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KEYS TO FACILITATE THE MONITORING  
OF THE SPANISH FOREIGN POLICY AND  
THE INTERNATIONAL RELATIONS IN 2008

EU Foreign Policy.

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In February 2008, a leading commentator, Simon Serfaty, argued that 2008 could be the ‘year of Europe’, in which Europe and America renewed their partnership. A chastened US was reaching out to allies, and a new generation of more pro-American leaders had assumed office in France and Germany. ‘The moment is propitious, and it is one that a new generation of European leaders cannot afford to spurn’ (Serfaty, 2008). Indeed, the prospects also looked promising for the EU to play a more leading role in world politics, with better relations between the major powers in Europe itself, and the rescuing of the ‘EU constitution’ from oblivion with the Lisbon Treaty, signed in December 2007.

But 2008 was definitely *not* the year of Europe. As another commentator argued, it was a ‘bad, bad year’ for EU foreign policy: ‘bad in events, bad in outcomes, bad in management’ (Bet-El, 2008). In a series of crises, weaknesses in the EU’s foreign policy system were exposed to all. And while some commentators hailed French President Nicholas Sarkozy, in charge of the EU presidency in the second half of 2008, for being the ‘right man for the right moment in Europe’ and having ‘made the EU sparkle’ on the world stage (“Sarkozy...”, 2008), Sarkozy’s hyper-diplomacy also highlighted limitations in the EU’s institutional set-up.

This article first considers institutional questions. It then analyses the EU’s response to a series of crises and other foreign policy challenges, followed by a consideration of the ‘addition’ to the European Security Strategy agreed in December 2008. Finally, it evaluates the prospects for EU foreign policy in 2009.

## The rise, fall and still uncertain future of the Lisbon Treaty

At the start of 2008, the long, tortured history of the EU’s ‘constitutional treaty’ seemed likely to come to a successful end. In December 2007, EU leaders signed the Lisbon Treaty, which incorporated, virtually unchanged, the constitutional treaty’s provisions on foreign, security and defence policy. The treaty creates the post of new High Representative of the Union for Foreign Affairs and Security Policy (the UK insisted on this name over the constitutional treaty’s pithier ‘foreign minister’), who is to serve as vice-president of the Commission, continue the functions currently undertaken by Javier Solana in the CFSP pillar, act as the permanent chair of the Foreign Affairs Council (replacing the rotating presidency), and represent the Union in dialogue with third parties and in international organisations. A European External Action Service (EEAS) is to be created, composed of officials from the Council secretariat, European Commission and national diplomatic services. Other foreign and security policy provisions of the treaty have already been implemented: for example, the European Defence Agency was established in 2004, and member states have formed ‘battle groups’, or combat units of about 1500 soldiers which could be deployed rapidly, particularly in response to a request from the UN. In the spring of 2008, politicians were already maneuvering to influence the shape of the EEAS, and gossip was rife about who might be selected as the new High Representative and the ‘permanent’ European Council president.

The Irish rejection of the treaty in a referendum in June brought the gossip and bureaucratic politics to an abrupt halt. For six months, the EU simply waited for the Irish to come up with a solution. That they finally did in December 2008, with the Irish government announcing that a second referendum would be held by October 2009, and in return, the European Council agreed that the European Commission would indeed be composed of one Commissioner per member state (rather than reduced in size), and that ‘legal guarantees’ will be given that the Lisbon Treaty does not affect EU competence in taxation, prejudice Irish neutrality, or alter Irish constitutional provisions regarding the ‘right to life’, education and the family.

While the Irish ‘problem’ may be solved in 2009, another potential institutional crisis looms: if elections are held in the UK before the Lisbon Treaty enters into force, a new Conservative government would hold a referendum on the Treaty, which would almost undoubtedly reject it. But for the moment, it looks as though 2009 may be the year in which the EU finally moves on from its seemingly endless squabbles over institutional reform.

But Sarkozy’s hyper-diplomacy raises questions about the implications of the Lisbon Treaty’s foreign policy provisions. Sarkozy single-handedly arranged a cease-fire between Russia and Georgia, launched a ‘Union for the Mediterranean’, finalised an EU climate-change deal, and held an emergency summit on the financial crisis. Some observers – and Sarkozy himself – argued that his activity showed that the EU needed a popular politician from a large member state at the helm; Tony Blair suddenly became (again) the frontrunner for the post of European Council president (Taylor, 2009). But having a ‘big beast’ in that post may make the position of High Representative unattractive – and the division of labour between them could become quite an awkward

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question (quite who does what is not entirely clear in the treaty text). Furthermore, in an international crisis, would Sarkozy, or any other leader of a large member state, step aside in favour of a European Council president or High Representative?

