



# Prospects for Moldova's cooperation within the Common Security and Defence Policy

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The views expressed in this study are those of the authors and do not necessarily represent the position of the financing institution.

# Table of contents

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<b>ABBREVIATIONS.....</b>	<b>5</b>
<b>INTRODUCTION.....</b>	<b>6</b>
<b>SUMMARY.....</b>	<b>7</b>
<b>I. COMMON SECURITY AND DEFENCE POLICY: CHALLENGES AND PROSPECTIVE ....</b>	<b>9</b>
1.1. Strategic Context and Conditions of CSDP Occurrence.....	9
1.2. Legal Framework. CSDP Objectives, Values and Principles. Risks and Threats. Strategies .....	11
<i>Values and Principles. Risks and Threats .....</i>	<i>11</i>
1.3. CSDP Strategies, Capabilities and Potential .....	11
1.4. Practical Implementation of CSDP (actions, operations, impacts).....	12
1.4.1. <i>Civilian Operations .....</i>	<i>12</i>
1.4.2. <i>Military Operations .....</i>	<i>15</i>
1.4.3. <i>Challenges.....</i>	<i>16</i>
1.4.4. <i>Other CSDP Actions .....</i>	<i>17</i>
1.4.5. <i>The European Security and Defence College (ESDC).....</i>	<i>18</i>
1.5. CSDP and NATO Security Policies .....	18
1.6. Development Tendencies and Possible Scenarios .....	19
1.7. Experiences from other Countries .....	19
1.8. CSDP Challenges .....	19
<b>II. THE SECURITY AND DEFENCE POLICY OF THE REPUBLIC OF MOLDOVA. CHALLENGES AND PERSPECTIVES.....</b>	<b>22</b>
2.1 National Security Policy and Strategy. General Considerations .....	22
2.2. Legal Framework of the Security and Defence Policy.....	22
2.3. Challenges regarding the Permanent Neutrality Status.....	29
2.4. The Neutrality Status and the Extraterritorial Operations .....	30
2.5. Institutional Framework .....	31
2.6. Conclusions and Recommendations .....	33
<b>III. THE ROLE OF CSDP/MSDP IN THE PROCESS OF EUROPEAN INTEGRATION OF THE REPUBLIC OF MOLDOVA .....</b>	<b>35</b>
3.1. Relations between the Republic of Moldova and EU in the Security Sector.....	35
3.2. The Position of the Republic of Moldova concerning CSDP.....	37
3.3. Implications of the signing of the Association Agreement on the Security and Defence Policy of the Republic of Moldova .....	38
3.4. The Perspectives of Moldova-EU Cooperation in Combating Risks and Threats on Regional and International Level.....	39
3.5. Types of Missions under EU, where the Republic of Moldova Could Take Part.....	39

**IV. GENERAL FINDINGS AND RECOMMENDATIONS.....42**

- 4.1. Findings ..... 42
- 4.2. Consistencies and Inconsistencies between CSDP and MSDP ..... 42
- 4.3. Opportunities and Hindrances regarding the Participation in CSDP ..... 43
- 4.4. Recommendations ..... 44

**ABOUT THE AUTHORS.....45**

# Abbreviations

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<b>EDA</b>	European Defence Agency
<b>SALW</b>	Small Arms and Light Weapons
<b>WMD</b>	Weapons of Mass Destruction
<b>ESDS</b>	European Security and Defense College
<b>CIVCOM</b>	Civilian Crisis Management Committee
<b>EUMC</b>	EU Military Committee
<b>PSC</b>	Political and Security Committee
<b>CMPD</b>	Crisis Management Planning Directorate
<b>EUISS</b>	European Institute for Security Studies
<b>HR/VP</b>	High Representative/Vice President of the European Commission
<b>PMG</b>	Political and Military Group
<b>CCM</b>	Civilian Crisis Management (CCM)
<b>OPLAN</b>	Operational Plan
<b>ESDP</b>	European Security and Defence Policy
<b>CFSP</b>	Common Foreign and Security Policy
<b>CSDP</b>	Common Security and Defence Policy
<b>NSP</b>	National Security Policy
<b>MSDP</b>	Moldovan security and defence policy
<b>SATCEN</b>	European Satellite Centre
<b>EEAS</b>	European External Action Service
<b>EUMS</b>	European Union Military Staff
<b>ESS</b>	European Security Strategy
<b>NSS</b>	National Security Strategy
<b>EU</b>	European Union
<b>SSC</b>	Supreme Security Council
<b>PCA</b>	Partnership and Cooperation Agreement
<b>ENP</b>	European Neighborhood Policy
<b>EURMAP</b>	European Union – Republic of Moldova Action Plan
<b>EP</b>	Eastern Partnership
<b>IPAP</b>	The Individual Partnership Action Plan between Moldova and NATO

# Introduction

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Over the past two years, the European integration of Moldova showed a substantial quality progress. Enhanced political dialogue, negotiations on liberalization of visa regime, dialogue on deep and free trade with the EU and enhanced cross-sector cooperation have been important achievements in the complex process of European integration. Supported by the political will to accelerate domestic reforms and to extend the coverage of European standards, this process meets the basic criteria for success.

However, the complexity of European integration and the need to ensure its consistency requires greater cooperation on security and defence issues between the Republic of Moldova and European Union. The importance of addressing the security and defence policy in the dialogue with the EU increases proportionally with the advancement of the negotiation process and is determined by the role of security as a prerequisite for sustainable economic development and successful European integration of Moldova.

In this respect, national authorities are expected to formulate a clear position on the Common Security and Defence Policy, which is a distinct element of the Common Foreign and Security Policy of the European Union and reflects the EU aspirations to ensure a common security through multilateral cooperation within the EU and with the participation of external partners.

This policy is based on the recognition of multiple threats to European security and assumes that “no country is able to tackle today’s complex problems on its own”.<sup>1</sup> As a separate item of the EU policy framework, the Common Security and Defence

Policy also provides a specific cooperation framework and opportunities for non-member states.

On the other hand, the security and defence policy of the Republic of Moldova still lacks a comprehensive conceptual and institutional framework, which would combine the national values, principles, interests, objectives and capabilities with the strategies and objectives of the European Security and Defence Policy.

Thus, the prospects for cooperation between the Republic of Moldova and European Union within the Common Security and Defence Policy depend primarily on the capacity of the Moldovan authorities to develop a comprehensive security and defence policy and to build relevant capacities of security and defence entities in Moldova to address the cooperation prospects and potential commitments in this area.

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<sup>1</sup> European Security Strategy.

# Summary

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Over the past two years, the European integration of Moldova showed a substantial quality progress. Enhanced political dialogue, negotiations on liberalization of visa regime, dialogue on deep and free trade with the EU and enhanced cross-sector cooperation marked the initiation of a complex process of European integration.

Moldova's aspirations to apply in the near future for the accession to European Union implies a political will to accelerate the implementation of domestic reforms and introduction of European standards. To ensure the consistency of European integration, the cooperation between Moldova and the European Union should be extended to security and defence.

The importance of addressing the security and defence policy in the dialogue with the EU increases proportionally with the advancement of the negotiation process and should meet the expectations of the European Union that perceives security as a prerequisite for sustainable economic development and security of investments and entails assumption of commitments to implement common policies and efforts in the field of security and defence.

The Common Security and Defence Policy is a distinct element of the Common Foreign and Security Policy of the European Union, relating to defence and military issues. This policy reflects the EU's aspirations to ensure common security through multilateral cooperation within the EU and with external partners. European Security Strategy, the CSDP framework document approved in 2003 recognizes the multiple threats to European security and assumes that "no country is able to tackle today's complex problems on its own".<sup>1</sup> In this

context, the Common Security and Defence Policy provides a participation framework and opportunities for countries that are not members of the EU or NATO.

The overall objective is to assess the prospects for cooperation between Moldova and European Union within the Common Security and Defence Policy through the Analysis of the Common Security and Defence Policy, framework and conditions for cooperation, review of relevant experience of other countries and identification of lessons learnt for Moldova; assess the Moldovan Security and Defence Policy in terms of compatibility with the Common Security and Defence Policy; identify feasible models of cooperation between Moldova and European Union in the field of security and defence, assess the impact of this cooperation on foreign policy, security policy, defence policy and the overall security sector of the Republic of Moldova, estimate the benefits and costs of cooperation.

This study demonstrates that participation in the CSDP is a prerequisite to achieve the objective of European integration of Moldova and enables Moldova to take part in joint efforts of European countries for European and international security, to get involved in the development of the EU security and defence culture, to become familiar with the CSDP structures and procedures.

CSDP contains a number of much-needed tools for the MSDP relating to defence, foreign policy and civilian crisis management, and participation in the CSDP offers new opportunities for support of security sector reforms initiated in the Republic of Moldova and a much wider perspective for EU involvement in the settlement of Transnistrian conflict.

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<sup>1</sup> European Security Strategy.

Moldova's participation in the CSDP and the EU operations with task forces, civilian and military experts and sharing of existing potential and expertise gained will contribute substantially to greater authority of the Republic of Moldova at European level and will encourage greater support to its European integration efforts.

Prospects for cooperation between Moldova and European Union within the Common Security and Defence Policy depend to a great extent on Moldova's capacity to align the National Security and Defence Policy with the Security and Defence Policy of the European Union and to build relevant capacities of security and defence entities in Moldova to address the cooperation prospects and potential commitments in this area.

In this context, the main obstacles for Moldova's participation in CSDP remain the inconsistent political stewardship, inefficient management of the MSDP at the top level and limited budget resour-

es, which, all together, challenge the credibility of political statements about Moldova's willingness to participate in CSDP, on the one hand, and do not allow a proper preparation for a potential participation, on the other hand.

In order to overcome these impediments, the study recommends to take complex actions at local level that would clarify the implementation of the objective of participation in the CSDP and would include identification of participation tools at political and executive level, approval of the target objectives of national capacities for participation in the EU military and civilian operations and initiation of preparation of forces under the overall leadership of the Moldovan President.

# I. Common Security and Defence Policy: challenges and prospective

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## **1.1. Strategic Context and Conditions of CSDP Occurrence**

CSDP has emerged as one element of EU's Common Foreign and Security Policy (CFSP), which itself developed in the framework of EU treaties (Maastricht, Amsterdam, aborted constitutional treaty and Lisbon treaty). EU's foreign policy is part of the broader spectrum of EU's external action, traditionally built upon common trade policies, development aid cooperation, humanitarian action as well as external dimensions of internal EU policies such as Justice and Home Affairs (Justice Freedom and Security), transports, energy, and enlargement and common market policies (including some kind of regulation of the defence industry sector, dual use items and arms exports). CSDP is therefore part of the so called "comprehensive approach" supposed to combine all EU external action's instruments in a coherent manner.

CSDP is the continuation of the European Security and Defence Policy (ESDP), launched in December 1998 in St Malo with the declaration of the French-British summit. It was then given a fundamental push in 1999 until it was included as such in the Treaty on the European Union. Further developments were taken in the framework of the 2003 European Security Strategy (ESS), the so called 'Hampton Court agenda' in 2004-2005, and the constitutional treaty which, although it was not adopted, led to key provisions taken over in the Lisbon treaty.<sup>1</sup>

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<sup>1</sup>For more details on ESDP institutional developments, see Giovanni Grevi, Damien Helly, Daniel Keohane, *European Security and Defence Policy, The first 10 years (199-2009)*, EUISS, 448p., pp. 19-67.

ESDP and CSDP have developed in a post Cold War and post 9/11 context: their starting point is that Europe is part of a multipolar world regulated by international norms and rules that have to be obeyed by all international actors and that EU contributes to enrich, nurture, and apply. This doctrine has been labelled "effective multilateralism" in EU documents.

The second strategic feature of ESDP and CSDP is that it is designed to complement and support EU member states' foreign and security policies. This means that it is based on the lowest level of consensus between Member States and is decided by intergovernmental decision-making processes following the rule of unanimity. In practice, this leads to many consensus-building efforts to achieve convergence and coherence.<sup>2</sup>

As for ESDP and CSDP priorities, they are described in the ESS and are still valid today: they concern international security and stability as well as the promotion of democratic governance.<sup>3</sup>

European territorial security is not the main focus of ESDP/CSDP and is considered to be the main task of NATO. This being said, the entry into force of the Lisbon Treaty may lead to changes in this field. For instance the treaty comprises a new solidarity clause which says that member states are to assist a member state targeted by terrorist attacks or the victim of a natural or man-made disaster.<sup>4</sup>

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<sup>2</sup>For more details on decision making processes and opting-outs provisions see Giovanni Grevi et al, pp. 19-67.

<sup>3</sup>The full text of the ESS is available online. Main threats concern regional conflicts, terrorism, state failure and arms proliferation. In 2008 to this list were added cyber insecurity and climate change as a threat multiplier.

<sup>4</sup>Article 222 Treaty on the functioning of the European Union, as renamed and amended by the Lisbon Treaty.

However, this clause is not really automatic and has not led member states to prepare for its implementation. This provision may yet be the open door for reinforced territorial defence at EU level and could pave the way for a shift from NATO to EU in this field, especially if the US one day decides to opt for a radical military disengagement because of increasing threats in other parts of the world, for instance Asia.

The peculiarity of CSDP is that it is military and civilian in nature. It covers common European defence initiatives, internal (research and technology, research and development, planning of capabilities – with the EDA playing a specific role in this realm) or external (strategic decision making and planning of operations abroad, military cooperation with other multinational organisations or countries and direct interventions and crisis management overseas). As for the civilian dimension, it is mainly focused on civilian crisis management, consisting of deploying soft and human security-focused operations in strategic hotspots.

CSDP instruments are manifold but they are used in such circumstances when member states (and, since the implementation of the Lisbon Treaty) and EU external action's bodies initiate ad hoc activities and policies. The range of CSDP actions runs from training in crisis management to preventive policies (usually in coordination with other EU and international instruments) and peace enforcement.

This scope of action is often referred to the so called "Petersberg tasks" which actually have been broadened by the Lisbon Treaty, which mentions "joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories".<sup>5</sup>

The creation of the EEAS (European External Action Service) is expected to transform CSDP decision making structures and processes at various levels. To understand these transformations, one

needs to consider the role of each actor in the EU CSDP decision making system.

