. S. Nye (2010), *The Future of American Power*, "Foreign Affairs" 6, pp. 2-12.

tries and the US. It is the economic potential of China and thus China's new opportunities which made it necessary to include the Middle Kingdom in the international discourse. The growth of the economic potential facilitates a growth of not only economic but also political and diplomatic influence which must affect the former fabric of links and dominance.

China appeared as an actor in the international economic arena not long ago. First efforts to restructure its economy were made in 1978. At the time, China's economy was ruined by experiments of the Long March, cultural revolution and three decades of communist economy. The transformation which then began consisted in introducing market reforms and leaving the monopoly of political power intact.[2] In fact, despite many changes, the same strategy providing for advanced liberalisation of trade exchange under a non-democratic political regime has been continued to the present day.

However, skilfully steered economic processes have made China one of the largest economies in the world. In 2010, China's economy was second, overtaking Japan. It is estimated that, despite a significant decrease in China's economic growth in 2012, its share in the global economic growth is 1/3.

For years, the Middle Kingdom has been building its position in global economy thanks to the inflow of foreign capital which facilitated its dynamic growth of goods export (Table 1). A significant trade surplus has long been maintained and allowed China to gather gigantic foreign reserves which, in the end of the first decade of the 21st century, were the source of China's international expansion.

Table 1

China's foreign trade in the years 2001-2012

Year	Trade	Exports	Imports	Growth rate of foreign trade	Growth rate of exports	Growth rate of imports	Trade balance
	in USD bln			preceding year = 100			in USD bln
2001	509.7	266.1	243.6	7.5%	6.8%	8.2%	22.5
2005	1421.9	762.0	659.9	23.2%	28.4%	17.6%	102.1
2007	2173.7	1217.8	955.9	23.5%	25.7%	20.8%	261.9
2008	2563.3	1431.0	1132.3	17.9%	17.5%	18.5%	298.7
2009	2207.3	1201.7	1005.6	-13.9%	-16.0%	-11.2%	196.1
2010	2972.8	1577.9	1394.8	34.7%	31.3%	38.7%	183.1
2011	3642.1	1898.6	1743.5	22.5%	20.3%	24.7%	155.1
2012	3866.7	2048.9	1817.8	6.1%	7.9%	4.3%	231.1

Source: German Embassy in Beijing, *Wirtschaft kompakt*, pp. 1-3, and Ministry of Commerce of the People's Republic of China, www.mofcom.gov.cn [accessed: 26.10.2013]

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[2] More in e.g. E. F. Vogel (2011), *Deng Xiaoping and the Transformation of China*, The Belknap Press of Harvard University Press, Cambridge, MA and London.

Nevertheless, China is still a state of uneven economic growth, huge social disparities and difficult ethnic issues[3]. Its GDP *per capita*[4] and prosperity index[5] are definitely not high. China, however, does not cherish Western democratic values.

The economic potential of the People's Republic of China has made it count among most important international players and a country which is expected to take decisions which will improve the current economic situation both in Europe and the US.

Diagram 1

Geographical breakdown of foreign investment inflow to China in 2012
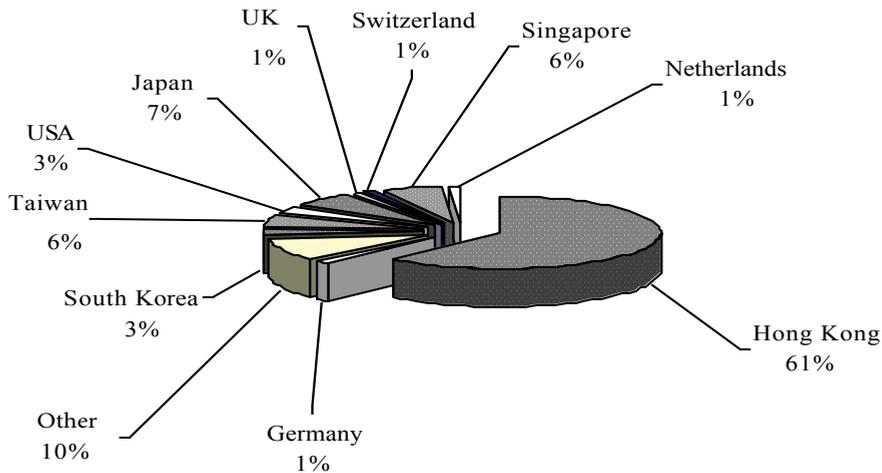
Opinions about China's further development are divided both in Europe and in the United States.[6] However, most analyses conducted by research centres and think tanks indicate that the Middle Kingdom will shortly become the greatest economic power in the world.[7] It means that its impact on shaping the international economic

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[3] Fifty-five ethnic minorities live there.

[4] In 2010, China was 94th (USD 7,519)

[5] In 2012, China was 55th. Cf. *The 2012 Legatum Prosperity Index TM*, www.prosperity.com/ Ranking.aspx (accessed: 15.11.2012].

[6] F. Sieren (2010), *Der China Schock. Wie Peking sich die Welt gefügig macht*, Ullstein Buchverlag GmbH, Berlin; A. Brunet, J.-P. Guichard (2011), *Chiny światowym hegemonem*? *Imperializm ekonomiczny Państwa Środka*, Wydawnictwo Studio Emka, Warsaw.

[7] For example, the International Monetary Fund estimates, according to information published in 2011, that the share of the US in global GDP will amount to 17.7% in 2016, and of China to approx. 18%. M. Jacques (2012), *When China Rules the World: The End of the Western World and the Birth of a New Global Order*, Penguin Books, New York.
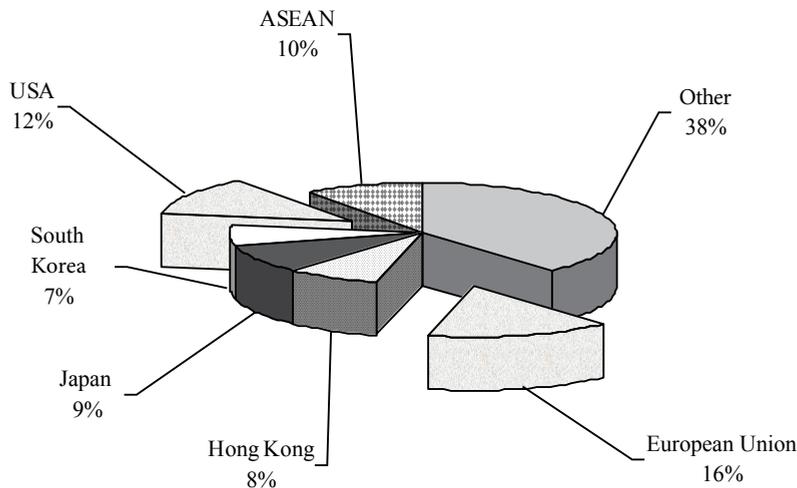
order will grow. The question which remains open is whether China will try to actively create that order, comparably to the United States, and contribute to a permanent weakening of the transatlantic economic cooperation.

From the perspective of the Middle Kingdom, American and European (EU27) direct investment (FDI) in China is insignificant. The capital coming from Asian countries hugely prevails, in particular one coming from or rather via Hong Kong (Diagram 1). The Chinese market is still very difficult for foreign investors. One of basic reasons of such a situation is the unequal treatment of investors.

Both the United States and the EU27 are China's most important trading partners accounting for 28% of China's trade exchange. This means that over 70% of trade is with other, mainly Asian, partners.

Diagram 2

Geographical breakdown of China's foreign trade in 2011

ASEAN
10%

USA
12%

Other
38%

South
Korea
7%

Japan
9%

Hong Kong
8%

European Union
16%

Source: Author's own work based on data available at http://german.mofcom.gov.cn/aarticle/statistiken/kapi-tal/201008/20100807096212.html (accessed: 20.02.2011).

For the United States[8] and the EU27, China has become one of the most important, and still growing in significance, goods supplier. For the EU27, China is also an important market (Table 2). It needs to be underlined that China has a positive trade exchange balance with each of the transatlantic cooperation partners.[9]

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[8] In October 2012, the US was China's biggest trade partner due to the worsening economic situation in Europe.

[9] In 2010, the EU had a negative trade balance of 153 bln euro and with China it was 167 bln euro.

Table 2

Exports and imports between the EU, the US and China in 2010

	Total exports in USD bln	Exports to the EU	Exports to the US	Exports to China
		in %		
EU	1,786.8	-	18.1	8.5
US	1,277.6	18.8	-	7.2
China	1,578.3	19.7	18.0	-
	Total imports in USD bln	Imports from the EU	Imports from the US	Imports from China
		in %		
EU	1,990.9	-	13.1	20.9
US	1,968.9	16.6	-	19.5
China	1,396.2	12.1	7.4	-

Source: www.bpb.de/nachschlagen/zahlen-und-fakten/europa/135833/themengrafik-handelsbeziehungen

Competitiveness of Chinese exports has long been attributed to extremely low wages[10] and mass production, and the undervalued yuan, the exchange rate of which happens to be manipulated[11]. Attention has to be paid to changes in the trade structure, in particular to an increase in trade in intangible goods and technologically advanced goods. Another development is the relatively huge raise in wages in China.

In result of the persistent surplus in trade balance and, what should be highlighted, also in the balance of payments (e.g. in 2011, EUR 258 bln), the Middle Kingdom holds the biggest foreign reserves in the world, estimated to be USD 3.2 trillion (approx. EUR 2.3 trillion)[12]. These reserves are the source of China's expansion to global markets[13], mainly in the form of foreign direct investment and by financing purchases of foreign securities. The People's Bank of China does not disclose the structure of its foreign reserves. Thus it has to be assumed that only a part of them is invested outside the country while another part is held in China to secure its internal development. It has been estimated that in 2012, China would be able to invest around 500 bln dollar abroad.

These reserves are subject to special supervision by the US because of the enormous investment potential of the Middle Kingdom and the fact that they constitute the source of development aid. They allow China to expand to global markets including European and American ones, and to other markets where there is less ostracism. In 2011, foreign investment in the Middle Kingdom was estimated to have reached

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[10] A. Harney (2008), *The China Price: Uncovering the True Cost of Chinese Competitive Advantage*, Penguin Press, 2008.

[11] The yuan was appreciated several times but its exchange rate against the dollar and the euro is still not real.

[12] http://mofcom.gov.cn (accessed: 30.09.2012)

[13] The expansion is realised mainly by China Investment Company Ltd.

USD 116.0 billion. Thus, the country was second on the list of states with the highest involvement of foreign capital. At the same time, China's foreign investment gives the country the fifth place (USD 60.1 bln).[14] In the course of the financial forum held in Beijing in November 2012, Chinese Minister of Trade Chen Deming said that Chinese companies (and the state) would increasingly invest beyond the country borders, mainly by taking over companies and not by purchasing government bonds. According to Chen Deming, "pumping" the money into real economies is the Chinese contribution to global prosperity. Huo Jianguo from the Chinese Academy of Foreign Trade and Economic Cooperation believes that in next three years, foreign investment of China will approach the level of foreign investment in China.[15]

The issue of China's expansion abroad emerged really at the turn of 2007 and 2008 when China Investment Company Ltd. which is a the sovereign wealth fund was established by the Chinese government. The founding for the Company comes from the rapidly growing currency reserves.

As for the geographical breakdown, most Chinese investments are made in Asia (74%), Latin America and the Caribbean. Investments in Africa (3%), North America and Europe are relatively small but growing.[16] Recently, China's foreign investments have included image enhancing takeovers and share acquisitions (e.g. involvement in Volvo, Blackstone Group LP, Morgan Stanley, Heathrow Airport Holdings).

What is more, the economic potential of China is a base to make the RMB the third currency of the world (for which China strives very hard), i.e. alongside the US dollar and the euro.[17] Both in the US and Europe, this project seems to be plausible in distant future. Meanwhile, in countries of Eastern Asia, the RMB is gradually replacing the USD and the euro as the reference currency. The RMB will probably reinforce its position also thanks to the creation of the largest free trade area in the world[18], with the participation of China but without the United States, which will enhance goods exchange between countries in the region and settlements in the yuan.

Thus, the characteristic feature of China is the huge share in trade and foreign direct investment of Asian countries.

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[14] China's Ministry of Trade estimates that in 2012 non-financial investments amounted to USD 77.2 bln.

[15] This is a possible interpretation of the words of Chen Deming who underlined that governmental economic packages and central banks' low interest rate policy "make our money worthless". Cf. *China investiert 54 Milliarden Euro weltweit – und kauft fleißig weiter*, www.mofcom.gov.cn (accessed: 30.11.2012).

[16] China's Ministry of Trade estimates that Chinese investments in Europe amounted to USD 4.8 bln and in the US to USD 2.4 bln from January to September 2012. In that period, China direct foreign investment amounted to USD 52.52 bln.

[17] Arvind Subramanian, M. Kessler, *The Renminbi Bloc Is Here: Asia Down, Rest of the World to Go?*, Peterson Institute for International Economics Working Paper, 12-19 October 2012, http://www.iie.com/publications/wp/wp12-19.pdf.

[18] On 20 November 2012, during the East Asia Summit in Cambodia, 16 countries of that region decided to create the largest free trade area in the world.

US-CHINA ECONOMIC RELATIONS

At the turn of the first and the second decade of the 21st century, the United States managed to maintain its ranking of the largest world economy. However, the crisis which began in 2007 in the American subprime credit market and its consequences, including the growing national debt and unfavourable basic macroeconomic indicators[19], led to a verification of the very high ratings of the US economy and US capability to overcome crises. A spectacular example was the lowering of the country's grading by *Standard & Poor's* for the first time ever.[20] The US started to be called the "American patient".[21]

Asian countries have long been an important trade partner of the US. Since1997, the region has been a bigger trade partner of the country than Europe. At the turn of the first and second decade of the 21st century, trade exchange between the US and Asia is twice the exchange between the US and Europe. China is the second and Japan the third trade partner of the United States. Asia is also an important recipient of American goods. That is where $^1/_3$ of American export goes (USD 320 bln in 2010), and it is in Asia where 10 out of 20 largest importers of US goods are located. It has to be expected that bilateral agreements on free trade, both signed and still negotiated, between the United States and certain Asian states and the prospect of establishing the Trans-Pacific Partnership (TPP), will result in the partners' stronger ties. It seems, however, that the increase in American activity and the creation of new or restoration of "old" economic and strategic alliances in the region, also result from a weakness of the modernisation theory. For years, it was thought that the inclusion of the Middle Kingdom in the liberal-democratic order, embodied by e.g. the WTO, would facilitate China's democratisation. Such hopes, however, have not been fulfilled so far. That is why the American Congress contests actions taken earlier.

It has already been highlighted that US foreign diplomacy and economy focuses on China. It seems that there is no other state in the world to which the US would paid more attention. The important role of the Middle Kingdom follows not only from China's growth dynamics and its new role in the international arena but it is also a consequence of the progress of bilateral trade (Diagram 4).

The United States imports much more goods from China than from the EU27. Nevertheless, trade exchange between the US and EU countries is still much higher than US trade with China.[22] While assessing the current US trade with China and its consequences for the American economy, it is hard to imagine that the problem was

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[19] The market labour situation has been particularly negatively assessed. There is also uncertainty among employers about further economic developments.

[20] Form AAA to AA+ on 3 August 2011.

[21] J. Bramil (2012), *Der amerikanische Patient*, Siedler Verlag, München.

[22] In 2011, US-EU trade exchange amounted to USD 636.4 bln while US-China trade exchange to USD 503.2 bln. Cf. http://www.americanet.de/html/wirtschaft_aussenhandel.html (accessed: 18.08.2012).

not on the American agenda of secret talks held in preparation of Richard Nixon's visit to China in the 1970s.[23] Economic cooperation between the US and China developed only after 1979 when they signed a trade agreement providing for the "most-favoured-nation treatment" of each party.[24]

Diagram 3

US-China trade exchange in the years 2000-2011 (in USD bln)

■ Exports from the US to China   □ US deficit in its trade with China
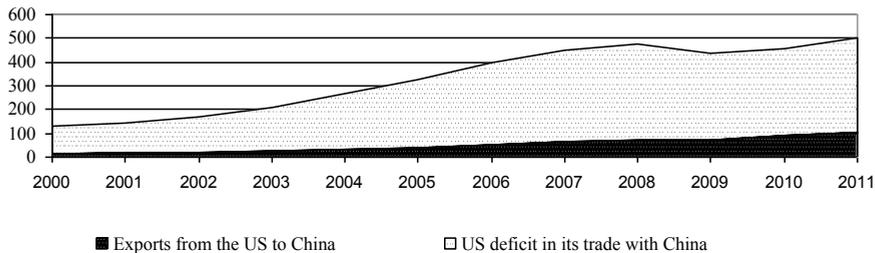
Source: Author's own work based on data available at //www.trade.gov/mas/ian/build/groups/public/@tg_ian/documents/webcontent/tg_ian_003364.pdf

China became a significant partner of the United States and the EU at the turn of the 20th and the 21st century, i.e. after the Middle Kingdom became, thanks to considerable American support, a member of the World Trade Organisation (WTO). In fact, the American strategy assumed that the trade exchange programme would make it possible to integrate China with the international system.[25] It is worth noting that only in the years 2001-2011, China's exports increased by 542%, while on the whole American exports grew only by 84% in the same period. Thus China became the most important trade partner of the US (Diagrams 4 and 5 below).[26]

Changes in the Chinese exports structure where advanced technology products play an increasingly important role are relevant.[27] It is not to say that trade relations between the United States and the Middle Kingdom are free of conflicts. Examples include duties imposed on solar modules imported from China, allegations of dumping in the car manufacturing sector, and the launch of procedures for identifying risks of Chinese FDI in the US.

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[23] When preparing the final communiqué on President Nixon's first visit to China, Americans argued that devoting space to trade would be a waste of time because US-China trade exchange was next to none. Cf. J. Fenby (2008), *The History of Modern China: The Fall and Rise of a Great Power* [Polish translation: *Chiny. Upadek i narodziny wielkiej potęgi*, Kraków 2009, p. 667]
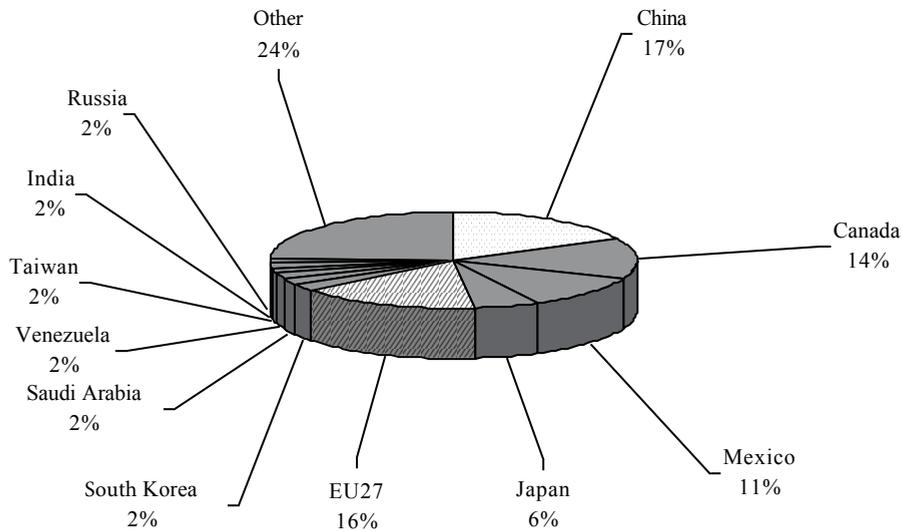
[24] It happened during Deng's visit to the US. In 1979, the US-China trade exchange amounted to USD 2.45 bln only. The agreement has enormous consequences.

[25] Since 1995, East Asia Strategy Revue is the Pentagon's directive. Cf. http://www. cfr.org/united-states/pentagon-pivots-asia (accessed: 8.11.2012).

[26] The US-China Business Council, *US-Exports to China by State 2000-2011*, pp. 5-7.

[27] China has a surplus in its trade balance in the technology products sector.

Diagram 4

Geographical structure of US imports in 2011

Other
24%

China
17%

Russia
2%

India
2%

Taiwan
2%

Venezuela
2%

Saudi Arabia
2%

South Korea
2%

EU27
16%

Japan
6%

Mexico
11%

Canada
14%

Source: http://www.trade.gov/mas/ian/build/groups/public/@tg–ian/documents/webcontent/tg–ian–003364.pdf (accessed: 10.08.2012].

The United States has had a structural deficit in its trade balance since the mid-1990s (in October 2012 it amounted to USD 41.5 bln[28]). Its negative trade balance with China (295.4 bln in 2011) is, for its volume, a source of conflict and a symbol of the weakening and fall of US security.[29] The US accuses China that the deficit is primarily a consequence of China's yuan policy, the exchange rate of which has been chronically undervalued in respect to other major currencies. Some commentators consider it to be a cause of the 2007 crisis which later transformed into a serious public finance crisis. Since 2005, the Congress of the United States has kept proposing legislative initiatives aimed at treating China more strictly in response to China's unfair trade and monetary policy.[30] In December 2010, the American government

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[28] Cf. U.S. Census Bureau, U.S. Bureau of Economic Analysis, U.S. Department of Commerce, Washington, press release No. 8 November 2012, p. 1.
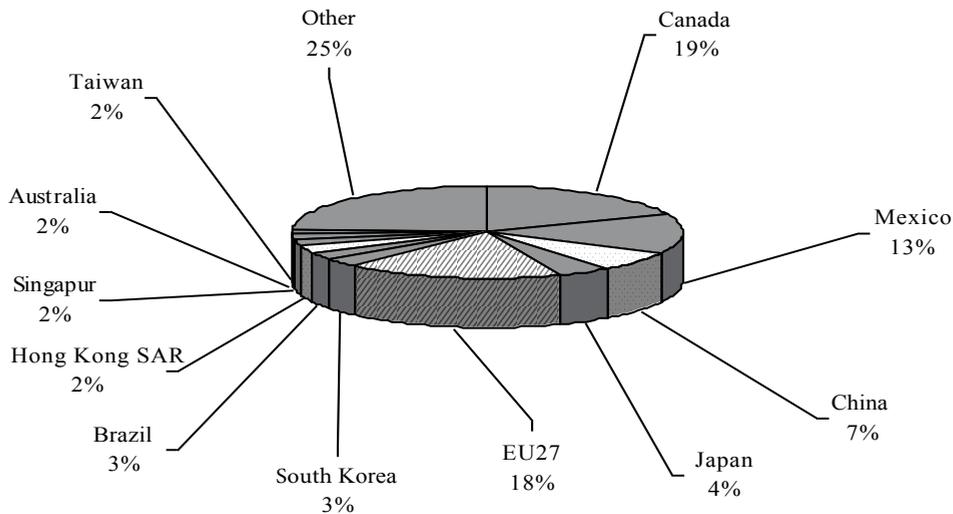
[29] The American debt to "Chinese communists" was estimated at nearly USD 900 bln at the end of 2010, cf. Congressional Record House H1159/2010.

[30] In February 2010, for example, 130 congressmen from both the Democratic and the Republican party wrote an open letter to US Secretary of the Treasury Timothy Geithner, demanding to identify China as a country that manipulates its own currency. Most US congressmen blame China for difficulties which US economy experiences.

complained to the WTO but in a highly mitigated way.[31] This restraint of the American administration was related to the role played by China in the American securities market. As a matter of fact, the United States resigned several times from accusing China of the RMB exchange rate manipulation or subsidies inconsistent with the idea of the WTO. This resignation was usually motivated by the need to win China's support while solving political conflicts in various parts of the world.[32]

Diagram 5

Geographical structure of US exports in 2011

Other
25%

Canada
19%

Taiwan
2%

Australia
2%

Singapur
2%

Hong Kong SAR
2%

Brazil
3%

South Korea
3%

EU27
18%

Japan
4%

China
7%

Mexico
13%

Source: cf. Diagram 4.

For many years, the United States was considered to be an attractive, low risk place to allocate Chinese foreign reserves. Thus a major part of the assets was invested in US securities. This strategy resulted in China being the biggest foreign creditor of the US. Since January 2011, China is the only state in the world which benefits from the right to buy US securities directly from in the US Treasury. This example illustrates the necessity to reconcile competition between the two countries and a far-reaching cooperation.

Chinese investors have long been interested mainly in the debt securities market and much less in FDI. Basically, FDI was used till the end of the 2010s to fulfil

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[31] In a report of the US Secretary of the Treasury, presented to the Congress, there was no mention of "exchange rate manipulation". In February 2011, a new legislative initiative titled *Currency Reform for Fair Trade Act of 2011* was prepared in by the Senate and the House of Representatives.

[32] E.g. in Iran and North Korea.

three objectives. Firstly, China's foreign direct investments were a political need to improve its energy security and stable raw materials supplies to upkeep the pace of China's development. Secondly, they were to strengthen national competitiveness thanks to acquiring foreign management, know-how and/or brands. Thirdly, it was also important to gain access to selling markets. Thus Chinese exploration focused on Central Asia, Middle East and African oil fields. A crucial change both in principles and the geographic direction of Chinese investments abroad took place after the 2007 financial crisis. The reason was that the crisis created an opportunity to allocate reserves not only in debt securities but also in enterprises. China diversified its investments also because of spectacular takeovers of shares in American institutions e.g. in Morgan Stanley, a biggest investment bank in the world, in 2009. The frequently manifested US aversion to Chinese plans of takeovers and acquisition of shares in enterprises has transformed into a restraint when American enterprises started to have problems with capital inflow. Of course, this does not mean that investors from the Middle Kingdom are uncritically welcomed in the United States. For example, in September 2012, President Obama stopped the sale of four wind power stations to Chinese company Rally Corp, justifying his decision with security reasons.[33]

The intensive and growing US-China economic cooperation in various fields will be continued despite disputable issues. The analysis of its progress so far, leads to a conclusion that it will be increasingly advanced. It means that in the Chinese exports structure, the importance of technologically advanced products will grow and more Chinese capital will be allocated to American companies rather than for the purchase of debt securities. It needs to be highlighted that conflicts mentioned above refer not only to issues in economic relations.[34]

EUROPEAN UNION – CHINA

EU-China relations compared to US-China ones appear to be more stable not only from the political but also from the economic perspective. Undoubtedly, EU-China relations are devoid from deeply dividing issues.[35] The United States competes with China for leadership in the Asia Pacific region. Unlike the US, the European Union has not played a major role in that region. It seeks to intensify its economic

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[33] It has been the first refusal since 1990. However, the power stations are located next to a naval base where electronic warfare aircrafts are tested.

[34] They concern also China's insufficient protection of intellectual property and violation of human rights, consequences of Chinese armaments for the Asian continent and the US announcement of its stronger involvement in the Pacific region.

[35] The Union has a coherent policy of its political dialogue with China on human rights and democracy, the Tibet and Taiwan. Cf. e.g. E. Cieślik (2012), *Efekt smoka. Skutki ekspansji gospodarczej Chin po 1978 roku*, Warszawa.

collaboration with the region and in the area of environmental protection. Another EU objective is China's acceptance of values important to Western societies and that refers primarily to respect for human rights and democracy. The EU27 continues its economic cooperation with the US and its recent weakening is mostly due to a decreasing competitiveness of the US and the economic slowdown.

Thus, it is worth to take a closer look at the European Union relations with China and to identify disputable issues. It needs to be emphasised that principles of their economic cooperation have been elaborated both at the level of EU institutions[36] and at the bilateral level strongly preferred by China.

Table 3

Largest trade partners of the European Union in the years 2000-2011 (share in %)

2000		2007		2011	
United States	24.1	United States	16.5	United States	13.8
Japan	7.5	China	11.4	China	13.3
Switzerland	7.3	Russia	8.7	Russia	9.5
China	5.5	Switzerland	6.4	Switzerland	6.6
Russia	4.7	Japan	4.6	Norway	4.4
Norway	4.0	Norway	4.5	Turkey	3.7
Turkey	2.7	Turkey	3.7	Japan	3.6
South Korea	2.4	South Korea	2.4	India	2.5
Taiwan	2.4	India	2.1	Brazil	2.3
Canada	2.2	Brazil	2.0	South Korea	2.1

Source: http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113366.pdf (accessed: 28.07.2012).

Changes taking place in China's economy, in particular its opening to foreign capital, resulted in the Union's higher interest in advancing its cooperation with China.[37] The collaboration has been intensified considerably as demonstrated by the declaration adopted in 2004 saying that mutual relations had to transform into a global partnership. During the first summit meeting, most important fields of cooperation were determined, including institutionalisation and strengthening of the EU-China political dialogue. Later, the dialogue has been broadened to include new issues[38] and carried both at the top and lower levels. The second area is economic coopera-

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[36] Above all, from 2003, i.e. from the appointment of the Permanent Representation, summit meetings are held.