In addition, it could be risky to marginalise the contributions of small member states (witness the backlash against a smaller European Commission). While the new High Representative solves the perceived problem of not having a continuous ‘voice for Europe’, the presidency system allows for the maintenance and strengthening of links between the national and EU levels in foreign policy, and gives all the member states (even the smallest) a high profile internationally and the opportunity to try to ensure their foreign policy preferences are included on the EU agenda.<sup>1</sup> Without that link, we could see more, not fewer, squabbles over foreign policy, as member states of all sizes seek to ensure their interests and views are taken into account.

**Foreign policy challenges in 2008**

At the start of the year, Kosovo looked set to be a major challenge for the EU, and so it proved. Throughout 2007, it had proved impossible to reach international

agreement on the ‘Ahtisaari plan’ for the ‘supervised independence’ of Kosovo. But in the first few weeks of 2008, the EU seemed fairly united on Kosovo. On 4 February 2008, EU member states unanimously agreed to send an EU special representative, and a ‘rule of law’ mission (EULEX) to Kosovo. EULEX would take over from the UN’s mission in Kosovo (UNMIK) and help the ‘Kosovo authorities’ develop ‘an independent multi-ethnic justice system and multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognised standards and European best practices’ (Council of the European Union, 2008). The EU would send 1900 police officers, prosecutors judges, and customs officials, making it the third largest ESDP mission.

But a few days later, the appearance of EU unity crumbled. On 17 February, Kosovo declared independence. A day later, the External Relations Council could merely ‘take note’ of the declaration and affirm that individual member states would decide, ‘in accordance with national practice and international law, on their relations with Kosovo’. Five EU states have refused to recognise Kosovo: Cyprus, Greece, Romania, Slovakia and Spain. But unlike in December 1991, when precipitous German recognition of Slovenian and Croatian independence dragged the rest of the EU into recognising those states, the situation regarding the recognition of Kosovo independence remains at a stalemate. Domestic considerations are stronger than any embarrassment that the EU is divided over the issue.

Only 54 countries have recognised Kosovo as an independent state, and in October 2008, Serbia and Russia successfully lobbied the UN General Assembly to request the International Court of Justice to assess whether the declaration of independence is legal. The stalemate thus looks set to continue, as a judgment is unlikely before 2010. In the meantime, Russia and Serbia blocked plans for EULEX to replace UNMIK; Serbia declared it would cooperate only with UNMIK itself, because it is based on UN Security Council Resolution 1244, which mentions Kosovo autonomy ‘within the Federal Republic of Yugoslavia’. The UN Secretary-General then mediated an agreement in November that EULEX would operate under the umbrella of UNMIK, which would continue to exist. This paved the way for the actual deployment of EULEX throughout the country, starting on 9 December (Deimel and García Schmidt, 2009).

For now, ‘Serbia pretends that Kosovo is not independent and Kosovo’s government pretends to be sovereign over the whole country’ (“Kosovo...”, 2008). The EULEX-UNMIK arrangement cannot paper over the divisions within the EU over Kosovo’s future status. And without EU agreement on the future of Kosovo, how can the EU integrate the Western Balkans into the Union?

The Kosovo issue has chilled EU-Serbian relations, which at the start of 2008 had been warming. In the final round of Serbian presidential elections in February 2008 a pro-EU candidate, Boris Tadic, won, and following parliamentary elections in May 2008 an EU-leaning coalition government was also formed. EU carrots were used quite openly to try to influence the election outcomes: a visa facilitation and readmission agreement entered into force in January; a ‘European partnership’ was offered in February; and a Stabilisation and Association Agreement (SAA) was signed in April. This last carrot was particularly controversial, as Belgium and the Netherlands had initially blocked it because Serbia had not transferred indicted war criminals (including Radovan Karadzic and Ratko Mladic) to the International Criminal Tribunal on the former Yugoslavia (ICTY). The SAA will only be ratified, however, if the EU Council is satisfied that Serbia is cooperating fully with ICTY. In July, the EU’s patience appeared to pay off, as Radovan Karadzic was captured in Belgrade and sent to ICTY in The Hague. But two indictees remain on the run, Mladic and Goran Hadzic, so the SAA should remain in limbo.

