

# European Security Structure in Transition

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## Introduction

Today, the principal security concern in Europe is shifting from territorial defense associated with the exercise of self-defense to protect state sovereignty to crisis management of regional and ethnic conflicts, international terrorism, and the proliferation of weapons of mass destruction (WMD), an issue which the international community should collectively address. However, Russia is not hiding its concerns about the eastward enlargement of the North Atlantic Treaty Organization (NATO) as an expansion of US-led military alliance, while NATO's charge of the Russian delay in performance of the Treaty on Conventional Armed Forces in Europe (CFE Treaty), which is necessary for military stability in Europe, may once again be leading to danger bringing about the issue of territorial defense. With regard to crisis management, a collision of views is seen between the US-led NATO and the European Union (EU), a European organization that is starting to seek its own identity even in the military sphere while aiming at the resurgence of Europe as a global actor, and together with the difference in the strategic cultures of the US and Europe, it is casting a shadow over the relationship between them.

With a focus on the transition of the European security structure, the present article will look at the prospects of this transition. This article will also discuss how it is closely associated with the strengthening of strategic ties between China and Russia and enhanced relationship between EU and China, possibly affecting Japan's security as well as regional security in East Asia.

## I. Threatened CFE Treaty—NATO's Eastward Enlargement and Russia

### 1. Start of Détente Talks

It was not so much the end of the Cold War bearing political connotations but the success of a series of détente talks during the Cold War that brought a stable security environment to contemporary Europe. If military threats are to be evaluated according to the other side's intent of invasion and its military capabilities, instead of assessing the intent, which is prone to changes, it was far more realistic to reduce threats using specific arrangements such as control or reduction of military capabilities put in statutory form through dialogue and commitment on both sides.

In Europe, two détente talks with the inclusion of the US and the Soviet Union took place in the early 1970s. The first one was held in Helsinki, where all European Nations except Albania, the US, the Soviet Union and Canada gathered to hold a Conference on Security and

Cooperation in Europe (CSCE) which started in July 1973 with the purpose of stability in European regions. The second one was the Mutual and Balanced Force Reduction in Europe (MBFR) talks which began in Vienna in October 1973, an attempt by NATO and Warsaw Pact forces to negotiate (conventional) arms reduction in central Europe where East-West military power was concentrated. During the preliminary talks, it was agreed that these two talks would be concurrently taking place, and that while the former would focus on the nature of East-West cooperation including post-war border demarcation and human rights issues, as well as discussing arms control issues that would not include arms reduction, the latter would use the talks as an opportunity to specifically discuss arms reduction.

As a result, as early as August 1975, the CSCE talks resulted in the signing of the Helsinki Final Act which laid down Confidence Building Measures (CBM) promoting military stability consisting of aspects such as prior notification of major military maneuvers carried out by the military alliances and exchanges of observers based on the principle of reciprocity. To preserve the momentum generated by the CSCE for further developing the CBM and other results achieved in Helsinki, a CSCE follow-up meeting took place in Belgrade in October 1977 and in Madrid in November 1980.<sup>1</sup>

Meanwhile, coinciding with the CSCE talks were the MBFR talks aiming at cutting forces in central Europe where East-West military power was concentrated. Although the negotiation channel was open, the views on both sides crossed each other, which prevented them from achieving specific results. The military balance between East and West during this period was maintained by NATO with compensating for its inferiority using nuclear weapons of the US against the overwhelming conventional forces of the Warsaw Pact. Because of this, balance (parity) of conventional forces through negotiation, in other words, finding common ground between NATO—which was hoping for major force reductions in the East—and the East—which was trying to reduce US influence through the reduction of nuclear weapons—was not a simple task. Moreover, despite the establishment during CSCE talks of a system of prior notification of major military maneuvers, verification measures to gain the military information necessary in the process of arms reduction were not in place. The reason for this is that countries in the East with a reclusive tendency such as the Soviet Union persistently refused on-site inspections. Furthermore, in terms of the advances in military technology, granted that an imbalance in military forces in the narrow central Europe was achieved, because the countries outside this framework could send forces in a short period of time, there was no real military significance in the term “balance”. Moreover, from the viewpoint of the East, as long as they had the capacity to maintain and strengthen their military power, due to difficulties in raising military spending, they saw no point in making concessions to the West, which was struggling to strengthen conventional forces.

As a result, the MBFR talks showed absolutely no sign of progress. In order to achieve results, there was a need to review the framework and target of the negotiations. In May 1978,

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<sup>1</sup> At the second follow-up meeting held in Madrid, Former Yugoslavia, advocating on behalf of the neutral and nonaligned countries situated between East and West, raised the issue that the security of these countries should also be considered. Since then, the CBM has been called Confidence-and Security-Building Measures (CBM) at CSCE meetings.

the then French President Valéry Giscard d'Estaing proposed to hold a disarmament meeting of a Europe "from the Atlantic to the Urals" (ATTU) during the first Special Session on Disarmament of the UN General Assembly. This proposal which targeted a Europe that would later be called the ATTU zone aimed at strengthening the CBM and further promoting arms control in the first stage, followed by reduction of offensive conventional arms, in particular reduction of tanks and combat aircrafts. At the time, France had withdrawn from the military command of NATO and was not taking part in the MBFR talks. France also believed that arguments concerning human rights which the East avoided at all costs would hinder the CSCE talks, leaving little hope for future progress. France therefore sought to grab the initiative in Europe's arms control and disarmament issues by finding opportunities to be actively involved in these issues outside the given framework.

Because the East presented a proposal similar to this, the 35 member countries of the CSCE gathered in Stockholm to hold the Conference on Confidence and Security Building Measures and Disarmament in Europe (CDE), which began in January 1984. Just like the name says, this conference aimed to first elaborate the CBM, and then to address disarmament issues. Unfortunately, this conference stagnated for a while as a result of NATO's deployment of intermediate-range nuclear forces (INF) in Western Europe in late 1983.

However, things turned around with the ascension of Mr. Gorbachev as new Soviet leader. For someone whose objective was to revive, with political ideals of socialism, the Soviet economy that had virtually reached a plateau in the early 1980s, promotion of disarmament with the West was not only a way to alleviate the heavy military burdens, it was also an effective step to avoid military inferiority to which technological gap with the West would lead. The Soviet leader thus focused on a "new thinking" diplomacy and expressed a cooperative approach with the West. In line with this, when the US President Reagan, who had until then used the phrase "evil empire" to describe the Soviet Union, urged an early agreement, the negotiations got a boost at once. As a result, the final agreement was adopted in September 1986.<sup>2</sup> With this agreement, the applicable area of the CBM expanded to the ATTU zone, and considerable improvements were also made to the CBM themselves. However, what should be mentioned here is that the Soviet Union had for the first time consented to on-site inspections which they had until then so adamantly continued to refuse. This was because these inspections were indispensable for the second phase of building up verification measures in the process of moving ahead on arms reduction. In fact, had it not been for the consent to these on-site inspections, the INF Treaty, which was the first post-war disarmament agreement, would not have been signed by the US and the Soviet Union in December 1987, and the Strategic Arms Reduction Treaty (START) of July 1991 would most likely not have existed today.

With the CSCE as the supreme organ, preliminary talks concerning arms reduction thus

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<sup>2</sup> The document is officially called the Document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe Convened in Accordance with the Relevant Provisions of the Concluding Document of the Madrid Meeting of the Conference on Security and Cooperation in Europe.

began in February 1987 between East and West member countries of the alliance. Then, following the end of the MBFR talks, formal CFE negotiations began in Vienna in March 1989. It was clear that these negotiations that had reached a consensus on defining certain offensive conventional arms as treaty limited equipment (TLEs) and on seeking equal ceilings for TLEs at their lower level would reach an early agreement. As mentioned earlier, in order for the Soviet Union to rebuild its battered economy, reduction of military burdens was necessary. Meanwhile, the West European countries were under pressure to promptly redress the issue of imbalance in conventional forces which resurfaced after the conclusion of the INF Treaty. The times needed a détente.