[37] For example, within the framework of the so-called Chinese programme, the ECFR is trying to design strategies which would help the EU develop more effective relations with China, including global issues like energy sources and climate change, human development and rights, proliferation of nuclear weapons, and a reform of international institutions. There is also "China Analysis" quarterly published together with the Asia Centre, containing a review of the latest information and debates concerning Chinese foreign policy.

[38] www.german.china.org.cn (accessed: 18.12.2012).

tion which is essential for EU Member States. It is founded on the traditional trade pillar and on direct investments and its financial dimension grows, i.e. China keeps purchasing securities issued by EU Member States.

Diagram 6
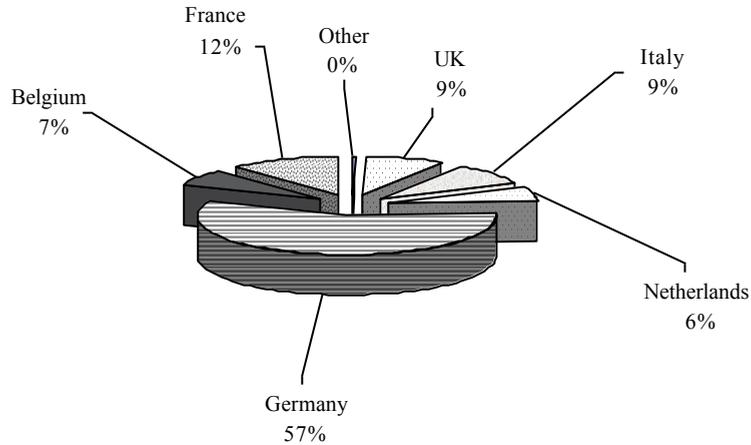
EU27 share in imports from China in 2011
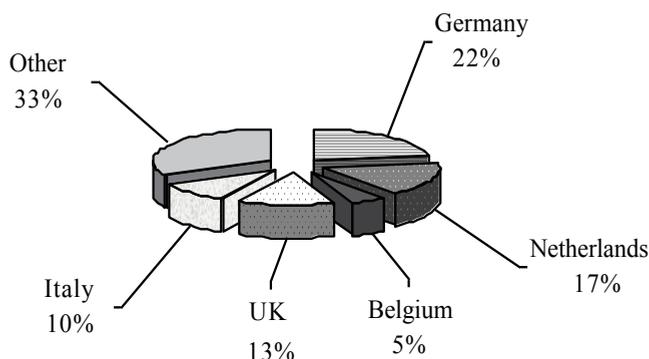
Source: Botschaft der Bundesrepublik Deutschland – Beijing, *Wirtschaftsdaten kompakt*, Stand 3. Quartal 2012, p. 3.

The size of imports and exports has long made trade relations most important for the EU. In fact, in last forty years, the volume of trade between the EU and the Middle Kingdom increased a hundredfold. Since 2007, i.e. from the onset of the global financial crisis, the exchange between the EU27 and China has been growing at a rate twice higher than the exchange between the EU27 and the rest of the world. In 2011, the value of EU27 – China trade amounted to 428 billion euro, and the share of the EU27 in China's trade was bigger than the share of the United States. In first 6 months of 2012, EU27 exports to China amounted to 72.712 bln euro while imports from China were almost twice bigger amounting to 140.156 bln euro. China is the second largest market for the EU and in 2012, according to preliminary estimates, China will be the EU biggest market, bigger than the US. The 27 EU Member States constitute the largest export market for Chinese goods.

It is worth underlining that the trade growth dynamics is, in fact, determined by Germany which exports account for over 50% of EU exports to China. The German market is also the largest recipient of Chinese products. The Netherlands and the UK come second and third, respectively (Diagrams 6 and 7).

Like the US, the EU27 has a negative trade balance with China (Diagram 8). However, contrarily to the United States, this fact is not particularly underlined and thus the Union does not accuse China and its currency policy for being the cause of the recent financial crisis. This does not mean that there are no disputes but they concern but a fraction of the entire trade exchange. For example, in 2012, the EU

Diagram 7

EU27 share in exports from China in 2011

France
12%

Other
0%

UK
9%

Italy
9%

Belgium
7%

Netherlands
6%

Germany
57%

Source: Botschaft der Bundesrepublik Deutschland – Beijing, *Wirtschaftsdaten kompakt*, Stand 3. Quartal 2012, p. 3.

Commission initiated anti-dumping proceedings against Chinese manufacturers of solar panels. Also in 2012 the WTO decided to probe China's export quotas and tariffs on rare earths, tungsten and molybdenum, following complaints by the US, the European Union and Japan that the curbs broke global commerce rules.

Diagram 8

Trade between the EU27 and China in 2000-2011
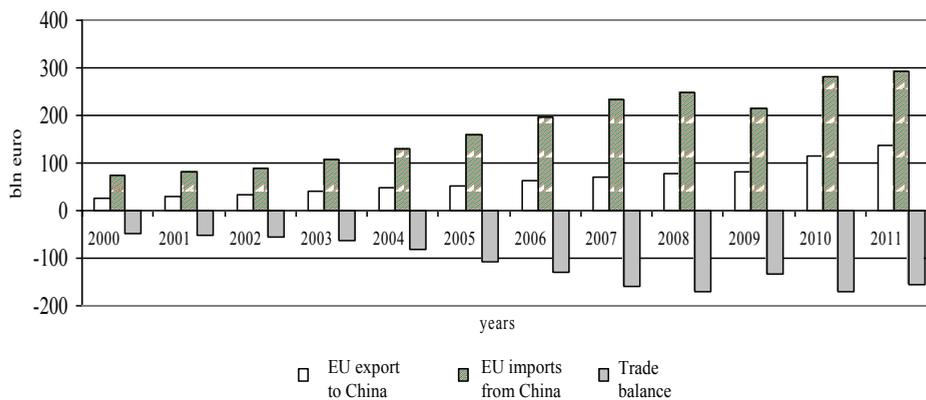
EU export to China

EU imports from China

Trade balance

Source: Botschaft der Bundesrepublik Deutschland – Beijing, *Wirtschaftsdaten kompakt*, Stand 2. Quartal 2012, pp. 1-3 and Ministry of Commerce of the People's Republic of China www.mofcom.gov.cn (accessed: 26.09.2012).

Foreign direct investment constitutes the second pillar of the EU-China economic cooperation. It needs to be underlined that the main stream of FDI from EU countries is directed to other EU Member States. An analysis of the geographical breakdown of other EU foreign direct investments reveals that for the EU most attractive are Latin America (34%), other European countries (25%) and Asia (14%). As far as Asian countries are concerned, China together with Hong Kong are now most attractive.[39] EU FDI in China, like US investments there, is not significant, also from China's perspective. The FDI architecture has been changing mainly due to rising labour cost and China's policy favouring capital inflow to enterprises using advanced technologies. The little EU27 investment in the Middle Kingdom is a consequence of difficulties European investors encounter in this culturally foreign market. Most criticised are unclear conditions for business activities. It means that investments are subject to risks. Also, the macroeconomic situation in Europe in the aftermath of the financial crisis, is a factor which limits the propensity to invest. In January-September 2012, the EU27 FDI in China constituted only 3% of all FDI in China. Germany continues to be the biggest European investor there.

A qualitatively new element of the economic cooperation between the EU and the Middle Kingdom are Chinese investments in Europe. Their level is still low but has visibly increased after 2008.[40] It needs to be highlighted that, in 2010, Chinese investors allocated only 1.7% of their global foreign investment to the European market[41] (Diagram 9). In 2011 Chinese companies invested 3 billion euro in the EU while the EU invested 18 billion euro in China. According to declarations of China's leaders made during their European trips, China's investments will grow markedly in the second decade of the 21st century. In 2020, they are to grow to USD 250 billion.[42] Chinese investors are primarily interested in buying German companies' shares.[43] It is worth emphasising that now Chinese capital inflow is directed mainly to various industrial production companies. A similar situation is observed also in non-European markets in developed countries.

The concentration of China's trade and FDI in largest EU countries does not mean that there is no interest in smaller countries, especially now as the crisis has severely affected some EU Members, not only those in the euro area. In autumn 2012,

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[39] EU FDIs in China amounted to 11.4 bln euro in 2008, 10.6 bln in 2009, 13.2 bln in and 22.5 bln in 201.Cf. epp.eurostat.ec.europa.eu/statistics_explained/in- dex.php?title=File:Foreign_direct_investment,_EU-27,_2008-2011 (accessed10.10.2012).

[40] I.e. 2.7 bln euro in 2008, 1.3 bln in 2009, 14.4 bln in 2010, and 9.7 bln in 2011. Almost all of the investments were implemented by Hong Kong.

[41] In 2009 Chinese investment in the EU amounted 0.3 bln euro and in 2010 to 0.9 bln only.
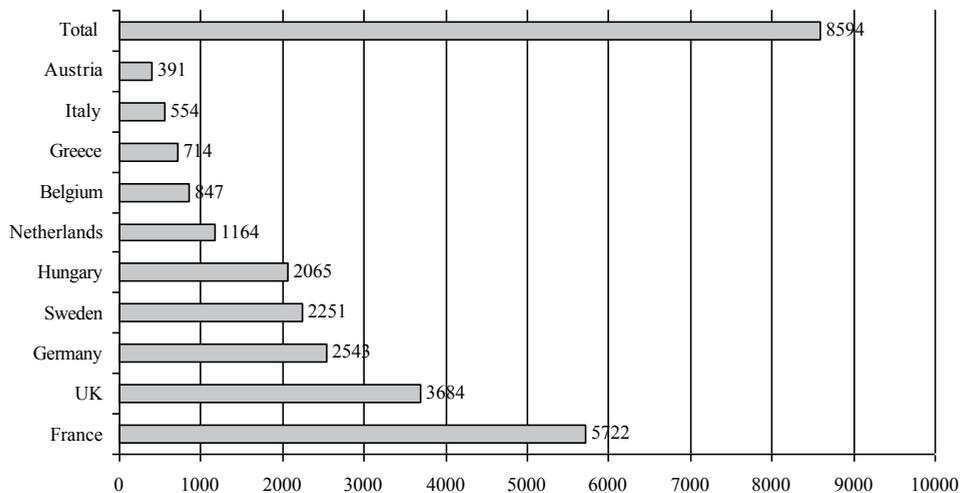
[42] Th. Hanemann, D. H. Rosen (2012), *China Invests in Europe*, Rhodium Group, June Rhodium Group, June.

[43] It follows from a research on 400 Chinese companies. Interestingly, 25% of them indicated that Germany was a most attractive investment location (next to China and the US) and German machinery and automotive industries in particular. Ernst & Young, http://www.ftd.de/unter- nehmen/industrie/:saab-volvo-rover-chinesen-erobern-europas-automarkt/70049958.html (accessed: 13.06.2012).

the Chinese Ministry of Foreign Affairs invited 16 countries of Central and Eastern Europe, including 10 EU Member States, to a European conference and a decision was made to create the China-CEE Cooperation Secretariat. Its objective is to implement joint economic projects. It has to be emphasised that Brussels is sceptical about this kind of arrangements, traditionally preferred by China, as they limit the possibility to conduct a common policy towards the Middle Kingdom.

Diagram 9

The value of the investment of Chinese companies in European Union countries in the years 2000-2011 (in USD mln)

Source: Author's own work on the basis of the data in: T. Hanemann, D. H. Rosen (2012), *China Invests in Europe*: *Patterns, Impacts and Policy Implications*, Rhodiun Group, June; N. Trentmann, *Chinas Firmen in Europa auf Schnäppchen-Tour,* "Die Welt" 7.06.2012.

Chinese investments are subject of discussion and publicly expressed concerns not only in the US but also in Europe. Their critics discern primarily political (and not business) motives of Chinese endeavours. In this context, it is worth referring to a research demonstrating that there are no premises indicating political motives on the part of Chinese investors.[44] Chinese FDI in European countries falls into the

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[44] For example, in September 2012, British Chatham House think tank published a draft report on EU-China relations highlighting a relatively small number of Chinese direct investments in the EU, which would be very useful to Europe short of cash. Authors explained that the small scope of Chinese investment results from the fact that the European market is fragmented from the Chinese point of view. Cf. J. Clegg and H. Voss (2012), *Chinese Overseas Direct Investment in the European Union*, ECRAN Paper, September, http://www.chathamhouse.org/sites/default/files/public/ Research/Asia/0912ecran_ cleggvoss.pdf

category of investors' search for effective opportunities to invest capital. That is why Chinese FDI is located in mature markets and companies using advanced technology. What is more, Hanemann and Rosen have demonstrated that Chinese investments have an equally positive impact on economies of receiving countries as those from other EU Member States.

However, to date, Europe has not been able to attract larger Chinese investments and, consequently, they do not play an important role in economies of EU countries. However, it is estimated that already about 45,000 workplaces in the EU are due to Chinese FDI. The main reason for China's small interest in the European market is its fragmentation (in comparison to e.g. the US) and the persisting destabilisation of the euro area.

In the EU27, Chinese FDI is treated with far-reaching scepticism[45]. However, the approach of particular Member States differs. Euro area countries strive to attract Chinese investors hoping they would buy debt securities (bonds) issued by those states. One may wonder why China is interested in those bonds. In the American bond market, this phenomena is much less common. It is estimated that only about $^1/_4$ of the giant, world largest foreign reserves of over 2.35 trillion euro have been invested in bonds denominated in the euro. Those investments has been aimed at reducing the dependence on the American market. It has been believed that China wants a stable Europe, to which it sends about $^1/_5$ of its exports in goods, and wants to sustain the value of its investments as investors would be severely affected by the euro depreciation. The investment risk persisting in 2012 has not been conducive for this type of actions. Even a visit of Chief Executive Officer of the European Financial Stability Facility Klaus Regling in China in October 2011, and his personal encouragement to invest more in Eurobonds did not help. In result, one of the world's largest national investment funds (CIC), managing assets worth approx. USD 401 billion, reduced its involvement in the European bond market[46] and announced that it would not purchase EU securities in the future.[47]

The question is whether those decisions have been only due to risk assessment or influenced by other factors. Despite clear Beijing's interest in ending the crisis of public finances in the euro area, Chinese authorities demand a compensation from the EU. What is at stake is the recognition of China as a market economy. If that happens, barriers limiting China's access to the European market would be lifted including the embargo on arms purchases imposed on China after the events at the Tiananmen Square in 1989.

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[45] Amnesty International fears that capital needs of European countries will push the question of the respect of human rights in China into the shadow. In 2010, German Commissioner for Energy Günther Oettinger said: "China is taking over the European Union – and we Europeans sell our soul." Cf. http://mobil.stern.de/wirtschaft/news/china-und-die-euro-krise-am-tropf-von-peking-1727787.html (accessed:14.09.2011)

[46] Head of CIC Lou Jiwei interview for "Wall Street Journal" 7.04.2012

[47] In the first quarter of 2012, China was active in the gold market. Cf. www.gold-su- per-markt. de/.../goldmarktbericht-1... (accessed: 15.02.2012).

Despite many problems, both China and the EU wish to deepen their economic partnership which has been evolving over the last dozen years, both in terms of trade volume and FDI directions. China is now an exporting state and its exports include technologically advanced products and increasingly often its capital, both in the form of FDI and purchases of debt securities. Also cooperation regulations have been upgraded e.g. a signed agreement on cooperation in the field of innovation and strengthening of antitrust laws. A possible regulation on jointly conducted research and development is debated.

<p style="text-align:center">***</p>

The growing trade exchange and intensification of capital flows between the United States and China, and between the European Union and China, contribute to the increasing interest of both transatlantic cooperation partners in Asia. However, their reasons for Asia-oriented interest seem to be different. The European Union, in particular Germany, is looking mainly for economic cooperation opportunities. It has to be highlighted that both at the Community level and at the bilateral level many initiatives related to law, academic exchange and education, environment protection, etc. have been implemented. In the case of the United States, its engagement, in particular after the announcement of its pivot to Asia in November 2011, will focus on economy but also on military and foreign policy issues. The US tries to make sure that China does not have a false impression that the time of the US is over. The Trans-Pacific Strategic Economic Partnership will play the main role as it is to be an agreement on a free trade area in the Asia Pacific Region. However, China and Japan which are among biggest US trade partners (3rd and 4th in terms of trade volume) do not participate in the agreement negotiations. The American focus on this part of the world is primarily due to China's new economic potential and the resulting capacity to enlarge its sphere of influence. A further enlargement of China's influence area may decreased the significance of the US in global economy and politics and increase the necessity to take interests of the new power into account. China is a growing power whose value system differs much from values of the democratic world but the current impact of this power on economies of the EU and the US is the greatest ever and incomparable with any other country. For both the United States and China, their trade exchange is important. The United States supported China's accession to the WTO, and every year supports 125,000 Chinese students who wish to study in the US. China is not and does not wish to be but a provided of cheap products. China wants to be a state having hi-tech industries and seeks effective investment opportunities in foreign markets to locate its world's largest foreign reserves. Both China and the US are aware that global problems, including the stability of international financial and energy markets, climate change, etc., can be solved by joint actions only.

The strategy implemented by the Middle Kingdom has given rise to criticism and worries both in Europe and the US. For both transatlantic cooperation partners, China and its economic potential constitute a challenge. Nevertheless, the United

States and the EU have, so far, been pursuing their own policies and hardly coordinated their activities in Asia. Actually, they often compete there e.g. in the government bonds market. An increased importance of the Sino-American and the Sino-European axis does not mean and does not have to mean that transatlantic economic ties will weaken considerably. Transatlantic cooperation goes far beyond traditional trade or FDI flow. New initiatives have been launched to intensify and coordinate that cooperation including e.g. the Transatlantic Economic Council (TEC) created in 2007 which consists of representatives of the US and the European Commission.

The growing interest of the European Union and its Member States in China is interesting. The dynamic growth of and on-going changes in the People's Republic of China make this country an important and basically irreplaceable economic partner. For Europe, this situation is a huge challenge especially in the view of China's different perception of human rights. On the one hand, Europe – as always – should make cooperation advancements dependant on democratisation of the Middle Kingdom. On the other hand, economic contacts with China are profitable for European companies and societies. For China, the EU27 is the biggest trading partner and Chinese investments may reduce the crisis in Europe. At the same time, European companies are the biggest suppliers of modern technologies to China. However, at the turn of the first and second decade of the 21st century, Europeans' worries about consequences of China's growth are on the increase. Among others, they are uneasy about Chinese FDI in Europe. The Union clearly lacks a strategy toward China despite its continuous monitoring of developments in China, a myriad of political discussion platforms and numerous bilateral and multilateral agreements. Thus the EU27 lacks an effective tool while dealing with the growing geopolitical and geostrategic power.

The progress of the discussed economic cooperation triangle, i.e. the US, the European Union and China, largely depends on overcoming the crisis both in the US and in countries of the euro area which have largest economic potential, and on the stability of Chinese economy. The latter is threatened by a transmission of negative stimuli via the commercial channel and by its internal instability.

Societies of many countries are aware of the significance of Asia and China in particular. A recent research on EU societies demonstrates that Asia is the third most important region after Europe and North America[48]. Among Asian countries, China is considered more important than Japan (7.4 and 7.0). It is worth underlining that though the United States is considered to be Europe's most important partner (7.8), its advantage over competitors is slight.

In their relations with Asian countries and China in particular, both the European Union and, primarily, the United States should have long-term objectives and not be oriented toward short-term successes. They should act in accordance with the words

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[48] Significance of regions according to the Europeans – Europe 8.5; North America – 7.3, and Asia – 7. Cf. *Asia in the Eyes of Europe - Images of a Rising Giant* (2012), DGAP Deutsche Gesellschaft für Auswärtige Politik e.V., Schriften zur Internationalen Politik, Nomos Verlag, pp. 1-10.

of Deng Xiaoping: "keep cool-headed to observe, be composed to make reactions, stand firmly, hide our capabilities and bide our time, never try to take the lead [and be able to accomplish something]."[49].

ABSTRACT

The topic of this study is the development of economic relations between the USA and China and between the European Union and China in the first and at the beginning of the second decade of the 21st century. Attention is drawn to the growing activity of China on the international arena, as this country not only develops its trade exchange but is one of major capital exporters and makes efforts to internationalise its currency. In effect we witness the emergence of a multipolar world, which marks the end of the one built on the transatlantic axis. Thus, the US and the European Union face a qualitatively new challenge and increasingly engage in the whole area of the Pacific. It is also noted that the reasons of this Asian orientation are different. The EU seeks new possibilities of economic cooperation. At the same time both at the level of the Community and the bilateral level many other initiatives are implemented. For the US, its involvement has not only a strictly political dimension but what seems far more important are US efforts to limit China's sphere of influence built on the basis of its dynamically developing economic potential. For this reason Chinese-European relations compared to Chinese-American ones seem to be more stable and do not comprise so many deeply dividing contentious issues.

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[49] After: F Sieren (2010), *op.cit.*

Stosunki gospodarcze między Polską a Niemcami 20 lat po zjednoczeniu

[Polish-German Economic Relations 20 Years after German Reunification]

Piotr Kalka, Editor

This volume of the "The Federal Republic of Germany 20 Years after Reunification. Politics – Economy – Society" series is dedicated to economic issues in an attempt at summarising Polish-German cooperation in this field in the years 1990-2010.

As Germany is Poland's most important economic partner, there is a constant need for monitoring trends in their bilateral cooperation and assessing changes that result from both internal and external conditionalities. Authors of this publication analyse financial transfers in the balance of payments to provide deep insight into Polish-German economic relations, the progress made in selected fields of cooperation such as foreign trade, migration of labour force and relations in the border zone. The latter is particularly interesting due to the history of the Polish-German borderlands, their economic and cultural diversity, varying local awareness, and long marginalisation of the regions. These are often decisive for barriers to cross-border cooperation and specificity of cross-border relations. The authors: Ilona Romiszewska, Piotr Kalka, Tomasz Budnikowski and Zbigniew Świątkowski, analyse Polish-German economic cooperation in the light of the balance of payments, trade exchange between Poland and Germany, migration of manpower, and the Polish-German cross-border economic cooperation.

ARTUR WEJKSZNER
Poznań

EU INVOLVEMENT IN SOLVING REGIONAL CRISES IN NORTH AFRICA

From the perspective of European countries, events of the so-called Arab Spring constituted both a source of concern about the consequences of democratic changes in North Africa and a challenge related to the preparation of joint actions which would be adequate to emerging threats. The response to the Libyan crisis clearly indicates that the choice made by Member States of the European Union was right.

The interest of European countries in the African continent has a long tradition. Both regions are linked not only by the experience of colonialism. After the collapse of colonial empires and the liberation of African countries from the control of European metropolises, political and economic contacts intensified. However, European countries, taking some crucial factors into consideration, have been differentiating the scope and intensity of their relations with African countries. The factors include a geographical one (former spheres of influence of European countries as well as the present geographical proximity of certain African states), institutionalisation processes (meaning that relations between international organisations also develop e.g. between the European Union and the African Union), as well as a political factor (e.g. support for democratisation processes, stable development of the countries from the region or protection of human rights). It concerns the region of North Africa in particular.

North African countries have much in common and differ considerably. They are certainly bonded by Islam. What divides them is their respective complicated internal situation resulting from historical experiences of the penetration of the region by European metropolises and by the superpowers of the Cold War period. In several last decades, the geopolitical situation of the region changed radically which implied both new opportunities and threats. An important stage (in addition to the decolonisation process) was the end of the Cold War. On the one hand, the 1990s made it possible for North African countries to take independent, sovereign actions as they no longer had to pay attention to a not always approving opinion of superpowers that used to treat those countries instrumentally. On the other hand, those were the times when challenges and problems connected with a difficult socio-political and economic situation in African states started to emerge. Local, ethnic, clan and religious

conflicts were suppressed due to the existence of authoritarian regimes indirectly supported by industrialised countries.

The dynamics and depth of socio-political changes which have been taking place in the region since 2011 leads to the question whether the EU has been prepared to deal with consequences of these changes. Does it have adequate and sufficient instruments which could be used to respond to threats to stabilisation, peace and regional security occurring in North Africa? Does it take into consideration the specificity of Arab countries which are not interested in accession to the EU? An answer to these questions has to cover the genesis and essence of EU actions toward North Africa and an assessment of the effectiveness of activities undertaken in response to threats and challenges to the security of the region which have emerged recently.

THE GENESIS OF EU POLICY TOWARDS NORTH AFRICA

The genesis of the Mediterranean policy of European Communities go back to the 1950s. The legal basis regulating, *inter alia*, EEC relations with countries of North Africa was introduced in the Treaty of Rome and attached documents.[1] They stipulated that those countries might join the EEC and benefit from reciprocal trade agreements. Tunisia started concluding favourable bilateral trade agreements already in 1959. Morocco followed Tunisia. After Algeria became independent in 1962, the EEC's perception of the region changed. At that time, thanks to Algeria's efforts, a need to develop not only bilateral but also interregional relations was recognised. This state of affairs was confirmed by the first Conference of Maghreb Economic Ministers held on 29 September – 1 October 1964. During the Cold War, however, building a strong regional group aiming, above all, at establishing close interregional relations with the EEC was doomed to failure due to the pro-Soviet policy of Algerian authorities. Therefore, as far as the Maghreb countries are concerned, the 1960s were wasted.[2]

The situation changed in the early 1970s. At that time, objectives of global Mediterranean policy were formulated. Within the framework of European Communities, the integration process was deepened and enlarged and the non-treaty European Political Cooperation was introduced. The main objective of the latter was to coordinate foreign policies of EEC Member States. In 1972, thanks to French Foreign Minister Maurice Schumann, a proposal of a "global" approach to the entire Mediterranean region was put forward. Pursuant to the decision of the EEC Council of Ministers of June 1972, a relevant document was prepared and presented four months later at a meeting of the European Council. The new regional policy was called the Global

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[1] Only Algeria was an exception as under Article 227 of the Treaty of Rome, general and specific provisions of the Treaty applied to this country. More in e.g. P. J. Borkowski (2005), *Partnerstwo Euro-śródziemnomorskie*, Warsaw, p. 120.

[2] Cf. *ibidem,* p. 123.

Mediterranean Policy. The detailed offer of closer economic relations presented by the European Commission was addressed also to the Maghreb and Mashreq countries. In subsequent years, those countries signed association agreements with the EEC, which constituted the foundation for the development of a close trade and financial cooperation.

The 1970s were also a period of many economic and political crises. Due to the 1973 oil crisis, in the middle of the decade, European countries had to face an increasingly difficult economic situation. In consequence, protectionist policy was frequently resorted to. It resulted in the abandonment of arrangements comprised in international agreements concluded with North African countries. Nevertheless, this observation should not becloud the fact that the Maghreb countries were the beneficiaries of trade relations as trade kept growing by 11% annually for twenty years. On the other hand, the oil crisis negatively affected economies of most countries of the region (except for Algeria which was a member of the OPEC).

Objectives of the common policy towards North African countries (in the context of Mediterranean relations) were redefined at the turn of the 1980s and the 1990s. At the end of the 1980s, i.e. when the old international order collapsed, closer political relations with Northern African countries became crucial. The objective was to develop and establish common mechanisms aimed to counter potential conflicts in the region. In December 1990, a new chapter in interregional contacts was proclaimed. That stage was called the "New Mediterranean Policy". Objectives of the said policy confirmed that economic interests prevailed over political ones. For obvious reasons, they did not refer to the European integration process and potential internal conflicts within the EU.

One of the last stages of this evolution was the Euro-Mediterranean Partnership. Decisions on establishing that form of cooperation were made on 27-28 November 1995 in Barcelona. In addition to EU Member States, also countries of North Africa (Morocco, Tunisia, Algeria, Egypt) engaged in the regional cooperation. The partnership was focused on three areas: political and security matters, economic and financial matters, and cultural and humanitarian matters[3]. Unfortunately, political and security matters were not sufficiently referred to in the Barcelona Declaration. The latter did not contain concrete and precise goals important to all parties participating in the Barcelona Process.[4]

It is worth noting that one of the main instruments for cooperation on political and security matters is a political dialogue. It was decided that that dialogue should be carried on a regular basis and be founded on basic principles of international law. Among most important issues the following were mentioned: peaceful solving of

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[3] B. Wojna (2011), *UE wobec południowych sąsiadów: nowe wyzwania dla europejskiej polityki sąsiedztwa,* Warsaw, p. 9; cf. D. Rossa (2010), *Partnerstwo Eurośródziemnomorskie i Unia dla Morza Śródziemnego jako filary bezpieczeństwa w regionie, "*Zeszyty Naukowe Akademii Marynarki Wojennej" No. 2, p. 152.

[4] P. J. Borkowski (2005), *op. cit.*, pp. 161-162.

conflicts and international disputes, and combating terrorism and other asymmetric threats (including proliferation of weapons of mass destruction). Two important levels, i.e. regional and bilateral, on which the political dialogue was carried can be distinguished. In the case of the latter, its formal basis were concrete bilateral agreements. The range of issues covered in bilateral consultations with particular partners form the North Africa region differed significantly.