Elsewhere, some progress was made towards fulfilling the EU’s promise of a ‘European perspective’ for south-eastern Europe (Commission of the European Communities, 2008b). Croatia looks set to join the EU in 2010 or 2011. Montenegro submitted a membership application in December 2008. Albania made some progress on political reforms. The EU signed an SAA with Bosnia-Herzegovina in June 2008, even though the country continues to be deeply divided over constitutional arrangements. As a result, while the EU toyed with the idea of withdrawing its peacekeeping force (EUFOR-Althea), in November 2008 the EU Council decided to postpone consideration of its future until March 2009.

But in the former Yugoslav Republic of Macedonia, elections in June 2008 were marred by violence, particularly in ethnic Albania areas. The country was also rocked by Greece’s veto over its entry into NATO in April 2008. Greece objects to the country calling itself ‘Macedonia’ and has even threatened to block negotiations for EU membership if the issue is not solved to its satisfaction. FYROM has reacted recklessly, for example taking Greece to the International Court of Justice in November 2008 (“Macedonia’s...”, 2009). Relations between the two countries are now worryingly bad, with inevitable knock-on effects for the EU’s overall strategy for the region. Yet the EU has assumed responsibility for stabilising the Balkans, via integration into the EU itself, and thus will be judged on how successfully it does so. Right now, this looks to be a very tough challenge.

As if this wasn’t enough trouble in the neighbourhood, in early August 2008, Russia and Georgia went

to war. Georgia launched an attack on the separatist region of South Ossetia; Russia responded by pushing Georgian forces out of South Ossetia, occupying parts of Georgia proper, and entering another separatist region Abkhazia. The EU’s response to this was mixed. On the one hand, the familiar divisions between EU member states over relations with Russia appeared forcefully – with countries such as Germany and Italy viewing Georgia as the provocateur, and others such as the Central and East European countries seeing this as another example of Russian revisionism and aggression. But on the other hand, Sarkozy brokered a cease-fire on 12 August, which ended the war. On 1 September, the EU even agreed to suspend negotiations with Russia on a new partnership and cooperation agreement (PCA) until Russian troops withdrew to the positions they were in before the start of the war. On 15 September, the EU decided to send 200 ceasefire monitors, which were deployed, in impressively short order, on 1 October.

But Russia has not allowed the monitors to cross into South Ossetia or Abkhazia, and Russian troops remain in areas where they had not been before the war began. Nonetheless, EU member states in favour of ‘engagement’ with Russia successfully pressed for the EU to resume negotiations on the PCA on 10 November. The implications of this should be, frankly, highly embarrassing for the EU, as the EU ignored patent Russian non-compliance with its condition (“Russian...”, 2008b). Clearly it is ridiculously easy for an outside power to ‘divide and rule’ the EU. In addition, Russia recognised the independence of Abkhazia and South Ossetia on 26 August. The recognition of Kosovo by the US and most EU member states has been cited as a precedent – an assertion that is difficult to counter merely by stating that Kosovo is *sui generis*.

The spectre of Russian assertiveness in its ‘backyard’ prompted a re-think of the European Neighbourhood Policy (ENP). The ENP covers both Mediterranean non-member countries and Eastern European countries, and there had long been calls from within the EU to separate the regions – such calls came particularly from those countries that support the eventual enlargement of the EU to Eastern Europe. A Swedish-Polish initiative for an ‘Eastern Partnership’ was welcomed by the June 2008 European Council, and six months later the Commission put forward proposals for deeper bilateral relations with Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus (should the latter turn away from authoritarianism), and for a framework for multilateral dialogue (involving regular meetings at several levels) (Commission of the European Communities, 2008a). The Eastern Partnership is due to be launched in spring 2009. In October 2008, the EU Council lifted travel bans against several high-ranking

Belarusian officials, despite the fact that there has been little progress towards democracy and respect for human rights there – showing once again that the penchant for ‘engagement’ is currently very strong.<sup>2</sup>

The Mediterranean too was extracted from the ENP. Sarkozy’s ‘pet project’, the Union for the Mediterranean, was finally revised enough to meet with EU (particularly German) approval. The Union for the Mediterranean replaces the old Euro-Mediterranean partnership (or ‘Barcelona process’), which was widely considered to have shown too little results. Whether the Union for the Mediterranean, launched at a grand summit in Paris in July, can do any better remains to be seen. The biggest innovations over the Euro-Med partnership appear to be the setting up of a small secretariat in Barcelona, and a ‘double Presidency’ system (one Mediterranean country, one EU country). Bizarrely, Albania, Bosnia-Herzegovina, Croatia and Montenegro also participate in it, even though they were never part of the Euro-Med partnership.