The High Representative/Vice President of the European Commission is the highest political figure in charge of CSDP. She gives guidance to the EEAS, in coordination with member states and other EU institutions. She represents the EU and speaks on its behalf. She supervises all CSDP operations abroad and chairs EU CSDP agencies like the European Defence Agency (EDA), the European Satellite Centre (SATCEN) and the European Institute for Security Studies (EUISS). She or her representatives ensure the presidency of all CSDP related intergovernmental committees such as the Political and Security Committee (PSC), the EU military committee (EUMC), the Political and Military Group (PMG) and the Civilian Crisis Management Committee (CIVCOM).<sup>6</sup> The HR/VP has the right to take initiatives and submit proposals for CSDP actions to the member states who then, in the framework of these committees, debate and decide on them.

Member states also have the right to submit initiatives and proposals on the CSDP agenda. They do so either in the framework of the above mentioned committees, or during higher level Council gatherings such as the European Council (composed of Heads of States and governments), General Affairs and External Relations (GAERC - composed of national ministers for foreign affairs), Defence ministers' councils or Home Affairs ministers' councils.

Within the EEAS, CSDP matters are dealt with by a variety of bodies and organisations: the Crisis Management Planning Directorate (CMPD) is a hybrid civilian and military structure tasked with the analysis and planning of external civilian and military operations. The European Union Military Staff (EUMS) is the military component of the EEAS. Its role is to provide military expertise and analysis to the EEAS and the EU military committee, composed of member states' heads of national military staffs.

<sup>5</sup>Lisbon Treaty, article 43.1.

<sup>6</sup>For more detailed information on CSDP structures, see Giovanni Grevi et al., *op. cit.*, pp. 19-67 and the Council of the EU and EEAS websites.

## History and Development Phases of ESDP and CSDP

### 1.2. Legal Framework. CSDP Objectives, Values and Principles. Risks and Threats. Strategies

The legal framework of CSDP is the Lisbon Treaty entered into force on 1 December 2009. Its main provisions are part of Title V on Common Foreign and Security Policy (CFSP). Chapter 1 specifies EU's ambitions on the international scene and the way it defines its strategic interests. The High Representative's central role and mandate, assisted by the European External Action Service (EEAS) and in consultation with member states is defined in several articles.<sup>7</sup> Chapter 2 is specifically dedicated to CSDP (articles 42 to 46). It defines CSDP's complementarities with NATO, defines CSDP tasks and actions, procedures to launch operations. Regarding financing of military operations, a specific mechanism called Athena was created in 2008.<sup>8</sup> Chapter 2 also mentions the European Defence Agency and the possibility for a limited group of member states to engage in permanent structured cooperation in the field of defence.

Specific arrangements with NATO for military operations (the so called Berlin + agreement defining EU access to NATO planning, NATO European command options and use of NATO assets and capabilities) have access to NATO military capabilities when NATO does not use them for operations) were defined as early as 2000 and updated in a framework agreement in 2003.

Against this background defining CSDP, several remarks are however necessary. First, it must be acknowledged though that in the past, the security field has been a legal grey area over which several institutions (mainly the European Commission and the Council of the EU) have claimed legal competence. These turf wars have sometimes led to legal struggles in the form of cases addressed by

the European Court of Justice. Second, the treaty also mentions that national security remains of the sole responsibility of member states. This means that member states need to find consensus on circumstances in which they decide to use CSDP to promote their national security interests.

#### **Values and Principles. Risks and Threats**

Risks and threats assessment is a work constantly in progress and subject to continuous re-evaluation. However, the EU and CSDP follow some few major trends identified in a myriad of strategic documents. The challenge for the EU as a collective international actor is identify common priorities. While member states can easily find a consensus on key common threats, risks and interests, the priorities of the latter may differ from one country to another, thus diminishing the chances for comprehensive and consistent policy decisions. The establishment of the EEAS is expected to bring more balance and continuity in the way CSDP is used to address main risks and threats to EU's security as a whole as well as to international security.

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*The 2003 European Security Strategy (ESS) and its 2008 implementation report are the reference documents of CSDP. They sketch out key EU interests, essential values to be promoted and pursued as well as the main threats identified by the Union. In 2003, the ESS identified 5 main threats: terrorism, the proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime. (Terrorism and organised crime were gathered in one single title in the 2008 document. Cyber security, energy security and climate change were added as threats while the security and development nexus, SALW and piracy appeared explicitly). Its implementation review in 2008 brought some nuances or stressed out specific aspects of these threats, while keeping the original diagnosis of international security challenges for the European Union. In the 2003 document, the Union identified its strategic objectives consisting of "building security in the neighbourhood". The key EU approach to global security challenges is labelled as efforts to contribute to "effective multilateralism".*

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<sup>7</sup> Articles 27-41. These articles define decision making processes for CFSP, the role of institutions, the representation of the EU abroad and in international organisations, its legal personality and the role of the PSC in CFSP.

<sup>8</sup> Council Decision 2008/975/CFSP of 18 December 2008 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena).

### 1.3. CSDP Strategies, Capabilities and Potential

As paradoxical as it may be, there are very few CSDP strategies per se since most of CSDP actions

are actually part of a broader set of EU policies in a given field or geographical area.

For instance, while some CSDP actions in arms proliferations implement parts of the EU strategy on WMD, other EU policies and instruments are used to implement other aspects of it. The same can be said of the EU strategy on SALW, which has been implemented by various EU entities. Other EU strategies may actually encompass CSDP components. It is for instance the case of EU strategic partnerships with global powers such as the US, Russia, China and South Africa. Intercontinental strategies like the Joint Africa Europe Strategy also comprise CSDP elements. EU regional foreign policy strategies or frameworks (when they exist) sometimes also have security components.

When it is not the case, they usually have been combined with CSDP dimensions, supervised and coordinated by European Special Representatives (EUSRs) or other political authorities. Reforms introduced by the Lisbon Treaty may lead to substantial changes in the use of special representatives who may be replaced by double headed heads of EU delegation in third countries. Time will tell what options are chosen by the HR/VP in cooperation with member states.

Another key strategic dimension of CSDP is the development, for each civilian and military operations, of strategic and guiding documents, according to standard planning procedures. In particular, each operation is first envisaged in Crisis Management Concepts and its implementation is foreseen in an operational plan (OPLAN).<sup>9</sup>

CSDP capabilities have been a constant centre of attention for member states and institutions. Member states agreed successively on several quantitative objectives called “Headlines goals” (HG).<sup>10</sup> The HG 2010 foresaw that the EU should be able to deploy 60,000 troops within 60 days for a major operation. The 2008 declaration on strengthening capabilities gave more details on the EU’s ambitions, i.e., the ability to plan and deploy sev-

eral operations of different scope at the same time. The declaration says: “two major stabilisation and reconstruction operations, with a suitable civilian component, supported by up to 10 000 troops for at least two years; two rapid-response operations of limited duration using inter alia EU battle groups; an emergency operation for the evacuation of European nationals (in less than ten days), (...) ; a maritime or air surveillance/interdiction mission; a civilian-military humanitarian assistance operation lasting up to 90 days; around a dozen ESDP civilian missions (inter alia police, rule-of-law, civilian administration, civil protection, security sector reform, and observation missions) of varying formats, including in rapid-response situations, together with a major mission (possibly up to 3000 experts) which could last several years.” This gives the reader an idea of the scope of ambitions for the coming years.

Yet, these capabilities may not be used in the near future because of the serious impact of the 2008 financial crisis which not only led to dramatic cuts in defence expenditures but also reduced the political enthusiasm and appetite for new operations. Maintaining the current level of engagement is probably the most important current challenge for CSDP.

#### **1.4. Practical Implementation of CSDP (actions, operations, impacts)**

Since its creation as ESDP, CSDP has consisted of around 25 operations abroad on three continents (Europe, Africa and to a lesser extent Asia), as shown by the map below.

##### **1.4.1. Civilian Operations**

EU CSDP civilian operations have developed dramatically in the last ten years. From small scale missions deploying several dozens of staff (like EU COPPS or EUJUST TEHMIS in 2004), the EU has now launched medium scale civilian operations involving several hundreds of EU experts like in Kosovo or Afghanistan.

CCM reflects the ambition of the EU to become a world soft power. It is the expression of a foreign policy choice focusing on shaping and making the future of security systems in other parts of the world in order to ensure human security to partner

<sup>9</sup> For more information on CSDP planning processes, see Luis Simon, *Plannign for EU military operations*, Occasional Paper, EUISS, January 2010 and Giovanni Grevi et al., *op. cit.*, pp. 53-64.

<sup>10</sup> For more details on headlines goals, see Giovanni Grevi and Daniel Keohane’s chapter on capabilities in Giovanni Grevi et al., *op. cit.*, pp.69-114.



Source: <http://www.consilium.europa.eu/eeas/security-defence/eu-operations.aspx?lang=ro>

countries and their population. This approach is traditionally very much favoured and promoted by Northern European governments (Sweden, Finland, Germany). It is seen with more realism by military powers like France as “flanking measures” to hard security endeavours. This being said, it enjoys some sort of consensus and overall support by all member states, although individual contributions to substantially differ from one country to another.<sup>11</sup>

CCM is very much about supporting and promoting the rule of law and empower third countries’ authorities to develop their capacities in the justice, penitentiary, police, customs, border control and military sectors. Do so, it uses EU expertise from national administrations and temporary employs judges, lawyers, penitentiary experts, police officers, customs officers and military experts, either seconded by their country or contracted temporarily.

<sup>11</sup> ESDP book figures on individual contributions to missions.

CCM is designed to address three main challenges for EU and international security: stabilising the European continent (mainly in the Balkans and its neighbourhood), intervening in hotspots for international security and rule of law (like in Afghanistan and Iraq) and preventing state failure (mainly in Africa but also, to some extent, in the Western Balkans).

This reflects an increasing interest on the part of Member states to channel their crisis management efforts through EU instruments and operations. It is also a way for them to mutualise their human resources and to operate under a visible and credible umbrella. This is especially true for states having limited staff in civilian crisis management and rule of law public sector.

The main achievements of CSDP/ESDP civilian operations so far have been to demonstrate that the EU is capable of contributing substantially and sustainably to human security, when the local context allows it. Several examples can be cited as successes in civilian crisis management operations: the drafting of justice reform strategies in Georgia, the training of judges in Iraq<sup>12</sup>, the impact of the border monitoring mission in Moldova/Transdnestrria and the leadership role in Kosovo, in coordination with the United Nations. The EU also has monitored a cease fire in Aceh or support border management services in Palestine.

However, serious challenges have also been identified, which make observers converge on a mixed record.<sup>13</sup> A large amount of analysis has concluded that a range of factors determine the success of European civilian operations.

First of all, the local political and security context is an independent variable having direct and sometimes fatal effect on the conduct, efficiency and success of civilian operations. As civilian crisis management mostly depends on local leadership and political will to change, its actions may become blocked by local inertia, turf wars or divides between key decision makers. Sometimes, political violence even leads to the mere elimination of EU interlocutors and drivers of change, like in Guinea

Bissau where the president, the chief of military staff and other government figures were killed.

The second determining factor for success of civilian missions is the sound coordination of EU actions with other EU instruments and non EU organisations. The holy grail of coherence has always proved to be hard to find and keep. In Afghanistan, the police mission has struggled to find a niche in an overcrowded security scene dominated by non EU organisations and states.

The third key ingredient for a good civilian crisis management mission is the quality of its management (including procurement) and of its staff. Too often the EU has suffered from mission creep, inadequate or insufficient staffing, mainly due to a lack of commitments from its member states.<sup>14</sup> In Kosovo, EUJUST LEX is still under staffed and has recourse to numerous contractors, increasingly from non EU countries. In Afghanistan, the EUPOL mission has suffered from 'recruitment shortages'.<sup>15</sup> Despite significant progress in procurement practice, rapid civilian reaction to crises remains a serious challenge because of extremely cumbersome of internal financial regulations.

Last but not least, civilian crisis management can only work if it is backed up by a strong common European foreign policy, assertive guidance and ambitious representation.

This is going to be the task of the newly created European External Action Service. Forthcoming regional strategies in the Sahel and the Horn of Africa for instance, show that the political and strategic framework into which future or possible civilian crisis management operations will be conducted is still under construction. In its Eastern and Southern Neighbourhood, the EU has followed the direction of its European Neighbourhood Policy (ENP), even by more recently adding to it a multilateral dimension<sup>16</sup>, but it is unclear how it will be linked to the new EEAS leadership.

<sup>12</sup> SWP study 2010.

<sup>13</sup> SWP study.

<sup>14</sup> Damien Helly, Presentation to the European Security and Defence College session on Civilian Crisis Management Beyond Budgetary Constraints, November 2010, Brussels.

<sup>15</sup> Luis Peral, EUPOL Afghanistan, in Giovanni Grevi, et al., European Security and Defence Policy – The first 10 years (1999-2009), p.331 and following, [www.iss.europa.eu](http://www.iss.europa.eu)

<sup>16</sup> EUISS Report, A strategy for EU foreign policy, June 2010, p.42 and following. [www.iss.europa.eu](http://www.iss.europa.eu)

**Estimates of Member States' contributions to ongoing civilian ESDP operations\***

Member States	Seconded personnel/ Total per Member State	Contracted personnel / Total per Member State	Total
Austria	37	5	42
Belgium	45	10	55
Bulgaria	57	25	82
Cyprus	2	0	2
Czech Republic	43	3	46
Denmark	80	7	87
Estonia	10	6	16
Finland	99	25	124
France	247	28	275
Germany	236	23	259
Greece	42	9	51
Hungary	60	8	68
Ireland	19	15	34
Italy	242	40	282
Latvia	14	4	18
Lithuania	15	4	19
Luxembourg	4	0	4
Malta	3	1	4
Netherlands	57	5	62
Poland	141	17	158
Portugal	34	12	46
Romania	214	16	230
Slovakia	15	2	17
Slovenia	18	3	21
Spain	45	19	64
Sweden	131	12	143
United Kingdom	66	59	125
<b>Total</b>	<b>1,976</b>	<b>358</b>	<b>2,334</b>

Source: Data based on statistics produced by the CPCC, April 2009.

The precise amount of contributions is constantly evolving. Figures do not take rotation of personnel into account.

**1.4.2. Military Operations**

The EU so far has conducted six or seven (some being considered as mere logistical support) external military operations. They always have operated under a UN mandate and usually accomplished one or several of the so called Petersberg tasks, now included in the Lisbon treaty and also broadened.

EU military operations are characterised by certain features: they are multinational in nature, they are designed according to an end date rather than an end state. They sometimes are conceived as bridging operations, intended to be replaced by other international forces after a pre-defined period of time. Some operations concern stabilisation, like Althea in Bosnia, conflict prevention / interposition between conflicting parties (EUFOR RD Congo), civilians protection and international staff protection (EUFOR Tchad/RCA) or even counter piracy for the protection of trade and fishery industry and of humanitarian aid (Atalanta).