One of basic aims of the Euro-Mediterranean Partnership was the creation of an area of security and political stability in the region. This goal was confirmed by provisions of the Barcelona Declaration and actions aimed at the formulation of objectives of the Charter for Peace and Stability taken by both parties. Diverse interests of parties participating in the undertaking were obvious. The departure from traditional trust-building instruments and measures as well as the adoption of the concept of "partnership-building measures" actually meant that the EU resigned from active (military) involvement in regional crises.

In July 2008, the Partnership was replaced with the Union for the Mediterranean (UfM). The Union was supposed to be an impulse which would revitalise the cooperation launched over a decade earlier within the framework of the Euro-Mediterranean Partnership. It fulfilled expectations of President of France Nicolas Sarkozy who promoted the project since 2007. The UfM is, in fact, a multilateral forum for collaboration on matters important for the region.[5]

EUROPEAN NEIGHBOURHOOD POLICY AND THE ARAB SPRING

In 2003-2004, the European Commission designed a new EU foreign policy addressed to the EU's close neighbours which was named the European Neighbourhood Policy (ENP). Its main objective was to support political development of countries bordering with the EU on the East and South. The synergy between political development and socio-economic stabilisation was to warrant peace and security as well as lasting prosperity. In fact, it was also supposed to be a response to challenges which emerged in the post-Cold War period including terrorist threats, activities of international criminal groups and environmental hazards, as well as to problems resulting from economic stagnation or underdevelopment (e.g. migratory pressures).[6] The ENP covered a dozen of countries including African states: Algeria, Egypt, Libya, Morocco, and Tunisia.

Short-term and long-term priorities of the ENP included support for reforms and development of joint actions. They involved e.g. a dialogue and political reforms; cooperation and socio-economic development; issues connected with trade, reform of the market and regulatory reform; cooperation on justice, freedom and security;

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[5] D. Rossa (2010), *op. cit.*, p. 164.
[6] *Working together: The European Neighbourhood Policy* (2006), European Commission, The Office for Official Publications of the European Communities, Luxembourg, p. 5.

sector-specific matters such as transport, energy, information society, natural environment, research and development; and a human dimension, in particular people-to-people contacts, civil society, education, and public health.[7]

The contents of every ENP action plan is negotiated with EU partners. The specificity of each country is taken into account and its political, economic and social situation is reflected in the plan. The fact that ENP action plans include concrete reforms and their implementation schedule, is of fundamental importance. A country specific action plan allows to assess the progress of previously agreed actions in domains such as: respect for law, democracy, human rights; market economy; sector reforms; and cooperation on key objectives of foreign policy. It also allows for a deeper political and economic integration which goes beyond typical relations with third countries. Such a political integration means "more frequent and higher level dialogue, support for further strengthening of institutions protecting democracy and the rule of law, promoting common foreign policy priorities like regional cooperation, making multilateral institutions more effective"[8].

The political foundation of the ENP are EU basic values, i.e. freedom, democracy, equality, the rule of law and respect for human rights. The aim of the ENP is also to persuade partners to make commitments to key priorities of EU foreign policy, including the observance international law, prevention of conflicts and solving them in the spirit of multilateralism. Such collaboration should lead to an inclusion of partner countries in some dimensions of the EU Common Foreign and Security Policy (CFSP) or the European Security and Defence Policy, now the Common Security and Defence Policy (CSDP). It may consist in joint trainings and exercises, a possible participation in crisis management operations carried by the EU (e.g. participation of Morocco in the EU ALTHEA mission in Bosnia and Herzegovina).

The ENP takes full account of the existing relations between the EU and its southern neighbours within the Euro-Mediterranean Partnership. In the Mediterranean, the ENP complemented the existing Partnership by offering additional stimuli and opportunities adjusted to a given country, as well as new tools and working methods to help partners in the fulfilment of the Barcelona Process objectives. Already in autumn 2006, ENP action plans were agreed with Morocco and Tunisia.

The European Neighbourhood Policy was one of most important instruments used in response to the Arab Spring events[9], however its use was highly insufficient. One of the reasons for such a state of affairs was the nature of challenges faced by the UE in North Africa. Among them was the growing impact of Islamist groups (related to the Muslim Brotherhood) on the process of political transition. It was a key problem in the context of common values to which the EU referred in the ENP. The post-revolutionary reaction observed in countries in chaos is not a surprise. Never-

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[7] *Ibidem,* p. 6.

[8] *Ibidem,* p. 6.

[9] N. Witney, A. Dworkin (2012), *A Power Audit of EU-North Africa Relations*, European Council of Foreign Relations, London, p. 8.

theless, the EU has not yet been prepared for the consequences of internal changes which Islamist groups will sooner or later cause. In North African countries, these changes will probably include abandonment of democratic principles, which may result in a replacement of old autocratic regimes with new ones. The latter are likely to be attracted to pan-Islamic ideas and search for solutions other than those proposed by the EU. It is also important to remember that the Maghreb region is penetrated by Jihadi groups which resort to violence. The best example is the Al-Qaeda in the Islamic Maghreb, active in the territory of Algeria, Niger and Mali.

The EU underlined its engagement in the ENP by informing about an increase in its financial involvement in the "neighbourhood" aid by additional EUR 1.2 bln in 2011-2013 (in addition to over EUR 5 bln agreed before).[10] These means are, however, insufficient. Especially because not all that money will go to new Arab democracies.

<div align="center">THE ROLE OF THE EU IN THE LIBYAN CRISIS</div>

Events in the second half of February 2011, related to the outbreak of a civil war in Libya, clearly undermined all actions taken by the EU to establish a political dialogue with the Libyan regime and to incorporate Libya into the system of bilateral and interregional relations.

Protests against the regime of Muammar Gaddafi in Libya were undoubtedly inspired by events taking place in other countries of the region, in particular in Egypt. The concurrence of the overthrow of Hosni Mubarak's regime in Egypt and the beginning of the armed conflict in Libya (in response to the "Day of Rage" and the massacre of protesters in Tripoli) seems not to have been incidental. The actual uprising began as late as on 24 February 2011 on the western (Tripoli) and eastern (Cyrene) fronts. On 26 February 2011, the UN Security Council, worried about the situation, in particular with the escalation of violence against civilian population, and acting on the initiative of France and the UK, adopted its Resolution No. 1970 which introduced an embargo on arms supply and other sanctions against the Libyan regime.[11] Three weeks later another Resolution (No. 1973) on Libya was adopted calling on UN Member States to take necessary steps to protect civilian population in Libya.[12] The decision was fraught with consequences. It allowed European states

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[10] See also European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy, *A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*, Brussels, 8 March 2011, http://eeas.europa.eu/euromed/docs/com2011_200_en.pdf (accessed: November 2011).

[11] Resolution 1970 (2011), adopted by the Security Council at its 6491st meeting on 26 February 2011, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1970%282011%29 (accessed: November 2012).

[12] Resolution 1973 (2011), adopted by the Security Council at its 6498th meeting on 17 March 2011, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1973%282011%29 (accessed: November 2012).

to lawfully and actively engage in solving the Libyan crisis. As early as on 19 March, an international coalition lead by the United States, France and the UK decided to use air force against the Gaddafi regime forces tormenting civilians. At the end of March, the leadership of the operation was taken over by NATO.

Contrarily to the UN and NATO, the EU did not take any decisive actions to counter threats resulting from the escalation of the Libyan crisis. The EU has not been prepared to deal with situations like that.[13] This observation seems surprising in the context of the range of instruments which the EU has at its disposal. They include both diplomatic instruments, as well as aid, military-civilian operations and trade instruments. A couple of years before the crisis in Libya, the EU carried military-civilian operations conducted under the auspices of the Common Security and Defence Policy. In 2004, Frontex was created. Its principal objective was to develop operational cooperation between Member States to secure the external borders of the Schengen area.[14] What is more, the Treaty of Lisbon made EU foreign policy more "common" (Community) and made the establishment of the European External Action Service (EEAS) and the appointment of High Representative of the Union for Foreign Affairs and Security Policy possible. The activity of both the EEAS and the High Representative (also in the context of North Africa) is subject to strong criticism both within the EU and beyond its borders. That criticism is not fully justified however.

The EU tried to respond to the developments in Libya in a decisive manner. One example of such an engagement is the declaration by the High Representative of 20 February 2011[15]. Catherine Ashton diplomatically expressed the outrage at the violation of human rights by the Libyan regime and called for a dialogue with the rebels. Her call, however, met with no response. Gaddafi totally ignored diplomatic efforts undertaken by senior EU representatives. He was convinced that the efforts would not be followed by actions which could seriously jeopardise his position.

An active involvement of the EU could have been observed at the beginning of the crisis, in February 2011. It consisted in launching mechanisms facilitating the evacuation of almost 6,000 EU citizens and provision of humanitarian aid to the Libyan population. As far as EU humanitarian aid is concerned, key decisions on availing almost 145 mln euro were actually made quite late, i.e. to the end of May 2011.[16] Nevertheless, it should be underlined that the value of the EU's aid was the highest among entities involved in the provision of humanitarian aid to the Libyan

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[13] N. Koenig (2011), *The EU and the Libyan Crisis: In Quest of Coherence?*, IAI Working Papers 1119, July, p. 4.

[14] *Ibidem,* p. 4.

[15] Brussels, 20 February 2011, Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on events in Libya, http://europa.eu/rapid/press-release_PESC-1 l-33_pl.htm (accessed: November 2012).

[16] European Commission – ECHO, Libyan Crisis, Factsheet, 21 June 2011, http://ec.europa.eu/echo/aid/factsheets_en.htm (accessed: November 2011).

population. Still, the scale of the humanitarian crisis surprised the EU, in particular its Member States such as Italy and Malta. Already in February, at Italy's request, Frontex engaged in the Operation Hermes 2011. Its principal goal was to deal with consequences of illegal migration flows from the civil war area to the EU.

On 11 March 2011, the European Council called on Gaddafi to step down for he lost the legitimacy to rule due to the scale of repressions against the civilian population and systematic violation of human rights.[17] The EU declared its support for democratisation processes in Libya. At the Spring European Council held on 24-25 March 2011, the stance of 11 March was recalled. The EU was ready to economically support Libya and to actively participate in the process of creating new state institutions in cooperation with the League of Arab States, the African Union and the UN. Moreover, the European Council expressed the European Union's readiness to impose further sanctions on Libya (restricted access to proceeds from oil and gas exports).

The Council's decision of 1 April 2011 created a legal basis for the EUFOR Libya operation which was launched at the request of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Its principal aim was to provide assistance in safe movement and evacuation of displaced persons and to support humanitarian organisations in performing their tasks in the region. The EUFOR Libya, which was an EU operation in the field of Common Security and Defence Policy (CSDP), was aimed to support the fulfilment of obligations under the UN Security Council Resolution 1970 and Resolution 1973. The commander of the operation was Italian Vice Admiral Claudio Gaudiosi and the Headquarters were located in Rome. The budget of the operation amounted to EUR 7.9 million. The operation was planned to last four months.

At their meeting held on 12 April 2011, EU Foreign Ministers called for an immediate ceasefire and respect for human rights in Libya. Persons collaborating with Gaddafi's regime were called on to stop the repressions and to cooperate to build a stable and peaceful governance in the country.

On 22 May 2011, High Representative of the EU Catherine Ashton officially opened an EU office in Benghazi, the rebel capital. The office considerably eased transfers of resources and contacts with guerrilla forces. During her visit, the High Representative met with opposition leaders and representatives of civil organisations. One day later, the Council adopted more stringent measures against the Libyan regime, expanding the list of persons and entities subject to travel restrictions and asset freezing.

The diversity and poor effects of actions undertaken by the European Union in response to the Libyan crisis suggest that the weakness of the EU in the context of crisis management results from its lack of coordination of means and measures

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[17] Extraordinary European Council, 11 March 2011, Declaration, Brussels, 20 April 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/l 19780.pdf (accessed: November 2011).

which the EU has. Furthermore, actions taken by the EU do not correspond to political expectations of leaders of Member States and heads of key EU bodies. There are premises which confirm this hypothesis to a considerable extent. First of all, there is no visible correlation between EU actions aimed at protecting human rights and the provision of humanitarian aid. Institutions such as Frontex have neither means nor a mandate which could be used to undertake effective actions. In fact, tasks related to consequences of the humanitarian crisis (refugees) in Libya had to be performed by Member States (e.g. Italy) and they were not fully prepared to do so.[18] From a political perspective, EU initiatives also have to be assessed as insufficient. It seems that the source of the lack of coherence of EU actions at the political level is the Union's lack of a homogeneous political representation which would have the legitimacy and take the responsibility for building a strong global position of the EU. Neither the European Commission nor the High Representative undertake such actions. The effect of their political engagement is a high number of statements and communications which are usually criticised by other participants of international relations. The negative assessment of EU political involvement in the Libyan crisis was also caused by the conduct of heads of governments of certain Member States. In February 2011, Italian Prime Minister Silvio Berlusconi explained his inaction with regard to the Libyan crisis in a quite problematic way. He said that he did not contact Gaddafi, though they knew each other well, because he did not want to disturb him.[19] In this case, Italy's particular economic interest and concerns about a possible spread of Islamist influence in Libya prevailed. The conduct of France was also meaningful. Already in the first half of March 2011, France recognised the Transitional National Council as the only legal representative of the Libyan nation. This unilateral move of France met with discontent of other EU Members.[20] Its consequences were highly negative for the cohesion of EU external actions. It turned out that key decisions are not made at the EU level but by Member States acting in a unilateral way.

Internal disputes were also caused by the concurrent discussion on possible ways of dealing with refugees from North Africa (from Libya and Tunisia in particular). France and Germany strongly criticised Italy which, according to them, did not manage to handle the problem of over 25,000 refugees properly. Italy was accused of violating the "spirit of the Schengen agreement" and threatened with the introduction of border controls. In response to those accusations, Italian Minister of the Interior Roberto Maroni questioned Italy's membership in the EU, stating that Italy was left alone to deal with a huge problem.[21]

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[18] Cf. N. Koenig (2011), *op. cit.,* p. 7.

[19] *Ibidem,* p. 9, cf. *Berlusconi under fire for not "disturbing" Gaddafi*, Reuters.com, 20 February 2011, http:/in.reuters.com/article/2011/02/20/idINIndia-55029820110220 (accessed: November 2012).

[20] S. Talmon, *Recognition of the Libyan National Transitional Council, American Society of International Law.* "Insights" Vol. 15, Issue 16, 16 June 2011, p. 3.

[21] J. Pawlak, *Italy quarrels with EU partners over Libyan migrants*, Reuters.com, 11 April 2011, http://www.reuters.com/article/2011/04/1l/us-eu-libya-migrants-idUSTRE73A5VG20110411 (accessed: November 2012).

Similar divisions were also manifested at international forums. In the Security Council, during the vote on Resolution 1973, Germany abstained from voting together with Brazil, China, India and Russia. This unilateral move of Germany was not previously consulted with EU partners and probably resulted from Germany's internal situation. The decision of Germany met with either disbelief or disappointment.[22]

On the other hand, the implementation of UN sanctions has to be assessed positively. The EUFOR Libya operation was in fact a non-standard support for the UN in the field of provision of humanitarian aid. Its positive image is, however, beclouded by the lack of appropriate cooperation between the EU and NATO, which was related to the unsolved dispute between Turkey and Cyprus. Without active participation of the United States, which dominated in the so-called coalition of the willing, also NATO's actions in Libya could be considered ineffective. European partners (except for the UK and France) did not pass the test of joint response to out of area threats. This can lead to worries in the context of future symmetric threats to European security.

Diverging opinions on solutions to the crisis in Libya could have been observed in interregional relations as well. The African Union exerted pressure on the EU to solve the Libyan crisis at the political level and opposed all drastic steps (including the involvement of the International Criminal Court) against Gaddafi who was one of the African Union's "founding fathers".

The collapse of the old regime did not mean the end of the EU's engagement in Libyan issues. EU representatives have been aware of the need to participate in the security sector reform to ensure peace and stability not only in Libya but also in the region. They can use their experience gained in Georgia, Afghanistan or Iraq. Thus internal changes in Libya need to be multidimensional (e.g. civilian control over the army, transparent procedures of police operations, justice sector reform).[23] As for their success, it will be strictly dependent on the quality of the Union's commitment.

One can agree with Nicole Koenig that in terms of competences attributed to the EU, its response to the events in Libya was adequate and univocal. A number of contradictions and the lack of coherence, in particular in the case of diplomatic activities, are, in a way, an integral part of cooperation between EU Member States which constitute a big group. Erik Brattberg is also right writing that, in Libya, the EU lost its opportunity to become an influential international actor. The incoherent response to the Libyan crisis means, in fact, that the EU is only to a limited extent able to undertake effective diplomatic action and completely unable to use the military potential of its members.[24]

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[22] Cf. N. Koenig (2011), *op. cit., p.* 11.

[23] P. Pawlak, *From Protecting to Rebuilding: The EU's Role in Libya,* in: E. Gross, D. Hamilton, C. Major, H. Riecke (ed.) (2011), *Preventing Conflict, Managing Crisis. European and American Perspectives*, Center for Transatlantic Relations, Washington, p. 78.

[24] E. Brattberg, *Opportunities lost, opportunities seized: the Libya crisis as Europe's perfect storm*, European Policy Centre, Policy Brief, June 2011, p. 2.

CONCLUSIONS

Further evolution of the internal situation in North African countries is related to many unknowns. This refers both to the progress of democratic processes and economic developments, and the scope of social participation in the profound evolutionary change. The EU is substantially interested in supporting the changes, positive outcomes of which are in its both political and economic interest. The above presented facts confirm that the EU faces a serious challenge. It needs to answer the question what should be done to strengthen the effects of the EU's impact on such important regions as North Africa in crisis situations. Solutions will follow from answers to subsidiary questions e.g. which of the tools employed by the EU turned out to be highly ineffective?; what solutions should be introduced in the short-, mid- and long-term perspective to improve the effectiveness of actions?

For North African countries, the Euro-Mediterranean Partnership on ensuring political cooperation and security, in particular the concept of the Charter for Peace and Stability, meant that the EU adopted a Eurocentric perspective. Both regions have different views on the methods of building regional security. The fact that the EU concentrates on intra-state matters (democratic political rule, socio-economic situation and lack of economic growth) as principal sources of conflict, has been perceived by North African states as a symptom of former metropolises meddling in their internal affairs.

Despite visible changes in the range of instruments which are available in crisis situations, no efforts have been made that would significantly improve the EU's capacity to respond to crises in geographically close regions. According to some commentators, the European Neighbourhood Policy has turned out to be a completely useless tool in respect to challenges and problems faced by the European Union in North Africa. That was primarily due to too strong an attachment to technocratic procedures and a reactive and too slow political decision-making process. The authors of the ENP could not foresee that one day the EU would face revolutionary changes in territories located in the strategic proximity to its borders.

Due to its nature and genesis, the European Neighbourhood Policy has become an instrument of the European Commission and as such relies on the use of financial/economic tools. In the situation in which the EU was in 2012, political, diplomatic or even military tools should be used to a greater extent. Meanwhile, in the face of complicated problems in North Africa, the European Security and Defence Policy turned out to be practically useless.

Another important reservation is related to the observation that only EU Members of the Mediterranean basin (France, Spain and Italy) really wanted the EU to actively participate in solving regional crises in North Africa. The lack of common interests impacted the scope of action and the depth of EU involvement in solving problems in the region.

Higher cohesion of political engagement and harmonisation of crisis response procedures are among most often mentioned and highly desired solutions which

would not only help to change the perception of EU engagement in North Africa but primarily to strengthen the effects of EU involvement in solving problems in the region. Reaching a political consensus on strategic issues is necessary. It is, however, an extremely difficult task in the context of internal differences in defining strategic interests of the European Union. That refers to both the actors and matters. Unfortunately, the EU is not ready to speak with one voice in the international arena. Its political position, compared to other actors (e.g. the United States), is not too strong. The "soft" involvement of the EU in the field of security (e.g. humanitarian actions) is but complementary to "hard" activities performed by the US. Moreover, there is no long-term vision of the EU's participation in the system of collective security. EU leaders prefer not to resort to military solutions and concentrate on the civilian dimension of international activities instead (thus the participation in humanitarian operations).

Hopefully, EU Member States will carefully review their actions in North Africa and draw conclusions leading to much better results in the future. A new objective should be to increase, among Arab countries, the EU's image of an international entity engaged in solving problems in and of the region and using means and measures totally different than the United States. A different scenario is also possible. The US may closely cooperate with the EU in crisis management operations carried under the aegis of the Union. This would undoubtedly consolidate the international role and position of the European Union.

ABSTRACT

The article highlights a number of essential aspects connected with the EU engagement in solving regional crises in North Africa. The author demonstrates that the EU does not have at its disposal adequate and sufficient instruments that could be deployed in reaction to the emerging threats to stability, peace and security in the region. It is emphasised that EU Member States, which sometimes act unilaterally, take into consideration the specificity of the Arab states and try, to the extent they can, to have a constructive impact on reducing threats (especially asymmetrical ones) to the security of particular countries and the whole region. A seminal example of such an engagement, discussed in the article, was the case of Libya. It revealed the EU's highly effective contribution to resolving the humanitarian crises and exposed the insufficiency of the international community's political-military commitment towards a prompt resolution of the Libyan crisis.

ANNA POTYRAŁA
    Poznań

EXTERNAL ACTIONS OF THE EUROPEAN UNION TOWARDS UNRECOGNIZED STATES

On 12 October 2012, the European Union was awarded the Nobel Peace Prize for its over six decade contribution "to the advancement of peace and reconciliation, democracy and human rights in Europe"[1]. The Storting Committee recognised efforts made to unite Europe and eliminate conflicts in the continent highlighting the EU's "fraternity between nations" and the transformation of Europe "to a continent of peace". In their response to the award, EU representatives emphasised that "The EU is the biggest peacemaking institution ever created in human history", and that the Nobel Peace Prize was "the strongest possible recognition of the deep political motives behind our union"[2]. Van Rompuy and Barroso underlined "the unique effort by [...] European states to overcome war and divisions and to jointly shape a continent of peace and prosperity"[3].

While discussing the EU's international significance and its activities aimed at maintaining peace and security in Europe and the world, it is important to ask to what extent the EU's efforts have been effective. The aim of this article is to review and evaluate one of the most important areas of the EU's external action, i.e. EU policy towards states with limited recognition[4]. The implementation of the idea of supporting peace and democracy, equality, and respect for human rights, including rights of minorities, i.e. values which constitute the foundation of the EU[5], is particularly problematic in the case of new state bodies whose independence has not

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[1] *The Nobel Peace Prize 2012,* Press Release, 12.10.2012, http://www.nobelprize.org/nobel_prizes/peace/laureates/2012 (accessed: 15.10.2012).

[2] Words of J. M. Barroso and H. Van Rompuy. As cited in: *European Union's Nobel peace prize win greeted with joy and derision, "*The Guardian" 12.10.2012.

[3] Joint statement by Herman Van Rompuy, President of the European Council, and José Manuel Barroso, President of the European Commission, on the award of the 2012 Nobel Peace Prize to the European Union, Brussels, 12 October 2012, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/132807.pdf (accessed: 20.10.2012).

[4] For the purpose of this paper, the term "unrecognized states" refers only to those entities which, after having proclaimed their independence and having created a framework of statehood (in the form of stable, uniform authorities having real control over a territory and population), have not gained wide international recognition and have not received the consent of the predecessor State.

[5] Cf. Articles 2, 3(1), Treaty on European Union, Lisbon 2007*,* "Official Journal of the European Union", U C 115/358, 9.05.2008.

been univocally recognised by EU Member States. Acting in a specific international area and trying to play the leading role on the European continent, the EU is not able to work out a formula reconciling the right to self-determination apparent in national movements for independence with the necessity to guarantee sovereign rights of states, including their territorial integrity and inviolability of borders. Tensions between those principles of international law lead to disputes but also to conflicts resulting in violation of human rights and mass exile. Thus the stance taken by the EU on new state entities impacts not only the position of the EU in the international arena but also the dynamic, effective and peaceful European cooperation justifying its Nobel Peace Prize.

<center>PRELIMINARY REMARKS</center>

According to the classical definition by Georg Jellinek, the State is characterised by three elements: territory, population living in that territory and government exercising authority on the population and the territory.[6] From the point of view of international law and international relations, this definition should be completed with two additional elements. The first of them is the "capacity to enter into relations with the other States" mentioned in the Convention on Rights and Duties of States of 1933[7], for only in relations with other States a given State is able to actively function in the international arena and fulfil its objectives. The second is sovereignty, defined in accordance with the decision on the Island of Palmas as "independence. Independence in regard to a portion of the globe is the right to exercise therein, to the exclusion of any other State, the functions of a State"[8]. According to Ludwik Ehrlich, sovereignty can be perceived as independence from any other authority in both the internal sense (absolute authority, i.e. the authority of a state on its territory is primary, highest, exclusive and unlimited) and the external one (self-rule, i.e. independence from other states, but not from all external factors). Sovereignty implies a full capacity to perform legal transactions in the international arena and protection of the legal status of a State in the form of mandatory standards prohibiting certain actions against States in their mutual relations.[9] And though statehood depends only on meeting the aforementioned criteria[10], the actual functioning of a State in the international arena

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[6] More in J. Crawford (1979), *The Creation of State in International Law,* Oxford, pp. 36-47.

[7] Cf. Article 1, *Convention on Rights and Duties of States,* Montevideo 1933, in: S. Sierpowski (1992), *Źródła do historii powszechnej okresu międzywojennego*, Vol. 2: *1927-1934,* Poznań.

[8] *The Island of Palmas Case (or Miangas), United States of America v. the Netherlands. Award of the Tribunal of 4th April 1928,* in: *Reports of International Arbitral Award*, Vol. XI, The Hague 1928, o. 838 (reprint: The Hague 2009).

[9] R. Kwiecień (2011), *Teoria i filozofia prawa międzynarodowego. Problemy wybrane,* Warsaw, p. 123.

[10] Cf. point 1, 2, *Opinion No. 1, Conference on Yugoslavia, Arbitration Commission, 29 November1991,* "International Law Reports" 1993, Vol. 92, p. 163; and Article 3, *Convention on Rights and Duties...*

depends on its international recognition for without a formal consent expressed by other States, a State entity remains a "non-entity"[11]. It is difficult for a State which has not been recognised or which has gained recognition only of a limited number of States, to exercise certain rights granted to it under international law; it does not participate in international "life" or does it to a limited extent.[12] A State which is not internationally recognised cannot fully benefit from e.g. being a member of international organisations, concluding treaties, the right of legation and the right to send and receive consular officers, and from privileges and immunities for State representatives.

Until the end of the 18th century, there were no references to State recognition in international law, and hardly any in international law studies. When the recognition became a topic of interest of theoreticians in the second half of the 18th century, it was treated as an illegal intervention in matters of another State or as a unilateral act the need for which could not be justified.[13] Only the events which led to the declaration of independence by States in American continents made members of the international community realise the role of State recognition. According to the concept of Lassa Oppenheim, international law is the law of civilised countries, and the recognition leads to the incorporation of a new State, created in accordance to the will of its nation, to the international community. In consequence, in the opinion of Oppenheim, the lack of recognition makes it impossible for a country to be part of the family of civilised nations and to function in the international arena.

Taking the above into consideration, it became necessary to specify the criteria determining the formal acceptance of newly created States. For the first time, conditions for recognising a State were determined in 1825 by the then Foreign Minister of the United Kingdom George Canning. Only a State the government of which had declared independence of this new State entity, exercised actual authority in the State, was stable and unified and banned slave trade could hope to be recognised.[14]

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[11] R. D. Sloane (2002), *The Changing Face of Recognition in International Law: A Case Study of Tibet,* "Emory International Law Review" Vol. 16, p. 116. Theoretical approaches where the personality of a State in the international arena depends on its recognition (the so-called constitutive theory) and concepts according to which the recognition may be normative and symbolic (the concept of T. D. Grant) should be mentioned. More in W. T. Worster (2009), *Law, Politics, and the Conception of the State in State Recognition Theory,* "Boston University International Law Journal" Vol. 27, in particular pp. 124-145.

[12] *Zarys prawa międzynarodowego,* Vol. II, M. Muszkat (ed.) (1956), Warsaw, p. 6.

[13] Such an opinion was expressed, *inter alia*, by Johann Christian Wilhelm von Steck and Georg Friedrich von Martens. Cf. J. Ch. W. von Steck (1783), *Versuche über verschiedene Materien politischer und rechtlischer Kenntnisse,* Berlin, Stralsund; and G.F. von Martens (1802), *A Compendium of the Law of Nations founded on the treaties and customs of the modern nations of Europe,* London. Books available in the electronic form at http://www.archive.org (accessed: 16.11.2012).