## 2. From the CFE Treaty to the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe

In November 1990, the CFE Treaty, which consists of twenty three articles with eight protocols and three declarations, was signed. As a result, five types of offensive weapons were reduced, namely tanks, armored combat vehicles, artillery pieces, combat aircrafts, and attack helicopters, and the total numbers which both NATO and the Warsaw Pact deployed in the ATTU zone were to be restricted to 40,000, 60,000, 40,000, 13,600, and 4,000, respectively. Moreover, in order to eliminate the danger of conducting surprise attacks and initiating large-scale offensive operations, it was agreed upon to divide the ATTU zone into 4 subzones (3 zones that would mutually overlap each other and 1 flank zone), whereby deployment restrictions would be imposed for each area, and to have the reductions effected in three phases no later than 40 months after entry into force of this treaty. This treaty also provided for the first time an information exchange regime. Meanwhile, no special provisions were included in order to simplify the Treaty, other than specifying that the allocation of forces in each area was to be entrusted to the alliance and that no one country was to possess more than approximately one-third of the TLEs. At the same time, the Treaty did not provide personnel strength on the premise that reduction of TLEs would inevitably also lead to its reduction.<sup>3</sup>

In accordance with this treaty, the Soviet Union consented to considerable reductions in TLEs. At the time, they possessed 20,694 tanks, 29,628 armored combat vehicles, 13,828 artillery pieces, 6,445 combat aircrafts, and 1,660 attack helicopters, but the ceilings were now limited to 13,150, 20,000, 13,175, 5,150, and 1,500, respectively. Meanwhile, reduction of NATO's TLEs remained minimal. The CFE Treaty, which both East and West agreed to in order to achieve a détente, provisionally entered into force on July 17, 1992, and complete entry into force followed on November 9. In addition, the parties to the Charter of Paris for a New Europe adopted at the CSCE Summit Meeting, which coincided with the signing of the CFE Treaty, agreed to set up the CSCE Secretariat in Prague, the Conflict Prevention Center

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<sup>3</sup> With regard to Germany, which was reunified in October 1990, the Declaration by the Government of the Federal Republic of Germany on the Personnel Strength of German Armed Forces made exceptional provisions to reduce the military personnel strength to 370,000 within three to four years of which no more than 345,000 would belong to the ground and air forces.

in Vienna, and the Office for Free Elections in Warsaw.<sup>4</sup> During this time, on July 10, the Treaty parties also agreed upon the restriction of the number of military personnel (CFE 1A), which the Treaty did not provide. As a result, Europe was finally freed from the issue of territorial defense.

However, the strategic environment in Europe had already undergone drastic changes. The Warsaw Pact was dissolved in July 1991. The Soviet Union passed into history as a legal entity in December 1991. A meeting was held in May 1992 between the former republics of the Soviet Union in order to allocate the TLEs among them.<sup>5</sup> As a result, Russia's TLE limits were reduced to about half what they were during the Soviet days.<sup>6</sup> The former allies of the Warsaw Pact were adopting a more confrontational stand toward Russia. Furthermore, NATO, seeking eastward enlargement, had submitted a document expressing its policy to 26 member states of the North Atlantic Cooperation Council (NACC) and Partnership for Peace (PfP) in late September 1995, half ignoring Russia which opposes enlargement.<sup>7</sup> However, Russia did not possess enough power to stop NATO's eastward enlargement. Accession of the former Warsaw Pact countries including Poland, the Czech Republic and Hungary to NATO was believed to be simply a question of time. Amid dramatic changes in the strategic environment, the CFE Treaty framework had already become unacceptable to Russia.

In November 1995, nearly at the end of the 40-month reduction period since entry into force of the Treaty, Russia notified its difficulty to comply with the Treaty in the flank zone (in particular, the Leningrad and North Caucasus Military Districts) to the parties. This problem was caused by the fact that among the TLE ceilings of the 1,300 tanks, 1,380 armored combat vehicles, and 1,680 artillery pieces, Russia was reluctant to reduce armored combat vehicles, which greatly exceeded the ceilings. The addition of a new unexpected element—the outbreak of the Chechen Conflict at the end of 1994—only complicated matters further.

Under such circumstances, openly criticizing Russia's noncompliance with the CFE Treaty was something imprudent for the relevant countries. If by doing so Russia were to withdraw after the 150 days period of notice in accordance with Article 19 of the CFE Treaty, all the efforts toward achieving a stable security structure in Europe would have been in vain, and the Europeans would be pulled back into a challenging military face-off with Russia. In addition,

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<sup>4</sup> The Office for Free Elections was renamed Office for Democratic Institutions and Human Rights in 1992.

<sup>5</sup> The Baltic states that did not participate in the Russian-led Commonwealth of Independent States (CIS) did not take part in this meeting either. As a result, these countries pulled out of the CFE Treaty, but later on this issue became connected with NATO's eastward enlargement, which fueled Russia's concerns.

<sup>6</sup> The limits in terms of the Soviet Union's tanks, armored combat vehicles, artillery pieces, combat aircrafts, and attack helicopters were 13,150, 20,000, 13,175, 5,150, and 1,500, respectively, but in accordance with the Tashkent Agreement signed in May 1992, Russia's limits were reduced to 6,400, 11,480, 6,415, 3,450, and 890, respectively.

<sup>7</sup> In addition to the Fact Sheet on NATO Enlargement, NATO sent a Study on NATO Enlargement issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council, whose content structure consisted of 6 chapters, the first one providing the purposes and principles of enlargement. This document contains its intention to build political and economic security structures in the entire Euro-Atlantic Area, and the implications of NATO membership including their rights and obligations. NATO encourages the efforts of countries seeking membership to meet these conditions in accordance with Article 10 of the North Atlantic Treaty.

for the NATO countries, not only was Russia's noncompliance with the Treaty in the flank zone not particularly a direct threat to their security, concessions in this area could also be used as a leverage for eastward enlargement.

Hence, in order to settle this situation, the parties to the Treaty agreed on a very short notice to address this issue within a framework different from the CFE Treaty. As a result, at the First CFE Treaty Review Conference held in Vienna at the end of May 1996, the parties to the Treaty agreed to reestablish the parameters of the flank zone. The Pskov Region was removed from the application area of the Leningrad Military District. Also the Volgograd Region, Astrakhan Region, eastern part of Rostov Region, and part of Krasnodar Region were removed from the North Caucasian Military District. The new flank zone allowed Russia to meet the above ceilings as of end of May 1997. In addition, Russia's original flank zone would have considerably larger ceilings, whereby tanks, armored combat vehicles, and artillery pieces would provisionally be set to 1,897, 4,397, and 2,422, respectively, and by the end of May 1999, these figures would be revised down to 1,800, 3,700, and 2,400, respectively. The parties avoided risks of the collapse of the Treaty by flexibly responding without stigmatizing Russia as a violator of the Treaty.

At the same time, a new round of negotiations were required for the CFE Treaty to adapt to the new geopolitical realities of post-Cold War Europe. To this end, at a summit of the Organization for Security and Cooperation in Europe (OSCE)<sup>8</sup> held in Lisbon in December 1996, the parties agreed that the Joint Consultative Group (JCG) established in accordance with Article 16 of the Treaty would undertake the responsibility to review the Treaty, and in late July 1997, the Basic Elements for Treaty Adaptation was approved by the parties.<sup>9</sup> And so the parties that participated in the CFE Treaty revision talks sounded out a political agreement on the final Treaty text at the end of March 1999. In November 1999, the parties signed the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe. This coincided with the adoption of the Charter for European Security at the OSCE Summit held in Istanbul in November 1999, which regards the increasingly frequent internal conflicts as new threats to regional stability. As a result, in comparison with the former Treaty, a new framework was devised whereby tanks were reduced by 11% to 35,574, armored combat vehicles by 5.7% to 56,570, artillery pieces by 10% to 36,312, combat aircrafts by 3% to 13,203, and attack helicopters were only slightly reduced to 3,994. The adaptation lessened the danger of surprise attacks and large-scale offensive operations further on European soil. With regard to Russia, where its TLE limits were only slightly reduced, the flank zone was partially revised at its request, and in exchange for complete withdrawal of its forces from

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<sup>8</sup> The summit meeting of the CSCE held in Budapest in December 1994, a mutual consent was achieved to have CSCE finally become an organization, aiming at conflict prevention and strengthening of risk management functions.

<sup>9</sup> The first basic element consisted of establishing new national and territorial ceilings, and of establishing ceilings to all TLEs, including combat aircrafts and attack helicopters. The second element was that each country would accept new TLE numbers without exceeding the limits provided for in the 1990 Treaty. The third element consisted of reviewing the national and territorial ceilings every 5 years, and providing exceptional provisions in view of temporary deployments exceeding the ceilings for the expansion of the UN and OSCE activities.

Georgia and Moldova, the limit of armored combat vehicles in the flank zone was raised to 2,140.<sup>10</sup>

### 3. Ratification Issues of the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe and Russia

In March 1999, Poland, the Czech Republic, and Hungary officially joined NATO. At the Summit commemorating NATO's 50th anniversary held the following month, NATO adopted the Membership Action Plan (MAP) aiming at the second phase of its eastward enlargement to help aspirant countries to better prepare themselves for future membership.<sup>11</sup> Following this, 9 states, namely Albania, Bulgaria, 3 Baltic states, Romania, Slovakia, and Macedonia applied for membership joined the MAP.