The EU’s record in several African conflicts or crises was mixed. The year began with widespread violence in Kenya, following a hotly disputed presidential election

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there on 27 December. The EU, though, was hardly involved in this crisis. Zimbabwe then went from bad to worse, with President Mugabe clearly intending to hold onto power, despite probably losing presidential elections outright in March 2008, and despite his ZANU-PF losing to the opposition MDC party

in parliamentary elections the same month. A second round of presidential elections in June was boycotted by the opposition candidate Morgan Tsvangirai because of widespread violence against his supporters. EU election monitors were refused entry, but even observers from African organisations found that the elections had not complied with African Union standards. While the then South African president, Thabo Mbeki, mediated a power-sharing agreement in September, to this day the details have not been worked out and Mugabe remains solely in power. In July, the EU lengthened the list Zimbabwean officials and politicians subject to its ‘smart sanctions’. But it appeared both powerless and unwilling to become any more involved, even as a cholera outbreak killed hundreds, inflation is now incalculable, and the political stalemate continues. In retrospect, allowing Mugabe to attend the EU-Africa summit in December 2007 looks precipitous and naïve; ‘engagement’ led neither to a change in behaviour by Mugabe nor to increased EU influence in diplomatic efforts to end the tragedy.

Elsewhere, rather than intervene in Darfur, Sudan (though the EU has bankrolled African Union peacekeepers there), the EU in 2007 agreed, somewhat reluctantly, that it would instead send an ESDP mission to try to protect Sudanese refugees in Chad (and to a lesser extent in the Central African Republic). This was a French initiative, and some EU member states were suspicious of French motives, seeing the mission as boosting support for its ally, the Chadian government. Officially it is a one-year ‘bridging mission’; in March 2009, the UN will take over and the EU will withdraw. The mission consists of 3300 troops (down from an initially-envisaged 4000), about half of whom are French and most of whom were deployed only in mid-2008. Right from the start the EU faced major difficulties in launching the mission. First, deployment of the mission was delayed when in early February, rebels tried to oust the government. Second, and more seriously, very few helicopters were available that could operate in the desert conditions. Eventually, the EU had to approach Russia for help with helicopters and in October 2008 (a mere two months after the Russia-Georgia war), Russia agreed to send four helicopters (“EU...”, 2007 and “Russia...”, 2008a).

In autumn 2008, intense fighting broke out in the eastern Democratic Republic of Congo (DRC) between the government and rebel forces supported by Rwanda. At the end of October, UK Foreign Secretary David Miliband and French Foreign Minister Bernard Kouchner flew to the region, tried to get the DRC and Rwanda to engage in diplomacy, spoke strongly about the need for humanitarian aid corridors to be set up and for more UN peacekeepers to be sent – and then promptly left. And when UN Secretary-General Ban-Ki Moon asked the European Union to send troops to help the UN’s peacekeeping mission there (MONUC), EU foreign ministers were divided. Belgium and France were supportive, but the UK and Germany were opposed, arguing they were overstretched by deployments elsewhere (Afghanistan). Miliband said that European countries could send troops to the UN mission (“EU...”, 2008 and Vogel, 2008). None have so far. This despite the fact that the EU has sent troops to the DRC before, currently has two ESDP missions to the country (EUSEC and EUFOR RD Congo) to help reform the security, police and justice sectors, and has declared that these prove its ‘determination to contribute to DRC stability, which ultimately has a bearing on that of the Great Lakes region as a whole’ (“The European...”, 2005). As Richard Gowan argued, ‘The Congo crisis tested three widely proclaimed EU priorities: its partnership with Africa, its strategic support to the UN, and its belief in the need to protect the vulnerable. Yet even combined, these priorities did not create enough momentum for military action’ (Gowan, 2009).

In another case, however, the EU was much quicker to act – where its material interests (international shipping) were at risk. Pirates have been operating from Somalia for some years now, but in 2008 the number of acts of piracy ballooned. Alarmed, ships from several EU states (alongside ships from other countries such as India and the US) began patrolling off the Somali coast to try to deter piracy. In December 2008, the EU launched EU NAVFOR, aimed at deterring and repressing acts of piracy, and protecting World Food Programme vessels delivering aid to Somalia. At any one time, six frigates and three patrol aircraft may be deployed. The mission is set to last for one year.