[14] R. Bierzanek, J. Symonides (1994), *Prawo międzynarodowe publiczne,* Warsaw, p. 134. More on the concept of State recognition in the 19th century in M. Fabry (2010), *Recognizing States. International Society and the Establishment of New States Since 1776,* New York, pp. 49-78. It has not only been the recognition of a State that causes emotional reactions. The recognition of governments which came to

Due to territorial changes which took place in Europe after 1989 and to the necessity to harmonise the recognition criteria and to adjust them to the requirements of modern times, on 16 December 1991 Foreign Ministers of Member States of European Communities adopted, at their meeting in Brussels, the Declaration on the Guidelines on the Recognition of the New States in Eastern Europe and in the Soviet Union. The Declaration comprised conditions which had to be met in order to make it possible to recognise a State. They included obligations to:

−　respect the provisions of the Charter of the United Nations, the Final Act of the CSCE and the Charter of Paris for a New Europe;
−　guarantee the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the CSCE;
−　respect the inviolability of all frontiers which can only be changed by peaceful means and by common agreement;
−　accept all relevant commitments with regard to disarmament and nuclear non-proliferation as well as to security and regional stability;
−　peacefully settle disputes, including disputes related to succession.[15]

　　Representatives of Member States of the then Communities highlighted that they would not recognise entities created as a result of aggression. Furthermore, they emphasised that, before making the final decision, they would take consequences for neighbouring countries into account. The above criteria reflect not only the principles of international law (the obligation to solve disputes in a peaceful manner, the principle of the inviolability of frontiers) constituting its foundation, but also *ius cogens* norms or standards (protection of human rights, respect for the principle of sovereign equality of States, prohibition of the use of force or threats to use force).[16]

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power in a non-constitutional manner is equally controversial. In 1951, UK Foreign Minister Herbert Morrison, in his speech to the House of Commons, indicated criteria on the basis of which recognition of governments was to be performed. They included, *inter alia*, exercising actual and permanent control over most of the State territory. However, in 1980, Lord Carrington – another UK Foreign Minister– clearly stated that British authorities would not recognise governments. Thus, the UK accepted the Estrada Doctrine, elaborated earlier by authorities of Mexico, which rejects the possibility of recognising governments. More in D. H Ott (1987), *Public International Law in the Modern World,* London, pp. 85, 88-89.

[15] *Declaration on the Guidelines on the Recognition of the New States in Eastern Europe and in the Soviet Union,* in: *Letter dated 17 December 1991 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General,* A/46/804, 18.12.1991. See also: *Zalecenia co do uznawania nowych państw w Europie Wschodniej oraz ZSRR, przyjęte przez Wspólnotę Europejską oraz jej członków w dniu 16.12.1991,* in: B. Wierzbicki (ed.) (2000), *Prawo międzynarodowe. Materiały do studiów*, Białystok, pp. 307-308.

[16] That is the reason why Ch. Hillgruber was not right when he denied the relationship between the criteria elaborated within the framework of European Communities and the principles of international law. Cf. Ch. Hillgruber (1998), *The Admission of New States to International Community, "*European Journal of International Law" Vol. 9, pp. 492-493.

Despite the elaboration of the criteria for the recognition of new States, it is not absolutely clear if territorial changes have been consistent with applicable legal norms. Two, often contradictory, principles of international law are "weighed": sovereign equality of States (respect for the territorial integrity of a State) and the nations' right to self-determination.

Sovereignty is the basic attribute of the State. It is defined as the absolute, sole, highest and unlimited authority of the State over its territory and the population living there, and its capacity to act independently in the international arena. Sovereignty is important from the point of view of new State entities which strive for international recognition and, thus, have to demonstrate the independent character of their actions at the internal and external levels. Above all, however, sovereignty is an argument used by States to protect their territorial integrity. Thus, it constitutes a specific protection against attempts at secession on the part of national and ethnic minorities living in existing States. Thus the sovereignty of existing States hinders and often makes it impossible for new State entities to declare independence.

The peoples' right to self-determination became an issue of interest to the international community during the French and the American Revolutions as then the right of a nation to decide about its own fate was emphasised. In the second half of the 19th century national awareness kept growing and thus attention started to be paid to nations' right to self-determination. In 1851, Pasquale S. Mancini, in his lecture entitled *Nationality as the foundation of the law of nations*, presented his concept of rights attributed to a nation. He defined nationality as the right of an individual and a collectivity to benefit from freedom. As for freedom, he understood it as, *inter alia*, the right to create a separate State, to choose its internal regime, and to be independent from other peoples.[17] After World War I, the reference to the existence of the principle of nation's right to self-determination facilitated the acceptance of the new States emerging in territories of defeated countries. Self-determination, treated as a political but not legal principle, made it possible to achieve temporary political goals. It was American President Woodrow Wilson who argued for the recognition of the right to self-determination as a principle of international law. In his numerous speeches, he pointed out that every authority owed its powers to the will of those who were subject to the power, and each nation had the right to choose the authority it would be subject to. In his speech of 8 January 1918, Wilson argued that national aspirations should be taken into account and the principle of the right to self-determination should be a norm in the international arena. He said that Russia should obtain "her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy"; the peoples of Austria-Hungary "should be accorded the freest opportunity to autonomous development"; nations functioning under the Turkish regime rule "should be assured [...] an absolutely unmolested opportunity of autonomous development"; and the Polish nation

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[17] L. Dembiński (1969), *Samostanowienie w prawie i praktyce ONZ,* Warsaw, p. 12.

should live in an independent Polish state.[18] During the Versailles Peace Conference, Wilson underlined that it should be a basic rule in the post-war world that no government or group of governments should be allowed to force free nations to subordination.[19] He postulated to add to the Covenant of the League of Nations, next to the guarantee of political independence and territorial integrity of States, the possibility of territorial transformations in order to execute the principle of self-determination. Possible territorial transformations would be an effect of changes in racial, social or political relations taking place within the population living in a contentious territory and causing an increase in independence aspirations among the population members. Territorial changes would take place also with the approval of 3/4 of delegates of the League of Nations acting in the name and on behalf of the interested population.[20] The ideas of Woodrow Wilson were developed further by Lloyd George who proposed to cover African nations living in German colonies with the principle of self-determination but those postulates did not gain international support. The Covenant of the League of Nations read that self-determination might take place only by means of granting nations autonomy within the framework of the State[21], not by recognising the right of nations to freely determine their political status. That is why, in the interwar period, self-determination functioned as a political principle. The opinion on Aland Islands of the Advisory Committee of jurists appointed by the League of Nations in 1921 confirmed that self-determination was only a political concept, not a principle of international law.[22]

For the first time the principle of self-determination entered international law at the end of World War II. The Atlantic Charter signed in April 1941 did not mention the principle of self-determination in an explicit manner. However, the principle was referred to, as it was stated that the signatories of the Charter "desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned" and that "they respect the right of all peoples to choose the form of Government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them"[23]. The first international document in which self-determination was expressly mentioned was the Charter of the United Nations. In Article 1(2) it was stipulated that friendly

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[18]   After: A. Rigo Sureda (1973), *The Evolution of the Right of Self-Determination. A Study of United Nations Practice,* Leyden, pp. 95-96.

[19]   H. S. Johnson (1967), *Self-Determination within the Community of Nations,* Leyden, p. 33.

[20]   M. Pomerance (1982), *Self-Determination in Law and Practice. The New Doctrine in the United Nations,* The Hague – Boston – London, p. 7.

[21]   L. Dembiński (1969), *Samostanowienie w prawie...* p. 17.

[22]   More in J. Tyranowski (1990), *Integralność terytorialna, nienaruszalność granic i samostanowienie w prawie międzynarodowym,* Warsaw – Poznań, pp. 187-188 and Ö. Österud, *Sovereign Statehood and National Self-Determination. A World Order Dilemma,* in: M. Heiberg (ed.) (1994), *Subduing Sovereignty. Sovereignty and the Right to Intervene,* London, p. 23.

[23]   Articles 2 and 3, *The Atlantic Charter*, 1941, in: K. Kocot, K. Wolfke (ed.) (1976), *Wybór dokumentów do nauki prawa międzynarodowego,* Wrocław – Warsaw.

relations among nations should be developed with respect for the principle of equal rights and self-determination of peoples. It was highlighted that only respect for the principle of equal rights and self-determination of peoples would allow to create conditions of stability and well-being necessary for the maintenance of peaceful and friendly relations among nations (Article 55). The principle of self-determination was defined on 14 December 1960 in the Declaration on the Granting of Independence to Colonial Countries and Peoples (Resolution 1514 XV). The emphasis on the inevitability of the process of decolonisation guaranteed the peoples' right to self-determination. Self-determination was defined as the right to freely determine the political status and ensure economic, social and cultural development. The right to self-determination was attributed, under point 3 of the Declaration, regardless of the level of political, economic, social or educational development of the peoples. On 14 December 1960, Resolution 1541 (XV) was adopted. It determined the ways to exercise the right to self-determination. Under provisions of the Resolution, exercising its right to self-determination people may create their own independent State, associate with an existing State or decide on integration with another State. In each case, the decision on the future political status should be the result of a free and voluntary decision of peoples living in a given territory, of a will expressed in a democratic manner.[24]

In thus defined right to self-determination, its two perspectives need to be underlined. From the internal perspective, the right to self-determination is understood as the possibility to determine the form of government. From the external perspective, people have the right to freely determine a political status of their State. The latter arose most controversies. Pursuant to Resolution 1541 (XV), the political status may be determined in three ways. A nation (people) invoking the right to self-determination may decide for a creation of its own independent State, an association with an existing state or a separation from the existing State and integration with another State. These three ways for exercising the right to self-determination did not arise serious concerns in relation to colonial peoples. However, applying them to all nations could threaten the sovereignty of existing States and the international order. The international community noticed that the right to self-determination as a universal law could lead to an intensification of separatist movements among peoples invoking the right to self-determination. Therefore, in the Declaration on Principles of International Law of 1970 it was underlined that the peoples' right to self-determination should not be understood as "authorising or encouraging any action which would dismember or impair totally or in part, the territorial integrity or political unity of

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[24] More on the development of the right to self-determination in the domain of international law in e.g. A. Potyrała, *Prawo do samostanowienia a problem suwerenności państwa,* in: W. Malendowski (ed.) (2003), *Zbrojne konflikty i spory międzynarodowe u progu XXI wieku. Analiza problemów i studia przypadków*, Wrocław, pp. 76-80. See also: M. Perkowski (2001), *Samostanowienie narodów w prawie międzynarodowym,* Warsaw.

sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples"[25]. Thus the right to self-determination could be defined only as a right of peoples to demand and to develop autonomy within the framework of an existing State, the territory of which is inhabited by a given national group. It was decided that a people could not invoke the right to self-determination by presenting demands for independence if a State acted in accordance with the principle of equal rights and self-determination of peoples. Thus, the interpretation of the right to self-determination as a right to secession[26] of national groups from the authority of existing States was expressly rejected. Secession is acceptable only in the case of serious and massive human rights violations. Such a view was earlier presented by Hugo Grotius and Emmer de Vattel. Thus, members of the international community had no doubts when inhabitants of Timor-Leste, Montenegro and Southern Sudan invoked the right to self-determination and chose independence in referendums. In these cases, the recognition of new countries was a natural consequence of acceptance of the peoples' right to self-determination. However, the chance that a given State or territory will gain international recognition is increasingly determined by political considerations or objectives. The reason for that is that the recognition of a State is not conditioned by law but by politics.[27]

The Kosovo declaration of independence of February 2008 proves the point as it divided the international community, including EU Member States. Some EU Member States opted for the recognition of the new State and others were against, fearing an intensification of aspirations for independence in other parts of the continent. The fear turned out to be justified when in mid-2008 Russian authorities recognised Abkhazia and South Ossetia treated by the European Union as Georgia's breakaway provinces. The events re-launched the discussion on the stance of the EU on other quasi-State entities[28], such as the Turkish Republic of Northern Cyprus and the Transnistria Moldovan Republic, as well as on two, reviewed above, principles of international law determining international relations: sovereign equality of States and the peoples' right to self-determination. In consequence of the 2008 events, the effectiveness of EU external actions and objectives of EU Common Foreign and Security Policy have been questioned and, thus, the actual role of the European Union in the international arena.

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[25] *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations* (24.10.1970)*,* in: *Wybór dokumentów...*

[26] More in L. C. Buchheit (1978), *Secession. The Legitimacy of Self-Determination,* New Haven – London, pp. 43-137.

[27] Cf. R. Rich (1993), *Recognition of States: the Collapse of Yugoslavia and the Soviet Union,* "European Journal of International Law" Vol. 4, No. 1, p. 36.

[28] "Para-states", "pseudostates", "*de facto* states".

THE EU AND NEW STATE ENTITIES

Having regard to freedom and democracy principles, respect for human rights and provisions of international law into consideration, EU Member States aim to consolidate peace and security by means of solving problems common for the international community, and to implement a comprehensive "strong multilateral cooperation" with States and international organisations.[29] Main objectives of the cooperation include conflict prevention, development assistance to third countries and elimination of poverty. They are executed on the basis of a strategy towards third countries and regions, policies, action plans, roadmaps and international agreements, which constitute the foundation of EU partnerships with third countries and regions. The respect for territorial integrity of third countries is the key element of all such activities of the EU addressed to its external environment.

The 2008 events well illustrate the difficulties in implementing EU policy towards third countries while respecting the principle of territorial integrity.

On 17 February 2008, the Kosovo Assembly unanimously (109 members present) voted to declare Kosovo independence "answering the call of the people to build a society that honours human dignity" and in order to give "our people clarity about their future". The authors of the declaration emphasised that they acted under a social mandate and in accordance with guidelines included in the plan of 26 March 2007. They declared that Kosovo would be a "democratic, secular and multi-ethnic" State, observing the principles of non-discrimination and equal protection under the law and respecting the rights of minorities.[30] They also committed to fully implement all international solutions imposed on Kosovo, including regulations adopted by the United Nations Interim Administration Mission in Kosovo (UNMIK).

By 1 August 2014, Kosovo was recognised by 93 states, including 22 EU Member States (Table 1). Adherents of Kosovo's independence invoked provisions of Security Council Resolution 1244, under which the then Federal Republic of Yugoslavia was charged by the Security Council with an obligation to withdraw its army from Kosovo and to hand over the control over the region to the United Nations. The Resolution did not stipulate that international supervision was the first step to independence. However, taking into account the recent experience of Timor-Leste, it could be assumed that the path towards independence was open. In a case like this, the will of inhabitants and the creation of authorities ready to independently exercise power constitute important arguments. Countries which opted for the recognition of Kosovo pointed out that the declaration of independence was a consequence of failed efforts of the international community to negotiate an agreement between authorities of Serbia and Kosovo. "In these circumstances the change of the unsustainable status quo was unavoidable."[31]

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[29] Cf. Articles 2, 3(1), 21(1-2), Treaty on EU, Lisbon 2007.

[30] Preamble and points 1-2, *Kosovo declaration of independence, signed in parliament by Speaker Jakup Krasniqi, Prime Minister Hashim Thaci and President Fatmir Sejdi*, Pristina 17.02.2008.

[31] *Joint Statement of Bulgaria, Hungary and Croatia on forthcoming recognition of Kosovo*, 19.03.2008, http://www.mfa.gov.hu (accessed: 16.09.2008).

Table 1

Recognition of Kosovo by EU Member States (as of 1 August 2014)

State	Recognition date
France	18.02.2008
UK	18.02.2008
Latvia	20.02.2008
Germany	20.02.2008
Denmark	21.02.2008
Estonia	21.02.2008
Luxembourg	21.02.2008
Italy	21.02.2008
Belgium	24.02.2008
Poland	26.02.2008
Austria	28.02.2008
Ireland	29.02.2008
Netherlands	4.03.2008
Sweden	4.03.2008
Slovenia	5.03.2008
Finland	7.03.2008
Hungary	19.03.2008
Bulgaria	20.03.2008
Lithuania	6.05.2008
Czech Republic	21.05.2008
Malta	21.08.2008
Portugal	7.10.2008

Source: Author's own work based on *The role of parliaments in the recognition of Kosovo. Report submitted on behalf of the Parliamentary and Public Relations Committee,* A/2023, Rome 3.12.2008; and *UN on Kosovo independence,* http://www.un.org/english (accessed: 21.08.2014).

Adherents of Kosovo's independence officially did not refer to the question of Serbia's territorial integrity. Key importance was attributed to the peoples' right to self-determination. Governments of Spain, Cyprus, Slovakia, Romania and Greece refused to recognise Kosovo fearing that its recognition might constitute a precedent and lead to intensification of separatist movements in Abkhazia, South Ossetia, Nagorno-Karabakh, Transnistria Moldovan Republic, Republika Srpska in Bosnia and Herzegovina, the Basque Country, Scotland or Corsica. Thus, for governments of the five Member States opposing the recognition of Kosovo, the respect for territorial integrity has been the principle regulating international relations. Moreover,

representatives of those countries invoked provisions of Resolution 1244 (Article 10 read that Kosovo could enjoy substantial autonomy within the then Federal Republic of Yugoslavia) and respect for the Charter of the United Nations and the Declaration on Principles of International Law. Spanish Minister for European Affairs Alberto Navarro underlined that "many people have many doubts about the international legality of what it is going on". In turn, Foreign Minister Miguel Angel Moratinos said that Spain would not recognise Kosovo independence "because we do not consider it in line with international law".[32] Interestingly, the parliament of Romania, contrarily to the opinion of the government which opposed the recognition of Kosovo, adopted a resolution (375 votes for, 97 against and 76 abstained) calling on EU Member States which did not recognise Kosovo to accept the new State.

The lack of consent on the recognition of Kosovo became a considerable obstacle in the implementation of EU external objectives. On 4 February 2008, the Union undertook Joint Action 2008/123/CFSP on appointing a European Union Special Representative in Kosovo. The Representative's tasks included: strengthening stability in the region; searching for solutions concerning the future status of Kosovo that would ensure respect for the principles of democracy, the rule of law, stability and multi-ethnicity; monitoring the respect for human rights, in particular rights of minorities; and coordination of EU policy towards Kosovo.[33] The joint action did not mention Kosovo's declaration of independence, nor the issue of the new State recognition for it was known that those EU Members which opposed the recognition would reject the project. Initially, the representative was appointed until 28 February 2009. However, in view of the objectives of EU policy towards Kosovo, i.e. preparation of the State to independent, stable and peaceful functioning, the EU Representative's mandate has been renewed. Pursuant to Decision 2012/39/CFSP of 25 January 2012, the European Special Representative will execute his duties until 30 June 2013. His tasks are currently aimed mainly at promoting a dialogue between authorities of Kosovo and Serbia. EU representatives consider cooperation with both of them to be essential to the region's stabilisation and security.

On 4 February 2008, the General Affairs and External Relations Council also adopted Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX). Tasks assigned to the EULEX mission carried within the Eu-

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[32] *EU splits on Kosovo recognition*, BBC News, 18.02.2008; and *The role of parliaments in the recognition of Kosovo. Report submitted on behalf of the Parliamentary and Public Relations Committee,* A/2023, Rome, 3.12.2008, p. 19. Opposition to the recognition of Kosovo was also expressed by, *inter alia*, governments of Armenia, Azerbaijan, Belarus, Bolivia, China, Egypt, Georgia, India, Indonesia, Kazakhstan, Kyrgyzstan, Libya, Moldova, Singapore, Sri Lanka, Tajikistan, Venezuela, and Vietnam. Governments of the following countries refrained from making a decision on Kosovo and announced a neutral position regarding the issue: Chile, Iraq, Israel, Jordan and Panama (finally, they recognised Kosovo on 8 July 2008 and 16 January 2009 respectively), the Holy See, Thailand, Uganda (finally, the last two recognised Kosovo on 8 July 2009 and 16 January 2009 respectively) and Uzbekistan.

[33] Articles 2-3, *Council Joint Action 2008/123/CFSP of 4 February 2008 appointing a European Special Representative in Kosovo,* "Official Journal of the European Union" L 42/88, 16.02.2008.

ropean Security and Defence Policy, focused on supporting Kosovo on its path to a deeper European integration in the rule of law area and included monitoring, mentoring and advising. The mission has concentrated on three areas. The first one covers strengthening the police and prosecution authorities of the young State, the second is assistance to judicial authorities, and the third covers customs issues. The aim is to create an independent and multinational judicial system, police and customs service. Like in the case of the EU Special Representative in Kosovo, the EULEX objective is to prepare Kosovo to function independently not only in the international arena but also at the internal level. The Mission cooperates with judicial authorities and institutions responsible for law enforcement and, as highlighted by Javier Solana, "is proof of the EU's strong commitment towards the Western Balkans and it will contribute to the enhancement of stability in the whole region"[34]. In fact, the EULEX is the biggest civil mission in the history of the European Security and Defence Policy. The Mission was to be composed of 1,900 international officials (including judges, prosecutors, police and customs service officers) and local staff of 1,100 persons. The Mission reached full operational capacity on 6 April 2009. In October 2012, its international and local personnel was nearly 2,250 people strong. Initially, the EULEX Mission was to end on 14 June 2010 (under Joint Action 2009/445/CFSP of 9 June 2009), and then it was extended to 14 June 2012 (pursuant to Council Decision 2010/322/CFSP of 8 June 2010[35]). Having recognised that the rule of law was still the key challenge for the functioning of Kosovo as a young State entity, the mandate of the Mission was extended again (under Council Decision 2012/291/CFSP) to 14 June 2014.[36] Serbia objected to the establishment of the EULEX. Serbia's Prime Minister Vojislav Kostunica said that the decision to deploy the EULEX Mission was in violation of UN Security Council Resolution 1244 and jeopardised Serbia's sovereignty, territorial integrity and its internationally recognised borders.[37] That was why in the announcement of EU-Kosovo Partnership (established on 18 February 2008 under Decision 2008/213/EC), it was highlighted that it constituted a component of European partnership with Serbia. The aim was to achieve an equilibrium in EU relations with Serbia and with Kosovo. The act was called "Council Decision 2008/213/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Serbia including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2006/56/EC". Thus, a certain virtual legal reality was created where most EU Member States recognised Kosovo as an independent State and, at

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[34] *Javier Solana, UE High Representative for the CFSP, announces the start of EULEX Kosovo,* Brussels, 5 December 2008, S 400/08, p. 1.

[35] "Official Journal of the European Union" L 145, 11.06.2010.

[36] "Official Journal of the European Union", U L 146, 6.06.2012.

[37] Afer: M. Zobeniak, *Kosowo – ramy zaangażowania UE w określenie przyszłego statusu,* in: A. Potyrała (ed.) (2008), *Współpraca – rywalizacja – walka. Studia przypadków z zakresu współczesnych stosunków międzynarodowych,* Poznań, p. 51.

the same time, consented to adopt legal solutions indicating that Kosovo was (a) part of Serbia. The objective of the partnership was to determine areas of collaboration and to adopt a financial aid framework for the region. Under the partnership, Kosovo was charged with an obligation to undertake actions to establish a "constructive cooperation" with Serbia and neighbouring countries, to collaborate with the International Criminal Tribunal for the former Yugoslavia (ICTY), to implement the rule of law (respecting multi-ethnicity and religious freedom), protection of human rights and minorities. Key importance was attributed to the fight against organised crime (especially financial crime e.g. corruption, money laundering, and illegal trafficking in drugs and weapons), and to implementation of administration and judicial reforms. The partnership comprises also economic arrangements. Authorities of Kosovo have been obliged to consolidate fiscal and tax policy, to carry privatisation, to improve the financial condition of state-owned companies and to fight unemployment. Changes in these areas are to contribute to the implementation of European free market standards (free movement of goods and capital). The necessity to undertake actions aimed at strengthening the system of education and research, to improve natural environment protection and to reinforce the agriculture and fisheries sector was underlined. To the implementation of the partnership objectives funds from the Instrument for Pre-Accession Assistance were allocated in the amount of over 199 million euro for Kosovo in 2007-2010 (between 2000 and 2006, Kosovo benefited from financial support allocated also to Serbia and Montenegro and amounting to nearly 2.560 billion euro)[38]. In July 2008, the Action Plan determining the stages of the partnership implementation was accepted, and on 5 November 2008, the European Commission presented a communication concerning the Enlargement Strategy and Main Challenges 2008-2009, a part of which was the report on Kosovo. The latter referred to Kosovo Declaration of Independence and indicated, that it created "a new reality". This view was shared by the World Bank and the International Monetary Fund which, on 29 June 2009, granted Kosovo membership.

The establishment of official relations with Kosovo and approved assistance schemes marked the beginning of EU actions towards other quasi-states e.g. Somaliland, Abkhazia and South Ossetia, despite the lack of their formal recognition. These actions, undertaken in result of official meetings of EU representatives and authorities of Abkhazia (e.g. 24 April and 30 August 2012), South Ossetia (e.g. 6 September 2012) and Somaliland (e.g. 3 November 2012), do not have the character of political engagement (which the EU avoids). Their form is *ad hoc* relations which are of fragmentary nature and are determined by three factors.

There the activities of the EU result from its willingness to provide, firstly, humanitarian help and, secondly, development aid to improve the quality of education

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[38] *Council Decision 2008/213/EC on the principles, priorities and conditions contained in the European Partnership with Serbia including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2006/56/EC,* 18.02.2008, "Official Journal of the European Union" L 080, 19.03.2008.

and health care sectors, agriculture and access to drinking water. This can be exemplified with decisions taken in 2012 to provide financial support for the foregoing purposes in the amount of EUR 2 million for Abkhazia, in the same amount for South Ossetia, and in the amount of EUR 50 million for Somaliland. All decisions to provide support have contained clear indications that those territories should be approached as integral parts of Georgia and Somalia respectively, and referred to as "breakaway" territories or regions.[39] Thus in accordance with Treaty provisions, the key feature of EU external activities is the respect for sovereignty and territorial integrity. As result, the use of the term "Abkhazia", "South Ossetia" or "Somaliland" in European documents cannot be considered as an international recognition of independence of these lands by the EU.

Thirdly, EU engagement is due to its wish to be a mediator that would stabilise the situation in the regions while respecting territorial integrity of third countries. That is the reason why since 2008 EU representatives have participate in talks in Geneva aimed at solving the conflict situation in Georgia. By the end of September 2012, twenty one negotiation rounds were held with the participation of representatives of Abkhazia and South Ossetia, Georgia, Russia and the United States. They were led by the United Nations, the EU and the Organisation for Security and Cooperation in Europe. The meetings did not lead to a reconciliation of positions, however an agreement on the prohibition of the use of force was reached and preliminary arrangements were made on the return of refugees and internally displaced persons. The fact that EU diplomats participate in the talks is a clear message that the EU is determined to emphasise its international role and engagement in resolving international problems and to fulfil Treaty objectives regarding external actions. In the case of conflicts in Somalia, the EU collaborates with the UN and holds talks with conflicting parties.

Provision of humanitarian aid and development assistance and ensuring stability in the foregoing regions is related to three key objectives constituting the foundation of EU external activities. The first of them is to ensure humanitarian security and to reduce the number of human rights violations during conflicts. The second objective is to ensure the security of development consisting in the reconstruction of third countries and conflict areas. The third objective is to ensure global safety which involves refraining from isolating third countries or quasi-States, as their isolation

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[39] On the situation in Georgia see e.g. points 18, 21, 22, *Council Conclusions on the South Caucasus,* 3149 Foreign Affairs Council meeting, Brussels, 27.02.2012, pp. 3-4; *Implementation of the European Neighbourhood Policy in Georgia. Progress in 2011 and recommendations for action. Joint Staff Working Document,* Brussels, 15.05.2012, p. 6; and *Foreign Affairs Development,* 3191st Council meeting, Luxemburg, 15.10.2012, Press Release 14763/1/12 REV 1 (Presse 419), p. 18. On the situation in Somalia see e.g. *Communiqué on Secretary-General's Mini-Summit on Somalia, New York, 26 September 2012,* SG/2187, AFR/2450, 26.09.2012; and point 17, Cairo Declaration of 13 November 2012, Second European Union – League of Arab States Foreign Affairs Ministerial Meeting, Cairo, 13.11.2012, http://www.concilium.europa.eu/uedocs (accessed: 15.11.2012).

might lead to intensification of extremisms and terrorism.[40] Decisions to recognise Abkhazia and South Ossetia revealed how important and difficult the fulfilment of the aforementioned objectives is.