Even though EU operations are usually not really big in size they have nonetheless prove to contribute to some achievements: ensuring stability and state building in Bosnia, preventing civil war in Macedonia (Concordia), avoiding mass atrocities in Eastern Democratic of Congo (Artemis) in 2003, ensuring stable elections in DR Congo in 2006, protecting international trade in the Gulf of Aden, and ensuring emergency food aid delivery to Somalia, or supporting the African Union in its peacekeeping efforts in Somalia and in Darfur (support to AMISOM and AMIS).

In almost each of the above mentioned operations abroad, the EU has welcomed (?) contribution (military personnel and sometimes equipment) from non EU countries. In the Balkans, then accession countries like Romania, Turkey or Croatia have contributed to military operations. Albania and Croatia also were present in Chad. Russia provided helicopter to the operation in this country. Ukraine was approached as well. This openness to international cooperation has usually been very much appreciated by contributors who see these experiences as an efficient way first to become more familiar to EU and Western European military practices and standards and, second, to train their own troops in real-time crisis theatres.<sup>17</sup> This practice has been a way for non EU countries to become familiar with CSDP structures and procedures and to be immersed in a developing EU security and defence culture.

<sup>17</sup> Presentations and comments made to the author by Albanian, Croatian and Russian officials regarding their contributions to EUFOR Tchad/RCA, 2010.

**Estimates of Member States' contributions to military ESDP operations\***

Member States	<i>Concordia</i>	<i>Artemis</i>	<i>Athea</i>	EUFOR RD Congo	EUFOR Tchad / RCA	Total contributions
Austria	11	3	203	0	55	272
Belgium	16	82	60	86	SO	304
Bulgaria	1	0	139	0	0	140
Cyprus	0	1	0	0	0	1
Czech Republic	2	0	90	0	0	92
Estonia	1	0	3	0	0	4
Finland	9	0	182	0	65	256
France	149	1,785	439	1,002	2,095	5,470
Germany	16	7	1,242	780	0	2,045
Greece	21	7	179	0	15	222
Hungary	1	1	143	0	0	145
Ireland	0	5	55	0	440	500
Italy	27	1	1,119	72	55	1,274
Latvia	2	0	3	0	0	5
Lithuania	1	0	1	0	0	2
Luxembourg	0	0	1	0	0	1
Malta	0	0	0	0	0	0
Netherlands	2	1	438	0	65	504
Poland	17	0	227	130	400	774
Portugal	6	2	234	56	15	313
Romania	3	0	110	0	120	233
Slovakia	1	0	40	0	0	41
Slovenia	0	0	124	0	15	139
Spain	17	1	469	131	90	708
Sweden	14	81	80	62	235	472
United Kingdom	3	111	691	0	0	805
<b>TOTAL</b>	<b>330</b>	<b>2,088</b>	<b>6,297</b>	<b>2,319</b>	<b>3,715</b>	<b>14,722</b>

Source: Anne-Claire Marangoni. *Le financement des opérations militaires de l'UE : des choix nationaux pour une politique européenne de sécurité et de défense*, EU Diplomacy Paper no. 6, College of Europe, November 2008. (Estimates gathered on the basis of working documents from the French military staff).

These figures are 2008 estimates. They only indicate military personnel, do not necessarily indicate peak strengths for each national contribution, and do not take rotation into account. The precise amount of contributions is constantly evolving. Total for Concordia, Artemis and all of the operations have been added by the editors on the basis of data available in the reference document. Figures for EUNAVFOR Atalanta are not included.

**1.4.3. Challenges**

Since 2009, the EU has entered a phase of “policies without missions” after a decade of, to put it bluntly, “missions without policies”.<sup>18</sup> The first ten years of ESDP aimed at building up a capacity, at supporting the legitimacy of the European political project and at demonstrating the security and defence potential of the Union. These objectives were met, as shown by the diversity of military operations deployed so far, by the positive outlook

on these policies in the Eurobarometre, and by requests for more intervention by other international organisations or civil society organisations.

After a period of ten years during which the EU efforts focused on the “Yes we can” leitmotiv, a shift is ongoing towards a new approach that could be labelled as “make it better”.<sup>19</sup>

The 2008 financial crisis has created a new budgetary environment for security and defence in Eu-

<sup>18</sup>This wording is from Alvaro de Vasconcelos.

<sup>19</sup>Speech to the ESDP at 10 conference organised by the Swedish presidency, July 2010.

rope. Member states all face funding constraints and have engaged in massive budget cuts in the defence sector.<sup>20</sup> This has forced even member states to consider a certain disengagement from CSDP as a policy of international intervention. The EU is therefore undergoing a sort of “digestion phase” where lessons learned exercises (?) and evaluations of past operations are becoming the rule, until new ambitious initiatives are taken. A clear signal of this trend is the decision of France and Britain to opt for a bilateral treaty on defence outside of EU frameworks. Simultaneously, other “club” formats, like the Weimar triangle gathering Germany, France and Poland, have been relaunched to foster introspective analysis on ESDP achievements and the future of CSDP.

Related to this reflection phase is the transition experienced by EU foreign policy structures in Brussels and worldwide, with the set up of the EEAS and the reorganisation of EU diplomatic representation in third countries and to international organisations. Administrative and bureaucratic priorities have absorbed most of the time and energy of EEAS heads in the last 15 months and little space was available to concentrate on foreign policy strategies, political military priorities and outlook. Meanwhile new European diplomatic structures are put in place, CSDP instruments and policies have been put on hold and their role and place in the EEAS has become, if not marginalised, more blurred and uncertain.<sup>21</sup>

Until the EU has not clarified its political chain of command and the priority given to CSDP as a tool of a supposedly reboosted European common foreign policy, it is to be expected that the Union will remain rather armless and timidly engaged on new crises in the world, might they occur as close to European borders as in Libya. In this very case, it was clearly shown that the new CSDP frameworks were not chosen by Member States to act militar-

ily, mainly because of the reservation of certain Member States, like Germany in particular.

To conclude on military operations, the EU, is likely to face a series of challenges: adjusting to global trends in international security; recognising European limitations in its capabilities and ambitions; understanding the value of variable geometry coalitions (composed of big and small states); acknowledging burden sharing, thematic specialisation, as well the need to share and pool resources in a time of budgetary constraints; the relevance of engaging in dialogue with European medium powers leading concrete and innovative defence programmes (UK, France, and to a lesser extent, in the framework of the recently relaunched Weimar Triangle format, Germany and Poland).

#### **1.4.4. Other CSDP Actions**

One important dimension of CFSP which is legally not part to CSDP but highly relevant to countries like Moldova is the EU's policy on non proliferation, disarmament and export control, managed by a personal representative of the High Representative/Vice President.

By pursuing so called “effective multilateralism” in this realm, the EU has been active in promoting certain solutions or best practice at regional and global level. It has taken position and made statement on the evolution of various arms control regimes and disarmament initiatives. It has also been active supporting regional disarmament and arms control initiatives, especially in the Former Soviet Union. These experiences of cooperation with EU security policies that are not stricto sensu part of CSDP are nonetheless essential and represent potential areas for cooperation and learning opportunities for countries like Moldova. In this country particularly, Moldovan authorities have certainly a role to play in ensuring sound leadership in the coordination of activities carried out by the OSCE and the EU.

Similarly, the implementation of the EU strategy on small arms and light weapons (SALW) adopted in 2006 is an interesting example of existing official EU documents that could be used by non EU countries like Moldova as inspiring sources of policy initiatives or cooperation offers. In particular, the issue of air transportation regulation, closely

<sup>20</sup> Ben Jones, Franco-british military cooperation: a new engine for European defence?, EUISS Occasional Paper, February 2011..

<sup>21</sup> The latest organisation chart of the EEAS is a good illustration of this phase of uncertainty. In the chart, CSDP structures appear all at the same level and their linkages with the High Representative (who herself does not have any adviser on defence) and the several secretary generals of the service are far from clear. An updated version of the EEAS structure is available on its website [http://www.eeas.europa.eu/index\\_en.htm](http://www.eeas.europa.eu/index_en.htm),

linked to the development of illicit SALW trafficking from Eastern Europe to Africa and the Middle East, could certainly be a matter of joint cooperation between Moldova and CSDP/CFSP structures in Brussels. In Brussels, the EUMS monitoring and planning department, the Situation Centre (SITCEN), the HR/VP personal representative for non proliferation, disarmament and export control, would be the appropriate body to talk to first on these matters. More recently, some work on air transportation and illicit trafficking was done by a group of researchers funded by the French Ministry of Defence and countries like Moldova could benefit from increased communication and exchange with this kind of European expertise.

#### **1.4.5. The European Security and Defence College (ESDC)**

The ESDC is a network of training institutions, together with the EU Institute for Security Studies created in the framework of CSFP in 2005.<sup>22</sup> It is organised as network “bringing together institutes, colleges, academies and universities dealing with security and defence policy issues”.<sup>23</sup> The mandate of the ESDC is to promote a common understanding of the ESDP/CSDP among civilian and military personnel and to disseminate best practice in this area. Its activities are organised around three types of courses: High-Level Course, the orientation course, and lectures for specialised audiences and/or with specific focus. It is open to EU and non EU participants, governmental or non governmental staff. Its objectives are the following: to enhance the European security culture within ESDP; to promote a better understanding of ESDP; to provide European Union bodies, Member States’ administrations and staff with personnel qualified in the field; to help promote professional relations and contacts among training participants. Activities are carried out by national training bodies which fund individual courses. The role of ESDC is particularly worthy for countries which are not members of the EU and need to increase the CSDP knowledge of their civilian and military staff.

<sup>22</sup> Joint Action 2005/575/ESDP.

<sup>23</sup> More information on the ESC is available on the EEAS and Council’s websites.

### **1.5. CSDP and NATO Security Policies**

ESDP/CSDP relations have experienced three main phases in the past. An encounter phase when the two sides had to get to know each other better (1999-2003) followed by increased tensions around the war in Iraq (2003-2007). Since 2007, smoother relations have developed thanks to change of leadership in Europe and the US.<sup>24</sup>

The EU-US relationship has for long been the barometer of EU-NATO relations. As long as territorial defence in Europe is ensured by the Atlantic alliance thanks to a strong US engagement on the European territory, the EU will not take over the task and will not embark on more ambitious defence initiatives of its own. Significant budget cuts in the defence sector since the 2008 crisis have reinforced a situation where NATO remains the reference in the matter. As a consequence, defence reforms in Central and Eastern Europe follow mostly NATO processes.

The adoption of the Lisbon treaty and the war in Afghanistan has re-launched several debates on EU-NATO relations. They concern the two organisations’ mandates (including the use of soft power) and possible solidarity clauses between EU Member States. However, these debates have not led to ground breaking changes in the coordination between the two organisations.

EU-NATO relations have been described as a “frozen conflict” by former NATO secretary general de Jaap de Hoop Scheffer because of the deadlock between the EU and NATO about the unresolved Cyprus conflict. Until this issue is solved, deepened cooperation between the two organisations, and the states like Moldova that could benefit from them, will remain an illusion.

Despite coordination on the ground in a limited number of operations, the rule has mostly be competition. As an example, since ESDP/CSDP was created, NATO and the EU have launched several operations with each a quasi similar mandate (EU-FOR Althea and NATO HQ Sarajevo, strategic lift for AMIS, police mission in Afghanistan).

<sup>24</sup> Daniel Keohane, ESDP and NATO, in see Giovanni Grevi et al., op. cit., pp. 120-137.

The more recent campaign in Libya has probably opened a new era in which France and the UK have become the only pivotal powers willing and able to engage substantially with the alliance. Finally the implementation of the Lisbon treaty may also lead to innovations in CSDP towards the neighbourhood<sup>25</sup>, with a new emphasis on long term cooperation programmes, if sufficient political will exists.

### 1.6. Development Tendencies and Possible Scenarios

At present, the future of the EU as a security and defence organisation is being questioned and three options are on the table. The first one consists of keeping the EU as a medium soft power in the making in a changing world where hard power is increasing in East and South Asia. The risk associated to this option for the EU is to become an even more sidelined regional organisations in global security for a. The second option is a decrease in EU's international ambitions, strengthened by a harsh economic and financial environment, with the risk for the EU to become a dominated power in the field of security. The third option would be to build up a stronger European security and defence apparatus able to engage more assertively on the world stage. This option is currently being disregarded by Member States facing financial and political constraints domestically.

### 1.7. Experiences from other Countries

Given the high diversity of defence reforms in Eastern and Central Europe in the last twenty years, the easiest way approach it is to identify key variables to compare from one country to another.

The key indicators selected for this report focus on potential change in the security and defence sector of a given country and are the following: 1) the degree and the nature of the country's strategic shift in the formulation of its foreign policy; 2) The dominant mindset of the country's political and security elite vis-à-vis Europe-oriented reforms in the security and defence sector; 3) the impediments to the country's Europeanisation of the security and defence sector.

<sup>25</sup> Ariella Huff, The role of EU defence policy in the Eastern neighbourhood, EUISS Occasional Paper - n°91, May 2011

Many countries could be used as case studies to inform Moldova's future security and defence strategic choices. This report has focused on literature analysing a limited number of countries chosen for specific reasons: Romania for given is cultural ties and close relationship with Moldova; Latvia for its size (smaller population than Moldova) and post-soviet background and its rather conflictual record on Russian speaking population; the Czech Republic and Bulgaria for their EU accession and NATO processes. Other examples were taken from a less systematic desk research process on other countries like Croatia, Slovakia, Georgia and other Balkan and Western European countries (Sweden and Ireland, given their neutrality policies).

### 1.8. CSDP Challenges

#### *1) The degree and the nature of the country's strategic shift in the formulation of its foreign policy*

Experiences of security and defence reforms in South Eastern Europe show that there is no linear progress: some countries where reforms started later actually entered NATO or harmonised to the EU more quickly than those whose reforms were stalled because of half-hearted political commitments.<sup>26</sup>

Latvia went through a "geopolitical revolution" and decided to pull out from the Russian sphere of influence. It was not an obvious choice given divisions between the political elite and divergent historical models.<sup>27</sup> But a combination of nationalistic leadership together with the influence of the Latvian diaspora eventually led the country to opt persistently for a euro-atlantic strategy, despite EU and NATO reluctance and Russian pressures.