Meanwhile, it was inevitable that Russia should show concerns about the serious situation where NATO, whose intention was still considered by many to be the military alliance's expansion, was moving its defense line forward by going beyond the buffer zone, which included the Eastern European countries, as well as involving part of the former Soviet Union. That is why in May 2002, NATO established the NATO-Russia Council in consideration of Russia's concerns. This increased NATO's transparency, and also promoted bilateral cooperation in crisis management. However, Russia remained vigilant. In fact, in July, Russia's Defense Minister Ivanov declared that if NATO does not establish military bases in the Baltic states, Russia will not reinforce its military resources in the surrounding regions. He also expressed that Russia maintains the Baltic Fleet at immediate readiness for the defense of the Kaliningrad region, which no longer has ground access to mainland Russia due to independence of the Baltic states. In addition, Ivanov, fearing that NATO would bring in

<sup>10</sup> Changes in Russia's TLE holdings are as follows:

	Tanks	Armored combat vehicles	Artillery pieces	Combat aircrafts	Attack helicopters
National ceilings in accordance with the 1999 Agreement	6,350	11,280	6,315	3,416	855
National ceilings in accordance with the 1990 Treaty	6,400	11,480	6,415	3,450	890
Existing forces (as of Jan. 1, 2000)	5,375	9,956	6,306	2,733	741

<sup>11</sup> This plan not only made participation in the PfP mandatory for aspirant countries compulsory, NATO also obliged them to submit an annual plan regarding political and economic issues (status on the progress of issues such as peaceful settlement of ethnic or border conflicts, compliance with international laws and respect of human rights, democratic control of the military, ensuring free economic activities, and environmental protection measures), defense and military issues (possibilities of contributing to NATO's collective defense or risk management missions), resources issues (information on national resources that could contribute to NATO's activities), security issues (ensuring of sensitive information) and legal issues (legal arrangements which govern cooperation within NATO are compatible with domestic legislation). See NATO Press Release, *Membership Action Plan (MAP)*, Press Release NAC-S(99)66, 24 April, 1999.

offensive weapons in the Baltic states—which withdrew from the CFE Treaty following the collapse of the Soviet Union—requested that these countries participate in the said Treaty.<sup>12</sup> Furthermore in September, the military worked on transforming the 76th Airborne Division stationed in the Pskov region bounded on the Baltic states into an all-volunteer unit, focusing on reinforcing the state of readiness.<sup>13</sup> Although such measures aiming at the Baltic states' accession to NATO did not conflict with the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, they reflected Russia's apprehension over NATO's forward movement of the defense line.<sup>14</sup>

At the Prague Summit in November of the same year, NATO members agreed on inviting seven countries—the Baltic states, Romania, Bulgaria, Slovakia and Slovenia. In May 2004, all of these countries acceded to NATO. In order to avoid another military confrontation with NATO, Russia needed to quickly proceed with talks to revise the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe.

On July 19, 2004, Russia completed the ratification of the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe. It saw further changes in the strategic environment and pressed for the next revision negotiations including accession of the Baltic states to the Treaty. In response to this, the NATO countries rejected the ratification on the grounds of Russia's incomplete withdrawal of its troops from Moldova and Georgia to maintain territorial integrity and security.<sup>15</sup> Such attitude demonstrated by NATO as well as its military activities near Russia's national borders only added to the discontent and concerns of Russia.<sup>16</sup>

Meanwhile, as if to support this, at the 12th OSCE Ministerial Council held in Sofia in December 2004, Russian Foreign Minister Lavrov expressed criticism of the OSCE which focuses on election observation activities that promote liberalization and democratization of the CIS countries (in other words on supporting the estrangement of these countries from Russia) and of the countries that keep putting off the ratification of the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe.<sup>17</sup> Later, although improvements were seen in 2005 in terms of Russia's fulfillment of its commitments to

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<sup>12</sup> See "Ivanov: no buildup if Baltics join NATO," *Russia Journal*, July 29, 2002.

<sup>13</sup> See "DM reports military cuts, says more may follow," *Russia Journal*, November 18, 2002.

<sup>14</sup> In parallel with these measures, Russia formed the Collective Security Treaty Organization in October 2002 with Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Tajikistan. This organization, whose purpose was the peace and territorial integrity of the member states, as well as cooperation against international terrorism, drug traffic, and organized crime, also pledged to provide prompt military assistance in the event of military threats to these countries' security. This organization, which is the successor to the CIS Collective Security Treaty signed in 1992 (entered into force in 1994), was intended to place these countries under Russia's military protection.

<sup>15</sup> With regard to NATO's arguments claiming Russia's violation of the Treaty, see the Statement on behalf of the Republic of Moldova (Annex 13) and the Joint Statement of the Russian Federation and Georgia (Annex 14) in the *Final Act of the Conference of the State Parties to the Treaty on Conventional Armed Forces in Europe, 19 November 1999 (CFE.DOC/2/99)*.

<sup>16</sup> See "Dispute Over Russian Withdrawals From Georgia, Moldova Stall CFE Treaty," *Arms Control Today*, Vol. 34, No. 7 (September 2004), p. 43.

<sup>17</sup> See the Statement by Mr. Sergei V. Lavrov, Minister for Foreign Affairs of the Russian Federation, at the Twelfth Meeting of the OSCE Ministerial Council, Sofia, 7 December 2004 (MC.DEL/61/04).

withdraw its troops from these countries, the NATO countries did not proceed with the ratification on the grounds of incomplete withdrawal. As a result, at the 13th OSCE Ministerial Council held in Ljubljana in December 2005, Russian Foreign Minister Lavrov once again questioned OSCE's position. In his speech, he stressed the necessity to reform the OSCE, mentioning that the OSCE Office for Democratic Institutions and Human Rights, whose purpose is to keep watch on the development of regional democracy, had excessive autonomy and lacked fairness in its election observation activities, and that the human rights issues of Russian minorities in Latvia and Estonia over which Russia was concerned were left unaddressed. In addition, Lavrov emphasized Russia's impatience toward countries that continued to put off the ratification of the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, stating that if ratification is not considered and endorsed promptly, it may jeopardize the entire arms control regime in Europe.<sup>18</sup>

In December of the same year, coinciding with the Southeastern Europe Defense Ministerial (SEDM)<sup>19</sup> held in Washington, D.C., US Secretary of State Rice visited Romania where she signed a deal allowing the US to use military bases in the country.<sup>20</sup> Although these military bases were expected to be installed only as training bases or on a temporary basis, they held a symbolic significance suggesting military involvement with Central Asia because they constituted the first US military bases in former East European countries.

This was precisely when conflicts emerged between Russia and Ukraine. On December 2, 2005, the Community of Democratic Choice was established in Kiev, the capital of Ukraine. As the presence of EU and OSCE officers—who were invited to the inaugural meeting—suggested, this new international organization formed by 9 countries, namely Ukraine, Georgia, Macedonia, Moldova, Slovenia, Romania and the Baltic states aimed at promoting mutual cooperation toward the respect of freedom, democracy and human rights. However, the creation of a barrier against Russia not only meant that this new organization would escape its influence, it also showed the intention of having the Russia-led CIS formed in December 1991 lose its significance.<sup>21</sup>

Alarmed about the trend of Ukraine's estrangement from Russia, in addition to suggesting in June increases in gas prices supplied to Ukraine through Gazprom, the Russian state gas company, President Putin announced at the CIS Summit held in August the possibility of tripling the gas prices supplied to Russia's neighboring countries. Up until then, Russia used to supply gas at prices below international market prices to support the economy and energy

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<sup>18</sup> See the Statement by Mr. Sergei Lavrov, Minister for Foreign Affairs of the Russian Federation, at the Thirteenth Meeting of the OSCE Ministerial Council, Ljubljana, 5 December 2005 (MC.DEL/16/05).

<sup>19</sup> The SEDM, which began in 1996 brings together senior defense leaders from NATO countries (Bulgaria, Greece, Turkey, Italy, Romania, Slovenia and the US). Ukraine became an official member in December 2005, prior to which it was an observer. This time, Moldova served as an observer, while Bosnia, Herzegovina and Serbia participated as special guests. In addition, it was agreed that the Southeastern Europe Brigade Headquarters was to be deployed in Kabul, Afghanistan, for a six-month peacekeeping mission starting in February 2006.

<sup>20</sup> It is said the Mihail Kogalniceanu airbase near Constanta, which is alleged to have hosted a secret CIA prison and the Smardan training base near the Bulgarian borders would serve as military base.

<sup>21</sup> See Yuras Karmanau, "Ukraine Hosts Pro-Democracy Forum," *Washington Post*, December 2, 2005, and *Asahi Shimbun*, December 3, 2005.

needs of the countries that gained independence after the dissolution of the Soviet Union, as well as to develop resource strategies to anchor these countries in the CIS framework. Hence, these Russian measures were intended to urge these countries, which were rapidly growing estranged from Russia, to reconsider. In fact, for Ukraine's Yushchenko administration—a regime created in January 2005 after the 2004 so-called Orange Revolution—which sought accession to NATO and EU, this pressure inflicted a serious blow to the country's energy demand, and was inevitably going to inhibit its economic development.<sup>22</sup>

On December 8, President Putin warned Ukraine that it would increase the price of gas Russia supplies from the current 50 US dollars to 230 US dollars per thousand cubic meters of gas starting January of the following year. In response to this, Ukraine suggested it could hit back by reconsidering the terms of leasing the Sevastopol base in Crimea by charging Russia higher prices. Russia warned against Ukraine that because the treaty concerning both countries' access to the base includes an agreement on border demarcation, a revision of the treaty would raise new border issues. In January 2006, the Russian government, which rejected Ukraine's proposal of a gradual price increase, cut gas exports to Ukraine on the grounds that Ukraine rejected the price rise.<sup>23</sup>

However, this dispute caused more than simply deteriorate the relationship between these two countries. In fact, the pipeline that takes gas to Ukraine also passes through Austria, Hungary, Poland and other European countries such as France and Italy and so gas piped to these countries had also slowed down. Russia supplies about a quarter of Europe's natural gas consumption, and nearly 80% of this is shipped through a grid of pipelines that cross Ukrainian territory. The many EU countries that receive gas through Ukraine criticized Russia's response, arguing that it would affect the stable supply of energy resources, while the US and Germany expressed their discontent from the perspective of defending Ukraine's democracy and freedom. Although Russia insisted it only reduced the amount supplied to Ukraine and accused Ukraine of siphoning gas intended for export, it had to quickly deal with this situation.