Russia and Nicaragua recognised Abkhazia and South Ossetia in August 2008 having referred to a new legal international situation. In 2009, decisions to recognise Abkhazia and South Ossetia and to establish diplomatic relations with the two, were taken by Venezuela and Nauru, and in 2011 by Vanuatu and Tuvalu (however, in 2013 Vanuatu and in March 2014 Tuvalu authorities decided to retract recognition of Abkhazia and Ossetia). Until 1991, Abkhazia was an autonomous republic within the Georgian SSR. The announcement of its secession in 1992, led to the establishment of the UN Observer Mission in Georgia (UNOMIG) a year later. In 1994, Russian peacekeeping force (about three thousand people strong) was deployed there. Despite international attempts to mitigate the situation and to resolve the dispute (i.e. to determine the future status of Abkhazia), on 18 October 2006, the parliament of Abkhazia addressed the international community asking the latter to initiate the process of recognition of the Republic of Abkhazia. As for South Ossetia, it had an autonomous status in the Georgian SSR until 1990 when the establishment of the South Ossetian Soviet Democratic Republic was proclaimed. This was the cause of the two-year conflict with Georgia. Under the peace agreement signed in 1992 in Dagomys by representatives of Georgia and Russia, peacekeeping troops were deployed in the contentious area. In the same year, at the initiative of CSCE/OSCE, a joint control commission was appointed with the participation of Georgia, Russian Federation and representatives of Ossetia. On 12 November 2006, a referendum was held in South Ossetia on its future status. As expected, the referendum led to the victory of adherents of independence, i.e. 99.88% of voters chose South Ossetia's independence.

The international community unanimously refused the recognition of both Abkhazia and South Ossetia. It was the Russian-Georgian conflict of April 2008 that led to disunity in the international arena. The aforementioned decisions of Russia, Nicaragua, Venezuela, Nauru, Tuvalu and Vanuatu were a direct consequence of the positive response of international community members to Kosovo Declaration of Independence. The statement issued by the Russian Duma in February 2008 read: "The right of nations to self-determination cannot justify recognition of Kosovo's independence along with the simultaneous refusal to discuss similar acts by other self-proclaimed states, which have obtained de facto independence"[41]. It is obvious that the decision of the Russian Federation to recognise two new State entities created in the Caucasus region was a way to improve Russia's international image which was challenged in 2008 when Russian authorities did not manage to prevent

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[40] A. Herrberg (2009), *Unleashing the soft power potential of the European Union: International peacemediation,* Helsinki. After N. Caspersen, A. Herrberg (2010), *Engaging Unrecognised States in Conflict Resolution: An Opportunity or Challenge for the EU?,* Crisis Management Initiative, Initiative for Peacebuilding, p. 10.

[41] After N. Kulish, C. J. Chivers, *Kosovo is Recognized but Rebuked by Others, "*New York Times" 19.02.2008.

international recognition of Kosovo. Thus, the recognition the new States was an instrument of a political game and, according to many commentators, another act initiating a new Cold War. In fact, the recognition met with an instantaneous protest of the Georgian government[42] and with a strong opposition of other countries. The EU also protested strongly. The official position of the EU emphasised that Russia's decision to recognise South Ossetia and Abkhazia could not be accepted in the light of principles of independence, sovereignty and territorial integrity.[43] Conclusions adopted in the course of the Council of the European Union meeting held in September 2008 recalled that the conflict solution must have been based on "respect for the principles of independence, sovereignty and territorial integrity recognised by international law."[44].

Despite the EU's strong opposition to the recognition of Abkhazia and South Ossetia, provisions of the Sarkozy-Medvedev plan[45], drawn up in August 2008 by the French Presidency on behalf of the EU, were not decisive. Their peace plan was devised to stop all military action in Georgia. It was agreed that the parties involved would refrain from further use of force, terminate hostilities and provide free access to humanitarian aid. However, according to the plan, Georgian armed forces were to be withdrawn to their bases while the Russian troops only to the lines they held before the armed conflict. Moreover, pursuant to the plan, Russian armed forces were granted the right to take up "additional security measures". Since the "measures" were not precisely defined, Russian authorities could interpret them as they wished. The peace plan foresaw international talks on security and stability in Abkhazia and South Ossetia. This provision was understood by Russian authorities as a starting point for a discussion on the future status of those regions, especially since the document did not mention observance of territorial integrity and sovereignty of Georgia. Against this background, activities of the European Union Special Representative for South Caucasus and for the crisis in Georgia, appointed on 25 September 2008 under a Council Joint Action, did not constitute a breakthrough. The mandate of the Representative, extended until June 2013 by Council Decision 2012/326/CFSP of 25 June 2012, includes, *inter alia*, substantive support in preparing the position of the EU to be presented during international talks on the conflict in Georgia, and facilitation of the Sarkozy-Medvedev agreement implementation.[46] The aim of the EU

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[42] After parliamentary elections in Georgia held in October 2012, the new Georgian Foreign Minister, Maya Panjikidze, reiterated the position of the former Georgian government. Moreover, she underlined that, despite Georgia's willingness to regulate its relations with Russia, proper relations with Russia would not be possible due to the functioning of diplomatic outposts of the Russian Federation in the breakaway provinces of Georgia.

[43] *Extraordinary European Council, Presidency Conclusions,* Brussels 1.09.2008, 12594/08, p. 2.

[44] *Council of the European Union 2889th Meeting, General Affairs and External Relations,* Brussels, 15-16 September 2008, 13030/08 (Press 255), p. 8.

[45] For more on the Sarkozy-Medvedev plan, cf. *Council of the European Union ExtraordinaryMeeting, General Affairs and External Relations,* Brussels, 13 August 2008, 12453/08 (Press 236), pp. 6-7.

[46] Article 3(d), *Council Decision 2012/326/CFSP of 25 June 2012 extending the mandate of the European Union Special Representative for the South Caucasus and for the crisis in Georgia,* Official

Joint Action has been to prevent conflicts in the region, to peacefully resolve the existing tensions, and to enhance the Union's effectiveness and visibility in the region. On 15 September 2008, in response to the request of the Georgian government, the Council adopted Joint Action 2008/736/CFSP on the European Union Monitoring Mission in Georgia (EUMM) to provide civilian monitoring of both parties' actions and of the Sarkozy-Medvedev plan implementation. The objective of the Mission, which began on 1 October 2008 and is to be completed on 14 September 2013[47], is to review, analyse and report on the process of the State stabilisation, normalisation of civil governance, development of civil society based on the rule of law and on the observance of law. The Mission tasks include monitoring security of transport links, infrastructure (including energy facilities and public utilities), and supervising the return of refugees and internally displaced persons. The Mission's strengths include its civilian personnel (about 200 persons) and budget of nearly 21 million euro per year. Its weak point is the negative perception of the Head of the Mission, Ambassador Andrzej Tyszkiewicz, by representatives of Abkhazia and South Ossetia. They have accused him of having refused to include information passed by the Abkhazian party on incidents in the border area, which resulted in the death of several of people, to the documentation of talks in Geneva. He was accused of "lack of respect for the Abkhazian peoples" and ignoring requests of Abkhazian authorities[48] and, in April 2012, he was declared *persona non grata* and refused access to the area controlled by the authorities of Abkhazia. The accusations undermined the objectives of the EUMM, i.e. the building of confidence, normalisation of relations between parties to the conflict and objectivity in collecting and transferring information. Despite the negative evaluation of Tyszkiewicz by representatives of Abkhazia and South Ossetia, in September 2012 his mandate was confirmed to last to 14 September 2013.

Actually, the EU and its Member States tried to engage in the normalisation of the situation in Georgia and thus to contribute to the region stabilisation much earlier. In the Partnership and Cooperation Agreement of 1996 (in force from 1 July 1999) respect for Georgia's independence, sovereignty and territorial integrity was recognised as a condition for peace in the region and the EU TACIS programme for Georgia was the main support instrument. Assisting Georgia to create "a state based on European values and standards, which ultimately could be more attractive to

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Journal of the EU L 165, 26.06.2012. Cf. Article 3, *Council Joint Action 2008/ 760/CFSP appointing the European Union Special Representative for the crisis in Georgia,* 25.09.2008, "Official Journal of the European Union" L 259, 27.09.2008.

[47] Under the Council Decision of 13 September 2012. Cf. Articles 1(2) and 1(6), *Council Decision 2012/503/CFSP of 13 September 2012 amending Decision 2010/452/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia*, "Official Journal of the European Union" L 249, 14.09.2012.

[48] *Abkhazia declares EU Diplomat Persona non Grata,* Radio Free Europe – Radio Liberty, 25.04.2012, http://www.rferl.org (accessed: 24.10.2012).

South Ossetia and Abkhazia than independence or closer integration with Russia"[49], and to decrease the dependence of Abkhazia and Ossetia on Russian support, the EU offered financial aid for the development of Georgia and the two above-mentioned regions in particular. Between 1997 and 2006, EUR 25 million was allocated to the project of humanitarian and development aid implemented in Abkhazia (support for agriculture, health sector, education). About EUR 8 million was allocated for the same purpose to South Ossetia (support for the education system, agriculture, rail transport system).[50] In 2007-2013, within the framework of the European Neighbourhood Policy Instrument, over EUR 118 million was allocated to Georgia, including 19 million for initiatives facilitating resolution of internal conflicts. The EU Rule of Law Mission EUJUST THEMIS, created under Joint Action 2004/523/CFSP of 24 June 2004, had a similar goal. The objective of the Mission, which began on 16 July 2004, was to assist Georgia in the development of a governmental strategy guiding the reform within the criminal justice sector e.g. to adjust law to European legal standards, to fight against crime and to incorporate Georgia into the international judicial system of cooperation in criminal matters. The Mission comprised prosecutors and judges who provided assistance to the Georgian Ministry of Justice, Ministry of Internal Affairs, Supreme Court, and the office of Prosecutor General. The Mission ended on 14 July 2005. In 2005, the EU created the Boarder Support Group in Tbilisi, which replaced the OSCE Border Monitoring Operation. The aim of the Group, initially composed of three and later of thirteen EU experts, was to devise an effective Georgian boarders management system. Another example of the EU's engagement in Georgia was the appointment, on 7 July 2003, of an EU Special Representative for the South Caucasus, whose mandate was to assist "Armenia, Azerbaijan and Georgia in carrying out political and economic reforms", and to "prevent conflicts [...] and assist in the resolution of conflicts" in the region.[51]

The EU established financial instruments and appointed institutions responsible for stabilising the situation in Georgia but it did not decide to carry or participate in negotiations between parties to internal conflicts in Georgia. It did not engage in the discussion on the causes of those conflicts or on responsibilities for the occurring events. Only three EU Member States (Germany, France and the UK) participated in the negotiation process in Abkhazia under the action plan adopted by the United Nations. In South Ossetia, the European Commission was but an observer in the talks on economic reconstruction and development. In consequence, on 2 October 2007, Peter Semneby, who was the EU Special Representative for South Caucasus, admitted in his speech to the Committee on Foreign Affairs of the European Parliament

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[49] *Conflict Resolution in the South Caucasus: the EU's Role,* International Crisis Report No. 173, International Crisis Group, Brussels, 20.03.2006, p. 11.

[50] *Summary on EU-Georgia Relations,* http://eeas.europa.eu/georgia (accessed: 24.10.2012).

[51] *Council Joint Action 2003/ 496/ CFSP concerning the appointment of an EU Special Representative for the South Caucasus,* 7.07.2003, "Official Journal of the European Union" L 169, 8.07.2003.

that there was "no significant progress toward conflicts resolution" in Abkhazia and South Ossetia.[52]

The EU's engagement in resolving conflicts in Georgia, which was actually limited to financial support, did not help prevent Abkhazia and South Ossetia from proclaiming independence and the conflict between Georgia and Russia from breaking out. In addition to the lack of precisely defined objectives of the European policy toward the region (and the lack of specific EU demands towards parties to the conflict), the reason for the foregoing was also the preconception that Russia was the most important player in the Caucasus region. The EU did not try to counterbalance Russia's influence in the area. Moreover, initially firm stances of the EU on the Caucasus have always been "mitigated" under Russia's pressure. Such a situation could be observed not only in the case of Abkhazia and South Ossetia (the EU has not formally recognised them but at the same time it does not try to warrant Georgia's territorial integrity) but also in the case of Chechnya (which declared independence in 1991 and met basic conditions for recognition but has been treated by the EU as an integral part of the Russian Federation). The reason is that the EU's priority has always been to be on good terms with Russia which is a most important strategic partner of the Union. Furthermore, it has to be highlighted that the EU has no experience in solving problems of States which are not covered by the enlargement policy.[53]

An attempt to respond to the new situation in Georgia was the launch of the Eastern Partnership. In addition to Georgia, the Partnership includes Armenia, Azerbaijan, Moldova, Ukraine and, conditionally, Belarus. The goal is to create a regional forum for cooperation to "accelerate political association and further economic integration" between those States and the European Union.[54] The Eastern Partnership focuses on four thematic areas. The first one is economic integration, the second is convergence with EU sectoral policies. The third refers to energy security and the forth concentrates on contacts between people. The fulfilment of objectives in the first area is based on the creation of "deep and comprehensive" free trade areas allowing for liberalisation of trade and investment. The achievement of goals in the second area has been made dependant on the institutional development, approximation of legislation and its adaptation to the requirements of law. The cooperation in the third area of the Partnership focuses on long-term, stable and secure energy supplies, and establishing a kind of energy interdependence. In the last area, the aim of the Partnership is to support mobility of citizens, to implement joint educational projects, and visa liberalisation to eventually liquidate the

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[52] *No Progress in Georgia Conflict Resolution,* 4.10.2007, http://europa.eu (accessed: 15.02.2009).

[53] I. Chkhikvadze (2007), *To what extent could the European Neighbourhood Policy strengthen Georgian-Polish relations?,* Fellowship Programme for Georgian Public Policy Analysts, "Policy Paper" 01/07, Warsaw, p. 10.

[54] Point 2, *Joint Declaration of the Prague Eastern Partnership Summit*, Prague, 7 May 2009, 8435/09 (Presse 78).

visa obligation. In 2013 EUR 600 million has been allocated to meet the Partnership's objectives and to support countries covered with the initiative. In 2014, the EU plans to allocate EUR 100 million for the Eastern Partnership components.

Actions undertaken by the EU toward Kosovo, Abkhazia and South Ossetia do have an impact on its role in relation to two other quasi-States in the European continent, i.e. the Turkish Republic of Northern Cyprus and the Transnistria Moldovan Republic. Their long-term functioning against the opposition of their parent-States, the EU and its Member States, questions the effectiveness of diplomatic measures and political pressures of the EU aimed at consolidating peace and security in the region.

The construction of the EU external action concept founded on the respect for States' sovereign rights and their territorial integrity, has made the EU refuse the recognition the Turkish Republic of Northern Cyprus and the Transnistria Moldovan Republic for years. This unchanged stance of the EU results mainly from the fact that in this case the existence of quasi-States directly concerns one of EU Member States, i.e. Cyprus, and an applicant country, i.e. Moldova. In the case of the Cyprus issue, the applicant country status of Turkey complicated the situation, but only until the accession of Cyprus to the EU. From the moment when Cyprus became a Member State, the EU has been and is obliged to protect Cypriot interests. Moreover, since EU external actions apply to third countries only and not to Member States, the Cyprus issue is not mentioned in discussions on the shape and goals of EU foreign policy and activities towards third countries. Undoubtedly, the stance of the EU has, in both cases, been strengthened by the negative attitude of other members of the international community towards the functioning of the above-mentioned quasi-States. The only State which has recognised the Turkish Republic of Northern Cyprus is Turkey. The Transnistria Moldovan Republic has been recognised by Abkhazia and South Ossetia. The latter case, from the perspective of international law and international relations, is of no significance as neither Abkhazia nor South Ossetia is a legal international entity.

Thus, in relation to both Abkhazia, South Ossetia, the Transnistria Moldovan Republic and the Turkish Republic of Northern Cyprus, the EU and its Member States conduct a policy of not recognising the statehood of these territorial entities and give primacy to the respect for sovereign rights and territorial integrity of predecessor States. There is, however, a fundamental difference between the EU stance on the two first mentioned quasi-States and the EU stance on the Transnistria Moldovan Republic and the Turkish Republic of Northern Cyprus. The latter two have not been addressed in any context of humanitarian aid or development assistance. That is due to the EU's obligation to protect interests of the Member State (Cyprus) and the applicant country (Turkey). In all European legal acts and political documents, while referring to Cyprus, the EU treats it as one entity in terms of international law. The same applies to the Moldova case. Moreover, no European legislative act contains any reference to any form of the EU's engagement in quasi-States functioning in the territory of Cyprus or Moldova.

The Union's lack of direct involvement in providing help to the contentious areas does not mean, however, that the functioning of these areas is of no interest to EU rep-

resentatives. The fact that the issue concerns a Member State and an applicant country neighbouring with the EU places this issue high on the EU's agenda. The more so as in both cases not only interests of a Member State and of an applicant country are at risk but also the security of the entire European Union and its citizens.

This aspect is especially clear in the case of the Transnistria Moldovan Republic which is considered to be an area of activities of organised criminal groups engaged in, *inter alia*, illicit arms and drugs trafficking, international smuggling of persons, trafficking in human beings and money laundering. These crimes of cross-border character directly impact security within the EU and mobilise EU agencies for police and judicial cooperation on criminal matters which undertake preventive and investigative actions. In order to limit the risk of organised crime from the Transnistria Moldovan Republic, the European Union allocated EUR 20 million to strengthen Moldova's customs and immigration services and provided personnel assistance of 70 customs and immigration officers from Member States.[55] Additionally, due to the increased risk of cross-border crime from the area of the Transnistria Moldovan Republic, in 2003, *intelligent* sanctions (called later *smart* or *targeted* sanctions) were imposed for the first time on persons exercising actual power in the region. The restrictive measures were imposed on 17 persons accused of lacking the will to politically resolve the conflict. A year later, the ban to enter the EU territory was imposed on another group of persons accused of conducting a campaign of intimidation against six Latin-script Moldovan schools in the Transnistrian region of the Moldovan Republic. In September 2010, the sanctions were suspended in the hope of working out a political solution to the problem. Thanks to political pressure, talks between conflict parties were resumed in December 2011, after a six-year break. However, the basic weakness in this case (which made it impossible to actually influence the conflict resolution) is the status of the EU in the negotiations as it is but an observer (like the United States). The participants of the "5+2" talks are Moldova, the Transnistria Moldovan Republic, Russia, Ukraine and the OSCE.

CONCLUSIONS

In all aforementioned cases, the EU stance on new State entities has been determined by two factors. The first one is the will to play a key role in the international arena by carrying actions aimed at safeguarding peace and security in conflict regions. The second one is the simultaneous observance of basic principles adopted by

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[55] *Frozen Conflicts: Transnistria, South-Ossetia, and the Russian-Georgian dispute. Speech by EU Commissioner Ferrero-Waldner at the European Parliament Plenary Session,* SP06-314EN, Strasbourg, 25.10.2006, http://www.europa.eu (accessed: 24.10.2012). More on relations between the authorities of Moldova and the Transnistria Moldovan Republic in N. Popescu (2005), *The EU in Moldova – Settling conflicts in the neighbourhood, "*The European Union Institute for Security Studies Occasional Paper" No. 60; M. Rojansky (2011), *Prospects for Unfreezing Moldova's Frozen Conflict in Transnistria,* Carnegie Endowment for International Peace Congressional Briefing, Washington.

the international community after World War II, i.e. the sovereign equality of States (consisting, *inter alia*, in the respect for territorial integrity and inviolability of borders), and the peoples' right to self-determination.

The third factor is also important. The shape of EU external actions toward States with limited recognition created in the territory of a third country (thus, this factor is of no relevance in the case of the Turkish Republic of Northern Cyprus as it functions within the territory of an EU Member State) is determined also by the position of other key international actors on the existence of quasi-States, the position of the Russian Federation in particular. In the case of Kosovo, the stance of Russia did not make an overwhelming majority of EU Member States refrain from recognising the new State, and did not make the Union refrain from establishing aid schemes and partnership with Kosovo. However, in the case of quasi-States functioning in the Caucasus region and in the case of the Transnistria Moldovan Republic, effectiveness of EU measures has been nullified by Russia's stance. The reason is that the authorities of Russia play the key role in current disputes and provide support to bodies exercising power in the contentious areas. Therefore the most important objective is to "strengthen EU-Russia dialogue on matters of practical co-operation on crisis management in order to prepare the ground for joint initiatives, including in support of on-going efforts in agreed formats and resulting from the strengthened EU-Russia dialogue and co-operation on the international scene, in the settlement of regional conflicts, inter alia in regions adjacent to EU and Russian borders."[56]. However, since relations between the two actors are those of competitors, it is difficult to expect that they will work out a similar stance on States with limited recognition.

The above discussed factors have determined the EU's policy toward States with limited recognition and led to a strategy of "engagement without recognition". This strategy allows the EU to maintain economic and social relations with quasi-States, without officially recognising them, establishing diplomatic relations and signing cooperation agreements. Analysts supporting this strategy[57] highlight that by acting this way the EU consolidates its presence in regions where Russia is very active and that, in a way, the EU counterbalances the Russian influence. However, a fundamental drawback of such an approach needs to be seen. The EU expresses its interest in the functioning of quasi-States and provides them with humanitarian aid and development assistance but it does not take actions to protect territorial integrity of third countries within which the quasi-States have been created. An important outcome is that the EU's prestige and influence in the international arena are weakened instead of being strengthened (e.g. with the EU's aid commitments). This situation follows from the fact that by acting in this way it is impossible to meet the objectives and achieve the goals of external action determined in the Treaty of Lisbon, i.e. to coop-

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[56] *EU-Russia Road Map for the Common Space of External Security,* p. 42.

[57] Cf. e.g. T. Hoch (2011), *EU Strategy towards Post-Soviet De Facto States,* "Contemporary European Studies" No. 2, in particular p. 80ff.

erate with third countries in order to, *inter alia*, resolve common issues, consolidate peace and security. Such a strategy may lead to a situation where:

– tensions between the predecessor State and the quasi-State will persist and, in consequence, destabilise the situation in the region and make disputes a never-ending story;

– authorities of the State invoking the protection of territorial integrity argument will not receive any support of the EU and will search support from other international actors;

– functioning of a quasi-State will become a fact. In result, the positions of international community members will gradually change; the State will be recognised and, thus, the importance of respecting territorial integrity of other States will weaken.

ABSTRACT

The objective of the article is to present and assess the stance of the European Union towards unrecognized states. The implementation of the idea of supporting peace and democracy, freedom, equality and respect for human rights, minority rights included – all of them being values in which the European Union's functioning is grounded – is especially problematic in relation to new state organisms. The EU is unable to take a uniform stance towards them that would allow to reconcile the right to independence with the necessity to guarantee the sovereign rights of predecessor States. In the cases discussed in the article, the EU's stance on newly created states is conditioned by several factors. The first of them is the desire to play a key role on the international arena that manifests itself in conducting activities aimed at warranting peace and security in regions troubled by conflicts. Another is a concurrent tendency to respect the basic principles accepted by the international community after World War II, i.e. the sovereign equality of states and the right of nations to self-determination. The external actions of the European Union are also shaped by the stance of other international key actors. The above mentioned factors determine the EU's stance towards unrecognized states, which is known as engagement without recognition.

OUR PUBLICATIONS

Gospodarka niemiecka 20 lat po zjednoczeniu
[German Economy 20 Years after Reunification]

Tomasz Budnikowski, Editor

This publication is devoted to challenges which German economy faced in the first 20 years after the reunification, a topic which is both current and important from the perspective of research and economic performance. The authors - J. Misala, M. Götz, I. Romiszewska, P. Kalka, T. Budnikowski and M. Żukowski - comprehensively discuss most important issues since East and West Germany merged.

The first issue discussed is how big the economic disproportions between eastern and western lands are at present. Then changes in Germany's foreign trade are analysed in detail as its role in Germany's economic growth is important. Next, the focus moves to the structure of R&D expenditure. A comparison of R&D outlays in Germany and other highly-developed countries shows that the volume of Germany's investments continues to be relatively huge.

Much space is given to Germany's social integration, primarily to unemployment resulting from the introduction of market economy in the former German Democratic Republic. Another issue tackled is the rapid ageing of German society and the functioning of the social security system.

Conclusions offered in each paper are on both the theory and practice of German economic policy, making this publication useful for researchers, students of economics as well as politicians and economists.

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ANARCHIST MOVEMENT IN EUROPE AT THE BEGINNING OF THE 21ST CENTURY

Activism of the anarchist movement in Europe in the first decade of the 21st century has not yet been examined in the context of anarchists' activity in the international anti-globalisation movement. The knowledge about anarchism of that period is incomplete, and manifestations of its activism are usually presented through the prism of a story framed by tabloids. Anarchism, the goal of which is freedom from any coercion and hierarchy and which calls for full emancipation, is a marginalised idea. As for the movement itself, it is neither influential nor significant. However, when interpreted as part of a wide and pluralistic anti-globalisation protest, it turns out to be an important element of the latter. Thus, the aim of this paper is to identify the place of anarchism in the anti-globalisation movement and to describe the essence of the anarchist thought in the context of its objectives and the substance of its opposition to selected globalisation issues. Source materials for this study were publications in anarchist press and anarchists' documents and propaganda materials.[1]

Globalisation is a term used since the early 1960s but it has become popular in the following decades. Globalisation means the process of strengthening ties and dependencies between distant regions of the world, acceleration of the flow of information, and political, economic and cultural universalisation and unification. However, it also means intensification of opposite trends. It is sometimes described as a process which is necessary and objective, or dependent on States and economic institutions by which it is inspired and directed. Jan Aart Scholte systematised globalisation concepts in various schools of thought, namely liberalisms, political realisms, Marxisms, constructivisms, postmodernisms and feminisms. In the first case, globalisation is interpreted as a result of technological progress and the creation of institutional infrastructure(s) which facilitate globalisation. Political realisms explain globalisation by referring to competition between largest countries and/or the hegemony of the United States. For Marxist thinkers, who categorise the society into classes, globalisation is an outcome of capitalism. Constructivisms explain globalisation referring to mental (re)construing of the society and thus globalisation refers

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[1] The article is a part of my book: P. Malendowicz (2013), *Ruch anarchistyczny w Europie wobec przemian globalizacyjnych przełomu XX i XXI wieku,* Warszawa.

to the awareness of belonging to the society. According to postmodernisms, globalisation is an aftermath of the imperialist character of rationalism, i.e. of the fact that it was imposed on local cultures and non-modern worlds. Finally, feminisms interpret globalisation as a result of masculine behaviours and patriarchal subordination on a global scale.[2]

Opponents of globalisation underline its neoliberal nature. They have not protested against such processes as the integration of the world, development of technology and communication means or the growing global popularity of democratic thought. They have opposed neoliberal globalisation, and this has been the common feature of all anti-globalisation movements.[3] The neoliberal approach to globalisation consists in a considerable elimination of government intervention in the market by means of liberalisation, deregulation, privatisation and minimisation of fiscal policy.[4] As far as economy is concerned, neo-liberalism refers to elements of English classical economics of Adam Smith of the 18th century, according to whom the "invisible hand" of the market makes business entities, which implement their objectives and try to make profit, offer things on the market which fulfil needs of other people. The State, which plays the role of a "night watchman", takes care of order and safety only.[5] From the perspective of neo-liberalism development, economic programmes of political leaders of world powers implemented in the 1980s were of considerable importance. They include the ideas of Ronald Reagan in the US and Margaret Thatcher in the UK. According to their ideas, production and market were conditions for economic growth and fulfilment of people's needs. Key elements of "Reaganomics" included reduction of government spending, "deregulation" of economic life and lowering of turnover tax rates. Moreover, it was planned to reduce expenditure on social programmes and to cut taxes.[6] "Thatcherism" was also based on the principle of a liberal and free-market approach to economy, cuts in public spending and reduction of taxes.[7] Whatever the consequences of such a policy were for the States which implemented it, it also "opened the door" for globalisation of new economic rules. In the opinion of David Graeber, the anti-globalisation movement opposes that very kind of globalisation and interprets it as "market fundamentalism - or, better, market Stalinism – that holds there is only one possible direction for human historical development"[8]. For participants of protests against economic neo-

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[2] J. A. Scholte (2005), *Globalisation: A Critical Introduction* [Polish translation: (2006) *Globalizacja. Krytyczne wprowadzenie*, Sosnowiec, pp. 137-151].

[3] K. Pędziszewski (2008), *Ruch antyglobalistów w kontekście globalnych przemian społecznych*, "Annales Universitatis Mariae Curie-Skłodowska. Sectio K. Politologia" Vol. XV,1, p. 27.

[4] J. A. Scholte (2005), *op. cit.*, p. 41.

[5] M. Ratajczak, R. Szulc, *Historyczne korzenie ekonomii głównego nurtu*, in: M. Ratajczak (ed.) (2005), *Współczesne teorie ekonomiczne*, Poznań, pp. 14-15.

[6] K. Sobiech, B. Woźniak, *Ekonomia podaży (supply-side economics)*, in: *ibidem*, p. 114.

[7] Centrum im. Adama Smitha, http://www.smith.org.pl/pl/pages/display/111 (accessed: 20.05.11).

[8] After: M. Starnawski, *Alterglobalizm w poszukiwaniu nowej wielkiej narracji*, in: P. Żuk (ed.) (2008), *Spotkania z utopią w XXI w.*, Warsaw, p. 174. See also http://newleftreview.org/II/13/david-graeber-the-new-anarchists.

liberalism, this assessment stems from a radical interpretation of *laissez-faire* which leads to a growing economic and political importance of transnational corporations.