In Romania, government coalitions' instability and internal political fights among parties led to uneven attitudes towards the West, NATO and the EU in the years 2000. Several "NATO campaigns" took place depending on the governments and the

<sup>26</sup> Some analysts say Romania, Bulgaria and Slovenia were much better when they entered NATO in 2002 in Prague than Hungary, Poland and the Czech Republic when they entered the organisation in 1997. ESCADA report.

<sup>27</sup> For instance Latvia was neutral in 1939, but member of the SDN in the war intercourse of the 1920 and 1930s.

heads of state in place. After 2001, NATO integration became smoother as criteria were lowered down by the US following Romania's choice to support the US in its war on terror. In this case, American and European views and attitudes towards security and defence reforms diverged significantly. For the EU, pending issues remained as key obstacles towards EU integration, such as corruption, the opacity and the criminalisation of the justice system and the issue of child protection (and adoption).

This being said, Romania associated rather early to CFSP statements in the mid 1990s and then participated to several ESDP missions in the Balkans (EUMP and Althea in Bosnia, Concordia), the Middle East, and Moldova. It also stressed out its readiness to contribute to potential ESDP endeavour in the Black Sea Region.

In February 2011, the EU and Montenegro signed an agreement on Montenegro's participation to EU crisis management operations. Such contribution is envisaged upon invitation by the EU to non EU third states to contribute to future operations. The agreement provides with provisions regarding the financing of Montenegro's contribution (proportional to its GDP level and/or its share in the operation's personnel), the inclusion of Montenegro's personnel into the chain of command and the modalities regulating the contribution within the operational plan of the EU operation.

Such an agreement, if Moldova's forces match EU standards, could be a good example of closer relationship between the country and Moldova, during a phase when Moldova is not yet in an EU accession process.

The EU security and defence model pushes for a reorientation of armed forces from national territorial defence towards international missions. This stance is unevenly adopted by member states, depending on their national foreign and security strategy. For instance, The EU BG concept combined well with the Swedish new ideas on defence reforms, while it appeared much less appealing to Czech political elite, who had been engaged in reforms via their NATO integration efforts.<sup>28</sup>

<sup>28</sup> Wade Jacoby; Christopher Jones, *The EU Battle Groups in Sweden and the Czech Republic: What National Defense Reforms Tell Us about European Rapid Reaction Capabilities*, *European Security*, 2008, 17: 2, 315 – 338.

In the case of Moldova, similar process may occur and the impact of CSDP on Moldovan security sector may well depend on the dominant ideas among the political elite. Furthermore, since Moldova is not a NATO member, it is possible that this organisation becomes the primary driver of defence change in the country. On the contrary, anti-Russian positions could equally lead to an EU leading role in inspiring reforms.

The interactive dynamic between international strategic shift and EU and NATO eagerness to welcome new countries is the key – though rather mysterious - recipe to incite further reforms in a given country. The clearer NATO and the EU are with deadlines for enlargement, the more motivated potential new members may become. A lack of assertiveness from the EU may sometimes lead to lack of enthusiasm for reforms. On another note, unilateral US push to support Romania for NATO accession was clearly seen as a reward for a very different – and dubious - type of effort.

*2) The dominant mindset of the country's political and security elite vis-à-vis Europe-oriented reforms in the security and defence sector*

Lessons learned from other countries that have experienced security and defence sector reforms show that they should be “based on a clear division of roles and responsibilities. (...) They should be appropriate, affordable and acceptable. (...) the lesson is: without political clarity and guidance, no reform; and without reform, no sustainable defence effort.”<sup>29</sup> The political guidance from the government leadership is therefore crucial.

With respect to administrative and bureaucratic reforms, existing literature points out the key role of the human factor. In Ministries of Defence, tensions between old and young generations regularly appeared; tensions between the military and newly brought in civilians were noted. Investing in civilian staff in Defence ministries has always been a necessary challenge to develop accountability and transparency, in relation to an increased parliamentary role.

<sup>29</sup> ESCADA Report (p.26).

To guide and plan policy, strategic papers such as white papers have played a key role in revisiting the way experts consider national security: for instance in Croatia in 2003 territorial security was still conceived as a “narrow, military problem”. In Romania, the creation of the position of a secretary of state for defence - in charge of internal communication and relations with the parliament – proved to be a very effective move.

Constitutions provisions are also considered as key indicators of true democratic control over the security sector. In 2003, they were limited in Macedonia, limited in Albania, and stronger in Romania. Other laws do also play a role and the example of the strong Bulgarian legal framework in 2003 has been singled out.

The experience of SEE countries show that any serious and successful reform need qualitative upgrade (training – primarily in English language) and quantitative (almost unavoidable staff cuts because staff costs represented 80-90% of their defence expenditure). By not applying these lessons, some countries “spent a decade not realising the burden of surplus staff, and doing unrealistic planning.”

These measures also need to be accompanied by sound personnel policies. The Romanian experience of resettlement programmes for officers being part of surplus staff is cited as a model in reference work. Similarly, it was admitted that Slovakian authorities decided to take “some risks in the physical defence capability” “to enable investment in a sound planning and management capacity, with the emphasis on human capital.”

In the long run, harmonising the security sector with CSDP will also and above all consist of investing in training, to help the staff rethink the role of armed forces and spread “new military professional values”<sup>30</sup> The key direction to take is to invest in specialised training structures, might they be national, regional or multinational. While it is important to separate civilian education (theory) from the military (operational, doctrinal and troop management) one, it is equally necessary to develop interface between the two. (p.61). The experience of defence studies academy or faculty

(Romania, Bulgaria in early 2000.) and defence resources management centre (Romania) would be worth being looked at carefully for a country like Moldova.

### *3) The impediments to the country's Europeanisation of the security and defence sector.*

Impediments to reforms are human in nature. As a Dutch minister was reported to have written on a piece of paper during a defence reform meeting in South Eastern Europe, “there are no problems, there are just human beings making problems”. Reforms need to be enrooted in a clear strategic vision and must be politically backed up and sustained over time. Otherwise, impediments and inertia will prevail.

Another fundamental impediment needs to be emphasised: it has to do with the lack of a homogenous and united political and social constituency able to hope for and favour reforms. In situation of unresolved conflicts or societal tensions and/or when a nation suffers from serious identity rifts (linked to language or minority statuses), it is more difficult to conduct a proper reorientation of the security and defence policy towards the EU or NATO. This was the case in Macedonia before the prevention of a conflict in the early 2000. It was also the case in Latvia, where the Russian minority question has clearly been an obstacle to NATO and EU integration in the beginning.

Experiences from other states show that security and defence reforms need to be clear-cut and led by a vigorous and legitimate leadership. They imply a clear self identification as a state and as a nation. How is Moldova ready to reach that stage, with the territorialisation of its multilinguism, and the unresolved Transdnestrian Conflict still being a challenge to national identity and state building? To what extent does Moldova enjoy “societal security”<sup>31</sup> to feel confident enough to engage on the path of CSDP harmonisation?

<sup>30</sup> (p.57):

<sup>31</sup> Herd, Graeme and Löfgren, J. “‘Societal Security,’ the Baltic States and EU Integration’ , Cooperation and Conflict, 2001, 36: pp.273-296.

## II. The Security and Defence Policy of the Republic of Moldova. Challenges and perspectives

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### **2.1 National Security Policy and Strategy. General Considerations**

The National Security Policy is an indispensable element in the national policies framework, an expression and indicator of a country's political and cultural identity. Its scope may vary and the policy may be defined and expressed in various ways: in a comprehensive document or in several sector documents. When such document also provides for the means of achieving the main national security objectives, often defined as "national security interests", the term National Security Strategy is used.

There is no successful strategy without policy and vice-versa. In terms of the process sequence, it would be logical to suppose that the development of a national security strategy is preceded by the definition of a general security policy concept. However, this approach is inappropriate, since it is not reasonable to establish objectives for the security policy, which are far beyond the human, economic, technologic and military resources available in a country.

It is seldom that national security policies set forth expressly concrete decisions or actions to be taken in specific situations. On the one hand, it is very difficult if not impossible to offer solutions for future unforeseen situations, and on the other hand, it is not always wise or appropriate to communicate beforehand to a potential adversary the reaction to a potential situation.

Therefore, NSP should be regarded first as a set of standards for the decision-making process, as a generally-accepted reference point for the deci-

sion-makers in the approach and response to the events presenting threats, risks, challenges or opportunities for the national security. The major advantages of an NSP are the clearly defined objectives based on a common understanding of the important national interests and of the way to use the available tools in order to achieve or protect such interests.

A national security policy may not be static. Its regular revision and adjustment to the requirements of a permanently changing world is crucial. Strategic or geopolitical changes at international level, particularly the serious discontinuities caused by wars, appearance or disappearance of certain states or alliances would often determine the reformulation of the security policy.

A major reformulation or reorientation of the security policy may also be determined by the internal changes, when new political forces come to power (i.e. new constitutions are adopted) or as a reaction to the major challenges from outside.

### **2.2. Legal Framework of the Security and Defence Policy**

There is no comprehensive document in Moldova, which would define in details the security and defence policy. However, there is a series of legal acts and documents that allow creating a general picture about the security, interests, threats, risks, objectives, implementation mechanisms, institutions involved and the main actions within the security and defence policy of Moldova. In accordance with the national doctrinal visions, the list of such documents and acts includes:

- the Constitution of the Republic of Moldova;
- the National Security Concept;
- the National Security Strategy;
- the Military Strategy/ Military Doctrine;
- the Law on State Security;
- the Law on State Security Bodies;
- the Law on State Defence;
- other laws, sector strategies and government programs.

The first document in this list is the **Constitution of the Republic of Moldova**, approved on July 29, 1994, which is the primary legal act used as a reference in the development and implementation of Moldova's security and defence policy.

The Constitution enshrines a series of supreme values and principles for Moldova, such as the sovereignty and independence, unity and indivisibility, the republic as a form of government; the rule of law; the territorial inalienability; the democracy and political pluralism; the respect of human rights and freedoms, etc. These values and principles are universal and may be found in the fundamental legal acts of many other states. They underlie the development of security policies for governments and determine similar objectives and content and common policies and actions at international level.

At the same time, the Moldovan Constitution contains provisions that determine the specific nature of the security and defence policy of the Moldovan state: the proclamation of the permanent neutrality status of the Republic of Moldova<sup>1</sup> and the non-admission of any foreign military troops to be stationed on its territory<sup>2</sup>. The laconic language of the Constitution does not provide more details on the obligations, rights or other criteria stemming from the permanent neutrality status, or on the vision about the national security in relation to such status. These are left for interpretation in other legal acts or strategic documents.

<sup>1</sup> Constitution of the Republic of Moldova, Art. 11 (1)

<sup>2</sup> Constitution of the Republic of Moldova, Art. 11 (2)

According to the national doctrinal visions, the **National Security Concept**<sup>3</sup> is the second legal act of major importance designed to establish the security and defence policy for Moldova. This document was approved for the first time by the Parliament Decision regarding the National Security Concept of the Republic of Moldova<sup>4</sup> on May 5, 1995, after less than one year from the approval of the Moldovan Constitution. The Concept was designed to underlie the development of the national security policy and the related regulatory acts in order to optimize the administration and organisation of activities of the bodies responsible to ensure the national security. The Coordinating Council for the Development of Law Drafts and Other Regulatory Acts Governing the Establishment, Training and Use of the Armed Forces has been established based on the same decision<sup>5</sup>.

The Concept has laid the necessary basis for defining Moldova's security and defence policy. However, it has served only for a short period of time as reference for the development of security and defence laws. The big number of deficiencies, errors and contradictions in the Concept, the incapacity of the Coordinating Council to develop the envisioned legal and regulatory drafts, as well as the flaws in the strategic legal acts underlain by the Concept provisions have gradually led to the common opinion about the faulty and obsolete nature of this document, its uselessness and the need to develop a new document.

On May 22, the Moldovan Parliament approved a new Concept on the National Security by the Law No. 112. According to the statement in the preamble, the Concept pretends to be a "system of ideas that establishes the state's priorities in terms of national security" (1), to provide "a general assessment of the security framework at the national and international level on which Moldova operates" (2) and to define the "purpose of the national security, the basic guidelines for the national security, the general values and principles that need to be pro-

<sup>3</sup> National Security Concept of the Republic of Moldova, Law No. 112 of 22.05.2008.

<sup>4</sup> Official Gazette of the Republic of Moldova No. 35/399 of 29.06.1995

<sup>5</sup> Official Gazette of the Republic of Moldova, 1995, No. 35, Art. 399

ected by the Moldovan state and society” (3).<sup>6</sup> The purpose of this strategic document was to underlie the development of the National Security Strategy, the National Military Strategy and other sector strategies.

Notwithstanding the importance of the Concept for the formulation of the national security and defence policy, the role and the usefulness of this legal act were far from meeting the expectations. Since its adoption, the Concept has been subject to criticism for its gaps, incoherence, wrong interpretations, declarative nature and limited applicability. The following flaws have been identified as being the most important in the Concept:

- Poor definition of the national interests, the purpose, objectives and values of the national security. In spite of its preamble statements, the Concept does not give any definition of the national interests or the purpose of the national security. It only reformulates and lays down some of the supreme values enshrined in the Constitution, stipulating that the objectives of the national security of Moldova are “to ensure and defend the independence, sovereignty, territorial integrity, constitutional order, democratic development, internal security, and consolidate the statehood of the Republic of Moldova”.<sup>7</sup>
- Lack of a definition of the national security principles. Except the “permanent neutrality principle”, the Concept does not define other principles of the national security, although the title of Chapter 1 suggests such definition.
- Erroneous definition and interpretation of the threats to the national security. The Concept indicates the following threats to the national security: the Transnistrian conflict, the risks of inter-ethnic tensions, international terrorism threat, economic threats, social threats, information technology threats, anthropogenic threats and natural disasters, threats of the organised crime and corruption.

This listing is confuse (i.e. both the risks and the treats are listed together), incomplete (i.e. the military dangers and threats are missing), and the priority order thereof is questionable, nonetheless, a more important problem is the erroneous description and explanation of the threats. For instance, the threat of the Transnistrian conflict to the national security is not interpreted through the terms of sovereignty and territorial integrity, being only limited to the statement that “the existence of the separatist regime deepens the gap within the unique legal framework of the Republic of Moldova, thus making it impossible to provide legal assistance to the citizens of Moldova residing in the localities on the left bank of the Nistru River (Transnistria), and jeopardizing the legal international cooperation in this area.”

Another example is the inclusion of the “risks of interethnic tensions” in the list of threats. This is based on the ascertainment that “Moldova is multiethnic and multinational state” and concludes that “the threat of emergence of chauvinism, nationalism and separatism elements is persistent”. In addition, the statement that “fires, accidents at transport enterprises or landfall” are threats to the national security is erroneous.