A compromise was finally struck between Russia and Ukraine on January 4. Russia agreed on a 5-year deal to set the price of gas supplied to Ukraine at 95 US dollars per thousand cubic meters of gas. In other words, while Gazprom itself supplies Russian gas to Ukraine at the international price of 230 US dollars, by mixing it with inexpensive gas from Central Asia, Ukraine would be paying only 95 US dollars for this mixture, thus avoiding economic turmoil in both countries. Meanwhile, Ukraine agreed to create a joint venture with Russia for the management of its gas pipeline.<sup>24</sup> The situation came to an end as Ukraine granted certain interests to Russia and Russia ensured steady supply of natural gas.<sup>25</sup>

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<sup>22</sup> Increases in gas prices were inevitably going to cause further deterioration to the failed economic situation in Georgia that was on its way to democracy following the 2003 so-called Rose Revolution.

<sup>23</sup> In addition, gas exports to Moldova also stopped because Moldova rejected the price rise that would have taken the cost of gas from 80 US dollars to 160 US dollars per thousand cubic meters.

<sup>24</sup> With regard to Moldova, while gas price during the first quarter of 2006 was set at 110 US dollars per thousand cubic meter of gas on January 16 of the same year, by solidifying Russia's role in relation to the gas transport system in Moldova, a compromise was struck between the two countries.

<sup>25</sup> The Northern European pipeline whose construction began under the Baltic Sea, a joint project between

With this equivocal solution, this controversial issue seemed to have been solved. However, from a geostrategic point of view, we must not overlook the fact that, behind the scenes of promoting democratization and liberalization, NATO and Russia had begun a new test of strength. And as if to symbolize Russia's impatience, one incident accentuated the US-Russian tension. Russia reacted strongly against the announcement by the Bush administration of its plans to deploy 10 interceptor missile launchers in Poland to track long-range ballistic missiles as well as ground radar facilities in Czech Republic to foil ballistic missile attacks from Iran as a justification of its opposition to Iran's development of WMD. Of course, it was unthinkable that this system would actually disable Russian ballistic missile systems as it claimed. In that sense, this case in itself was not so much a military issue but perhaps rather something more of a political declaration whereby Russia, which took advantage of the surge in oil prices to pay off its foreign debts accumulated during the Soviet era and regained its confidence and pride as a big power, expressed its will to oppose the new "containment" policy of the US.

Regardless, with Russia's increasing impatience, if it decides to withdraw from the OSCE and CFE framework, and if as a result a new dividing line would be drawn in Europe, the Europeans, who were liberated from the issue of territorial defense, would again be facing the danger of a military face-off with Russia.

## II. NATO and the EU—Feud Surrounding Issue of Crisis Management

### 1. New Role of Military Forces

At the end of May 1991, NATO's Defense Ministers Meeting defined the new force structure, with the main defense force, the reaction force, and the augmentation force. The forward defense posture which NATO had developed within West Germany during the Cold War had lost its significance with German reunification in October 1990. In addition, with the image of a new era following the end of the Cold War and confidence in a détente resulting from the signing of the CFE Treaty, danger of military aggression by the Soviet Union, once constituting the source of military threats, has significantly decreased. For such reason, the main defense force, which was to consist of seven corps, was, except for one German national corps in the former East Germany, organized into multinational corps made up of national divisions, and dispersed within the NATO area. In addition to such changes, the establishment of the reaction force became the symbol of a new NATO. This was due to the fact that this force was regarded as a measure against out-of-area risks that were outside the scope of common defense framework as provided for in the North Atlantic Treaty. NATO, which was born as a collective self-defense organization in accordance with Article 51 of the Charter of the United Nations, found its own ways within crisis management practices.

However, NATO was not the only organization to set up crisis management as its mission.

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Gazprom and German companies, is expected to come on stream in 2010 and aims to bypass Ukraine and supply natural gas to Germany, etc.

In December 1991, heads of the government of 12 states of the European Community (EC) that gathered in Maastricht, Netherlands, agreed to establish the European Union (EU). The countries that agreed at this meeting to deepen economic integration formulated the Common Foreign and Security Policy (CFSP) aiming at further political and economic autonomy of Europe, and reached an agreement on the principles for joint action. The Western European Union (WEU), Europe's own defense organization, was requested by EU to be developed as the defense component of the European Union. The EC, which had been making sure the scope of activities restricted to the economic field ever since failure of the European Defense Community (EDC) in the mid 1950s, boldly ventured into the military field while keeping in mind future political integration. Meanwhile, in response to this request, the WEU clearly expressed that, while gradually reinforcing its role as a part of EU with the purpose to become subjectively involved in Europe's own security and defense, it will also bring these efforts in tune with the strengthening of the European pillar of US-led NATO. And so with virtual elimination of Soviet threats, Europe was progressively starting to depart from military reliance upon the US.

What the WEU faced was to find a way to coexist with NATO. Unnecessary duplication of military capabilities with NATO should be avoided from the perspective of cost effectiveness, and to turn on the US, which remains firm on prioritizing NATO, was futile. Therefore, at a council meeting held in June 1992, the WEU defined its mission as consisting of humanitarian and rescue tasks, peacekeeping tasks, and combat tasks aiming at crisis management, while it declared its policy to entrust issues related to traditional territorial defense issues to NATO. These tasks which the WEU itself defined were called the Petersberg tasks, named after where the meeting was held.

However, this did not take care of all the problems. There was still the process of coordinating the tasks of NATO and the WEU regarding the crisis management activities. For the US, strengthening the autonomy of Europe in terms of security and defense had to be the "realization of the European Security and Defense Identity (ESDI) within NATO."<sup>26</sup> Hence, if the movement of European integration outside NATO was considered to be unavoidable, the US had to devise some kind of plan to keep the WEU's activities within the NATO framework. It believed that despite mentions about its own military activities, the WEU would eventually have to rely on the US when it came to carrying out their missions. This would clearly become the key.

At the informal meeting of defense ministers held in Travemünde in October 1993, US Secretary of Defense Aspin advanced a proposal on creating the Combined and Joint Task Force (CJTF).<sup>27</sup> The essential feature of this proposal was to have NATO (in other words, the US) supply its military assets when the WEU would conduct military operations without the

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<sup>26</sup> ESDI was a term that was first officially introduced in the context of confirming the importance of the complementarity between NATO and the WEU in the communiqué of the Ministerial Meeting of the North Atlantic Council held in December 1993, immediately after the Maastricht Treaty entered into force. See *Final Communiqué of the Ministerial Meeting of the North Atlantic Council*, 2 December 1993 (M-NAC-2(93)70).

<sup>27</sup> With regard to Les Aspin's proposal, see the Speech by Mr. Rob de Wijk, Clingendael Institute Netherlands, *Colloquy on "the European Security and Defense Identity"* (Madrid, 5 May 1998).

US. Because the idea of the WEU coming up on their own with command or communication systems or new equipment for strategic transport necessary to develop their own missions was unrealistic, this US proposal was considered reasonable.

And so the establishment of the CJTF was approved at the NATO Summit held in Brussels in January 1994. In June 1996, the establishment of the CJTF was officially agreed in Berlin where the North Atlantic Council (defense ministers' meeting), the principal decision-making body within NATO, was held. The agreed framework included the following aspects: CJTF missions are to be supervised by the North Atlantic Council, command personnel for these missions are to be provided by both NATO and the WEU, NATO's Deputy Supreme Allied Commander Europe (a European) is to supervise missions, and NATO's commanders are to monitor the status of military assets when the WEU perform their missions. This agreement carried an important significance for the US. In fact, not only are NATO's views given priority when both the US and the WEU consider the necessity for a crisis management operation, even when the WEU plans operations whose motives differ from those of the US, the US, which supplies the resources, participates in the discussions to ensure that the intents and activities are those which the US approves of.

## 2. Rivalry Between NATO and EU

However, the seemingly resolved problem took another turn with the concept of a Rapid Reaction Force proposed by the leaders of the United Kingdom and France in December 1998 and the immediately following plans by the US to strengthen NATO's role. In fact, the EU's intentions to strengthen its own military capabilities to redress the weakness revealed during the process of resolving the Bosnia-Herzegovina conflict, to seize the initiative in the resolution of the Kosovo conflict, and to aim at having greater scope of discretion that goes beyond the CJTF collided head-on with the intentions of the US to expand the scope of the crisis management operations while keeping them within the NATO framework.