Opponents of globalisation are classified as anti-globalisation movements, anti-globalisation movement, anti-globalist movements, anti-globalist movement, alter-globalist movements, alter-globalist movement, alter-globalisation movements or alter-globalisation movement. *Anti-globalisation movements* indicate a diversity of participants (e.g. communist and nationalist groups) and a multiplicity of protests against globalisation. The terms *anti-globalist movements* and *anti-globalist movement* point to opposition against globalism understood as a doctrine promoting the building of one global State. As far as the *alter-globalisation* and *alter-globalist movement* are concerned, they assume the existence of one alternative to either globalisation based on principles of neo-liberalism or globalism as a doctrine. Each part of the protest movement against globalisation and globalism has a different vision of the future. They also differ in terms of the source of their opposition. Thus attention must be paid to the terms used. *Anti-globalisation movement* denotes a multidimensional form of opposition against various paths of political, economic and cultural globalisation based on principles of neo-liberalism and dominance of transnational corporations. This form of opposition uses diversified methods and is composed of many parts (groups, organisations, parties and social movements) of different composition and outreach. *Alternatives of anti-globalisation movement* mean various visions of the future. It is also justified to use the term *network movement*[9] to refer to the dispersion of global forms of this activism, but not "movement network" or "network of movements". The value of a network movement is, as Manuel Castells observed, its capability to act as a unity in diversity. This unity, however, has a variable geometry created by a changing integration of goals and components via a self-emerging network. Networking takes place through contacts established both in person and electronically, and it links both network nodes and geographical points. They are created by the geography of experience and power. Points of experience are where actors of the movement live while points of power are where global governance institutions meet.[10]

The anti-globalisation movement is not co-created by all groups which oppose globalisation in the form observed at the turn of the 20th and 21st century. Despite partial similarity of the criticism of globalisation manifestations by the anarchist movement and e.g. the nationalist movement, the movements intentionally do not collaborate and if it seems that they do, it is not an informed collaboration. However, since these movements oppose globalisation, it is justified to use the terms *anti-globalisation* and *anti-globalist movements* in reference to them. The plural form

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[9] M. Castells (1997) *The Power of Identity* [Polish translation: (2008) *Siła tożsamości*, Warsaw, p. 139]; for the network nature of social movements see M. Diani (1997), *Analysing Social Movement Networks* [Polish translation: *Analiza sieciowa*, in: K. Gorlach, P. H. Mooney (ed.) (2008), *Dynamika życia społecznego. Współczesne koncepcje ruchów społecznych*, Warsaw, pp. 191-214].

[10] M. Castells, *op. cit.*, [Polish translation, p. 147].

movements, used in the sentence above, refers to the variety of visions of the future, which are often accompanied by similar criticism of the present time. Nevertheless, the plural form does not imply that they cooperate.

As it was indicated above, globalisation covers internally contradictory trends and phenomena. Therefore, considering its global outreach and compressional nature, it may well be concluded that anti-globalisation movements are a result of globalisation itself.[11] This statement is not illogical if explained with a fundamental law of physics saying that every action causes a reaction. Thus each action for globalisation causes a counter-reaction. What is more, anti-globalisation movements use fighting methods the development of which is typical of globalisation e.g. the Internet. Finally, some anti-globalisation movements aim at abolition of national borders and creation of a global community and those objectives are also characteristic of globalisation. Thus, objectives of those movements are global. Other movements try to strengthen local communities, but their outreach is also global. Similar differences can be pointed out also in other cases. Anti-globalisation movements have a global outreach and are an effect of globalisation and thus they co-create globalisation. Their visions of the future are founded on a similar or heterogeneous and multifaceted criticism of globalisation.

The visions allow to differentiate between the movements. Movements which oppose globalisation include:
–   anarchists: they oppose any form of power, including political and economic ones, and their objective is freedom from hierarchical relationships;
–   autonomists: they oppose assimilation and domination of nations;
–   ecologists: they oppose treating some parts of the world as dumping sites and, in general, environment contamination in the world;
–   communitarians: they highlight the value of human communities;
–   nationalists: adherents of a national identity uniqueness and opponents of transnational communities;
–   Third Way adherents: opponents of universalisation of viewpoints based on the idea of globalisation, who opt for a new moral order also in international relations;[12]
–   communists, including Trotskyites: they oppose dominance of one class over others, global capitalist economy and exploitation of people;
–   trade unions of different sectors, associating mainly production industry workers but also other groups of professionals: they oppose human capital depreciation and international free trade agreements;

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[11] The problem was a topic of discussion at author's meeting with members of the anarchist movement, on the occasion of author's lecture titled *Anarchizm w dobie globalizacji [Anarchism in the era of globalisation]*, Poznań, 24.03.2010.

[12] A. Wojtaszak, *Radykalne ruchy społeczne a problem bezpieczeństwa w Unii Europejskiej*, in: J. Knopek (ed.) (2009), *Unia Europejska jako współczesny aktor stosunków międzynarodowych*, Toruń, pp. 242-243.

– farmers' movement: fighting, *inter alia*, for improvement of living conditions, opposing international free trade agreements;
– women's movements: acting in support of emancipation and gender equality;
– groups supporting direct democracy;
– local, regional and ethnic groups: opposing uniformity of cultures;
– artists: for whom the anti-globalisation movement is an opportunity to experiment with new artistic forms;
– left-wing parties: highlighting their co-existence and unity with disadvantaged social groups;
– non-governmental organisations: acting, *inter alia*, for the benefit of the poor;
– groups of intellectuals critical about globalisation,
– religious organisations which emphasise their opposition against secularism and materialism[13].

A special role in the shaping of the anti-globalisation movement have been played by the following network movements: No Border (or Noborder, No Borders), Food Not Bombs – FNB, No One Is Illegal – NOII, People's Global Action – PGA, Reclaim the Streets – RTS, and Critical Mass.

The No Border network was established in 1999 as a protest against the European summit in Tampere, Finland. According to anti-globalists protesting against the summit, the unification of Europe meant a higher level of control over the population, a higher number of arrests and deportations from the European Union. The first meeting of No Border took place in Amsterdam in December 1999. The objective of the movement was to create a platform to exchange information and experiences between groups and people engaged in various political struggles of anti-capitalist nature. It also aimed to establish cooperation with groups of migrants. The network was composed of various groups functioning in Europe and elsewhere. One of its methods of operation was to organise anti-border protests. For instance, while demonstrating at the Bulgarian-Greek border in 2005, activists of the No Border movement declared solidarity with immigrants and refugees, pronounced themselves against borders between countries, against the functioning of refugee detention camps and in favour of the freedom of movement and they acted alongside other movements e.g. anti-racism and anti-capitalism.[14] In the course of the No Border Camp organised in Ukraine in 2007, they protested against "Fortress Europe".[15] Participants of the movement claimed that States and borders dividing them destroy freedom of individuals, constitute a form of control over people, hinder travelling, divide human societies, in particular in border regions, and suppress diversity.[16] These postulates

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[13] Cf. M. Castells, *op. cit.*, [Polish translation, pp. 141-144].

[14] *International call to No Border actions 22-28 August 2005*, "Abolishing The Borders From Below. Anarchist Courier From Eastern Europe" No. 20, 2005, p. 25.

[15] *Call out for No Border Camp in Ukraine 2007*, "Abolishing The Borders From Below. Anarchist Courier From Eastern Europe" No. 29, 2007, p. 51.

[16] *No Borders!*, http://www.tigra-nigra.narod.ru/noborders.html (accessed: 16.08.10).

coincided with anarchists' criticism of globalisation contradictions. In 2009, in the UK, participants of the movement, including anarchists, rushed into the office of the Minister of State for Immigration and demanded to close internment centres in the country.[17]

The Food Not Bombs campaign has been carried since 1988 in Western Europe and the United States. It reached Central and Eastern Europe after 1989 which marked the beginning of political and economic reforms in the region. Food Not Bombs associates people who oppose military defence spending of national governments. The aim of the propaganda action has been to make people realise that money should not be spent on military purposes but on social purposes. Within the framework of the campaign, fund-raising and food collection events, as well as distribution of meals to the homeless and to the poor have been organised. In Poland and in other countries of Central and Eastern Europe, the development of the movement coincided with CEE countries' preparations to join NATO.[18] Russian participants of the movement argued (2008) that, from the anarchist point of view, FNB was a victory of the poor over the rich and their governments.[19]

The No One Is Illegal campaign began in 1997 in Germany under the name of Kein Mensch Ist Illegal. It was initiated by anti-racism groups and refugees living in Germany. The aim of the campaign was to help immigrants, to protest against deportation policy of EU countries and to promote the idea of abolishing State borders. Participants included not-affiliated individuals and European NGOs. The network organises demonstrations, press propaganda and anti-border camps. For example, an anti-border camp was organised at the Polish-German border in Zgorzelec in 1998, in the German city of Zittau in 1999, in Krynki near the Polish-Belarusian border in 2001.[20] Swedish participants of the last event, who participated in the action via the Internet, declared that the Earth belonged to everyone, all people were entitled to move freely and to settle down anywhere in the world. Following the principle "from each according to his ability, to each according to his need", participants of NOII argued that they were entitled to be respected and to use land resources on equal terms. The movement participants believe that real democracy can be built only from the bottom up. That is the reason why they organise themselves in a non-parliamentary way and make decisions without having a representation. They consider themselves to be part of a global movement which has long fought for freedom, solidarity and fair allocation of world resources and fought against all forms of power.[21]

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[17] Centrum Informacji Anarchistycznej, 14.03.09, http://cia.bzzz.net/manchester_akcja_no_borders_w_biurze_ministra (accessed: 26.07.10).

[18] *Food not bombs*, "Inny Świat" No. 11, n.d. (around 1999), pp. 6-7; P. Malendowicz (2007), *Polski ruch anarchistyczny wobec współczesnych wyzwań politycznych*, Piła, pp. 73-74.

[19] "Foodnotbombs.ru" No. 1, 2008, p. 1.

[20] "Wzbronione" No. 3, 1999, pp. 3-5; Żaden Człowiek Nie Jest Nielegalny, www.zcnjn.most.org.pl (accessed: 30.08.01); P. Malendowicz, *Polski ruch...*, p. 73.

[21] Nätverket Ingen människa är illegal, *Platform*, http://www.ingenillegal.org/om-oss/plattform (accessed: 9.04.11).

Another example of social movement is People's Global Action. It is a federation of various associations and individuals established in 1998. The inspiration to form a coalition were demonstrations in Geneva held on an anniversary of the conclusion of the General Agreement on Tariffs and Trade, the continuation of which has been the World Trade Organisation. One year after its creation, the PGA associated 600 participants from Europe, including over 300 communities, some from outside Europe. Part of the PGA global action have been Mexican Zapatistas and the Food Not Bombs community. The PGA opposes economic globalisation, in particular dominance of corporations in global economy. It has no structures nor any specific headquarters. It has been a worldwide information and propaganda network. Its activities have been protests in the form of pickets, demonstrations and direct actions against corporations, governments of richest countries, and organisations managing international capital. The PGA has demanded decentralisation of economic power in the world and a change of foundations of global capitalist economy through a radical reversal of its principles.[22]

The Reclaim the Streets movement emerged in 1993 out of a local protest against the construction of a motorway in one of London boroughs. John Jordan (RTS) explained: "The M11 Link Road will stretch from Wanstead to Hackney in East London. To build it, the Department of Transport had to knock down 350 houses, displace several thousand people, cut through one of London's last ancient woodlands and devastate a community with a six-lane-wide stretch of tarmac at the cost of 240 million pounds, apparently to save six minutes on a car journey."[23] Actually, the RTS movement for the protection of the urban environment was created in 1995. (Before, a different group used the same name.) Its aim was to build "temporary autonomous zones" (the term was used by Naomi Klein who referred to the words of Hakim Bey), i.e. creative, joyful and vibrant urban spaces which would disrupt traffic and everyday consumerism and overcome non-ecological and anti-humanistic forms of life in capitalist metropolises where automobile transport determines the pace of life devoid of any spiritual dimension. In this form, the RTS has spread to other regions of urbanised Europe, contradicting the street reality filled with advertisements and introducing spontaneity and fun instead.[24]

The postulate of global fun was implemented with a Global Street Party (GSP). The GSP has become a form of global peaceful resistance to globalisation as advanced by transnational organisations and governments of richest States. After the 1995 GSP in London, "the street party has been erupting across the world with its collision of love and rage, carnival and revolution, politics and party. From Leeds

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[22] K. Jakubczak (1999), *People Global Action*, "Wzbronione" No. 1, pp. 3-4; *People Global Action*, "Abolishing The Borders From Below. Anarchist Courier From Eastern Europe" No. 25, 2006, p. 44.

[23] After: N. Klein (1999), *No Logo*, Toronto [Polish translation (2004), *No space, no choice, no jobs, no logo*, Izabelin, p. 331].

[24] *Ibidem*, [Polish translation pp. 329-341]; M. Hamm (2002), *Reclaim the Streets! Global Protests and Local Space*, transl. A. Derieg, http://www.republicart.net/disc/hybridresistance/hamm01_en.htm (accessed: 20.03.11).

to Sydney, Amsterdam to Edinburgh, Berlin to Tel Aviv, thousands of people have banished the car, danced defiantly, transformed private space and created their own local festivals of resistance."[25].

Critical Mass is a cycling event which originated in the United States in 1992 and since then has been held also in Europe. It consists in organising bicycle rides through city or town streets, usually held on Fridays (typically on the last Friday of each month). Participants say: "We do not block the traffic. We are the traffic!"[26]. According to Jarosław Urbański, after 2000, Critical Mass has been organised in 300-350 cities and towns around the world. In San Francisco, its city of origin, it has been gathering about 2,000 people, about 5,000 in New York, 1,500 in London, 1,000 in Berlin. In Poland, 4,000 people took part in a ride organised in Gdańsk in June 2004, and 1,400 cyclist assembled in Warsaw in August 2004.[27] Warsaw participants of Critical Mass have the following objectives: "drawing attention to the presence of bicycles in the city", "using asphalt as the cover layer of bike paths", "development of a coherent network of convenient and safe bicycle paths cyclable for all types of bikes, and of accompanying infrastructure", "maintenance of main bike paths in a passable condition throughout the year", "a larger share of bicycles in traffic"[28]. Participants of Critical Mass consider it to be a movement which functions without leaders, not an organisation. They say that "it can be a lot of fun, but Critical Mass itself does not change anything. It is effective only when combined with real lobbying, exerting a pressure on local governments and central authorities so that they build bike paths and upgrade the legislation"[29]. The biking protest is consistent with anarchists' involvement in actions aiming at preservation of natural environment and freedom of movement.

The anarchist movement has become part of the anti-globalisation movement. Among anti-globalisation initiatives organised with the participation of anarchists, events organised by the Anarchist Black Cross (ABC) and Anarchists Against the Wall (AATW) networks had a global outreach. The ABC is composed of groups of activists who support imprisoned and persecuted persons who usually are former anarchists, and other people convicted, according to anarchists, for political views they declared and tried to realise. It emerged in the early 20th century out of the Anarchist Red Cross, an organisation established in Tsarist Russia. The first ABC group outside Russia was created in the UK. After 1917, the ABC moved to Germany and, afterwards, to the Netherlands and France. In the 1930s, its activism gradually van-

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[25] Global Street Party, http://rts.gn.apc.org/global2.htm (accessed: 28.12.2010).

[26] After: N. Klein (2004), *op. cit.* [Polish translation, p. 333].

[27] J. Urbański (2005), *Odzyskać miasto. Samowolne osadnictwo, skłoting, anarchitektura*, Poznań, p. 39.

[28] Warszawska Masa Krytyczna, http://www.masa.waw.pl/index.php?option=com_content&ta-sk=view&id=12&Itemid=28 (accessed: 4.05.2011).

[29] Miasta dla rowerów, http://www.rowery.org.pl/cm.html (accessed: 4.05.2011); Critical-mass. info, http://critical-mass.info/howto/ (accessed: 4.05.2011).

ished. It was revived to the end of the 1960s in the UK. In the 1970s, American activist Lorenzo Kom'boa Ervin created the theoretical foundation of the organisational dimension of the functioning of the ABC. In Central and Eastern Europe, it began to operate again in the 1990s (e.g. in Poland, it has been functioning since 1994, and its countrywide network since 1996).[30]

Participants of the ABC in Europe and other parts of the world have carried activities consisting in provision of assistance to people taking part in social protests. The assistance consisted mainly in organising propaganda campaigns to release prisoners, publishing prisoners' letters and addresses of places where they were detained so that letters of support and parcels could be sent to them. Less frequently, the ABC provided financial support to detainees and their families. Special funds and insurance scheme were created for that purpose and fund-raising events incluging charity concerts were organised. Campaigns against prison systems in particular countries were carried through publications issued by particular groups.[31] The ABC published leaflets and brochures informing how to proceed with law enforcement authorities. For example, in 1998, a guide containing legal and practical guidance on how to act while being arrested by police[32] was published in Russia.

The Anarchists Against the Wall movement, although it originally operated outside Europe, has a considerable group of sympathisers on the continent. It was established in 2003 as a group using direct action against the construction of a wall separating Jewish settlements in Israel and territories of the Palestinian Authority. The first AATW camp was in the Palestinian village of Mas-ha. It gathered Israeli, Palestinian and international activists. The camp functioned for four months, during which it became a centre disseminating information about the action purposes. Next camps were organised near Budrus and Bil'in. By 2010, the AATW organised hundreds of demonstrations and actions to remove the wall. The initiative was strongly supported in European anarchist press. The AATW tried to fulfilled its objectives also by means of other methods raising public awareness including involvement in discussions after various lectures.[33] According to publicists of the alternative movement, the success of the AATW was a result of the following factors: "Firstly, it was the healthy sense of right and wrong that allowed them to identify the wall as a symbol of the evil of the occupation and of the global era founded on walls and apartheid

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[30] "Biuletyny Informacyjne Anarchistycznego Czarnego Krzyża"; Anarchistyczny Czarny Krzyż, www.most.org.pl/ack (accessed: 16.01.2001), http://www.ack.most.org.pl/ (accessed: 30.04.2011); Anarchist Black Cross, *Information and Resources,* 2002, p. 8; Letter from Anarchist Red Cross, traditional mail dated 7.02.2001) (in author's collection).

[31] [Salwa], *Czarny Krzyż,* "Rewolta" No. 3, 1989, p. 5.

[32] Пособие Активисту (юридические и практические советы при общении с милицией), Москва, 2008.

[33] *Anarchists Against The Wall Initiative Request Support,* "Abolishing The Borders From Below. Anarchist Courier From Eastern Europe" No. 30, 2007, p. 48; Anarchists Against The wall, http://www.awalls.org/about_aatw (accessed: 20.03.2011); *Interview de membres d'Anarchistes contre le mur,* http://www.avoixautre.be/spip.php?article1238 (accessed: 5.08.2010).

much earlier than others saw that. Secondly, it was the ability to make sacrifices and overcome one's fears which often paralyse us. Thirdly, there were direct relations with Palestinian youth, people the same age, and that allowed for a much more open cooperation than the one undertaken by older generations of anti-occupation activists"[34].

The most visible manifestations of anti-globalisation protests in which anarchists took part and which met with interest of mass media, were demonstrations and riots. They began outside Europe, during the World Trade Organisation summit held in 1999 in Seattle. In Europe, the protests were continued during the Prague meeting of representatives of the International Monetary Fund and the World Bank in 2000. Protests in the capital of the Czech Republic were the first large ones, i.e. had a high number of participants (their actual number is difficult to estimate though) and a very wide media coverage (propaganda), organised in Europe. At that time, anti-globalists, including anarchists, organised many spectacular happenings and violent actions. The press associated with the anarchist movement called anarchists' events in Prague a "revolt": "After the experience of Seattle, where the summit was accompanied with street riots lasting several days, capitalists decided to organise their reunion in calm Prague. However, it was of no benefit for them. The idea of globalisation opponents to turn Prague into Seattle was implemented. Again, there had to be a confrontation with the police, faithful dogs defending the system of oppression and injustice".[35] Adherents of non-pacifist methods claimed at the time that: "many participants of the protests were shocked with the violence of people protesting in Prague. Nowadays, the choice of the form of protest is considerably limited. Pacifist banner protests are ignored by authorities thinking 'they will do some noise and go away'. Another one is a feedback strategy in which authorities' actions ricochet and hit them back to the extent they deserve it. Current violence may be a forerunner of the decade of terror".[36]

Anti-globalisation protests with the participation of anarchists were organised also e.g. in 2001 in Gothenburg during the meeting of Heads of State and Government of the European Union and the G8 summit in Genoa, and in 2004 during the European Council meeting in Dublin and the economic summit in Warsaw. However, although anarchists participated in the above-mentioned protests, those protests were not organised by international structures of the anarchist movement.

Another form of an anti-globalisation activity has been the Black Bloc, i.e. anarchist groups dressed up in black, with covered and, thus, unrecognisable faces. The term was used by the police to characterise participants of demonstrations. Black Blocks were organised already in the 1980s in Germany. After the first big protest in Seattle in 1999, the Black Block became a commonly used form of temporary

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[34] Centrum Informacji Anarchistycznej, 19.06.2008, http://cia.bzzz.net/alterkino_org_anarchisci_przeciwko_murowi (accessed: 29.07.2010).

[35] *Rewolta na ulicach*, "Bunkier" No. 12, 2001, pp. 10-11.

[36] [Robo], *Praga*, "Versus" No. 6, n.d. (around 2000), p. 3.

gatherings during demonstrations.[37] During protests against the summit of G8 State leaders in Genoa in 2001, each Black Block group had its own name (e.g. the Polish group took the name of Jerzy Kukuczka as a metaphor of reaching summits and performing difficult tasks). At that time, Italian *Ya Basta* and *Tutti Bianchi* groups were more radical and fight-oriented. They were armed with sticks, shields, and protectors.[38] Such forms of anarchists' activity occurred also in the case of other massive protests in which anarchists participated.[39]

After 2001, anarchists initiated or joined anti-globalisation protests of various networks. Examples include the Belarusian Social Forum organised in Minsk in 2004[40] and in subsequent years; Network Against G8 which organised protests in Saint Petersburg, Russia, in 2006[41]; and anarchists' interest in the activity of the British Corporate Watch devoted to monitoring activities of transnational corporations[42]. A manifestation of anti-globalisation protests was the ESF Action Network.[43] Meetings of the European Social Forum have been held since 2002. Since 2001, national forums have been organised and the World Social Forum as well. The first World Social Forum was held in Brazilian Porto Alegre and it was, for anti-globalists, a model implementation of participatory democracy.[44] Anarchists also participated in the Libertarian, Anarchist and Anti-authoritarian Forum.[45]

Nationwide riots were the domain of Greek anarchists. Usually, they broke out when the financial situation of European societies deteriorated or when authorities took actions limiting social benefits. In 2008-2010, anarchists frequently initiated and/or participated in riots organised in response to the global economic crisis and the deteriorating financial situation of Greece. A different example of riots were those which began in Athens at the end of 2008, when a policeman fatally wounded

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[37] D. Van Deusen, X. Massot (ed. and comp.) (2010), *The Black Bloc Papers. An Anthology of Primary Texts From The North American Anarchist Black Bloc 1988-2005. The Battle of Seattle Through The Anti-War Movement*, Shawnee Mission; "Red & Black Revolution. A magazine of libertarian communism" No. 6, 2002, http://www.wsm.ie/content/bashing-black-bloc (accessed: 8.08.2010); *Crni blok za početnike*, http://www.inventati.org/anarhizam/index.php?option=com_conten-t&task=view&id=875 (accessed: 4.08.2010).

[38] "Inny Świat" No. 15, n.d., p. 9; "Mać Pariadka" No. 4, 2000, pp. 6-13.

[39] More in: [Severino], *Has the Black Block tactic reached the end of its usefulness?*, "Red & Black Revolution. A magazine of libertarian communism",No. 7, 2003, pp. 25-28.

[40] BSF Organizational Committee*, Belarusian Social Forum*, "Abolishing The Borders From Below. Anarchist Courier From Eastern Europe" No. 18, 2004, p. 21.

[41] *Network Against G8 (Russia/ex-USSR) – Basic principles*, "Abolishing The Borders From Below. Anarchist Courier From Eastern Europe" No. 24, 2006, p. 27.

[42] Corporate watch, http://www.corporatewatch.org/?lid=58 (accessed: 10.04.2011).

[43] "From Thoughts To Action" n.no., n.d. (around 2008), p. 2.

[44] M. Starnawski, *Alterglobalizm w poszukiwaniu nowej wielkiej narracji*, in: P. Żuk (ed.) (2008), *Spotkania z utopią w XXI w.*, Warsaw, pp. 175-176.

[45] Centrum Informacji Anarchistycznej, 6.05.06, http://cia.bzzz.net/goraco_w_atenach_podczas_esf (accessed: 31.07.2010).

teenage anarchist Alexandros-Andreas Grigoropoulos.[46] Actions of solidarity with riots in Greece were organised in other countries.

The organisational panorama of the anarchist movement included hundreds of local groups and national federations, as well as the press and Internet publishers. At the international level, anarchists were associated in the International of Anarchist Federations/Internationale des Federations Anarchistes (IAF/IFA) established in 1968. It included federations from France and Belgium, UK and Ireland, Italy, Spain and Portugal, Germany and Switzerland, Belarus, Bulgaria, Czech Republic and Slovakia, as well as a non-European Argentinean federation.[47] Anarcho-syndicalist trade unions were associated in the International Workers' Association (IWA) founded in 1922. It was composed of structures from France, Spain, Italy, UK, Germany, Norway, Slovakia, Poland, Portugal, Russia, Serbia, as well as from Argentina and Brazil, and of a group of "befriended" groups from Chile, Colombia and Australia.[48]

The objective of the anarchist movement has always been freedom from the State and economic power, including all institutions which hierarchise people. It has been the ultimate, maximalist and global goal. In the anarchist thought, anarchist freedom has been the autotelic, primary and highest idea. To achieving their immediate, minimalist and defensive goals, anarchists opposed authoritarianism of the State power, the system of global economy and uniformed culture patterns. According to anarchists, these were the areas where people's freedom kept being limited on a global scale at the beginning of the 21st century.

At that time, the challenge for the anarchist movement was to determine the object of its opposition. It has always been power but, in the anarchist thought at the turn of the new century, the centre of power was seen through the prism of ambiguous relations between the State, financial institutions and international corporations. The role of the State in relation to those entities was identified, *inter alia*, as follows:

–   corporations keep ousting the State from exercising the power over society. In consequence, a "mega-State"[49] based on the provisions of law elaborated in accordance with guidelines of corporations and principles of economics will be created (a dominant view in the 1990s);

–   the State is an institution which will exercise power over the world together with corporations. It has become a "security agency" for interests of corporations which, in return, support political elites by securing their position (dominant view after the year 2000),

–   the State consolidates its status, keeps strengthening its omnipotent role also in economy. It determines the rules of economy functioning in provisions of law and is a monopolist in this field (less popular view).

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[46]   Centrum Informacji Anarchistycznej, 7.12.2008, http://cia.bzzz.net/ateny_16_letni_anarchista_ za-strzelony_przez_policje (accessed: 27.03.2011).

[47]   International of Anarchist Federations/Internationale des Federations Anarchistes, http://www. iaf-ifa.org/home/index_en.html (accessed: 18.06.2010).

[48]   International workers Association, http://www.iwa-ait.org/?q=sections (accessed: 4.03.2011).

[49]   *Witajcie w Nowym Wspaniałym Świecie!*, "Biuletyn Anty-rządowy" No. 1, 2001, p. 4.

The aforementioned views or positions were similar to differences in interpreting the significance of States and corporations in neo-realism, neo-Marxism, neo-liberalism and the theory of global political and economic spiral.[50] Regardless of differences between the above presented views, the (political and economic) sphere of power was perceived by anarchists as separated from the society. This manifested itself in the disappearance of traditional State functions, in particular the social one, as well as in disturbances or "blockages" in the flow of information from the society to authorities. According to anarchists, not only political elites but also corporations were responsible for those blockages (to a various extent, depending on the view adopted) to protect their interests. For anarchists, radicalisation of the anti-democratic character of changes in authorities-society relations manifested itself in not taking due care of social expectations. The proper bottom-up flow of information was replaced with an increasing invigilation of the society and extension of prison facilities. The latter were interpreted as an immanent feature of systems based on power. According to the anarchist thought, increased control over of society and prisons proved that some people wanted to be in power and, therefore, freedom of others kept being limited. Thus supremacy of particular interests blocked the expression of social demands. Only abolition of power (authorities) could eliminate those blockages and the entire social needs regulatory system within State borders. Moreover, the articulation of social expectations was increasingly difficult due to the deepening division between political and economic powers, internationalisation of the latter and lack of a concrete centre to which demands could be addressed.