The year ended with an Israeli air attack on Hamas fighters in the Gaza strip – on 27 December it began bombing Hamas targets (though in the process killing hundreds of civilians). While an EU delegation led by the new Czech presidency toured the region, so did Sarkozy, leading to considerable confusion over who was ‘speaking for Europe’. The disarray in the European ranks distracts attention from the fact that the EU did not have much of a strategy vis-à-vis the peace process in 2008, other than to engage Israel. In June, the EU and Israel had agreed to ‘upgrade’ their relations. But as in the case of Zimbabwe and the EU-Africa summit, one must question whether this attempt at engagement influenced Israeli behaviour. Three weeks after the Israeli offensive began, the Czech presidency announced that negotiations over the upgrade were ‘paused’.

## Strategic issues

In the fall of 2007, French President Sarkozy and Swedish Foreign Minister Carl Bildt called for the revision of the 2003 European Security Strategy (ESS), echoing an earlier call by the European Parliament. The argument was that the ESS needed updating to include new security concerns, and there should be a greater focus on implementation, Javier Solana duly drafted a ‘Report on the Implementation of the European Security Strategy – Providing Security in a Changing World’, which was approved by the European Council in December 2008 (Report..., 2008). The key threats identified in 2003 remain threats in 2008, though there is more emphasis on threats to Europe’s energy security, the security implications of climate change, and the problem of piracy.<sup>3</sup> The three strategic goals are the same: build a more capable and effective Europe to address the threats, engage with the neighbourhood, and work for effective multilateralism. The report exhorts the EU to act strategically:

To ensure our security and meet the expectations of our citizens, we must be ready to shape events. That means becoming more strategic in our thinking, and more effective and visible around the world. We are

most successful when we operate in a timely and coherent manner, backed by the right capabilities and sustained public support

But it is not clear that the 2008 addition to the ESS will be of much more help in guiding policy-makers than the 2003 ESS was in the first place. Member states appear to be deeply divided over numerous issues, including the interpretation of threats and appropriate responses, and how to ensure security in the neighbourhood.

## Conclusion: and in 2009...?

First of all, it is worth noting some of the EU’s achievements in 2008. The EU launched five new ESDP missions in 2008, some at quite short notice: EUFOR Chad/Central African Republic; EULEX Kosovo; EU NAVFOR off the coast of Somalia; the monitoring mission in Georgia; and a security sector reform mission in Guinea-Bissau. A solution to the Irish rejection of the Lisbon Treaty was found. Sarkozy helped to end the fighting in Georgia.

But it is the disappointments of 2008 that must attract even more analysis, if the EU is to be ‘more effective and visible around the world’. Several weaknesses stand out. The first and most important is the persistent differences of views among the member states over a wide variety of foreign policy issues, and their unwillingness to make compromises for the sake of EU unity and effectiveness. Without greater unity, none of the other weaknesses can ever be addressed. And there are several more: the lack of a backbone (the EU sets conditions for relations only to back down later); the persistent and embarrassing capability deficits (even though Europe is one of the richest and most advanced economies on earth), and the related tyranny of short-termism (for example, most ESDP missions have time-limited mandates). In addition, the promotion of human rights and democracy has virtually disappeared from the EU’s ‘high politics’, which counters the EU’s own oft-repeated philosophy that such matters are critical for long-term stability, security and prosperity. The Lisbon Treaty would not solve these issues overnight – if it can solve them at all. A new, dynamic, US Administration – sharing more of the EU’s values – may allow the EU to mask over some of its weaknesses. But if EU action is entirely dependent on US support, then the situation is perhaps even more serious than widely believed.

## Notes

1. As Ben Tonra found in his study of Danish, Dutch, and Irish foreign policy, small states place considerable value on the presidency: ‘officials and ministers in all three states insist that the equal right of all states to host the presidency is an important principles and is of immediate practical value.’ Ben Tonra, *The Europeanisation of National Foreign Policy: Dutch, Danish and Irish Foreign Policy in the European Union* (Aldershot: Ashgate, 2001), p 258.

2. In another appalling example of this, in October EU foreign ministers lifted ‘smart sanctions’ on Uzbekistan – even though it has not yet allowed an international enquiry into the 2005 massacre at Andijan. See Toby Vogel, ‘The end of the road for EU sanctions?’, *European Voice*, 13 November 2008.

3. Climate change received much attention in 2008. In March, the European Commission and High Representative presented a report to the European Council on ‘Climate Change and International Security’, document S113/08, 14 March 2008. In December, the High Representative presented a follow-up report with recommendations (document S412/08, 18 December 2008). The reports highlight the negative implications of climate change for security (more conflicts over resources), and suggest priority areas for action (which largely consists of more dialogue with countries at risk).

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