In early December 1998, the British and French leaders met in Saint-Malo where they issued the Joint Declaration on European defense,<sup>28</sup> to establish a rapid deployment force of more than 30,000 EU troops. In this joint declaration, the leaders of both states expressed that the EU needs to be in a position to play its full role in the international community, and that to this end, it must put the forces of both countries at the core in order to implement the CFSP, in particular, to enhance the EU's capabilities to execute the Common Defense Policy (CDP), which the Treaty of Amsterdam (an amended version of the Maastricht Treaty adopted in October 1997), has developed.<sup>29</sup>

Meanwhile, at the North Atlantic Council held in Brussels a few days after the joint declaration by British and French leaders, US Secretary of State Albright proposed that the

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<sup>28</sup> *Joint Declaration issued at the British-French Summit, Saint-Malo, France, 3-4 December 1998.*

<sup>29</sup> At the EU Summit held in Amsterdam in June 1997, in addition to the fiscal stability pact adopted following the European monetary union, members approved the Amsterdam Treaty which provided policies on future expansion and strengthening the CFSP. The Treaty introduced the post of CFSP High Representative under the EU President, as well as a Planning and Early Warning Unit under the High Representative post.

countermeasures against the proliferation of weapons of mass destruction and ethnic and regional conflicts and other diversified threats should be added to NATO's main missions at the summit meeting to be held in April 1999 in Washington.<sup>30</sup> This proposal by the US, which coincided with the time when rumors were beginning to circulate regarding NATO's military intervention in the Kosovo crisis, meant that the US had embarked on a mission to re-strengthen NATO.

However, the European countries did not accept this proposal unconditionally. They feared that the US would, at their own discretion, increase out-of-area missions that are beyond their capabilities and interests. Therefore, the Strategic Concept<sup>31</sup> which NATO adopted in April 1999 stipulates that the member states shall review whether NATO should be engaged in crisis management activities that include military operations on a case-by-case basis, that these actions would be selected by consensus, and that on those occasions, Article 7 of the Washington Treaty (which stipulates the priority of the role of the UN Security Council) must be observed. Contrary to US expectations, NATO's crisis management activities had become subject to certain restrictions.

Meanwhile, the EU concentrated its efforts on the establishment of its own rapid deployment force. At the June 1999 EU Summit, the member states agreed that they would dissolve the WEU, relegate the implementation of the CFSP, and create a Political and Security Committee (PSC) composed of ambassadorial-level members from each country under the Council to strengthen their military capabilities as well as a Military Committee (MC) formed at the chief of staff level of each country.<sup>32</sup> In addition, the member states also agreed that the new standing Military Staff (MS) would be responsible for early warning, situation analysis and the formulation of strategic plans including delivery goals. Following discussion of the aforementioned British-French proposal in mid-November 1999 at the Council of the European Union with defense ministers of the member states, the British and French governments held a summit in London the same month, at which both countries called on the European Council in Helsinki to take a decisive step forward in the development of its own corps-level rapid deployment force with the necessary C<sup>3</sup>I, combat support units, etc.<sup>33</sup> As a result, at the Helsinki Summit in December 1999, the member states officially approved the establishment of a corps-level (50,000 to 60,000 troops) rapid deployment force by the year 2003. The force should be capable of being deployed within 60 days and for at least one year. Also, in order to cast aside concerns the US may have, they expressed the view that they did not imply the creation of a European Army.<sup>34</sup>

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<sup>30</sup> See Secretary of State Madeleine K. Albright Statement to the North Atlantic Council (Brussels, Belgium, December 8, 1998).

<sup>31</sup> *The Alliance's Strategic Concept, approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C. on 23rd and 24th April 1999.*

<sup>32</sup> See the section on Presidency Report on Strengthening of the Common European Policy on Security and Defence in the *Presidency Conclusions, Cologne European Council, 3&4 June 1999* (PRESS/99/1500 1999-06-09).

<sup>33</sup> See the *Joint Declaration by the British and French Governments on European Defence*, Anglo-French Summit, London, Thursday 25 November 1999.

<sup>34</sup> The name "European Army" was used to refer to a unified European army in the EDC concept from the 1950s. At the time, what European countries were aiming for was the creation of a supranational standing

However, while a tug-of-war was held between the US and Europe concerning crisis management operations, terrorist attacks happened in the US on September 11, 2001. The following day, the UN Security Council adopted Resolution 1368, in which the Council regarded the act as a threat to international peace and security, and recognized the inherent right of individual and collective self-defense. Up until then, excepting the unusual US views, terrorism had been considered an emergency handled by domestic legislation, but now it had become subject to the inherent right of individual or collective self-defense. The use of the right to collective self-defense by NATO and the resulting NATO's support of attacks on the Taliban—recognized as a terrorist support group—not only blurred the line between crisis management operations and territorial defense activities, by having the US government take initiative in counterterrorism and counter-WMD measures, they also created an atmosphere in which NATO—not the EU—would have primacy in crisis management operations.

At the NATO Defense Ministers Meetings in June 2002, they expressed a policy that would promptly secure military capabilities needed to respond to threats resulting from terrorism and WMD. After setting the Force Goals focusing on the development of key capabilities, including defense against NBC weapons, strategic transportation, support capabilities for combat units, and a number of specialized capabilities such as surveillance and target acquisition, support jamming, and air-to-air refueling, the defense ministers agreed to detail the objectives of the Defense Capabilities Initiative (DCI) approved at the 1999 Washington Summit, and to reform the fixed command center, which aimed at territorial defense established during the Cold War, to a crisis management-type of mobile command center.<sup>35</sup> In November, the creation of a NATO Response Force (NRF) was approved at the NATO Summit in Prague, where members agreed to the accession of the Baltic states, Slovakia, Slovenia, Romania, and Bulgaria. This corps-sized military force was expected to be ready for limited use by October 2004 and to be fully operational by October 2006. Moreover, a new initiative that determines the Force Goals for each member state was launched. This initiative—the successor to the DCI—was called the Prague Defense Capabilities Commitment (PCC).<sup>36</sup> The September 11 attacks thus led NATO to rapidly strengthen its capabilities for crisis management operations.

### 3. Difference in Strategic Cultures Between the US and Europe

Following the September 11 attacks in the US, the solidarity between the US and Europe through NATO was short-lived, as in the fall of 2002, the issue of right and wrong of military sanction against Iraq—suspected of possessing WMD—led to a sharp conflict between the US and Great Britain on the one hand and France and Germany on the other in the UN Security

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army in charge of territorial defense.

<sup>35</sup> See Ministerial Meeting of the Defence Planning Committee and the Nuclear Planning Group held in Brussels on 6 June 2002, *Final Communiqué*, Press Release (2002)071.

<sup>36</sup> See NATO Press Release, *Prague Summit Declaration issued by Heads of State and Government Participating in the Meeting of the North Atlantic Council in Prague on 21 November 2002*, Press Release (2002)127, 21 November 2002.

Council. In January 2003, US Defense Secretary Rumsfeld, who stressed the necessity to use force against Iraq, did not hide his frustration as he criticized France and Germany who expressed disagreement with the US position and insisted on continuing inspection in Iraq and on the adoption of a new Security Council resolution for military sanction against Iraq, referring to them as “old Europe,” a Europe that does not understand the new global reality. Then, in February, the conflicts between both sides even had repercussions on NATO. In response to the proposal by the US and Great Britain to deploy NATO’s early warning aircrafts and interceptor missiles in Turkey in anticipation of a possible attack by Iraq on it, France and Germany expressed disapproval, stating that this would lead to measures justifying the use of force against Iraq without Security Council resolutions. Because decisions at the North Atlantic Council must be met by consensus of all member governments, this left the Council in a state of paralysis.<sup>37</sup>

Under such circumstances, an agreement surrounding crisis management operations between NATO and the EU was reached in March. With this agreement, called Berlin Plus, the roles and tasks previously assigned to the WEU in accordance with the agreement between NATO and the WEU regarding the CJTF had been transferred to the EU in June 1996. However, this did not signify that the EU had stopped seeking to free itself from the constraints of NATO in the execution of crisis management operations. Along with Operation Concordia which began in Macedonia in March 2003 using NATO command structure, the EU had launched its own relatively small-scale Operation Artemis in the Democratic Republic of Congo.

At the same time, in order to draw a clear line from the approach of the US regarding sanctions against Iraq—which had a strong military flavor—the EU was developing its own security strategy. If the US is the legendary, historic war god Mars that lives in a world defined by philosopher Thomas Hobbes who allegedly believes international laws and regulations are unreliable and that maintenance and use of military power are indispensable to achieve true security, defense and free order, the EU is none other than the goddess Venus aiming at creating a self-governed world based on laws, institutions, negotiations and collaboration for the realization of a post-historical eternal peace in a type of paradise as laid out by Immanuel Kant.<sup>38</sup>

As a result, Javier Solana, EU High Representative for the CFSP, who was entrusted with this mission, presented “A Secure Europe in a Better World”<sup>39</sup> in June 2003. This paper first points out that no single country—in other words, the US—is able to tackle today’s complex issues on its own, that the EU, which has become a global player, should share in the responsibility for global security and in building a better world. In addition, the paper defines terrorism, proliferation of weapons of mass destruction, state failure and organized crime as “new threats,” while describing that the building of an international order based on a

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<sup>37</sup> As a result, NATO avoided immediate danger by leaving this decision up to the Defense Planning Committee where France, which withdrew from the alliance’s military structure, is not a member.