That is the reason why anarchists radically criticised economic systems of contemporary States and global economy. Global economy was defined as an increasingly autonomous system disregarding actual social needs, escaping social control, reinforcing the power of production means owners and the growing group of people creating organisations and institutions governing global finances. Moreover, not only anti-globalists, including anarchists, agreed that globalisation implied gradual limitation of the autonomy of individual States. This phenomena could have been observed in the areas of tax policy, social insurance, environmental protection and policy on foreign investments.[51]

According to anarchists, capitalism is an economic system based on the doctrine of continuous economic progress and they have interpreted that progress in a pejorative way. Already in the 19th century, forerunner of anarchism Mikhail Bakunin wrote: "The modern state is analogous to capitalist production and bank speculation (which ultimately swallows up even capitalist production). For fear of bankruptcy, the latter must constantly broaden their scope at the expense of small-scale production and speculation which they swallow up; they must strive to become unique, uni-

[50] D. E. Staszczak (2007), *Globalizacja. Zbiorowa hegemonia mocarstw i korporacji transnarodowych a globalny marketing*, Toruń, pp. 25-38.

[51] A. Gwiazda (1998), *Wyzwania globalizacji – zagrożenia dla polityki państw narodowych*, "Przegląd Politologiczny" No. 3-4,, p. 10.

versal, world-wide."[52] For anarchists, globalisation has been a manifestation of that need to "broaden their scope". Capitalism of the globalisation era has been judged to be "worse" than that of the 19th century "in the sense that it represents an attempt at extending and intensifying capital's grip on humanity". However, it is not "worse" as far as its logic is concerned: "to exploit people and nature to the maximum extent possible."[53] For the International of Anarchist Federations, economic globalisation is simply the next stage in the development of capitalism, at which the power of capital gets global.[54] According to the analysis by Rafał Wieniawa, the author of *Wolnościowa krytyka globalizacji ekonomicznej* [Libertarian criticism of economic globalisation] published by the Polish anarchist movement, after World War II, Western countries withdrew from their colonies as the costs of financing the army and police were too high. However, since capitalism could not exist without colonies, capitalist states created a new version of colonialism. They made their former colonies economically dependent on them and they did not refrain from using military arguments in situations which threatened their interests. Thus globalisation is neo-colonialism in which the significance of large corporations grows and barriers limiting their influence are eliminated in the name of profit which is a core feature of capitalist economy. Profit can be gained by reducing production costs, i.e. finding cheap labour force and inexpensive and easy access to raw materials and intermediates. Since former colonies have not managed to develop their own high-tech industries, they lack technically qualified professionals. Thus, unqualified, cheap labour force is there. Moreover, after colonial powers withdrew, former colonies became dependent on them. Gradually, Western companies invested in and granted loans to developing countries. Those investments have not, however, contributed to technological advancement of industries in developing countries. Since unqualified workers get lower remuneration than workers in Western countries, profits of Western companies grow and are then transferred to Western countries which benefit from cash inflow.[55]

According to anarchists, the country which plays the most important role in the neo-colonial system is the United States. The history of "globalisers", however, dates back to the antiquity according to Bulgarian anarchist journalists. Globalisers were Roman rulers, Genghis Khan (Mongolian ruler), Attila (leader of the Huns),

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[52] M. Bakunin (1990), *Statism and Anarchy*, Cambridge University Press, pp. 13-14, http://books.google.pl/books?hl=pl&id=ffXU01KzRNQC&q [Polish translation: *Państwowość a anarchia*, in: M. Bakunin (1965), *Pisma wybrane*, Vol. II, Warsaw, pp. 181-182].

[53] *Globalisation. Origins-History-Analysis-Resistance,* "Do or Die. Voices from the Ecological Resistance", Issue 8), on-line: http://www.eco-action.org/dod/no8/glob.html. p.1

[54] International of Anarchist Federations / Internationale des Federations Anarchistes, *Analysis of the international situation*, IAF VII Congress, Besançon, France, 9-12.04.04, "Anarkiista Debato. Magazine of IAF" No. 0, 2006, pp. 9-14.

[55] R. Wieniawa (2007), *Wolnościowa krytyka globalizacji ekonomicznej*, http://cia.media.pl/wolnosciowa_krytyka_globalizacji_ekonomicznej and http://www.czsz.bzzz.net/index.php?d=public&x=antyglobal&id=119, Zielona Góra, pp. 2-6.

Napoleon Bonaparte and Adolf Hitler.[56] In the modern context, foreign policy of the European Union has been also assessed by anarchists. In "Afrique Sans Chaines" magazine, *Confédération nationale du travail – Vignoles* criticised Europe for its agreements with African states. They argued that the agreements were based on colonial ideas and their objective was to steal resources from former colonies.[57] Anarchists concluded that since the 19th century, colonialism has been based on an unequal development of the world, to which corrupt governments contributed, and that globalisation of capitalism has not reduced gaps between different geographical areas and social classes.[58] They explained that poverty was the cause of migration of Africans to Europe, and found similar excuses for Somali pirates racketeering and ravaging ships in the waters of the Horn of Africa since the 1990s. Insurrectionary anarchists even called for solidarity with the pirates.[59]

Activists from Russia warned against globalisation as a phenomena which was not new. They saw globalisation as another attempt to reign the world, also with the use of military force.[60] Irish anarchists compared "capitalist globalisation" to "imperialism". They understood it as the ability of countries to globally and locally dictate trade relations with other countries. According to them, it also manifested itself in gaining access to raw materials, military bases, controlling the flow of cheap labour and insuring imports of finished goods or heavy machinery by poor countries. Thus, States qualifying as imperialist would be primarily those composing the permanent members of the United Nations Security Council (China, France, Russia, the United States and the UK) and G8 states (in addition to France, UK, Russia and the United States also Germany, Italy, Japan and Canada). In the opinion of Irish anarchists, companies based in the foregoing countries and organisations and institutions managed by those countries contributed to the establishment of a neoliberal order in the 21st century. In addition to G8, which represents interests of the richest states, and the United Nations, other relevant organisations and institutions include the World Trade Organisation established in 1994 as a continuation of the General Agreement on Tariffs and Trade, the World Bank established in 1944, and the International Monetary

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[56] Г. Константинов (2007), *Глобализация и антиглобализъм*, "Свободна мисъл" No. 1 (196), pp. 4-5.

[57] *L'Europe du capital tente. Une nouvelle offensive sur l'Afrique,* "Afrique Sans Chaines" No. 2, 2008, pp. 4-5; cf. also: V. Adeleke (2003), *What Africa really wants,* "Freedom" No. 10, p. 1.

[58] *Manifeste pour une Alternative libertaire. Un combat anti-impérialiste*, 27.04.2006, http://alterna-tivelibertaire.org/spip.php?article75 (accessed: 6.08.2010); International of Anarchist Federations/ Internationale des Federations Anarchistes, *Aspectos de la dominacion y la explotacion mundiales,* Lyón, 1997, http://www.nodo50.org/tierraylibertad/documentosifa.html#7 (accessed: 8.08.2010).

[59] [An anarchist from Livorno – Italy] *Against control technologies, against the prison society,* "325" No. 7, 2009, p. 40.

[60] Ассоциация Движений Анархистов, *Программа,* XXI Съезд, г. Питер, 22-25.08.2008, http://vintovka.front.ru/programma.htm (accessed: 15.08.2010); Ассоциация Движений Анархистов, *О глобализации,* XIV Съезд, Питер, 9.09.2001, http://vintovka.front.ru/14ada2001-03.htm (accessed: 15.08.2010).

Fund also created in the 1944 within the framework of the UN activity.[61] According to anti-globalists, for example anarchists form the Czech Republic and Slovakia, economic globalisation was also promoted by the North American Free Trade Agreement, NATO and the European Union.[62]

Anarchists joined the anti-globalisation protest against activities of the World Bank and the International Monetary Fund. In their propaganda actions against the meeting of representatives of the foregoing institutions held in Prague in 2000, they accused those institutions of benefiting from long-term bank loans given to the poorest states, destroying economies of the latter and making their societies incur the costs of repayment of the loans; financial malpractice of politicians and maintaining relations with dictatorships in South American countries and governments of Indonesia and China; promoting neoliberal policy facilitating capital flow to countries with the cheapest labour force and thus pushing for limiting the rights of workers and trade unions; imposing new cultural patterns through unified consumption; throttling the autonomy of local communities and self-government; facilitating corporations' activities which contribute to the destruction of the planet; and of alienation of authorities in power.[63] The *Iniciativa Proti Ekonomické Globalizaci* (Initiative Against Economic Globalisation), which organised demonstrations in Prague, highlighted also the anti-social character of operations of the World Bank and the International Monetary Fund.[64] Czech and Slovak propaganda used a political cartoon which presented people entering a machine in the shape of the dollar symbol, which produced "economic growth", and leaving it as beggars.[65]

In this context, anarchists criticised also states with the largest and leading economies. In the view of the anarchist movement, the policy of G8 countries consisted in ensuring the growth of their economies at the expense of the countries of the South.[66] According to anarchists, meetings of G8 proved that social expectations (e.g. demands to cancel debts of African countries) were not taken into account.[67] Thus G8 perpetuates the division of the world into the rich North and the poor South, which is confirmed by the polarisation of people's income in the world.[68]

The growing income of the richest part of world population and the accompanying poverty were among main reasons for criticising globalisation. Irish anarchists

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[61] Workers Solidarity Movement, *Capitalist Globalisation and Imperialism,* 2004, http://www.wsm.ie/content/capitalist-globalisation-and-imperialism (accessed: 8.08.2010).

[62] Československá anarchistická federace, *Manifest,* 2000, http://www.csaf.cz/manifest_2000.php(accessed: 19.06.2010).

[63] *8 powodów, dla których trzeba było pojechać do Pragi i zaprotestować przeciwko polityce Banku Światowego i Międzynarodowego Funduszu Walutowego, "*Mać Pariadka" No. 4, 2000, p. 3.

[64] "Konfrontace" No. 9, 2000, p 2; "Pracownicza Demokracja" No. 23 (75), 2000, p. 12.

[65] "Existence. Anarchistická revue" No. 9, 2000, p. 11.

[66] [Negres Tempestes i Collectiu Catalunya], *Blocs i bloquets negres a les manifestacions de l'11 de setembre*, "Catalunya" No. 90, 2007, p. 18.

[67] *Debt Relief & Democracy*, "Anarchist News" n.no., n.d., p. 1.

[68] *What's wrong with the G8*, "Anarchist News" n.no., n.d., p. 2.

pronounced themselves against the global dichotomy of the population divided by the barrier of income. Already in the 1960s, the income of the wealthiest 20% of the world population was 30 times higher than that of the poorest 20%. Nowadays, it is over 60 times higher. Anarchists presented the data of the UN according to which assets of the 200 wealthiest people in the world were higher than the total income of 41% of the poorest people in the world.[69] Debi Barker and Jerry Mander – authors of *Invisible Government* popular with the anarchist movement – quoted the data of several institutions according to which American CEOs earned on average 419 times more than line workers; hourly-rate wages of average earners adjusted to inflation rates in 1999 were 10% lower than 25 years earlier; the richest 20% of the United States' population possessed 84.6% of the entire wealth of the country; assets of 475 world billionaires equalled the income of over 50% of world population; 52 out of 100 largest business entities were corporations and 48 were States; 200 largest transnational corporations hired 0.5% of global labour force.[70]

Anarchists accused transnational corporations of having perpetuated material divisions in the society. Leaving aside differences in anarchists' views of the role of the State in its relations with transnational corporations and international financial institutions, they agreed that objectives of the latter were undemocratic and anti-social. According to publicists of the anti-globalisation movement, the World Bank and the International Monetary Fund have caused a change in economic structures of countries which are embroiled in never-ending loans and that is an "open door" for the activity of corporations.[71] The latter, putting their profit above the fulfilment of the needs of societies of African, Asian and South American countries, where they mainly operate, contributed to impoverishment of the population there. The press of the anti-globalisation movement argued that the foregoing situation resulted in people's subordination to corporate employers. They subordinated in order to survive. Corporations did not respect employees' rights and human rights. State authorities of countries in the aforementioned regions could not or did not want to influence corporations. Therefore, according to anarchists, if the rule of economic laws leads to such consequences, these laws should be abolished. Anarchists postulated that the general principle of cooperation/collaboration should be observed to meet the needs of all people.

In this context, while analysing economic changes in Central and Eastern Europe, anarchists concentrated not only on material consequences of the transformation but also on the process of taking (power) over enterprises by former party elites

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[69] *Globalizacja – koniec epoki imperialnej?*, http://www.wsm.ie/news_viewer/1536 (accessed: 8.08.2010).

[70] D. Barker, J. Mander, *Invisible Government: The World Trade Organization - Global Government for a New Millennium?* (San Francisco: International Forum on Globalization, October 1999), http://ifg.org/v2/wp-content/uploads/2013/12/Invis_Gov.pdf [Polish translation: *ABC globalizacji. Elementarz opracowany przez International Forum on Globalization*, Łódź, p. 23].

[71] [Robo] *Praga. Komentarze komentarzy*, "Versus" No. 6, n.d. (around) 2000, p. 2.

and of new elites' alienation from the society. The criticism was supposed to prove the groundlessness of the existence of authorities' power in general. It was supposed to reveal its features and to make people aware that it was not possible to realise the idea of freedom within a capitalist State. Czech and Slovak activists argued that the trasformation which begun in 1989 consisted in a change of a capital management project.[72] Anarchists considered the idea that democracy and capitalism equal prosperity to be a myth.[73] In their opinion, capitalist reforms perpetuated the division of the society into the rich and the poor.[74] Anarchists criticised Polish reforms and called for the resignation of "Balcerowicz, Bielecki, Boni and other adherents of the reconstruction of capitalism by digging the pockets of the society which has already been poverty-stricken"[75]. Leszek Balcerowicz was called a vampire.[76] The website of Bulgarian *Васил Икономов* group read that, after 12 years of transition, Poland was a country inhabited by a demoralised nation characterised by striking social inequalities, a country of dying economy.[77] While analysing the situation of the Gdańsk shipyard in the last decade of the 20th century, anarchists accused leaders of the Solidarity Trade Union in the 1980s of benefiting from profits of the economic transformation and forgetting about those who had protested with them and lost their jobs afterwards.[78] Romanian anarchists criticised former politicians, who had supported the regime of Nicolae Ceauşescu, for their involvement in privatisation. They were judged to build their own "capitalist system".[79] The anarchist movement was also interested in the economic transition in the Balkans. Anarchists from Bosnia and Herzegovina described a case of a company in Tuzla which had operated throughout the war. Later, the company collapsed because its management board did not pay its employees and did not settle the bills but spent huge money on luxury goods. Meanwhile, State authorities announced that privatisation would be continued.[80] Serbian anarchists pointed to growing unemployment and disparities between rich and poor

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[72] [Tridni Valka] *On the anniversary of the so-called "Velvet revolution" in Czechoslovakia 1989* (after www.tridnivalka.tk), http://libcom.org/library/anniversary-theso-called-velvet-revolution-czecho-slovakia1989 (accessed: 3.08.2010).

[73] *NATO a Slovensko, "*Zdola!" špeciálne vydanie, 2002, p. 2.

[74] "Abolishing The Borders From Below. Anarchist Courier From Eastern Europe" No. 31, 2008, p. 45.

[75] Międzymiastówka Anarchistyczna, *Balcerowicz – stop!, "*Syndykalista. Biuletyn uliczny Międzymiastówki Anarchistycznej" No. 3-4, 1991, p. 1.

[76] *Against liberalization of the labor code,* http://abb.hardcore.lt/joomla/index.php?option=com_ea syfaq&task=cat&catid=58&Itemid=56 (accessed: 9.08.2010).

[77] В. Маргерит, *Полша боледува от либерализма (какво остава от мечтите на "Солидарност"),* http://ikonomov.a-bg.net/ (accessed: 5.08.2010).

[78] L. Akai, *25 years after Solidarnosc (Solidarity): the heroic struggle questioned, "*Abolishing The Borders Fro Below. Anarchist Courier From Eastern Europe" No. 20, 2005, p. 21.

[79] [Abb] *Interview with Romanian anarchist,* http://abb.hardcore.lt/joomla/index.php?option=com_ easyfaq&task=view&id=231&Itemid=56 (accessed: 9.08.2010).

[80] *Interview with anarchist from Bosnia & Herzegovina, "*Abolishing The Borders From Below. Anarchist Courier From Eastern Europe" No. 17, 2004, p. 8.

people. They criticised reforms imposed by international financial institutions and the European Union, which further perpetuated the poverty.[81] They were supported by American scientist and opponent of US foreign policy Noam Chomsky. He wrote a letter to Prime Minister of Serbia protesting against the policy towards one company. The company went bankrupt and, as a result, hundreds of people lost their jobs.[82]

The last element of the anarchist analysis of the economic path of globalisation was the evaluation of causes and consequences of the global financial crisis which began in 2007 in the United States. Most frequently, anarchists blamed market mechanisms which led to the globalisation of capitalism[83], and the "greed of capitalists" which was out of social control[84]. Consequences of the crisis were anti-social actions systematised by Portuguese anarcho-syndicalists. They included dismissals, insolvency and bankruptcy of enterprises, reduction of working time and wages, suspension of employment contracts, and early "voluntary" retirement.[85] The aim of the above actions was – as French "Anarchosyndicalisme!" magazine put it – to "satisfy the appetites of capitalism"[86]. As for capitalism, its goal was the process itself. Journalists of Russian magazine "Либертарная мысль" wrote: "If social needs are fulfilled, capitalism will die!"[87].

According to anarchists, social polarisation grew under the crisis of capitalist economy and this was a manifestation of power of political and economic elites. Societies, due to limited income and insufficient financial means, were forced to choose a specific life "style" consisting in them selling their knowledge, skills and physical strength for low remuneration. This situation was decisive for their lack of lifestyle choices and thus for lack of freedom. Anarchists viewed "socialised capitalism" as a myth as they considered capitalism to be a socially non-manageable system. It was ruled by economic laws which generated profit for owners of companies and impersonal corporations. That is the reason why, according to anarchists, only the liquidation of capitalism would result in the implementation of the freedom postulate.

The important contribution of the anarchist movement to the anti-globalisation thought was its maximalist critique of political, economic and cultural processes

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[81] A. Grubačić, *Interview with Activists of Freedom Fight,* in: *Talk on Anarchism,* Belgrade 2008, p. 99.

[82] *Pismo Noama Čomskog predsedniku Srbije, premijeru i ministru policije, "*Glas Radnika" No. 5, 2009, p. 3.

[83] Workers Solidarity Movement, *The crisis in capitalism and the anarchist response,* 2010, www.wsm.ie/content/crisis-capitalism-and-anarchist-response (accessed: 8.08.2010).

[84] Grupo Anarquista Tierra – FAI, *La crisis,* http://www.nodo50.org/fai-ifa/textosypanfetos_fles/pdf_fles/La%20Crisis-28%20Marzo.pdf (accessed: 8.08.2010); A. Mota (2008), *Será que os parasitas "foram longe demais"?, "*Boletím Anarco-Sindicalista" No. 28, p. 1.

[85] Associação Internacional dos Trabalhadores – Secção Portuguesa, "*Lutar contra a crise"? Lutar contra o capitalismo!, "*Boletím Anarco-Sindicalista" No. 31, 2009, pp. 1 and 12.

[86] *La planete en etat de choc,* "Anarchosyndicalisme!" No. 118, 2010, p. 2.

[87] [Стас], *Почему капитализм и государство обречены, "*Либертарная Мысль" No. 3, 2009/2010, p. 14.

which occurred at the beginning of the 21ˢᵗ century. Freedom, the declared anarchist objective, was interpreted in a maximised way. However, that objective was realised as an anti-globalisation protest, i.e. in a minimalist way. The anarchist opposition to (any and imposed) power and authority remained founded on their goal to abolish power and authority. It was not, however, the aim of other protesting movements. In fact, anti-globalists strived for radical reforms of power governance (States and world economy), while anarchists opposed its existence. Anti-globalists sought to restore the principles of fair distribution of wealth and positive globalisation effects while anarchists objected to the existence of centres distributing these goods. On the other hand, anarchists' participation in the protest gave the protest a maximalist dimension. In other words, by striving for the abolishment of power, they radicalised other elements of the protest, and by using extremist forms of action, they created a radical image of the entire protest.

ABSTRACT

The anarchist movement operating in Europe constitutes an element of an international (in composition) and global (in scope) anti-globalisation protest. It does not oppose all the aspects of globalisation but only those which are discrepant with the goals and values of anarchism formulated already in the 19th century. It co-creates, inspires or participates in such anti-globalisation network movements as: No Border, Food Not Bombs, No One Is Illegal, People Global Action, Reclaim the Street, Critical Mass. Above all, it opposes economic neo-liberalism and the consolidation of power, this time not just as the institution of the state but also as economic and financial centres.

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EUROJARGON. DOES EURO-NEWSPEAK EXIST

For over fifty years, the European Union has been striving to make the idea of united Europe a reality. These efforts included official meetings, negotiations, countless documents and regulations, all of which contributed to the development of a relatively rich terminology. That terminology if approached as a lexis is both a specialist vocabulary related to the very functioning of European Union and the main feature of a specific communication code called *Eurojargon*. Eurojargon is both a colloquial name and an official one (provided by the European Union). It is a relatively new concept which developed mainly due to non-linguistic factors related, *inter alia*, to the growth of the EU.

The aim of the present article is to present a classification and semantic analysis of Eurojargon based on the official EU website (www.europa.eu) which includes: *Eurovoc, the EU's multilingual thesaurus*[1] (a thematic dictionary covering all areas of EU activity) and *A plain language guide to Eurojargon*[2]. The website was created for people looking for information and services made available by the European Union.[3] It is administered by the Directorate-General of Communication - European Commission which publishes materials on behalf of EU institutions. According to the information provided on the thesaurus site, it is used by, *inter alia*, the European Parliament, the EU Publications Office, national and regional parliaments in Europe, national governments and private users around the world. The article also covers, to some extent, the impact of Eurojargon on the Polish language.

Authors of *A plain language guide to Eurojargon* highlight that it does not contain purely technical or legal terms (contrarily to the above-mentioned *Eurovoc* which is larded with them). They explain the concept of Eurojargon in the following way: "People within the EU institutions and in the media dealing with EU affairs

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[1] http://eurovoc.europa.eu/drapal/?q=pl, (accessed: 30.11.2012)

[2] The original *A plain language guide to Eurojargon* has been recently archived and is available at http://collection.europarchive.org/dnb/20070702132253/europa.eu/abc/eurojargon/index_en.htm (May 2014).

[3] Dictionaries (glossaries) addressed to the wider public were taken into consideration. The analysis does not cover specialist terminology databases used by translators, such as IATE (Interactive Terminology for Europe).

often use 'eurojargon' words and expressions that they alone understand. Eurojargon can be very confusing to the general public, which is why we have written this 'plain language guide' to help you."[4] The list of terms in the guide (over 80 lexemes) probably does not illustrate the complexity of Eurojargon and is but a sample. However, it may be considered to be a representative sample, as it was selected by institutions which use the jargon.

Eurojargon does not meet the criteria which would allow to call it a language. Despite many linguistic signs (words), it has not developed clear rules for joining them, i.e. a grammar. Eurojargon is a code of limited social outreach, used principally by professionals e.g. politicians, lawyers, economists, scientists, documentarians, civil servants, EU consultants, journalists, and non-professionals involved in European integration on a daily basis[5]. On the other hand, in French literature, the term *Eurolect*[6] formed by analogy to *sociolect* is preferred. *Eurolect* underlines that it is a considerably heterogeneous, international social dialect associated with a particular social class or occupational group differing from a standard language mainly in terms of lexis.[7]

Eurojargon is a peculiar English (mostly) used in EU institutions. In French lexicology a similar socially limited variety of a national language has been called an *argot* and it has had pejorative connotations like slang.[8] In the Polish *Encyklopedia językoznawstwa ogólnego* [Encyclopaedia of General Linguistics], *argot* is defined in the following way: "A language of a specific social group (not a territorial one). It differs from the language used by most of the community mainly in terms of vocabulary, not grammar, unlike urban or regional dialects. The terminology of a jargon may differ slightly or significantly from a standard language. In the second case, a jargon becomes unintelligible to persons who do not belong to the group using the jargon".[9] Furthermore, the author of the definition adds that the character of a jargon is similar to the one of a secret language, and notices that the notion is loaded with a negative emotional undertone.

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    [4] http://europa.eu/abc/eurojargon/index_pl.htm (accessed: 29.11.2012), currently (May 2014) available at http://collection.europarchive.org/dnb/20070702132253/europa.eu/abc/eurojargon/index_en.htm.

    [5] K. Kosecki, *Eurożargon jako język specjalny,* in: G. Szpila (ed.) (2002), *Język a komunikacja* 4, vol. 1: *Nowe oblicza komunikacji we współczesnej polszczyźnie,* Cracow, p. 235.

    [6] R. Goffin (1994), *L'eurolecte: oui, jargon communautaire: non,* Meta: Translator's Journal, vol. 39, no. 4,, pp. 636-642. http://www.eradit.org/revue/meta/1994/v39/n4/002930ar.pdf, (access: 26.11.2012).

    [7] E. g. H. Zgółkowa (ed.) (2002), *Praktyczny słownik współczesnej polszczyzny,* Vol. 39, Poznań, p. 292.

    [8] E. g. S. Kania (1995), *Słownik argotyzmów,* Warszawa, p. 14.

    [9] „Język określonej grupy społecznej (nie terytorialnej). Różni się on od języka używanego przez ogół danej społeczności, przede wszystkim pod względem leksykalnym, a nie gramatycznym, jak gwary, czy dialekty ludowe. Odrębność leksykalna żargonu może być niewielka albo też znaczna – w drugim przypadku żargon przestaje być zrozumiały dla osób nienależących do posługującej się nim grupy", K. Polański (ed.) (1999), *Encyklopedia językoznawstwa ogólnego,* Wrocław, p. 716.

A detailed analysis of Eurojargon will be preceded by a comparison of Euro-jargon and specialist EU terminology contained in *Eurovoc, the EU's multilingual thesaurus*. The latter contains EU terminology in 22 official languages of the Union, and is thematic, i.e. it is divided into 21 themes or subjects comprising from 4 to 78 items which are further subdivided e.g. social questions —> family —> marriage. The themes are called domains there. Table 1 below presents the 21 themes and the number of terms each of them contains.

Table 1

Analysis of Eurojargon terms

Theme	Number of terms
Politics	1674
International relations	1174
European Communities	1619
Law	1622
Economics	1071
Trade	1327
Finance	1599
Social questions	2496
Education and communications	1394
Science	488
Business and competition	982
Employment and working conditions	959
Transport	762
Environment	1118
Agriculture, forestry, fisheries	1583
Agri-foodstuffs	949
Production, technology, research	764
Energy	596
Industry	1104
Geography	3120
International organisations	1475

Source: Author's own work based on *Eurovoc, the EU's multilingual thesaurus.*

For the purpose of the analysis and to make that classification more transparent, the themes have been organised in six larger groups: politics (politics, international relations, European Communities, international organisations), economy (economics, trade, finance, business and competition, agriculture, forestry and fisheries, agri-foodstuffs, production, technology and research, energy, industry), society (social questions, education and communications, science, employment and working conditions), geography (understood as names of states, regions and parts of the world), environment and law. From that grouping (Diagram 1 below) it follows that the largest group of terms is related to economy followed by politics and society.

Diagram 1
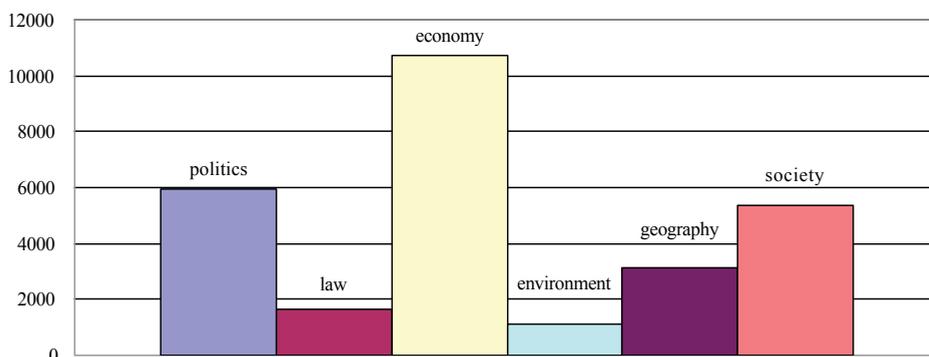
Source: *eurovoc.europa.eu.*

A plain language guide to Eurojargon contains terms, together with their explanations, translated into twenty languages. Diagram 2 illustrates the percentage share of vocabulary related to particular domains in Eurojargon.