- Failure to define the national security safeguard system, the role and mission of the responsible institutions. In spite of its title, Chapter III - “Reform of the Moldovan National Security System” – does not contain any provisions about the role, duties, mission and interaction between various institutions within the national security safeguard system, does not identify the major problems hindering the efficient functioning of this system and the envisioned solutions. It only contains academic definitions and general phrases about the need of reforming the national security system by including the following components “the political, military and defence, foreign policy, intelligence and counter-intelligence, constitutional order and rule of law, economic, financial, energy, industry, communications and infrastructure, social protection and environment”.

<sup>6</sup> National Security Concept of the Republic of Moldova, Law No. 112 of 22.05.2008

<sup>7</sup> Idem.

- Poor structure and deficient content. The main conclusion resulting from an analysis of the Concept structure<sup>8</sup> and content is that the major tool envisioned for safeguarding the national security is international cooperation, while the role of the Moldovan institutions and the importance of the national efforts in safeguarding national security are not stipulated. In addition, such cooperation is purely formal and lacking consistency, given the gap between the statements of intent to participate in international efforts and organisations and the limited national capacities, the lack of actions to consolidate such capacities and mechanisms to achieve these intentions. This structure and the main content deficiencies mentioned above place Moldova in the list of “beneficiaries of security” rather than “producers of security”.
- Interpretation of the permanent neutrality status. The Concept is the first legal document attempting to provide a wider interpretation of the permanent neutrality status proclaimed in the Constitution of the Republic of Moldova in 1994. Therefore, the Concept has introduced two criteria or conditions to be observed in order to achieve the permanent neutrality status: “(1) Moldova is not a member of military blocks and (2) does not admit the displacement of military troops or armies of other states and military blocks on its territory”. The Concept has not provided a formal definition of Moldova’s permanent neutrality, and the observance of this status by third countries is considered dependent upon “the efforts made to ensure the observance of the permanent neutrality by the international players”.<sup>9</sup> At the same time, the Concept has set the per-

manent neutrality status as a basic principle of the national security, stipulating that “all the actions carried out by the entire national security system of Moldova aimed at safeguarding the national security are based on this principle”.<sup>10</sup>

Thus, the National Security Concept approved in 2008 is largely academic, declarative, biased and confusing. It ignores the fundamental national interests and interprets erroneously the risks and threats to Moldova’s national security. The Concept does not provide the necessary basis for the development of the state policy on national security and defence, the corresponding regulatory acts, and the optimization of administration and organisation of the activities carried out by the bodies responsible to ensure the national security.

According to the national doctrinal views, the **National Security Strategy of the Republic of Moldova** will be the main document that will actually reflect the national security and defence policy. The need for such document has been often mentioned by independent experts, as well as national and international institutions, being determined by the necessity to establish some concrete ways of safeguarding national security, the mechanisms and tools for governing the national security system, the mechanisms of cooperation among the system components, the means of implementation, particularly the financial ones and of practical safeguard of the national security. In addition, according to the same doctrinal views, the National Security Strategy shall serve as a basis for the development of the Military Strategy and other sector strategies in the area of national security.

For many years, the development of the National Security Strategy has been subject in many action plans, including the cooperation plans between Moldova and NATO (IPAP). However, this actually started only after the approval of the National Security Concept. The Commission for the Development of the NSS, led by Prime-Minister Z.Greceanii, was established for this purpose by the Decree of the President of Moldova No. 1758 of 09.07.2008. The Draft National Security Strategy developed by this commission was approved by

<sup>8</sup> The National Security Concept contains the following chapters:

- Basic Principles, General Values, Objectives, Guidelines of the National Security. Threats, Risks and Vulnerabilities Affecting Moldova’s National Security. (Chapter I)
- International Cooperation – the Tool for Safeguarding and Strengthening Moldova’s National Security (Chapter II)
- Moldova’s National Security System and the Reform thereof. (Chapter III)
- The Elements of the National Security Strategy. (Chapter IV)

<sup>9</sup> Idem.

<sup>10</sup> Idem.

the Government on January 28, 2009, that is, at the end of the government term, and submitted to the Parliament after the beginning of the election campaign. In this situation, the final approval of this document became impossible and unreasonable.

Following the 2009 elections, the new political power has accepted the idea that the National Security Strategy should become one of the most important documents governing a sector of major importance. Therefore, after the appointment of the new government, the process of development of the National Security Strategy was resumed.

This process was long, burdensome and has been finalised very late. It is only on July 15, 2011 that the Parliament of Moldova approved the **National Security Strategy**, which is the first document of its kind in Moldova.

According to the definitions in its preamble, the Strategy “sets the objectives of the national security system and identifies the ways and means of safeguarding national security. At the same time, the Strategy is a medium-term political and legal act that allows adjusting the national security policy depending upon the developments at the internal and external levels, identifying the specific areas of the national security system that need to be reformed and establishing a realistic plan for the implementation of reforms.”<sup>11</sup>

The approach of the Strategy is similar to the one of the European Security Strategy, according to which, “the national security of an European state may not be looked at separately”, it “takes into account the comprehensive approach of the national security, the multidimensional and interdependent nature thereof, determined by the state of things in the areas of national politics, military system and public order, as well as the situation in the economic, social, environmental and energy sectors, etc.”

The NSS determines the national interests, the main threats, risks and vulnerabilities to the national security; the main benchmarks of the foreign and defence policies related to the safeguard of the national security; the ways to safeguard na-

tional security; the guidelines for the reform of the national security sector.

The National Security Strategy dedicates a separate chapter to the vision and actions aimed at strengthening the national security through the foreign and defence policies (chap. 3). The Strategy acknowledges that “in terms of security, it is very important for Moldova to participate in the global, regional and sub-regional efforts for the promotion of the international stability and security through cooperation within UN, OSCE, NATO and other relevant international organisations and participation in missions within the EU’s Common Security and Defence Policy (CSDP).”

The strategy states that “Moldova’s national security may not be conceived outside the context of the European security” and that “within the EU integration efforts, a particular attention should be paid to strengthening cooperation with EU within the CFSP and CSDP, in order to consolidate the national and regional security. Moldova will cooperate with the EU in preventing and settling conflicts, managing crises, and ensuring non-proliferation of weapons of mass destruction.”

The approval of the National Security Strategy offers the chance to begin a new qualitative phase in the security and defence policy of Moldova, starting and implementing proper security and defence reforms, in accordance with the European practices and standards. The previous experience in initiating and implementing reforms in this area speak about the fact that leveraging this opportunity depends both on the political will and the capacities of the security institutions, particularly those managing the national security sector at a political level and those dealing with the strategic planning. Although the Supreme Security Council has the role of cross-institutional monitoring and coordination, the success of the Strategy implementation depends actually on the efficiency of the presidential institution or the urgent reform of the president’s executive office.

The need to reform the president’s executive office is also proven by the development and approval of the National Security Strategy. The role and importance of this document is far beyond the duties of the Ministry of Foreign Affairs and European

<sup>11</sup> National Security Strategy approved by the Parliament of the Republic of Moldova on July 15, 2011.

Integration, which has been appointed to lead this process.

**The Military Doctrine** of the Republic of Moldova has been developed based on the provisions of the National Security Concept (approved on May 5, 1995) to lay down the basis necessary for the development and implementation of the military policy<sup>12</sup>. Approved on June 6, 1995, the Military Doctrine has established the goal and priorities of the military policy, the military security safeguard principles, the main military sources of danger, the system of measures for safeguarding military security, the objectives and principles of the “military structure” and the “Armed Forces structure”, the organisation of the military security safeguard system, the duties and missions of the Armed Forces’ components and the military administration bodies.

Being determined to a large extent by the foreign and domestic policies and declaration of the permanent neutrality status of the Republic of Moldova, the Doctrine stipulates that the main goal of the Moldovan military policy is “to safeguard the military security of the state and the nation, prevent wars and armed conflicts by means of international law.” At the same time, the Doctrine states the exclusively defensive nature of the military policy and sets as a military priority “the maintenance of the State’s defence capacity at a level that would ensure the military security; the consolidation of the confidence means; the expansion of the mutually advantageous military cooperation based on principles of observance of the sovereignty, independence and non-interference in the domestic affairs of other states”. In order to achieve this goal, the Doctrine sets as a priority objective “the creation of a military potential sufficient to safeguard the military security of the state.”

The military doctrine has had a low value for the development of the military security safeguard system mostly because the Concept on the Establishment of the Armed Forces, which had to be developed in accordance with the provisions of the Doctrine, has never been developed.

<sup>12</sup>The Parliament of the Republic of Moldova. Decision on the Military Doctrine of the Republic of Moldova No. Nr. 482 of 06.06.1995

In accordance with the current national doctrinal visions, the Military Doctrine is an obsolete document, which will be replaced by the **Military Strategy**, a document that will be developed following the approval of the **National Security Strategy**. Because the National Security Strategy was approved not earlier than June 15, 2011, and the draft Military Strategy has not been publicized yet, it is now impossible to make an analysis of the latter document.

**The Law on State Security**<sup>13</sup>, approved on October 31, 1995 elaborates on the ideas of the National Security Concept and corrects a series of errors made in the Concept. The Law establishes the duties of the Parliament, the Head of the State and the Government in terms of the security of the state, in accordance with the constitutional provisions. However, the Law does not refer to other issues, as provided in the National Security Concept, and contains some errors and contradictions.

The main errors are those contained in article 13 of the Law, which provide that the national security bodies are composed of the Moldovan Intelligence and Security Service, the State Protection and Guard Service, the Border Guard Troops Department, the Customs Service and the educational institutions and other non-military organisations of the state security bodies. Considering that the system is a totality of interdependent elements arranged in a certain order that have a common final goal, it is obvious that the entities missing from this system are the Parliament, the Head of the State, the Supreme Security Council, the Government and the Judiciary. In addition, the fact that the Ministry of Defence has not been included in the system of the state security bodies is illogical, since the protection of the sovereignty, independence and territorial integrity is unimaginable without the National Army.

Judging by the text, we could conclude that the Law has been developed primarily in order to secure a legal basis for the activity of the Moldovan Intelligence and Security Service, and therefore, all the other elements mandatory for the activity of a national security system have been ignored.

<sup>13</sup> Official Gazette of the Republic of Moldova No. 10-11/117 of 13.02.1997

**The Law on the State Security Bodies**<sup>14</sup> was adopted by the Moldovan Parliament on the same day as the Law on State Security – October 31, 1995. The fact that two laws regulating the same area have been adopted on the same day, that they contain many repetitions, regulate the same issues, sometimes being even contradictory speaks about the poor quality of these laws.

Thus, although the Law provides that the system of state security bodies is composed of the Intelligence and Security Service, the State Protection and Guard Service, the Border Guard Troops Department, the Customs Service and the educational institutions and other non-military organisations of the state security bodies, article 3 of the Law stipulates that the state security bodies have the following duties:

- protect the independence and territorial integrity of the Republic of Moldova (*incumbent on the Ministry of Defence*); ensure the state border guarding; defend the constitutional regime, individuals' rights, freedoms and legitimate interests from illegal attempts (*incumbent on the Ministry of Internal Affairs and the Prosecutor's Office*);
- ensure, within the limit of their competences, the protection of the economy from criminal attempts; prevent extraordinary events in transportation, telecommunications and within the vitally important units (*incumbent on the Ministry of Internal Affairs and the Prosecutor's Office*);
- combat terrorism, organised crime (*incumbent on the Ministry of Internal Affairs*), corruption (*incumbent on the Centre for Combating Economic Crimes and Corruption*), which undermine the state security; and discover, prevent and deter other crimes for the criminal investigation of which the state security bodies are responsible (*none of the state security bodies mentioned in the law have criminal investigation functions*).

At the same time, according to the law provisions, neither the Ministry of Internal Affairs, nor the

Prosecutor's Office or the Centre for Combating Economic Crimes and Corruptions are included in the list of institutions ensuring the state security.

**The Law on National Defence**<sup>15</sup> was adopted on 25.07.2003 and sets the structure of the national defence system, the bases for the organisation and safeguard of the national defence, the duties and responsibilities of the public defence authorities, the administration, organisation and purpose of the national defence forces. For the development of this law the experience accumulated since the establishment of the armed forces has been used and much of the criticism about the Law on Defence approved in 1992, the National Security Concept and the Military Doctrine has been taken into account. Consequently, the Law on National Defence is a document of a better quality than the previous ones and, regardless of the errors contained, this is the basic document for the activity of the Armed Forces and the functioning of the military security system.

Currently this Law is one of the most important legal acts regulating the internal aspects of Moldova's security and defence policy (MSDP). However, an analysis of its text shows that it contains limited provisions on the foreign aspects of the national security and defence policy and the political objective of participation in the EU common security and defence policy.

### General conclusions

An analysis of the legal framework of Moldova shows that there is no comprehensive document that would define in details the security and defence policy. At the same time, there is a complex legal framework that establishes the security vision, interests, threats, risks, objectives and implementation mechanisms, the involved institutions and the main actions within Moldova's security and defence policy. Unfortunately, this legal framework contains serious gaps and deficiencies generated on the one hand by the lack of some key legal acts, and on the other hand by a large number of poor legal acts, which are sometimes redundant or contain incorrect and contradictory provisions.

<sup>14</sup> Official Gazette of the Republic of Moldova No. 10-11/115 of 13.02.1997

<sup>15</sup> Official Gazette of the Republic of Moldova No. 200-203/775 din 19.09.2003

Thus, the National Security Concept approved in 2008 is largely academic, declarative, biased and confusing; it ignores the fundamental national interests and interprets erroneously the risks and threats to Moldova's national security. The Concept does not provide the necessary basis for the development of the state policy on national security and defence, the corresponding regulatory acts, and the optimization of the administration and organisation of activities of the bodies responsible to ensure the national security.

The national Security Strategy, which is the most important legal act of the national security and defence policy, determining the functioning of the security and defence system, the mechanisms and tools governing the security system in accordance with the national doctrinal visions, has been adopted with a big delay, and its actual implementation is still under question, given the lack of any action plan in this sense.

The sector strategies, which, according to the NSS, would specify concrete aspects of the national security system operation, still have to be developed and approved, and the deadlines for the achievement of these actions have not been set yet.

Therefore, Moldova's security and defence policy still lacks a proper legal framework that would allow the efficient operation of the national security and defence system and the implementation of the political objective of European integration and participation in the common security and defence policy.