<sup>38</sup> See Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Alfred A. Knopf, 2003).

<sup>39</sup> *A Secure Europe in a Better World* (European Council, Thessaloniki, 20/06/2003).

multilateral system constitutes the strategic objective. Furthermore, it stresses the need to establish the concept of “intervention” before a conflict occurs as a new strategic culture, based on the idea that the use of force alone after the emergence of conflicts will not establish order. In other words, it proposes to regard trade, financial support and sanctions as a means of pre-emptive engagement to promote political reforms or increased governance of the failing states. As a result, following partial corrections such as changing the term “pre-emptive,” which was suggestive of the “National Security Strategy”<sup>40</sup> of the US, to “preventive,” this was adopted as EU’s first official security strategy<sup>41</sup> at the Council held in Brussels in December of the same year.

The next task was to build a framework to implement this new strategy. In mid September 2004, an independent panel commissioned by the EU of four led by Professor Kaldor of the London School of Economics (LSE) submitted to Javier Solana a report on policy recommendations entitled “A Human Security Doctrine for Europe.”<sup>42</sup> The greatest feature of this report, put together on behalf of the EU, which aimed at increased crisis management capabilities in response to terrorism, proliferation of WMD, regional conflicts, state failure and organized crime, is that it advocates to change the framework of crisis management operations that used to be found in the relationship of cooperation between civilians and the military, and to create instead an integrated civil-military force. In other words, it focuses on preventive engagement and proposes to create a multinational “Human Security Response Force” composed of part of the rapid deployment force (about 10,000 military personnel) which the EU officially launched after the UK-France Saint-Malo Summit in December 1998, and of about 5,000 civilians including the police, legal experts, development and humanitarian specialists, and administrators.

In addition, in view of the fact that the operations of this force are to be conducted in failed states or states in a situation of domestic instability, past images of colonialism or imperialist domination should to be preliminarily obliterated. To this end, a strong code of conduct was necessary. The report thus presents a set of principles, which are the primacy of human rights, clear political authority, multilateralism based on international regulations, the primacy of requests and consent of the local population based on a bottom-up approach, regional (not national) focus, the use of legal instruments and the appropriate use of force.

The fact that the report puts particular emphasis on the bottom-up approach is noteworthy. Past crisis management operations used to place reliance on the top-down approach. Simply put, cease fire agreements used to be concluded between the conflicting parties, in other words between representatives of militia groups. However, this approach was quickly deemed to have lost effectiveness. “Many of today’s conflicts are not interstate conflicts but rather internal conflicts, and as can be understood by looking at their victims, they are acts of

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<sup>40</sup> White House, *The National Security Strategy of the United States*, September 2002. This document specifies that the US government considers terrorism and proliferation of WMD as post-Cold War threats and that it will not rule out preemption necessary to address this.

<sup>41</sup> *A Secure Europe in a Better World: European Security Strategy* (Brussels, 12 December 2003).

<sup>42</sup> *A Human Security Doctrine for Europe: The Barcelona Report of the Study Group on Europe’s Security Capabilities*.

brutality by militia groups toward the unarmed citizens rather than battles between conflicting militias. Ethnic cleansing has become today's war. Hence, if the international community treats the representatives of groups that create victims among the citizens as the conflicting parties, it is actually justifying their existence, and thus the agreement put together cannot carry significance other than a truce accord. As a result, the citizens are neglected and constantly exposed to the danger of becoming new victims behind the watchful eyes of the international community. In order to avoid such situation, true representatives of citizens must be called on to go to the negotiating table."<sup>43</sup> Thus the purpose of the Human Security Response Force was to contribute to regional peace and stability through communication, consultation, and dialogue with such citizens subject to intervention in order to improve early warning, intelligence gathering, and mobilization of local support.

Another noteworthy point was the advocacy of appropriate use of force. The report specifies that the purpose of the human security doctrine is not to defeat enemies or pacify conflicting parties; EU missions should instead focus on protecting civilians through law enforcement with the occasional use of force when deemed necessary. In fact, while it is reasonable to think that the expected role of military force should remain secondary when the principal part of the purpose of intervention is executed by civilians, in order for the activities by the civilians—the subjects of the purpose of intervention—to be effective, it is imperative that military force serves as a deterrent that prevents the outbreak of a conflict. Therefore, the military force which works alongside civilians must not consist of military units associable with peacekeeping operations but rather those equipped with sufficient capabilities, similar to former peace-enforcement units.<sup>44</sup>

If we look at crisis management operations which the EU advocates in terms of the timing of their launch, emphasis is expected to shift from previously implemented post-conflict measures—peace-making, peace-keeping, and peace-building—to preventive diplomacy-type operations. This is because it is more reasonable to start operations before flashpoints of conflicts emerge, given that the military capabilities of the EU cannot possibly be on par with those of the US, as well as from the perspective of decrease in casualties of military personnel resulting from intervention and cost-effectiveness. As long as the EU complies with international laws and regulations, it can maintain legitimacy and justify its actions as well as anticipate the benefits from the actions seeking the alleviation and resolution of the root causes without having to prioritize superficial military solutions.

Meanwhile, if the EU pursues crisis management operations in line with the above concept, or if the US remains committed to prioritizing military resolutions, the distance between the US and Europe will without a doubt further increase. As a result, if the two sides fail to find common ground in their strategic cultures, it will be increasingly difficult for NATO to perform crisis management operations.<sup>45</sup>

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<sup>43</sup> See Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Stanford: Stanford University Press, 2001).

<sup>44</sup> In fact, members of the EU Summit held in December 2003 had already agreed to create a civil-military cell within the EU Military Staff (EUMS).

<sup>45</sup> In Europe, protests regarding human rights issues are spreading against allegations that the CIA had

Perhaps on a superficial level, the friction between the US and Europe regarding the Iraq situation may be heading toward an end. In the process of establishing a police force supporting the new transitional government, while NATO began educational and training activities in Iraqi territory, France and Germany had implemented the activities in Qatar and in the United Arab Emirates, respectively. Moreover, at the meeting of the North Atlantic Council in December 2005, the member states agreed—according to the request of US government—to expand the area of operations of the NATO-led International Security Assistance Force (ISAF). NATO created a policy for ISAF’s area of expansion planned for 2006, also known as Stage 3, to include six additional provinces in the south and in the east in addition to the previous nine provinces for its stabilization mission, to establish four Regional Commands for ISAF Regions North, West, South, and the capital Kabul, to create four Provincial Reconstruction Teams (PRTs), and to establish an additional Forward Support Base in Kandahar. As a result, ISAF was to be increased by 6,000 military personnel bringing the total number to approximately 15,000.<sup>46</sup>

However, as is evident from the clear distinction that has been made between the above-mentioned ISAF activities and the US-led Operation Enduring Freedom (OEF), as long as the security environment of Europe—where the threat of surprise attacks and large-scale offensive operations on European soil has been almost eliminated—remains stable, NATO is required, while reducing its role as a traditional military alliance, to truly transform into a security architecture of the whole Europe, as it described itself when proceeding with eastward enlargement. Shortly after her appointment as the new Chancellor of Germany in November 2005, Ms Merkel visited NATO Headquarters and stated as follows regarding the future of NATO. “Unilateral action is possible only after it is clear that all efforts for a joint Alliance approach failed. Only in that way can we see to it that NATO continues to be a political Alliance.”<sup>47</sup>

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secretly established detention centers in the former East European countries for prisoners in the war against terrorism. In response to this, at the NATO foreign ministers’ meeting in December 2005, Ms Rice, US Secretary of State, addressed the immediate situation by clearly stating that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which the US itself ratified in 1994 is also applicable outside its own country. However this issue is showing no sign of winding down in Europe. In fact, at the Meeting of the Parliamentary Assembly of the Council of Europe’s (PACE) Committee on the Legal Affairs and Human Rights held in Paris Immediately after this NATO meeting, the rapporteur and Chair of the Committee, Dick Marty submitted a report which supports the allegations, and explained that letters had been sent to the delegations to the PACE of the two countries mentioned in the media, namely Poland and Romania, and to the Permanent Observer of the United States to the Council of Europe. See Council of Europe, Alleged existence of secret detention centres in Council of Europe member states: statement by dick Marty, rapporteur of the Committee on Legal Affairs and Human Rights, 13.12.2005 . If the allegations proved correct, the said Member States’ voting right in the Council would be removed.

<sup>46</sup> See NATO Press Release, *Final Communiqué : Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels, on 8 December 2005* (2005)158; NATO, “Revised operational plan for NATO’s expanding mission in Afghanistan,” *NATO Topics*, 8 December 2005; NATO, “NATO to go South in Afghanistan,” *NATO Update*, 8 December 2005. In addition, NATO-led ISAF assumed command of the eastern region of Afghanistan, created a new Regional Command there, and transferred about 10,000 US troops from “Operation Enduring Freedom” to ISAF. See International Security Assistance Force, “NATO assumes command in Eastern Afghanistan,” (05 October 2006).

<sup>47</sup> “New German Chancellor calls for ‘political’ NATO,” *NATO Update*, 23 November, 2005.