In Eurojargon political terms dominate, contrarily to the EU terminology listed in *EuroVoc* where vocabulary related to economy prevails. The prevalence of an economic vocabulary in *EuroVoc* has a more deeply rooted tradition e.g. the founding Treaties of the European Union[10] refer mainly to economy. The principal objective of the first Treaties was to link European states (at that time, only Western European states) in a way which would prevent them from entering into armed conflicts.[11] As a result, coal and steel sectors, which were crucial from the perspective of defence, were made "common" under the Treaty of Paris signed on 18 April 1951 by six states. As for Eurojargon, it is a relatively new phenomena and its role is integrative,

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[10] http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_ecsc_en.htm, (accessed: 27.11.2012).
[11] Cf. H. Burgelin (1991), *Historie de la notion d'Europe,* "Autres Temps. Les cahiers du christianisme social" No. 29, p. 7.

especially at the administrative and international level. That is the reason why the is-sue of terminology which refers to the rules for creating and implementing common European policies matters. In fact, the Eurojargon lexis presented at the analysed website comprises selected vocabularies of different professiolects. It is, in a way, a resultant of codes of various EU groups of professionals, mainly politicians (but there are also borrowings from other domains e.g. *benchmark* now probably best known from stock exchange dealings, i.e. figuratively the "standard of quality" used in comparisons.

Diagram 2

Percentage share of vocabulary related to particular domains in Eurojargon
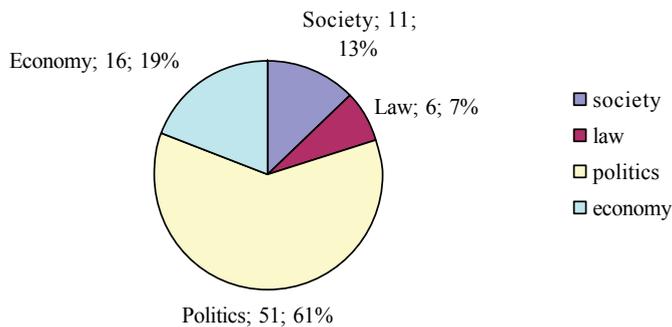
Source: *eurovoc.europa.eu.*

The most convenient way to present words[12] included in the *Guide* is to distin-guish first grammatical and later lexico-semantic categories.

At the morphological level, abbreviations and acronyms are clearly distinctive structures. Examples include *DG* (Directorate-General, Polish *Dyrekcja General-na*) which actually is a quasi synonym of *department* (in a local government) (Pol-ish *wydział*), *EFTA* (European Free Trade Association), *EEA* (European Economic Area), *EC* (European Commission), *CAP* (Common Agricultural Policy). Acronyms are an argument confirming that Eurojargon is a code serving the fastest possible communication in line with language "economy".

Nouns consitute the largest group. Examples of deverbal nouns are *communi-tisation* (Polish *uwspólnotowienie*) meaning transferring a matter which, in the insti-tutional framework of the Union, is dealt with using the intergovernmental method (second and third pillars) to the Community method (first pillar) and *harmonisation*

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[12] All of the analysed Eurojargon terms and their explanations come from one source: http://europa.eu/abc/eurojargon/index_pl.htm (accessed: 30.11.2012), currently (May 2014) available at http://collec-tion.europarchive.org/dnb/20070702132253/europa.eu/abc/eurojargon/index_en.htm best accessed via http://collection.europarchive.org/dnb/20070702132253/europa.eu/abc/eurojargon/index_pl.htm

(Polish *harmonizacja*) meaning approximation or adjustment of national regulations. Examples of deadjectival nouns include *unanimity* (Polish *jednomyślność*), *cohesion* (Polish *spójność*), *transparency* (Polish *przejrzystość*). Among nouns, there are those composed of one word and compounds; 20 out of 23 single-word nouns are abstract. Only two nouns refer directly to people, i.e. *Eurocrat* (Polish *eurokrata*) meaning a person working in EU administration and formed on the pattern of *bureaucrat*, and *Eurosceptic* (Polish *eurosceptyk*). In addition, a collective *citizens of the European Union* (Polish *obywatele Unii Europejskiej*) is used. A repetitive feature Eurojargon terminology are compounds among which two-word compounds are most common. There are also three-word compounds e.g. *qualified majority voting* (Polish *głosowanie większością kwalifikowaną*), *rendez-vous clause* (Polish *klauzula rendez-vous*) which is a clause in an agreement that allows EU leaders to discuss a particular issue at a later date if they cannot agree on it, and *exchange rate stability* (Polish *stabilność kursu walutowego*). There are also nominal phrases composed of more words e.g. *accompanying measures to the reform of the mergers, anti-trust and market liberalisation and cartels activity* (Polish *przeciwdziałanie praktykom ograniczającym konkurencję i nadużywaniu pozycji dominującej*), in short *anti-trust regulations* (Polish *przepisy antytrustowe*).

Except for the adjective *transnational* (Polish *transnarodowy*) used to describe any cooperation between companies or organisations with headquarters in more than one European country, other adjective-noun collocations appear to be more fixed. In Polish, adjectives generally precede the noun they modify. When they follow a noun, it is in fixed phrases. For instance *social partner* or *dialogue* in Polish is *partner* or *dialog społeczny*, similarly *civil dialogue* and *society* are rendered in Polish as *dialog obywatelski* and *społeczeństwo obywatelskie*. English noun *Community* (with a capital C) when used as an adjective is rendered in Polish as *wspólnotowy* which is an adjective e.g. *Community methods* is *metody wspólnotowe*, and *the Community acquis* is *wspólnotowy dorobek prawny.* Other parts of speech are virtually absent in Eurojargon.

The most characteristic feature of Eurojargon are neologisms which enter "national" versions of Eurojargon in the form of numerous borrowings. They constitute about 70% of the Polish Eurojargon lexis. The following words are examples of loanwords (both form and content): *benchmarking* (the process of assessing the activity of a given country, company, industry, *et cetera*, in comparison with other countries, companies, industries), *agenda* (a list of matters to be discussed at a meeting although politicians often use the term to refer to objectives they want to implement), *Euroland* (states that have adopted the Euro), *flexicurity* (a model of a flexible labour market and social security). Calques, i.e. literal translations, however, prevail e.g. *democratic deficit* rendered as *deficyt demokratyczny* (an expression which confirms that Eurojargon is a resultant of two principal domains: EU politics and economy). Other examples include *Eurobarometer* (Polish *eurobarometr*) and *Eurocrat* (*eurokrata*).

In terms of word formation, the *Euro-* prefix is common e.g. Polish *eurosceptyk*, *eurokrata*, *eurobarometr*, *euroland*, and *eurotaryfa* (*Eurotariff* : prices which have to be offered by mobile operators to their customers for calls made or received during a stay in another EU country). The *Euro-* prefix which derives from *Europe*, a proper name, is much more productive than the one which originates from the name of the currency. It is attributive and narrows [13] the meaning of the following part. Thanks to this prefix, it is possible to communicate in a precise and economic manner issues "of the European Union" and not referring to Europe. A strange but consistent with English and Polish language derivation patterns is *comitology* (Polish *komitologia*). *Comitology* is derived from *committee + logy* and is strange because the *-logy* suffix is usually used in reference to theoretical science, while in this case it refers a practice/procedure. It appears also in *comitology procedure* rendered in Polish as *procedura komitetowa* where the base of adjective is *komitet* (English *committee*). The Polish *uwspólnotowienie* (English *Communitisation*) also seems peculiar. Although it is consistent with Polish word formation patterns, in Polish the prefix *u-* indicates causativity, i.e. a change of a state or quality e.g. *u-wydatnić* meaning to make a feature more obvious, to highlight, emphasise, or *u-pamiętnić* meaning to make something remembered, to commemorate. In turn, *Communitisation* implies something becoming applicable in throughout the Community, especially EU law and regulations.

Some neologisms need to be examined in a broader syntagmatic context e.g. expressions which are formed on the basis of lexical analogy, such as *democratic deficit* [Polish *deficyt demokracji;* literally *"*deficit of democracy"]. It is a quite unusual semantic collocation resembling *deficyt budżetowy* (English *budget* or *fiscal deficit*). There are also words the meaning of which (or denotation) has been altered. The phenomenon often occurs with the use of proper names and thus *Strasbourg* (Polish *Strasburg*) in Eurojargon may refer to the European Court of Human Rights or the Council of Europe. *Erasmus* is now primarily known as an EU educational mobility programme. Another example is *ojcowie założyciele* (English *the founding fathers*) which is a calque in Polish and an extension of an expression from the early history of the US which now, in Europe, is used to refer to founders of the EU.

The example of borrowings confirms a common belief that though formally there is no single dominant language in the EU (meaning a national language), there is a strong tendency to use the English language.[14] It is treated as a universal means of communication, almost a *lingua franca*. It, however, in no way enjoys the status attributed in the past to Latin, the knowledge of which used to be considered an indispensable condition to talk about complex matters due to its richness and tradition.[15] Eurojargon is an example of a peculiar language simplification, both in terms

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[13] K. Kosecki (2002), *op. cit.*, p. 236.
[14] Until the 1970s, French was the dominant language. However, since the accession of the UK, English has been increasingly used.
[15] L. Kołakowski, *Czy może Europa zaistnieć?, "*Tygodnik Powszechny" No. 43, 2002.

of vocabulary and grammar. Explanations of terms vary only slightly in different languages. Some differences can be observed in the translations of the terms themselves. In the German and Polish versions of the website the number of borrowings from English is relatively high. In the French version there are less borrowings. To an extent, it probably results from the language policy of the French who traditionally oppose borrowings from the English language. What is more, there are neologisms which originate from French e.g. *clause de rendez-vous* or *acquis communautaire*. Similarly, the Spanish version of the website tries to avoid terms directly borrowed from English (e.g. *Euroland* is translated as *Eurolandia*, even though the word *landia* does not exist in Spanish[16], and the term *flexicurity* is rendered as *flexiguridad*, a combination of *flexi* and *seguridad* (security). In the case of Romance languages it matters that the English language contains more words of Latin origin than languages like Polish and German. Consequently, in Romance languages a quasi retranslation of English terms via Latin is easier.

It is impossible to describe all possible interpretations of reality in Eurojargon but one may try to categorise them. The classification proposed is based on a dichotomous division of the vocabulary into thematic groups. (Unfortunately, they are not separate due to the semantic vagueness of Eurojargon terms). The approach consists in perceiving lexemes as a system of related notions, i.e. an interpretive map where to understand one of them, it is necessary to refer to the entire structure within which they function (i.e. to common experience). Such an approach consists in searching for a relevant interpretative framework for an item, i.e. an interpretative framework constituting higher or wider thematic domains.[17]

The first distinguished group of words relates to *Community* as an idea. At the core of its map is the lexeme *common/community.* To this map belong many simple and compound nouns e.g. *European integration*, *unanimity*, *community method* (a way of making decisions in the EU), *founding fathers*, *open method of coordination* (harmonisation of policies of particular states), *transnational*, *communitisation*, *enhanced cooperation* (an agreement which allows a group of EU countries to establish closer cooperation in a given field). The group contains also metaphorical expressions, such as *Fortress Europe* ("This expression is often used to mean an attitude that wants to defend Europe from outside influences, especially cultural influences."[18]). Expressions which refer to the building of something which could be called *European identity* such as *Europe Day – 9 May*, *European Year*, *Capital of Culture*. The term *European identity* is not used in Eurojargon but it appears in EU documents. For the first time, it was used in the Copenhagen Declaration of

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[16] This change may be explained, *inter alia*, by the fact that Spanish is a vocalic language and its users have difficulties with clusters of consonants which appear in consonantal languages (e.g. in Polish). Another proposition could be e.g. *Eurolanda*.

[17] K. Waszakowa, *Neologizmy w świetle ram interpretacyjnych*, in: D. Słowikowska (ed.) (1998), *Tekst, analizy, interpretacje*, Lublin, p. 26.

[18] http://europa.eu/abc/eurojargon/index_pl.htm (accessed: 29.11.12).

1973 (*Declaration on European Identity*[19]) in which an attempt was made to define *European identity* on the basis of common values such as human rights, democracy and the rule of law. Inadequacy of the term is revealed in its semantic analysis which points to employing mathematical logic. It allows to notice a paradox as *identity* means "sameness" of all elements. Literally, it would mean a strive to level all values, worldviews, beliefs of all European citizens. Paradoxically, this attitude contradicts the premises which have been the foundation of the European Union and the official motto of the EU, i.e. *In varietate Concordia* (Unity in diversity).

Another thematic group are atypical compounds which need to be placed in a broader context of legal knowledge and European practices. It is a vocabulary related to the creation, functioning and operation of the Union as an institution. To this group belongs an interesting example of personification: *Brussels has decided*. The phrase, as a rhetorical figure (a *pars pro toto* synecdoche, i.e. a part for the whole), is used in press releases. Other examples include *Europe 2020* (name of EU strategy, the aim of which is the creation of jobs and economic growth to be achieved by the year 2020), *federalism*, *official languages*, *competent body*. There are also expressions which positively evaluate the institutional activity of the EU. In Polish, they include e.g. *włączenie do głównego nurtu* (mainstreaming; taking an issue into account in all areas of EU policies), *przejrzystość* (transparency; openness of the functioning of EU institutions), *spójność* (cohesion; efforts to ensure every person's inclusion in the society), *najlepsza praktyka* (good/best practice), *wzmocniona współpraca* (it is a calque of English *enhanced cooperation*) in which case probably *ściślejsza współpraca* (closer cooperation) would be more appropriate in Polish, but it might not express the intent of the authors of the term. To this group also belong examples of semantic shift. In Eurojargon, *competences/powers* are used to refer to "rights and obligations". Another example is *social dialogue* which means talks, negotiations and joint actions of European social partners (employers and employees). It is not related to the sociological understanding of the term *society* as in *social dialogue* the reference is narrowed (to the group of employers and employees). In the European jargon, the popular understanding of the term *society* tends to be expressed by the adjective *civil* (e.g. *civil dialogue* understood as consultations with civil society). Thus, the semantic shift results in narrowing the term *society*, in other words, its denotation is reduced.

A shift of meaning can also be observed in the case of *subsidiarity* which refers to the delegation of powers, particularly to EU Member States. R. Scruton has described the term in the context of the history of the word and its meaning in EU terminology.[20] According to him, the current interpretation of the term derives from Article 3B of the Maastricht Treaty, which stipulates that central power will be used only when absolutely necessary. In other situations, the entire power will be exer-

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[19] http://www.cvce.eu/content/publication/1999/l/l/02798dc9-9c69-4b7d-b2c9-K)3a8db7da32/publishable_en.pdf, (accessed: 29.11.2012).

[20] R. Scruton (2005), *Enter Eurospeak*, "National Review" No. 11, Vol. 57, p. 41.

cised by particular EU Member States. However, it is the Union which decides on what the lowest level is and what decisions are made at it. Scruton reminds that the term *subsidiarity* originates from the 1931 Encyclical of Pope Pius XI, i.e. the catholic social thought. Later, it was expanded by Wilhelm Röpke who tried to develop a social and political theory reconciling market economy and local community. But Röpke's interpretation of *Subsidiarität* differs from the European one. In his theory it referred to the absolute right of local communities to decide on their own behalf also on whether a matter should be passed to a higher level. Thus *subsidiarity* totally hindered activities of central authorities, since it allowed them to engage only after having been asked to do so.

The basis of many compound nouns are words *Europe* and *European*. It is difficult to determine the extent to which, in Eurojargon, *Europe* refers to the notion of "Europe" as such. Contrarily to *community* and *institution*, it seems that *Europe* could not constitute the main determinant for the interpretation of the jargon's expressions, as its meaning is restricted to the structures of the EU. In the *Guide*, the term is mentioned in an laconic manner: "This is not really eurojargon. It is the Latin name for Europe, and it is also the name of the European Union's official website." Thus, the name of Europe which, in a sense, is crucial for the EU, has been downgraded to the name of a website, without any mention of what constitutes *Europe* (leaving aside the knowledge of the involved of the etymology of the term).

It is true that the lexeme *Europe* is difficult to define. Even if categorised as a proper name, it has more than one referent. The etymon of *Europe* is the Semitic word *eíreb* or *irba* used by Assyrians to call the West, while the word *acu* referred to the East. The two terms were assimilated by the Greeks from the Semitic Phoenicians. Before the name started to refer to the entire continent, it was used to distinguish coasts of Western Greek towns form coasts of Eastern Greek towns of the Aegean. In ancient mythology, there are several personages called Europe, but the most famous one was the daughter of Agenor and Telephassa, the royal couple of Tyre. According to the myth, the beauty of the princess playing with other girls at the Phoenician coast attracted the attention of Zeus, who decided to seduce her by means of deception. In order to avoid the anger of his jealous wife Hera, he turned into a white bull with golden horns. The girl, charmed by the beauty of the animal, mounted the bull. Zeus abducted her and brought to Crete, and in the place where they got ashore, evergreen plane trees started to grow. In the antiquity, to commemorate seduced Europa, her name was given to one of four parts of the world.[21]

Europa as a term denoting a geographical area was used in a hymn from the 7th century BC. Before its denotation widened to refer to whole Greece, to territories on the North of the Mediterranean and, finally, to the entire continent, it was used to distinguish between continental Greece and Aegean islands. In the 6th century BC, the name Europe was used to distinguish between areas located in the North of the

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[21] M. Baniowski (2009), *Pojęcie Europy w języku słoweńskim,* Bielsko Biała, p. 9.

Aegean and the Peloponnese on the one hand and Asia and Libya on the other.[22] It is not clear why sixteenth-century geographers used the term in reference to the part of the globe where people began to settle for good about 35,000 years ago, and *Homo sapiens* settled about 15,000 years ago.[23] From a geographic viewpoint, it is the western edge of Eurasia protruding into the Atlantic[24]. As far as continents are concerned, Europe is an anomaly. It is larger only form Australia and four times smaller than Asia. But from the beginning of its history it has been functioning as a separate "world" in collective consciousness.[25] This was well reflected in Linde's *Słownik Języka polskiego* [Dictionary of the Polish language] first published in 1807-1814. It read:

"Europa to najszczuplejsza z części świata mieszkanego. Pod względem położenia, linji brzegowej szczęśliwego klimatu, wielkiej ilości spławnych w różne strony płynących rzek, niezmiernej liczby portów i wielu innych warunków, góruje ona nad wszystkiemi innemi częściami lądu i zdaje się być przeznaczoną przez samą przyrodę na miejsce, gdzie cywilizacja i postęp ludzkości najwięcej rozwijać się mogły."

[Europe is the slimmest part of the inhabited world. Thanks to its location, coastline and enjoyable climate, numerous floatable rivers flowing in different directions, countless number of harbours and many other conditions, it is superior to all other parts of land, and seems to be designed by the very nature to be the a place where civilisation and progress of humanity could have developed most.][26].

Returning to the specificity of Eurojargon, it is worth analysing the term also in the context of cultural studies. Europe as a "traditional" cultural community can be expressed by, *inter alia*, the following terms (connotations)[27]: multiculturalism, Greek democracy, Roman law, Christianity. One may also underline its barbaric "root", i.e. Celtic-Germanic-Slavic one. In Middle Ages, *Europe*'s identification potential was lesser than of Christianity, and the use of *Europe* overlapped to a considerable extent with that of *christianitas*.[28] It was due to geographical discoveries that awareness of cross-cultural differences grew and led to a more clear self-determination of the Western civilisation. Christianity gave way to the feeling of civilisation ties. The 19th century brought a fuller cultural approval for the term *Europe* due to the adoption of some secular values of the eighteenth-century Enlightenment such as respect for the law, certain freedoms, recognition of people's equality, and gradual abandonment

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[22] *Ibidem,* p. 8.
[23] A. Zamojski, *Dziedzictwo genetyczne Europejczyków,* in: E. Ponczek, A. Sepkowski (ed.) (2010), *Mity historyczno-polityczne wyobrażenia zbiorowe polityka historyczna. Studia i materiały,* Vol. 1, Toruń p. 59.
[24] *Britannica - Edycja Polska,* W. Wolarski (ed.) (1999), Vol. 11, Poznań 1999, pp. 221-222.
[25] *Ibidem,* p. 221.
[26] M. S. Linde (1807-1814), *Słownik języka polskiego,* vol. 1, Warsaw, p. 632.
[27] Cf. M. Baniowski (2009), *op. cit,* p. 8.
[28] Cf. H. Burgelin (1991), *op. cit.*, p. 6.

of slavery.[29] Leszek Kołakowski highlights peculiarities of the European spirit, in particular its ability to see itself through others' eyes and thus a distanced self-critical examination. According to Kołakowski, another achievement of the European civilisation has been the liberation of the spirit of tolerance, the recognition of diversity as a special value.[30] In Eurojargon, there are no direct references to these values. It seems that the idea of *community* and the strive for unification prevail. It follows from the *European integration* which is the main political objective of the Union and which is conditioned by pragmatic factors (mainly at the economic level). This process and its conditionalities are strongly reflected in the analysed terminology.

While analysing Eurojargon, it is worth noticing the position of Eurosceptics who draw attention to a paradox in European communication: on the one hand, there are laws which guarantee that EU citizens have access to documents in their respective native language but, on the other hand, the texts created by the Union may be unclear to EU citizens and perceived as a relatively inaccessible code. An example of how complicated the code may be for inexperienced listeners is the following quotation from a message delivered by a Polish diplomat to Polish journalists during European negotiations: *W transpozycji i implementacji acquis communautaire mamy mixed record* ["As for the transposition and implementation of the 'acquis communautaire', we have a mixed record"].[31] Similar ways of transferring information are called "Eurospeak" (reference to the Orwell's "Newspeak") or "Eurobabble". A basic complaint against such a manner of providing information is language instrumentalisation meaning that blurry and metaphoric expressions full of positive connotations and eagerly proposed as solutions to problems are, in fact, nearly meaningless in practice. "Newspeak" was used by European institutions in the last two years to talk about the Greek financial crisis. The author of the article titled *Eurospeak - when words are abused and meanings are distorted*[32] provides examples in which the *euro* (a currency) was mentioned only in contexts referring to financial stability and social justice. *Austerity measures* proposed by the International Monetary Fund were interpreted as support and solidarity from European partners to Greece.[33] That is the way in which Eurospeak, based on the project of increasingly closer cooperation, provided arguments to ask Member States for more far-reaching concessions in the name of enhancing the social, economic and territorial unity.[34] Some words were used with a meaning opposite to the one dictated by language pragmatics e.g. the economic crisis was presented as an opportunity while enumeration cuts as flexibility in the

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[29] *Ibidem*, p. 7.

[30] L. Kołakowski, *Czy może Europa zaistnieć?,* "Tygodnik Powszechny" http://tygodnik.onet.pl/31,0,30269,czy_moze_europa_zaistniec,artykul.html (accessed: 26.11.2012).

[31] Cf. P. Zychowicz, *Eurokraci nie gęsi...,* "Rzeczpospolita" 16.02.2008, No. 40, supplement "Plus Minus" p. A-022.

[32] http://greeceandtheimf.wordpress.com/2012/03/08/eurospeak-when-words-are-abused-and-meanings-are-distorted/ (accessed: 1.12.2012).

[33] *Ibidem* (accessed: 1.12.2012).

[34] R. Scruton (2005), *op. cit.,* p. 43.

labour market. The main complaint about this code is the use of euphemisms, thanks to which it is easier to talk about the complexity of financial mechanisms.

Examples of euphemisms include, *inter alia*, the German term *Rettungsschirm*, which is considered by Axel Hacke in his article published in "Süddeutsche Zeitung"[35] to be a metaphor which is a little bit too heavy e.g. *In Höchstgeschwindigkeit ist Irland am Ende unter den Rettungsschirm für angeschlagene Euro-Staaten geschlüpft.*[36] While analysing the sentence quoted above, Hacke writes that he keeps hearing that the *protective umbrella* could be expanded, placed, prepared, spread, stretched, pulled up (*Barroso will größeren Euro-Rettungsschirm*), and that getting under it is inevitable. At the end of the article, Axel Hacke demands with some irony a protective umbrella for the German language to find shelter from Eurospeak metaphors:

> "Ja, Hilfe! Spannt jetzt einen Rettungsschirm über der deutschen Sprache auf! Vergebt kostenlose Sprachkredite! Kauft falsche Sprachbilder auf! Errichtet den Sprach-Rettungsschirm, lasst ihn stehen, erweitert ihn! Dehnt ihn aus, flexibilisiert und stärkt ihn! Und lasst uns alle drunterschlüpfen. Kriechen. Uns in Höchstgeschwindigkeit darunterbegeben. Es ist dringend. Man wird hier vom Metaphernhagel sonst erschlagen."[37].

The process of integration with the European Union influences also the Polish language. Recently, a number of borrowings with the *euro-* affix have been introduced. Moreover, the existence of Eurojargon can be proved with Poles' experience. Nevertheless, linguists agree that Eurojargon cannot hurt the Polish language. According to Jerzy Bralczyk, it is possible to talk about "language Europeanisation" which makes it possible to describe some new concepts and mechanisms in a precise manner. However, the new words are not and will not be commonly used as Eurojargon will remain a language of a small group of specialists. Jan Miodek does not think that Eurojargon endangers the purity of the Polish language but he finds some manifestations of Eurojargon to be pretty bizarre e.g. *twarde jądro Unii* [hard core of the Union but in Polish *jądro* also means a testicle] which Poland is to join or, worse, *wejść do* [enter] in order to be a country of *pierwszej prędkości* ["first" speed < two-speed Europe]. It would be better to say something like joining *dwa największe kraje w Unii* [two largest states in the Union], i.e. Germany and France.[38]

Summing up, the terminology used in Eurojargon is composed mainly of abstract nouns with modifiers most of which have positive connotations. It is a specialist terminology based, to a large extent, on borrowings. Its multilayered complexity

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[35] http://sz-magazin.sueddeutsche.de/texte/anzeigen/36290, (access:ed 28.11.2012).

[36] "With maximum speed, Ireland has finally crept under the protective umbrella for the exhausted states of the euro area".

[37] "Help, spread a protective umbrella over the German language! Provide language loans free of charge! Purchase the deceptive language of metaphors! Spread a protective umbrella over the language, stretch it, so that it is more flexible, strengthen it! And let everybody creep under it. Let us crawl. Let's go and get it with a maximum speed. Immediately. Otherwise, a hail of metaphors will kill us".

[38] Cf. P. Zychowicz (2008), *op.cit.,* p. A-022.

causes disputes. The code is a resultant of at least three languages, i.e. English, German and French (but the impact of English has been the strongest). The Eurojargon phenomenon may reflect a "concept" of language and reality nominalisation so that a single word may "express" a phrase or complex procedure (e.g. *comitology*) or aims and objectives (e.g. *Europe 2020*). Due to a subconscious or intentional effort of EU governing and decision-making groups to enhance the Union's recognition and significance by means of Eurojargon, the European Union becomes a separate "being", an entity also in the linguistic dimension. This artificial language may be a common communication platform for officers from 27 Member States working in Brussels. Eurojargon may work as a filter for both information disclosed to the public e.g. in the form of press releases, and ideas formulated during EU internal deliberations and meetings. The function of Eurojargon is integrative and that of an intermediary. However, Eurojargon cannot be considered as a separate language as it is characterised by limited vocabulary and little variety of grammatical forms.

In an attempt to answer the question in the title of this article and to decide whether Eurojargon resembles Newspeak, it is relevant to refer to characteristic features of Newspeak as described by Głowiński[39]. Newspeak is monovalent, i.e. the meaning of a word can be neutral but it is its valuation that matters. In Newspeak there are no "innocent" words. The pragmatic-ritual function prevails (words are subordinate to current practice). The magic dimension of Newspeak makes a desired situation appear real. Newspeak is arbitrary. Decisions can be made that some expressions are not used. It is also possible to freely shape word contents (meanings). Taking the foregoing into consideration, it is difficult to resist the impression that matching the above-mentioned characteristic features of Newspeak (i.e. the excessive disinformation potential) with conclusions of the above Eurojargon analysis would be a case of over interpretation. However, some secrecy is attributed to Eurojargon if only by the very definition of *jargon* which has negative connotations not only in the Polish language.

ABSTRACT

This article is an attempt to approach the idea of the European Union and its functioning in the framework of language, by means of semantic analysis of main concepts of Eurojargon. The activity of the European Union, which runs into over half a century and includes official meetings, negotiations, countless documents and regulations, has contributed to the creation of abundant terminology. The official (given by the European Union) name for this terminology is Eurojargon. This phenomenon is presented in the framework of general EU terminology. The paper presents the results of an analysis of main terms within Eurojargon. This specific mode of communication aims at nominalisation of reality, and thus gives the European Union a status of a separate "entity", as its highlights its specificity and uniqueness, as well as its mission of European integration. The article also covers to some extent the impact of Eurojargon on the Polish language and finally answers the question, whether Eurojargon can be perceived as a kind of European "Newspeak".

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[39] M. Głowiński (1990), *Nowomowa po polsku,* Warsaw, pp. 8-11.