### **2.3. Challenges regarding the Permanent Neutrality Status**

On July 29, 1994, the Republic of Moldova declared its permanent neutrality status by article 11 of the Moldovan Constitution. Given the lack of historical traditions of neutrality, the main reason and purpose of this declaration was to consolidate the sovereignty. At that time, this declaration appeared as an indispensable need in the process of ensuring the internal stability and the withdrawal of the Russian army troops from the territory of Moldova. By declaring its neutrality during peacetime and defining it as permanent, Moldova has undertaken to meet the requirements addressed to the states having a similar status.

It is important to take into account the fact that the notion of permanent neutrality is wider than the one of ordinary (classical) neutrality. The latter is closely related to war situations, while the permanent neutrality status involves additional obligations for the states under this status. According to the provisions of the international public law, by proclaiming voluntarily its permanent neutrality, Moldova has undertaken the following additional obligations:

- to not participate in political or military alliances and assume obligations that have as an objective the preparation of a war or that involve unconditionally the duty of helping one of the parties in a conflict;
- to not allow using its territory for the preparation and conduct of aggressive actions against other states and the location of foreign military bases (facilities), except in cases stipulated by the international agreements to which Moldova is party, about the dislocation of UN or OSCE security forces;
- to not hold, produce or experiment mass destruction weapons and not allow the dislocation, storage and transit of this type of weapons belonging to third countries on its territory;
- to lead a peaceful cooperation policy and have friendly relations with all the countries.

Moldova is free to take any actions necessary to protect its territory and carry out its foreign policy, observing at the same time its specific obligations. However, given its commitments assumed during peaceful times as a state with permanent neutrality status, there may be no ambiguous interpretation by the third countries during war time. At the same time, by promoting a foreign and domestic policy in line with its strategic option and avoiding the possible ambiguities in the neutrality consolidation policy, it is impossible for a state to avoid the problem of guaranteeing such neutrality in case of war and to prove its capacity of preserving its status by means of armed defence.

History shows clearly that the observance of the neutrality status has always been dependent upon belligerents' goodwill, or more exactly – upon

weighing the advantages against the disadvantages or the possible losses resulting from the violation of such status. Countries that have declared their neutrality have often faced the problem of violation of their status. Some of them have lost their confidence in the viability of this status and in their capacities to maintain it and have eventually given it up. The frailty of the neutrality status is largely determined by the fact that the unilateral declaration of such status is not sufficient to secure its viability. Lacking an actual guarantee from the big political powers or the international acknowledgement (support), a state with a neutrality status may count exclusively on its own forces for safeguarding its security and repelling possible aggressions. Therefore, the efforts dedicated to security in general and to defence in particular, have to be quite significant.

Thus, the permanent neutrality status of the Republic of Moldova faces three basic challenges:

**Credibility.** In order to secure the credibility of its permanent neutrality status, in addition to the strict observance of the international law provisions on neutrality, Moldova has to ensure credibility in its own defence forces or in its capacity of maintaining this status with its own forces in case of any armed conflicts, of repelling any aggression and stamping out any attempt to violate the national sovereignty. This would mean that the national security strategy, the defence concept, the military doctrine or strategy, the format, training and the capacities of the armed forces have to be fully in line with this objective.

**Acknowledgement.** It is very important that the neutrality status is acknowledged or guaranteed by the international community and the neighbouring countries. Despite many statements of the national authorities regarding their strong will to maintain and consolidate the permanent neutrality status, this status has not been acknowledged so far by the international community. This shows the inconsistency of the efforts undertaken by the Moldovan authorities.

**Observance of the status.** Clear examples from the contemporary history show that, in most cases, a simple unilateral declaration of the permanent neutrality status proved to be insufficient in order for such status to be observed. Unfortunately, the

unilateral declaration of the permanent neutrality status by Moldova has not been followed by other actions in this sense, and therefore has not determined its observance and the withdrawal of the military troops of the Russian Federation.

Given the fact that the observance and acknowledgement of the permanent neutrality status is based primarily on the credibility of this status, that is on the efficiency of a country's internal efforts aimed at ensuring a credible defence, there is absolutely no reason to hope that Moldova would be acknowledged as a neutral state exclusively based on its foreign policy actions, as the National Security Concept stipulates.

#### **2.4. The Neutrality Status and the Extraterritorial Operations**

The neutrality status does not exclude the extraterritorial application of a neutral state's armed forces and does not preclude any of the neutral states to participate in the interventions carried out under the aegis of the UN or the EU, in their individual way and depending on the foreign policy promoted by them. None of the European neutral states stays passive when it comes to the UN or the EU interventions aimed at restoring peace in different regions on the earth. Due to their special status and the authority they have obtained throughout history, these states have often been asked to participate as privileged arbitrators in military conflicts and their participation in the interventions conducted under the UN/EU aegis has had an important role. The fact that such interventions are based on a volunteering principle leaves it up to each neutral state to decide whether or not such involvement is compatible with their own neutrality policy.

Therefore, the legal possibilities of external interventions for the neutral states are quite extensive. The neutrality is not a pure legal concept for any of the neutral states. The historical tradition and the civic spirit have a much more important role than the dogmatic legal approach. In this context, it is difficult to correlate traditional « selfishness » of the neutrality principle with the solidarity principles and the efforts aimed to safeguard the common European security. So far, the only reasonable argument of the neutrality status for the

European states is the freedom of manoeuvre in foreign policy, which is by no means an obstacle in promoting peace.

It is also obvious that, in the public opinion on which any democratic government depends, there is an increasingly strong differentiation between the notions of external intervention and war. Such differentiation contributes to the acceptance and understanding of the so-called “differentiated neutrality” when it comes to international operations aimed at guaranteeing, maintaining, restoring or even imposing peace in a certain region. This process is accompanied by a significant pressure on the neutrality traditions and by radical changes in the public opinion of the neutral states.

## 2.5. Institutional Framework

The institutions responsible for the development and implementation of the national security and defence policy are the Parliament, the President, the Supreme Security Council, the Government, and the line ministries of Moldova.

According to the Constitution, in addition to adopting laws, decisions and resolutions, the **Parliament of the Republic of Moldova** approves the main directions of the domestic and foreign policy of the state; approves the military doctrine of the state; exercises parliamentary control on the executive power; ratifies, denounces, suspends and cancels the action of the international treaties to which Moldova is a party; declares partial or total mobilization; declares the state of emergency, siege and war.<sup>16</sup>

At the same time, according to Art. 24 of the Law on National Defence, the Parliament has the following additional powers: approve the national security concept and the national military doctrine; approve the general structure and the contingent of the Armed Forces' components; approve the amount of budgetary allocations for the defence needs.<sup>17</sup>

These powers grant the Parliament the supreme role in the hierarchy of the government authori-

ties, and therefore in the process of alignment of the national policies to the European ones.

### **The President of the Republic of Moldova.**

In accordance with the Constitution, the President of the Republic of Moldova, in its capacity of head of the State and “guarantor of the national sovereignty, independence, unity and territorial integrity of the country”<sup>18</sup>, is empowered to “enter official discussions, take part in negotiations, conclude international treaties on behalf of the Republic of Moldova, and submit them to Parliament for ratification in the way and term set by law”<sup>19</sup>. Being the Commander-in-Chief of the armed forces, he may declare “partial or general mobilization of the armed forces; in case of armed aggression he shall take the necessary measures to repel aggression and declare state of war; “he may also take other measures in order to safeguard national security and public order within the limits and conditions of the law.”<sup>20</sup>

The President's duties with regard to security and defence are stipulated in the Law on National Defence<sup>21</sup>. In accordance with Art. 25 of this law, the President is responsible for the state of the national defence system and has the following duties:

- to lead the national defence system and coordinate the activities of the public administration authorities in the area of national defence;
- to submit to the Parliament for approval the drafts of the national security concept, the national military doctrine, the general structure and the contingent of the Armed Forces' components;
- to approve the Regulation of the Supreme Security Council, the Regulation of the General Staff, the programs and plans on the establishment and development of the Armed Forces, the plan on the mobilisation of the Armed Forces, and the plan on the use of the Armed Forces;

<sup>18</sup> Constitution of the Republic of Moldova. Art. 77. President of the Republic of Moldova, head of the state.

<sup>19</sup> Constitution of the Republic of Moldova. Art. 86. President of the Republic of Moldova. Duties in the area of foreign policy.

<sup>20</sup> Constitution of the Republic of Moldova. Art. 87. President of the Republic of Moldova. Duties in the area of defence.

<sup>21</sup> Official Gazette of the Republic of Moldova No. 200-203/775 of 19.09.2003

<sup>16</sup> Constitution of the Republic of Moldova, Art. 66. Basic Powers of the Parliament

<sup>17</sup> Law on National Defence No. 345-XV of 25.07.2003. Official Gazette No. 200-203/775 of 19.09.2003

- to coordinate the activity of international military cooperation;
- to decide on the accumulation of resources for the needs of the national defence system;
- to hold official talks, conclude international military treaties on behalf of the Republic of Moldova and submit them to Parliament for ratification;
- to submit proposals to the Parliament on the participation with contingents, weapons and military equipment in international peacekeeping or humanitarian operations.

Thus, considering his duties, the President of the Republic of Moldova is the key-institution in promoting the national security and defence policy and aligning it to the EU's policy in this area.

### **The Supreme Security Council. Gaps in its Statute and Organisation**

The Supreme Security Council (SSC) is a traditional element of the national security system in the countries with a democratic governmental regime, its role and mission being often similar in different countries. As a rule, the Council is the key element in the structure of the national security and defence system. Its mission is to advise the President on issues of integration of the domestic, foreign and military policies in order to safeguard the national security. The Council is also the main forum of the President in the examination of these issues jointly with its main advisors on national security and the officials of the cabinet of ministers. At the same time, the Council is the main tool of the President in terms of practical coordination of these policies among different government agencies.

Moldova's SSC exercises its activity in accordance with the Regulation approved by the decree of the President of Moldova of 8.10.97<sup>22</sup>. According to the Regulation, *“the Supreme Security Council is a consultative body that analyses the activity of the ministries and departments in terms of the national security safeguard and submits recom-*

*mendations to the President of Moldova on issues of domestic and foreign policy of the state.”*

SSC is composed of the following ex-officio members: the Prime-Minister, the Minister of Defence, the Minister of Foreign Affairs, the Minister of Internal Affairs, the Minister of National Security, the Minister of Finance, the Head of the General Staff of the Armed Forces, the head of the Civil Protection and Emergency Situations Department and the secretary of the Supreme Security Council”. The President of Moldova may also appoint other official persons as SSC members.

So far, the Council has not been convened very often and has not had an important influence on Moldova's security and defence policy. One of the reasons for this is the fact that SSC's area of activity has not been correctly established. We may not assert that this mistake has been committed by the head of the state, since the SSC Regulation reproduces the provisions of the Law on the State Security. However, in order to safeguard the national security, SSC should not limit its activity only to analysing the work of the ministries and departments. It should also consider wider issues, such as the analysis of the international situation, the third countries' policies in relation to Moldova, the efficiency of the security and defence system and the reforms in this area, as well as other issues directly related to the national security safeguard.

In addition, the role, duties and the membership of the SSC Service have not been appropriately established. In accordance with the regulation in force, the duties of the SSC Service include only “the organisational and informational assistance in the Council's activity”, which is a too general phrase and does not impose any objective criteria and activity requirements.

If the role and duties of the SSC Secretariat and Service are significantly reconsidered, the Council could have a much more important role to play in the process of alignment of the national security and defence policy to the EU policy.

The need of reconsidering the SSC's role and powers has been acknowledged by the National Strategy approved by the Parliament of the Republic of Moldova on July 15, 2011. The Strategy provides, in the list of tasks for strengthening the strategic

<sup>22</sup> Official Gazette of the Republic of Moldova No. 69-70/592 of 23.10.1997

planning capacities, the following: “strengthen the role of the Supreme Security Council, assign to it deliberative and coordination functions and responsibility for the development of policies in the areas of security and defence and develop its functions of:

- information and communication;
- permanent analysis of the national security system and adjustment thereof depending on the developments in terms of the threats and risks;
- coordination, monitoring and strategic planning for prevention and response in crisis situations;”

The duties of the **Government of the Republic of Moldova** in the area of security and defence are established by the Law on National Defence<sup>23</sup>. According to Art. 27 of the Law, the Government has executive functions, being responsible for the organisation of activities and the conduct of actions for the national defence, within the limits provided by the legislation, and has the following duties:

- a) coordinate the activity of the ministries and other public administration authorities with a view to achieving the measures aimed at ensuring the capacity of national defence;
- b) secure the allocation and use of financial resources and materials necessary for the organisation, equipment and mobilisation of the Armed Forces, the support and training of the troops, the maintenance of the equipment and weaponry in operative state, the preparation of the national economy for mobilization;
- c) develop and implement the state programs on the establishment and development of the Armed Forces, the main area of international military cooperation;
- d) propose for approval the amount of budgetary allocations for the defence needs;
- ...j) ensure the implementation of the international military treaties, etc.

## 2.6. Conclusions and Recommendations

An analysis of Moldova's security and defence policy leads to the following conclusions and recommendations:

- Moldova's security and defence policy (MSDP) has a series of conceptual, legal and institutional deficiencies, which, on the one hand hinder the efficient functioning of the national security and defence system, and on the other hand impede the appropriate support in the implementation of the political objective of EU integration and participation in the common security and defence policy.
- At a conceptual level, the major deficiencies consist in the quality and role of the key documents, such as the National Security Concept and the National Security Strategy. Since these documents contain long-term strategic objectives and provide for complex and very costly actions and long-term sustained efforts at national level in order to achieve such objectives, it is mandatory to approve them concurrently with the approval of the government program. In addition, such documents have to have the highest quality. These key documents are not a goal in themselves, but represent the first element in a chain of elements necessary in order for the national security system to be able to function efficiently.
- The legal framework of Moldova's security and defence policy has various gaps and incoherencies in terms of regulating the activity of different institutions in the security sector (particularly as regards the missions, tasks, delimitation of responsibility areas). However, the biggest problem is the lack of a detailed legal regulation of the functions of leadership, management, monitoring and evaluation of the national security system, of which the security and defence policy is a part.
- Moldova's status of permanent neutrality declared by Art. 11 of the Constitution on July 29, 1994 still faces three main chal-

<sup>23</sup> Official Gazette of the Republic of Moldova No. 200-203/775 of 19.09.2003

lenges: **credibility, acknowledgement and observance**. Given the fact that the observance and acknowledgement of the permanent neutrality status is based primarily on the credibility of this status, that is on the efficiency of a country's internal efforts aimed at ensuring a credible defence, there is absolutely no reason to hope that Moldova would be acknowledged as a neutral state exclusively based on its foreign policy actions. On the other hand, Moldovan authorities have obviously done too little in order to respond to or eliminate these challenges.