## Conclusion—Transition of the European Security Structure and Japan's Security

Such transition of the European Security Structure is also starting to affect the East Asian strategic environment including Japan. In contrast with the serious conflict between China and the Soviet Union in the 1960s which once prompted détente talks in Europe, Russia, apprehensive regarding NATO's eastward enlargement, is now reestablishing its relationship with China, once its enemy,<sup>48</sup> to avoid military confrontations on two fronts, to create a multipolar world that counters the image of a unipolar world led by the US, and to stabilize the Central Asian region where the rise of Islamic forces is significant. In fact, in parallel with the border talks which began in the early 1990s, China and Russia, Kazakhstan, Kyrgyzstan and Tajikistan signed an Agreement on Confidence Building in the Military Field Along the Border Areas in April 1996. This Agreement led to the formation of the so-called Shanghai Five, which concluded the Agreement on Mutual Reduction of Military Forces in the Border Areas in April 1997. It laid down maximum ceilings for deploying tanks (3,900 for Russia and 3 other former Soviet countries, 3,810 for Russia alone, and 3,900 for China) and armored combat vehicles (each 4,500), personnel strength (130,400), and CBM regulating military activities within the borders (100km in depth, 7,300km borderline).

Such closeness between China and Russia continued further, and in June 2001, the Shanghai Five was reorganized as the Shanghai Cooperation Organization (SCO) with the addition of Uzbekistan. In line with such détente talks, the Treaty of Good-Neighborliness and Friendly Cooperation between the People's Republic of China and the Russian Federation was signed to replace the Sino-Soviet Treaty of Friendship, Alliance and Mutual Assistance, which expired in July 1980. When this treaty was concluded, both countries stressed that it was not going to lead to a new military alliance. However, this joint communiqué included statements that support the compliance with the Anti-Ballistic Missile (ABM) Treaty and creation of a multipolar world that strongly focuses on anti-US diversion. Under such circumstances, a demarcation line between China and Russia was finally set in June 2005, and the ratification document was signed. Furthermore, while Mongolia had already achieved formal observer status in 2004, the leaders at the July SCO Summit agreed to grant SCO observer status to Iran, Pakistan and India, and requested to remove the US forward bases in Central Asia, whose declared purpose is to carry out the war against terrorism. Immediately following this, the Uzbekistan government, which had become a target of criticism by the US and Europe on the grounds of human rights issues, notified the US of its decision to close the American base.

Meanwhile, the strengthening of the bilateral relationship is developing into the further transfer of Russian weapons to China as a means of acquisition of foreign currency for Russia and of modernization of military forces for China. Under such circumstances, Russia and China conducted their first-ever joint military exercises called "Peace Mission 2005" in Vladivostok and Shandong Peninsula in late August. Because these exercises, involving air, sea, and ground units, consisted of large-scale troop maneuvers and included naval blockade

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<sup>48</sup> See Yuzuru Kaneko, Yoshiaki Sakaguchi, Katsuhiko Mayama, "Japan's Security in the Changing Eurasian Strategic Environment," *NIDS Security Reports*, No. 4 (March 2003), pp. 1-37.

and assault drills, surrounding countries saw them as a scenario suggestive of China's military invasion of Taiwan and thus called for vigilance. Predicting the future relationship between China and Russia is not an easy task. However, if these two countries remain firm in their position, it is clear that China—no longer required to protect its northern borders—will turn to the East and South, and together with military reinforcement, undermine Japan's strategic environment. Thus, the transition of the European security structure is creating a strategic linkage with Russia as the intermediary, and is affecting East Asian security.

Next, let us turn our eyes to the influence of the conflicts between the US and Europe regarding crisis management operations on Japan's security. In the National Defense Program Guidelines adopted by the Security Council and the Cabinet in December 2004, Japan set, as the objectives of its security policy, the elimination of military aggression through prevention of threats against the country and the prevention of threats through improvement of the international security environment. With regard to the latter, Japan specified it considers operations involving the cooperation of the international community as necessary for the improvement of the international security environment and that it intends to take the initiative in achieving this. However, as is evident from the above-mentioned conflicts between the US and Europe, we must take note of the fact that the focus of contemporary international peace operations has reached beyond the framework of traditional peacekeeping operations and is starting to shift toward activities involving the use of force, which the Constitution of Japan forbids. The Self Defense Forces cannot participate in many of the collective security measures set forth in Chapter 7 of the Charter of the United Nations. In addition, if preventive intervention which the EU advocates takes root in the international community as a new strategic culture, even if civilians play a central role in such intervention, the military forces that share these activities will, although unlikely, be based on the use of force. Furthermore, because preventive intervention requires consistent effort to obtain at an early stage sufficient information on regions where conflicts are anticipated as well as reliable analysis capabilities, not only would intervention lacking in these areas present military risks, it would also carry the risk of losing its justice. Therefore such feud regarding crisis management operations between the US and Europe not only highlights the new role of the military forces required to contribute to the peace and stability of the international community, it also reflects Japan's difficulties in fulfilling such role.

Finally, this article concludes with a mention of the relationship between the EU and China. Without getting into discussions of whether today's EU should be seen as a threat to US hegemony,<sup>49</sup> of whether its rise should be perceived through its relationship with the decline of the US,<sup>50</sup> of if it should be considered as a presence aiming to become a nonmilitary

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<sup>49</sup> See Charles A. Kupchan, *The End of the American Era: U.S. Foreign Policy and the Geopolitics of the Twenty-first Century* (New York: Alfred A. Knopf, 2002), which argues that if today's US were to be compared with the Roman Empire, Europe would be the Byzantine Empire which created a power center independent of Rome.

<sup>50</sup> See Emmanuel Todd, *Teikoku Igo (After the Empire, The Breakdown of the American Order)* (Tokyo: Fujiwara Shoten, 2003) in which the author argues that although America's global dominance evaporates due to its economic decline and loss of universalism, the European countries, which are facing declining populations, also cannot build a new empire, and that as a result, a Eurasian alliance bringing together several

superpower alongside the US,<sup>51</sup> the fact that the EU—which in the process of reestablishing itself as a main player on the international political scene is beginning to keep its distance from the US—is strengthening ties with China will undermine Japan's security. One of the points of issue concerns China's participation in the EU's Galileo satellite navigation system, a rival to the reigning global positioning system (GPS) of the US, and the other is the possible lifting of the EU military embargo against China.

First is the Galileo satellite navigation system, Europe's own positioning satellite system managed by the Galileo Joint Undertaking, which the EU and the European Space Agency (ESA) jointly established in 2002. It is expected to begin its operations in 2008 and to be fully operational in 2010.<sup>52</sup> This system, whose total cost of development is estimated at 3.4 billion Euros, one third of which is expected to be privately financed, is more accurate than the current GPS operated by the US, and is aiming at offering services to the EU and each country's government in addition to those provided to the general public, such as car or ship navigation.

Behind the EU's undertaking of building its own satellite system is the fact that they needed to provide safe guidance and rescue services by possessing unique functions that would support an integrated transportation system necessary to run a single EU market. At the same time, however, the EU had from early on described risks at stake regarding the GPS being a system that is not under European control, such as risks of compromising their sovereignty and safety, risks associated with the conversion of the system, and risks of not being able to maintain equal access to the system.<sup>53</sup> The EU, which already faces fierce competition with the US in the field of aircraft manufacturing, has also decided to enter into a competitive relationship in the positioning satellite system, a field of advanced technology vital to safe aircraft navigation.

Meanwhile, in response to EU's decision, the US—fearing duplication with GPS, competition with radio frequencies which the US forces and NATO use for military purposes, and security risks such as terrorist groups or supporters of terrorism secretly using the Galileo system—had in late 1991 sent a letter to EU countries requesting its discontinuation.<sup>54</sup> The US also had other concerns. For example, the EU appealed for contributions from users and provided quality services only to users who agreed to invest, which led those seeking better services to choose Galileo instead. From a technical perspective, mutual control of signal outputs was also necessary in addition to radio frequency intervention. Discussions on arrangements for cohabitation between Galileo and the American GPS system lasted 4 years. Finally in June 2004, both sides concluded in Ireland an agreement to enhance compatibility

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powers will emerge.

<sup>51</sup> See Tom R. Reid, *Yoroppa Gasshukoku No Shotai (The United States of Europe)* (Tokyo: Shinchosha, 2005), in which the author argues that the EU is not seeking to replace the US as the world's new hegemon but rather to become a superpower that rivals the US.

<sup>52</sup> On December 28, 2005, the British-built first test satellite in the Galileo Satellite program was launched from the Baikonur Cosmodrome in Kazakhstan aboard a Soyuz rocket.

<sup>53</sup> See European Commission, *Galileo: Involving Europe in a New Generation of Satellite Navigation Services*, Brussels, 10 February 1999, COM(1999) 54 Final.