- The neutrality status does not exclude extraterritorial application of the armed forces and does not preclude any of the neutral states to participate in the interventions carried out under the aegis of UN or the EU in their individual way and depending on the foreign policy promoted by them. Such participation is based on the acknowledgement of the need to take part in the efforts for a common European security.
- At institutional level, the President of Moldova is, by virtue of his constitutional powers, the key-institution in the development and promotion of the national security and defence policy and, therefore, in the align-

ment of such policy to the EU security and defence policy. In order to grant the President of Moldova the capacities necessary to develop and promote the national security and defence policy and coordinate the efforts of various government institutions in this area (this function may only be accomplished by the President of Moldova), it is necessary to essentially revise the role and tools available with the Supreme Security Council by defining and expanding the duties of the SSC Secretariat and Service.

- The approval of the National Security Strategy gives the chance to start a new qualitative phase in the security and defence policy of Moldova, starting and implementing proper security and defence reforms in accordance with the European practices and standards, including modernizing the legal framework. The approval of an action plan for the implementation of the NSS and the actual initiation of the implementation process will prove the diligence of the political will and the consistence of the national authorities' efforts and shall determine the credibility of the efforts aimed at implementing the objective of participation in the EU security and defence policy.

## III. The role of CSDP/MSDP in the process of european integration of the Republic of Moldova

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### **3.1. Relations between the Republic of Moldova and EU in the Security Sector**

The Republic of Moldova has never been an active actor from the perspective of participation in ensuring regional or international security. The modest results were dictated by several factors, including orientation of foreign policy and internal security environment, mentality of political elite and importance granted to the reform of the security sector, but also by impediments of external nature posed to the democratization and Europeanization of the country. The Republic of Moldova did not take part in the EU missions and operations of safeguarding security in the world, despite having the experience of participation in international operations mandated by the United Nations under OSCE or UN.

The uncertainties of participation were also given by the lack of a well-defined legal framework on European level, the European security policy being a weakly coordinated process and less oriented to neighbourhood. The European Security Strategy (2003) is the only strategic document that mentions the significance of building security in the countries neighbouring to EU and through which the European community proposed to provide assistance to reform the security sector in the states and regions in the European neighbourhood, aiming at strengthening the security provision capacities.<sup>1</sup> This support was also provided to the Republic of Moldova. The European Union proposed

Moldova to integrate the reform of the security sector in its strategic documents; to supervise the coordination of reform planning; to develop planning and implementation instruments; to organize training activities specific to the reform and to strengthen the cooperation with international partners. EU proposed to contribute to the preparation of the Republic of Moldova and other states in the region to enable them to participate in the development and implementation of European mechanisms of ensuring continental and global security, based on conflict prevention, enhancing the role of diplomatic ways and of civil crisis management capacities on sub-regional level.

Although the EU-Moldova Action Plan included provisions also concerning the cooperation with the European Union in the field of justice, freedoms and security, there were no formalized agreements in place concerning the security and defence issues. The only CSDP initiative in which the representatives of the Republic of Moldova take part is EUBAM, the European Union Border Assistance Mission to Moldova and Ukraine launched in November 2005 upon the joint request of the Presidents of the Republic of Moldova and of Ukraine. In a larger context, through EUBAM, EU tends to encourage lawful trade and travel and to guarantee the safety of its citizens by fighting criminality<sup>2</sup>. The European Union has also launched other talks with the authorities of the Republic of Moldova in view of an eventual participation on the dimension of EU foreign policy, security and defence, but a

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<sup>1</sup> European Security Strategy „A secure Europe in a better world” <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

<sup>2</sup> EUBAM official website <http://www.eubam.org/md/about/overview>

strong position is long expected. The discussions with the experts in the field infer that during the respective period the Chisinau authorities labelled as inappropriate to launch the formal talks with EU concerning CSDP.

Nevertheless, together with the intensification of relations between Moldova and the European Union and the identification of the European integration objective as national priority, it became obvious that the security interests and objectives of the Republic of Moldova may be carried out only in cooperation with EU, NATO and other international structures that share the same interests and values as those expressed by the government in Chisinau.

In this regard, the cooperation with NATO is essential for the security sector reform. The Individual Partnership Action Plan between the Republic of Moldova and NATO stipulates that the IPAP implementation does not aim at accession to the North-Atlantic Alliance, but shall encourage and support the reform process in the national security and defence sectors. In this regard, the Republic of Moldova will use the necessary political-legal basis and will cooperate with EU and other international organizations in order to ensure the complementarity and to avoid duplications between the IPAP, the EU-Moldova Partnership and Cooperation Agreement and the National Development Strategy<sup>3</sup>. In other words, Moldova is oriented towards a productive relation with NATO and EU, in order to be able to benefit of all instruments made available by them.

With the assistance of NATO, the Republic of Moldova could record visible progress on both the political and the military dimensions of the security and defence sector. From a military perspective, NATO provides a range of instruments that could be used by Moldova only if there is political will in place. We refer here to the mechanisms of fighting terrorism, cyber-defence, ensuring interoperability, military training, securing of munitions, planning of emergency situations, etc. From a political perspective, NATO may support Moldova in reforming the Supreme Security Council (in

order to enhance its role as a national coordination authority in the security and defence sector), in implementing the National Security Strategy, in developing the National Military Strategy and the Strategic Defence Analysis, and in strengthening the democratic control of Armed Forces.

On another side, the European Union does not make such a diversity of instruments available, being rather a “*soft power*” and offering its partners political and economic benefits, rather than security and defence benefits. Nevertheless, the EU has a positive experience in civil crisis management and is oriented towards fighting the sources of insecurity, such as corruption, border management, provision of societal security, etc. These practices may be shared with partners, provided that the interested parties cover unilaterally a number of expenses.

The existing experience shows that the Republic of Moldova is quite responsive to the proposals coming from the European and Euro-Atlantic communities. The National Security Concept and the National Security Strategy – fundamental documents in guiding the reform of the security sector – have been developed on the basis of the objectives and action plans agreed by the Republic of Moldova and these international structures. Nevertheless, after analyzing the text of these documents and the later modest progresses made in the reform of the security and defence sector, it is not clear to what extent these reforms are desired by the authorities of the Republic of Moldova. Therefore, the impression is left that these documents are rather developed under external pressure, than dictated by a desire for change from inside.

It is essential that in its efforts to reform the security and defence sector, the Republic of Moldova should move from the stage of political statements to transposing in practice the identified objective. In this regard, the authorities should exploit to the fullest the opportunities provided by IPAP, which can support materially and logistically the reform of the security sector. At the same time, being aware of EU expectations for concrete results and sustainable reforms, it is a priority that the development vision of the security and defence sector is formulated by the national authorities and the reform objectives result from the real capacities of the state to ensure its implementation.

<sup>3</sup> IPAP Moldova-NATO [http://www.mfa.gov.md/img/docs/new\\_ipap\\_ro.pdf](http://www.mfa.gov.md/img/docs/new_ipap_ro.pdf)

### 3.2. The Position of the Republic of Moldova concerning CSDP

*“We cannot request to be protected against any threat, nor request that the security of our territory is guaranteed by our partners and that, at the same time, we do not contribute to it. We should at least show some solidarity”<sup>4</sup>.*

One of the chapters in process of negotiation under the Association Agreement Moldova-EU refers to the Security Policy. The availability of the Republic of Moldova to get involved in arrangements of the European Common Security and Defence Policy is given by the **Government Activity Program** “European Integration, Freedom, Democracy, Welfare” for 2011-2014. The Government proposes “to transform the Republic of Moldova into a state that contributes to the regional and international security through active participation in the European Common Security and Defence Policy and in international peace-keeping and stabilization operations<sup>5</sup>. Such intentions should be followed by a relevant Action Plan, involving all responsible institutions in the area of security. The problem related to the viability of this option is worsened by the absence of some clear mechanisms concerning participation in CSDP in the text of the National Security Strategy. Therefore, it is not clear how to reach this ambitious objective, the issue of participation depending on the financial capacities of the Republic of Moldova, which in the field of security and defence are currently extremely reduced.

According to the **Order of the Government of Republic of Moldova No. 80-d of 11 October 2010**, a Working Group was established to coordinate the collaboration process with the European Union in the field of Common Security and Defence Policy of the European Union. This group has the task to ensure a good participation of the Republic of Moldova in CSDP, including planning and coordination of national capacities for the participation of the Republic of Moldova in CSDP missions. Currently, there is no public information about the activity of this group.

<sup>4</sup> Gareth H., Analysis: Does Belgium Need an Army? (14 February 2006); [http://www.upi.com/Security\\_Terrorism/Analysis/2006/02/14/analysis\\_does\\_belgium\\_need\\_an\\_army/3197/](http://www.upi.com/Security_Terrorism/Analysis/2006/02/14/analysis_does_belgium_need_an_army/3197/)

<sup>5</sup> Government Activity Program for 2011-2014, <http://www.gov.md/lib.php?l=ro&idc=445>,

The initiatives launched by the Government confirm the fact that the Republic of Moldova relates to the Common Security and Defence Policy, based on the premise that this is an important stage in approaching the European Union. The newly commenced participation in CSDP may be an important preparation opportunity of the country for the accession to EU in the pre-association stage. At the same time, the Republic of Moldova wishes that the European Union becomes a strong actor on the international arena, since a strong EU would contribute to strengthening the position of its Member States and of partner / neighbouring countries, in particular the small ones. The rationale is simple: by providing support to EU, the Republic of Moldova may count on mutual help from the Member States.

Even if there is yet no framework agreement between the Republic of Moldova and EU concerning CSDP, the Government should define its ambitions and ask itself “How can we contribute to strengthening the security and stability in Europe? How can we actively show our commitment for a united and strong Europe? What means do we have and what can we make available to the EU missions?” This assessment and planning process is not easy at all; for Moldova this is twice more complicated than for the Baltic States, ex-Soviet countries that joined EU and which at that moment had the experience of NATO membership. Nevertheless, in the hope that the political will of Chisinau is a real one, we hope that Moldova is able to progress in the field of international participation, efficiently using the opportunity offered by IPAP and EU to participate along other partner states.

There are several reasons that encourage the Republic of Moldova to participate in CSDP. We can highlight the following:

- CSDP is a tool to ensure security and stability inside and outside of EU borders. The Lisbon Treaty offers possibilities to partner states to get involved, thus serving as an impulse for reforms in the security and defence sector of the Republic of Moldova.
- More for more. Participation with contingent, civil and military experts in EU programs will contribute to raising the au-

thority of the Republic of Moldova on the European plan and to reconfirm the status of a “success model” in the EU Eastern Partnership. The participation may result in a greater support to Moldova on its European integration path.

- The participation provides opportunities to affect decisions. For Moldova, this could represent a chance to attract EU in the resolution of security challenges in the eastern neighbourhood of EU, including the Transnistrian conflict.
- From a military point of view, the Moldovan Ministry of Defence needs a motivation to enhance the readiness degree for military action of the Armed Forces and to maintain this level. Participation in missions of the European Union would allow putting in practice the military potential and expertise of Moldova gained in the last 20 years.
- At the same time, such preparedness of Armed Forces would motivate the need for a professional army, which since the ending of the cold war is under redefinition of its goals (since the establishment of the Regiment 22 in 1999, it has never participated as an integer body in peace-keeping missions).

### **3.3. Implications of the signing of the Association Agreement on the Security and Defence Policy of the Republic of Moldova**

As mentioned earlier, currently, the Republic of Moldova negotiates with EU the Association Agreement. After the sixth negotiation round on the Association Agreement, the national authorities declared that the chapter “Political dialogue and reform; Cooperation in the field of foreign policy and security” was provisionally closed.

Although the text of the chapters is not public, it is known that the Agreement with Moldova is not very different from other EU association agreements. The chapter referring to joint security and defence would reiterate the provisions of the Lisbon Treaty in this regard, in particular Title V of the Treaty, Chapter 2, Articles 42-46. Thus, a clause concern-

ing the joint defence policy<sup>6</sup> would be introduced, which would stipulate the interest of the Republic of Moldova to enhance the cooperation with EU in matters of foreign policy, security and defence. The future cooperation with EU that also implies participation in peace-keeping, civil, etc. missions may be a quite challenging exercise for the Moldovan authorities, provided that the current legal framework imposes a number of limitations.

In this case, the Republic of Moldova has two options:

1. To adopt the model of Austria that, during its accession to EU, introduced a special provision in the Constitution stipulating that participation in CSDP shall not be impaired by the neutrality status and allows the state to participate in military operations under the Petersberg Tasks.
2. The adoption of experiences of countries that became associated countries before the Lisbon Treaty became effective. In the case of these states, the association process did not dictate any amendments to the national legal order, but these states officially confirmed the commitment to provide active and unconditioned support to the implementation of the Common Security and Defence Policy, in the spirit of loyalty and mutual solidarity.

Regardless of the option chosen by the Republic of Moldova, it should bring together the consent of all political actors and provide the certainty that national policies would comply with those of the Member States and that the state is ready to defend these joint positions in international forums, where it takes part.

Eventual challenges should be underlined, which may occur following the signing of the Association Agreement. Taking into account that it implies certain adjustments in the order of Moldovan security policy so that it complies with the EU standards, the authorities should be ready to give explana-

<sup>6</sup> The Lisbon Treaty provides that the Common Security and Defense Policy should concern the progressive development of a joint defense policy of the Union. This would lead to joint defense, as soon as the European Council, which takes decisions unanimously, will decide this.

tions to the public (1) and to find political support for implementation among its structures.

In the absence of an updated Foreign Policy Concept<sup>7</sup>, the strategic orientation of the Republic of Moldova may be questioned by the parliamentary opposition and also may serve as subject for polemics within the current governing alliance that is already fragile enough. The consensus needed for the applicability of the Association Agreement, including of CSDP-related provisions, should be a priority for the governance. This may be complemented also by the need to develop a Public Communication Strategy on European integration.

Another challenge lies in the implementation of commitments to be expressed towards EU. In the event of a repetition of the current scenario defined by blocking in the implementation of reforms, the evolutions related to the Association Agreement may be frozen. In this regard, a strong *leadership* is recommended, with a clear distribution of responsibilities among state institutions. In the event that the presidential institution does not function, a decisive role in ensuring the quality of reforms in the security and defence sector is played by the Parliament that should make the Government accountable for achievement of promised results.

### **3.4. The Perspectives of Moldova-EU Cooperation in Combating Risks and Threats on Regional and International Level**

The cooperation between EU and its partner countries under CSDP is desired to be directed towards participation in missions and operations under it. While certain successes have been achieved in the cooperation with states that have a satisfactory interoperability level, compared to that of Member States, this cooperation is not characteristic for a number of other states, including Moldova. The interest of Eastern Partnership countries in the area of security and defence was not focused on participation in CSDP missions, but rather on establishing a structured dialogue with EU concerning very complex security issues, including democratization and economic security. Considering the chal-

lenges posed to the regional security and the interest of Chisinau, the need and probability becomes obvious of launching a consolidated cooperation between Moldova and EU, which would deepen the dialogue on security and defence issues.

A favourable cooperation framework is offered also by the institutional changes brought by the Lisbon Treaty, which through the European External Action Service offers the possibility of having a comprehensive dialogue in security matters, but also the possibility of aligning them to economic development, trade, environment security, etc. Moreover, the EU Delegation to Moldova is entitled now to get involved in matters related to security and foreign policy. Once the Delegation would be joined by political, military and police experts, it will establish a high-level dialogue platform in the field between Brussels and Chisinau.

These evolutions may lead to the speeding up of the development process of bilateral programs adjusted to the needs of the Republic of Moldova, but also to focusing on areas where Moldova may indeed have an added value. By means of this instrument, Moldova could share its experience in the field of border security, combating the trafficking in human beings, migration, police reform, etc. In turn, Moldova would gain from getting acquainted with the institutional and operational framework of CSDP, increased interoperability in the civil security and armed forces, and thus from preparing to participate in CSDP mission.

Usually, the small non-member states make use of the opportunity provided by CSDP in order to be part of foreign policy strategies of global and regional actors, and also in order to find a role in the international system. A first contribution of small member and partner states of EU in CSDP is the investment in civil and police missions, and also in the EU Battle Groups, so that they later can participate in international operations conducted by EU.

### **3.5. Types of Missions under EU, where the Republic of Moldova Could Take Part**

The Republic of Moldova could take part in all CSDP areas upon consent with regards to security policy within Government and Parliament. The

<sup>7</sup>The Foreign Policy Concept of the Republic of Moldova dates 1995.

priority for Moldova is to assess what potential it could mobilize in the beginning and to develop recruitment, training and preparation plans. To start with, one could prepare small capabilities that would cover both civil and military mission. This way it would be possible to assess the availability of civil and military structure to engage in ensuring the European security. At the same time, a first participation would provide a clear image of what participation in CSDP really means and it would be possible to determine the way towards efficient participation.

It should not be excluded that in future Moldova would specialize more on civil crisis management, an area in which EU has an extraordinary potential, but which has always encountered difficulties in recruiting staff. Taking into account this situation, Moldova could use civil missions as a first window of opportunity. To prepare in this direction, Moldova may benefit of the instruments made available by the NATO Partnership for Peace. Otherwise, Moldova should identify other serious partners that would help and guide Moldova in its preparation for participation, and also during participation. A similar experience is characteristic for the Baltic States, which were intensely supported by Sweden. Such interested state could train, teach and partially cover the expenses for Moldova's participation in some EU missions. The civil missions include police missions, assistance to the security sector reform, monitoring, border control, human rights protection, and training missions, etc.

On the other side, the Republic of Moldova could participate in military missions under EU. A number of other partner states of the European Union have such experience, which may bring significant political dividends. The level of involvement depends on the positions opened by EU for participation in missions announced by the Foreign Action Service of EU, but also on the decision taken by the President or competent authorities (ministries) that needs to be later approved by the Parliament.

The **Law No. 1156 of 26 June 2000** on participation of the Republic of Moldova in international peace-keeping missions imposes a series of restrictions that may limit the eventual participation. For instance, the Law provides that the Republic of Moldova excludes the direct participation in inter-

national peace-imposing operation. Also, some essential reference points are provided with regards to the decision-making process of the Republic of Moldova in this field, including the consent of the parties in conflict to receive multinational pacification contingent; conclusion and effectiveness of a cease-fire agreement between the belligerent parties; finalization of multilateral preparation of Peace-Keeping Forces of the Republic of Moldova for the peace-keeping mission, in accordance with its character. Probably, certain amendments to this law would be appropriate, considering that the types of EU missions vary on case-by-case basis and it does not always concern the presence of a cease-fire agreement or of an official request for EU involvement.

From a logistical and technical point of view, the Republic of Moldova should prove the ability of planning, subsistence, interoperability and flexibility of armed forces to comply with the participation in CSDP. In great, the reforms that the Republic of Moldova committed to implement under the NATO Partnership for Peace should determine the readiness degree of Moldova to transpose in practice the European security policy. Though, being aware of the modest progress in the IPAP implementation, the reform of the entire security and defence system remains a priority. The Republic of Moldova is put in the situation to transform its Armed Forces, in order to efficiently respond to the new challenges. Thus, we consider that the Armed Forces should be directed towards international participation rather than towards territorial defence, characteristic for the last century. The importance of restructuring and streamlining of armed forces should be acknowledged as a priority for the defence sector. The Republic of Moldova needs a small, but well equipped and prepared army. To this end it is necessary to reduce the personnel employed in the Armed Forces, their adaptation to international participation, re-training and re-equipment of troops.

In conclusion, we note the openness of the Republic of Moldova to being part of the Common Security and Defence Policy of EU. This fact is given by the vector of European integration that dictates the direction of internal reforms and shapes the trends and attitudes towards EU and its programs. At the same time, the Lisbon Treaty reiterates the

interest of EU to develop relations with third countries in order to promote multilateral solutions to common problems. Starting from Moldovan national interests, as well as from the commitments imposed by the European integration process, we consider that the participation of Moldova in the community programs becomes a natural thing.

The European Union does not restrict the participation of neutral states in its Programs. Out of the 27 Member States of EU, five are neutral states that are actively participating in CSDP. The European neutral states show flexibility, even if they are not members of a military alliance. Finland, Sweden, Austria, Ireland and Malta participate in the security policy of both EU and NATO, in order to satisfy their security needs. The contribution of these economically strong states makes CSDP dependent on the participation of these states. Also, several partner states of the EU, being neutral, contribute with troops and capabilities to the civil and military operations of EU. Moldova could actively and constructively participate in the community policies, underlying for the public opinion that neutrality does not involve restrictions related to the participation in the European cooperation.

From the point of view of democratic values and principles, the alignment of the Republic of Moldova to the European policies is theoretically possible. Both the Moldovan legislation and the activity of political actors are directed towards ensuring peace, security and human rights – fundamental principles of EU.

Certain difficulties may be encountered in the preparation of human resources for multinational international operations. Although the practice gained by Moldova in the operations conducted under UN and OSCE is valuable for EU as well, the financial resources available for the preparation and support of Moldovan military represent a problem. Together with the assumption of the political commitment to participate in EU, and (eventually) NATO missions, the Republic of Moldova will have to define very clear its priorities due to limited military / civil capacities and resources. Drawing from the practice of other states, it is extremely difficult to contribute with the same type of forces to several international missions simultaneously.

# IV. General findings and recommendations

## 4.1. Findings

The Common Security and Defence Policy is one of the key elements in the EU's foreign and security policy and the participation in it is crucial for Moldova's integration in the EU.

CSDP's openness for international cooperation is a way for the states which are not EU members to participate in the common efforts of European and international security consolidation, get involved in the development of the EU security and defence culture and get familiar with the CSDP structures and procedures, learn better the EU military practices and standards and train the national contingents.

CSDP contains a series of tools extremely necessary for Moldova's security and defence policy, particularly in terms of national defence (strategic planning, research, development and technologies, capacity planning), foreign policies (decision-making at strategic level and planning of external operations; coordination of diplomatic, military and civil actions; military cooperation with other multinational organisations or foreign countries; direct interventions and crisis management in remote regions) and civil crisis management. At the same time, participation in CSDP provides new opportunities for the support of the security sector reforms initiated in Moldova.

Previously, the Moldovan authorities were not successful in their cooperation with EU. In this context, the declaration of the intent "to transform Moldova into a state which contributes to the regional and international security by active participation in the EU's Security and Defence Policy and the international stabilisation and peacekeeping operations"<sup>1</sup> imposes a series of analyses and wise and responsible decisions, as well as consistent actions.

<sup>1</sup> Government Activity Program for 2011-2014, <http://www.gov.md/lib.php?l=ro&ide=445>.

## 4.2. Consistencies and Inconsistencies between CSDP and MSDP

A comparative analysis of the common security and defence policy and the Moldovan security and defence policy allows identifying the following **consistencies**:

- The values, democratic principles and major interests of the EU are, for their biggest part, identical to the national values, democratic principles and major interests of the Republic of Moldova.
- EU's strategic objective – "building security in the close neighbourhood" (defined in the 2003 European Security Strategy) is very consistent with Moldova's strategic objectives.
- The main threats for the EU, as identified in the European Security Strategy and updated in 2008 (terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure, organised crime; threats to the cyber-security, energy security and climate change threats) are totally identical to the threats which Moldova faces.
- The consistency between CSDP and MSDP is also determined by the definition of the political objective of European integration by Moldova. In the process of implementation of this objective, complex internal reforms have been initiated, which aim at aligning the legal and institutional frameworks, adopting and implementing the European principles and best practices. Therefore, Moldova's security and defence policy is becoming more and more consistent with the EU standards.

The comparative analysis of CSDP and MSDP does not reveal any **inconsistencies** between the latter. However, there are certain aspects that **limit** the correlation between these policies:

- First, although the permanent neutrality status of Moldova does not hinder the country's participation in international operations, the current process of adoption of decisions on this issue (approval by Parliament's decision, upon submission by the President of Moldova) is quite lengthy and does not allow the participation in the initial phase of crisis settlement but only in long-term missions underway.
- Second, at conceptual level, CSDP has a complex civil and military nature, covering the areas of defence, domestic policies, foreign policies and the civil sector (civil crises management), ensuring the correlation of these areas in a single framework. By contrast, MSDP has been focused so far only on the military and foreign policy areas; coordination between these two sectors being often a difficult objective given the ongoing crisis of the presidential institution. At the same time, this is also due to the fact that, at this moment Moldova has no capacities other than military to participate in the CSDP operations.
- Third, during the acting presidency in the Republic of Moldova, the country's security and defence policy has been affected by the lack of a responsible leadership. The process of decision-making on MSDP has become burdensome or even impossible, and the management and implementation of decisions – inefficient for the most part. If this situation continues, Moldova will not be able to ensure the coordination of the national security and defence policy neither domestically nor at external level, and to answer in due time to EU's requests.

### **4.3. Opportunities and Hindrances regarding the Participation in CSDP**

Participation in CSDP gives to Moldova the possibility to join the European states' common efforts to safeguard European and international security.

In this context, Moldova has the possibility to make proposals and advance initiatives for the CSDP agenda at the level of the European Council (at the level of heads of states or heads of governments), the General Affairs and Foreign Affairs Council (at the level of foreign affairs ministers), the Council of Defence Ministers or the Council of Internal Affairs Ministers. Moldova's participation in CSDP also provides a much wider perspective for the EU involvement in the settlement of the Transnistrian conflict, the use of the available tools or the tools under development, such as the European External Action Service or the crisis management strategies and policies.

Moldova's participation in CSDP and the EU operations with contingents, civil and military experts and making available its potential and expertise would contribute substantially to increasing Moldova's authority at European level and determine a bigger support of its EU integration efforts.

From a military perspective, participation in CSDP and the EU missions gives the possibility to strengthen the capacities of the Armed Forces; modernize, increase professionalism and maintain a military capacity appropriate for the country's needs. At the same time, participation in the EU missions would argue and justify the efforts undertaken so far in order to create, train and equip the peacekeeping military unit, which has not participated in peacekeeping missions yet.

The main obstacles for Moldova's participation in CSDP are: the inconsistent political stewardship (1), inefficient management of the MSDP at the top level (2), and the limited budget resources (3). All of these challenge the credibility of political statements about Moldova's willingness to participate in CSDP, on the one hand, and do not allow a proper preparation for a potential participation, on the other hand.

Therefore, this issue should be discussed by the Supreme Security Council and concrete decisions should be made as regards the strengthening of the MSDP management capacities, the actions necessary in order to achieve the political objective of participation in MSDP and the main (political, military and civil) elements of such participation, including the membership, training, equipment and preparation of the national contingents that would participate in EU operations.

#### 4.4. Recommendations

In the process of negotiations regarding the future Moldova-EU Association Agreement, the issue of Moldova's participation in the Common Security and Defence Policy is going to be a separate topic. Within this Agreement, Moldova will confirm its commitment to provide active support in the implementation of CSDP in the spirit of loyalty and solidarity. This statement will be supported by a list of specific tools, forces and capacities that Moldova would provide to the EU.

The presentation of this list will be preceded by a series of complex actions of preparation and transformations at internal level. These will be favoured by the approval of the National Security Strategy, which includes the objective of participation in CSDP and provides for a series of reforms in the security sector.

The preparatory actions will be conducted under the leadership of the President of Moldova and will include:

- An evaluation of the capacities of participation in CSDP in general and the establishment of the participation tools at a political and executive level;
- A review of the experience of participation in CSDP by other states partners of the EU, including those with a neutral status, and taking over the good practices;
- An evaluation of the national capacities to participate in the EU military operations; approval of the target objectives and initiation of the process of preparation of the forces.
- An evaluation of the national capacities to participate in the EU civil operations; approval of the target objectives and initiation of the preparation process.

These evaluations and the approval of the target objectives will be discussed within the Supreme Security Council. The tools provided by NATO's Partnership for Peace for the training of militaries and civilians for participation in international peacekeeping missions and crisis management will be used in order to build the capacities of the Ministry of Foreign Affairs and European Integration, the Ministry of Defence, the Ministry of Internal Affairs (Civil Protection and Emergency Situations Service) and the Border Guard Service for participation in international operations.

The transformations at internal level relate to the efficient implementation of the reform in the security and defence system in accordance with the objectives provided for in the NSS and Moldova's objectives of EU integration and participation in CSDP. Among others, this process involves the development and application of an Action Plan for the implementation of the NSS. In addition to the development of sector strategies, legal and regulatory acts, measures to restructure the armed forces and the relevant institutions, the Plan will also contain a specific chapter regarding the actions to be undertaken by security institutions to ensure participation in CSDP.

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