<sup>54</sup> See "EU Summit Leaders approve 3.4 bln eur Galileo satellite navigation system," *AFX Europe*, March 16, 2002.

and interoperability of both systems without radio frequency interference between Galileo's signals and those of the GPS system.<sup>55</sup>

However, with the accuracy the Galileo system offered, everyone knew that, although the official stance was that Galileo was intended for civilian use, there was a possibility of it being diverted to military use. Under such circumstances, China, while developing its own positioning satellite called Beidou, signed an agreement in October 2003 under which Chinese entities would be able to take part in the Galileo satellite navigation program. Furthermore, in October of the following year, China agreed to contribute to the Galileo program. As a result, it established the China Galileo Industries Ltd. in March 2005 and decided to provide 200 million Euros for the project. Furthermore, at the China-EU Summit in September, both sides called for detailed talks on the conditions related to China's joining of the European GNSS Supervisory Authority and the participation of Chinese enterprises in the Galileo Operation Concessionaire.<sup>56</sup> The EU's integration of China into its own framework—with its continuously growing market of 1.3 billion persons—signified that China chose to curb the unilateral domination of the US from the technical and military perspectives. Meanwhile, although the US is apprehensive about the EU—despite its strict regulations—allowing the proliferation of such technologies to China to improve accuracy of China's weapons system including missiles, while this is leading to the expansion of military forces, it may also undermine Japan's security.

Another point of issue that provides insights into the strengthening of ties between the EU and China is the problem regarding the possible lifting of the EU military embargo against China. Although the EU imposed arms embargo following the 1989 Tiananmen Square incident, criticizing the undemocratic response of the Chinese government, because China placed strong pressure on the EU to lift this embargo, this issue suddenly emerged in late 2004. In the meantime, this issue must be considered from two angles. The first question is why the EU indicated its intention to lift the embargo when at state level arms were in fact being exported to China, and the second question is why this issue surfaced at this time.

First, with regard to control of arms export, the EU had been seeking a unified management beyond the state framework since the time of its foundation. However, because this was still a new field with the CFSP having just been signed, the member states considered the issue of arms export as one related to national sovereignty and thus resisted the EU's intention of a unified management. In fact, the EU did not have the financial or the human resources necessary for the inspection and execution of export trades at the time.

However, in the late 1990s, the wind shifted. With the strengthening of international export control regimes under the initiative of the US, the EU needed to create its own code of conduct to counter this trend. Back then the total defense spending of the EU countries was approximately half of US defense expenditure, and the weapons R&D budget was a mere one fifth that of the US. Hence, in order to be on equal footing with the US in the arms industry, the cooperation of each country was necessary, along with the development of uniform export

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<sup>55</sup> See *Agreement on the Promotion, Provision and Use of Galileo and GPS Satellite-based Navigation Systems and Related Applications* and accompanying document *GPS and Galileo Signal Structure*.

<sup>56</sup> See *Joint Statement of the Eighth China-EU Summit Beijing, 5 September 2005*.

requirements beyond the national interests of each country. Furthermore, from an institutional perspective, it was also important that the Court of Justice of the European Community ruled that trade control falls within exclusive EU competence (Article 133 of the EC Treaty). The Code of Conduct on Arms Export was thus formulated in June 1998,<sup>57</sup> which was followed by an agreement that this would be updated on a yearly basis. In June 2000—although the selection of embargoed goods (alleged) is entrusted to each country—the Council Regulation 1334 was adopted, stipulating that the decisions regarding the countries on which embargo is to be imposed are entrusted to the EU. Furthermore, in November 2003, an agreement was reached on a User's Guide regarding arms export, and after excluding from each country the embargoed goods that are against the principle of fair competition, a unified standard was finally born within the EU.<sup>58</sup> Unification of the control of arms export thus constituted an essential requirement to develop a system suitable for the development of Europe's defense industry. Later, the European Defence Agency was established in July 2004, aiming at the integration and reinforcement of weapons R&D.

Next is the reason why the embargo lifting issue surfaced in 2005. In fact, after the French President Chirac and German Chancellor Schröder suggested to lift the arms embargo on China in late 2003, Chinese President Hu had called on the EU to lift the embargo during a visit to France in January of the following year. Under such circumstances, in addition to reasons such as arms exports to China leading the country to give up its own development of arms or promoting China's democratization by strengthening ties with the country, the EU advocated that its arms export regulation would effectively serve its purpose and was paving the way for the lifting of the EU military embargo. Meanwhile, the US strongly objected to this, stressing that such measure by the EU would cause deterioration in the military balance between China and Taiwan and that equipment associated with command and control is not included in the objects of the regulation. Therefore at the 7th Annual EU-China Summit held in The Hague in December 2004, despite China lobbying strongly for the embargo to be lifted, the EU decided that lifting the embargo would be postponed.<sup>59</sup>

However, in December of the same year, over the strong protest of the Congress and the Green Party—the ruling coalition—German Chancellor Schröder visited China with a

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<sup>57</sup> This was established as an agreement between member states on the minimum standards and as a guideline for countries to which the regulations apply. It contains requirements such as not exporting items that may be used for the purpose of violating human rights, arms that may increase internal tension or armed conflicts, and to pay utmost consideration to transfers that are incompatible with the maintenance of regional peace, security and stability.

<sup>58</sup> However, this standard leaves each country room for considerable flexibility with regard to the application of the code of conduct concerning arms export. In fact, in January 2006, internal information of the EU revealed that although the total arms exports from the EU countries to China in 2004 were less than the total exports of 420 million Euros recorded in 2003, they had still reached 340 million Euros. Particularly, the 169 million Euros recorded for France consisted of electronics for military purposes and aircraft-related materials, and the 148 million Euros recorded for Great Britain consisted of exports of military supplies, although the details were not specified. See *Mainichi Shimbun*, January 7, 2006 for details. Moreover, see James A. Lewis, "Multilateral Arms Transfer Restraint: The Limits of Cooperation," *Arms Control Today*, Vol. 35, No. 9 (November 2005), p. 48, in which the author describes how it is difficult to adhere to a strict code of conduct.

<sup>59</sup> See *Joint Statement of the 7th EU-China Summit, 8 December 2004*.

representative of the European Aeronautic Defence and Space Company (EADS). Although it is said that behind this was pressure from part of the European defense industry to lift the military embargo against China, in fact, the EADS—bearer of the future of Europe's aerospace industry—was in charge of the Ariane rockets, the Galileo Program, and the manufacturing of the Airbuses, which are symbolic of the autonomy of Europe. It is highly probable that amid a fierce rivalry with US Boeing, EADS, eager to sell civil aircrafts such as the A380 to China in anticipation of the 2008 Beijing Olympics, called on the EU to lift the military embargo.<sup>60</sup>

Following the sudden emergence of the Chinese arms embargo issue, the US and the EU ventured to resolve the problem. The point of issue was directed toward the specification of export arms and strengthening of the monitoring system. By then, the lifting of the embargo simply seemed like a question of time as the motives of both the EU and China pointed to the lifting of the embargo. However, the situation changed suddenly on March 14, 2005 with the adoption of the Anti-Secession Law at the Third Session of the 10th National People's Congress. This was interpreted as a law that legitimizes the military unification of Taiwan, which enraged the international community.<sup>61</sup> Amid such adverse conditions, the 8th EU-China Summit was held in Beijing in September 2005. Anticipating a multipolar world that counters the image of a unipolar and unilateral world led by the US, the EU and China recognized their relationship as a comprehensive strategic partnership<sup>62</sup> in a joint statement issued during the summit. This expression was not used during the 7th Summit held in the Hague in December of the previous year, indicating that their relationship is fast maturing. However, due to opposition claims by the US and Japan and the above-mentioned law established by China, the lifting of the arms embargo China was not achieved at this summit as well.

Although the lifting of the EU military embargo against China which Japan feels apprehensive about was once again postponed, with the great force that raises the transition of the European security structure, the EU and China will most likely further reduce the distance between them in the near future. Furthermore, Russia, concerned about NATO's eastward enlargement will also likely strengthen its ties with China. At the same time, the difference in the strategic cultures of the US and Europe which emerged regarding crisis management operations will eventually also likely affect Japan's participation in the international

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<sup>60</sup> Although the circumstances are not clear, it is conceivable that China—which decided to participate in the Galileo Program—presented the offer under the condition that the embargo be lifted. For China, regardless of whether there is actual transfer of arms, the lifting of the embargo can be used as a lever in weapon deals with Russia (in other words, as a bargaining chip to acquire better weapons from Russia) and most of all, it presents an ideal opportunity to eliminate the negative image of the country caused by the Tiananmen Square incident. Moreover, as if to support this, at the EU-China Summit held in September 2005, The European Investment Bank agreed to invest 500 million Euros in the expansion project of the Beijing International Airport. See *Joint Statement of the Eighth China-EU Summit Beijing, 5 September 2005*.

<sup>61</sup> Article 1 of the said law stipulates as follows: This Law is formulated, in accordance with the Constitution, for the purpose of opposing and checking Taiwan's secession from China by secessionists in the name of "Taiwan independence", promoting peaceful national reunification, maintaining peace and stability in the Taiwan Straits, preserving China's sovereignty and territorial integrity, and safeguarding the fundamental interests of the Chinese nation.

<sup>62</sup> See *Joint Statement of the Eighth China-EU Summit Beijing, 5 September 2005*.

community. In order not to make East Asia an area of conflict, and in consideration of Japan's relationship with the world, we must continue to monitor the European situation.