

**Czech Yearbook
of International Law[®]**

Czech Yearbook of International Law[®]

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The Role of Governmental and Non-governmental
Organizations in the 21st Century

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Contents

List of Abbreviations	xiii
ARTICLES	
Aslan Abashidze The Process of Strengthening the Human Rights Treaty Body System	3
Jaroslav Valerievich Antonov Legal Instruments of E-democracy for the Development of Civil Society in International Practice	19
Gabriela Augustínyová Aiste Dumbryte The Indispensable Role of Non-governmental Organizations in the Creation and Functioning of the International Criminal Court	39
Helena Barancová Current Lawmaking of the International Labour Organization with regard to EU Law	61
Milan Bakeš Michael Kohajda Legal Regulation of and Influence of International Institutions on Financial Markets	87
Alexander J. Bělohávek Institutionalized Promotion and Protection of Investments in the Energy Sector	99

Pavel Hamerník	
The Non-state Adjudication of Disputes by the Court of Arbitration for Sport as an Inspiring Alternative for Effective Dispute Resolution	137
Marie Karfíková Zdeněk Karfík	
The Role of Foundations at the Beginning of the 21st Century	155
Lukáš Klee Ondřej Ručka	
FIDIC: Significance in the Construction Industry	171
Karel Klíma	
The Phenomenon of the European Court of Human Rights' Influence on the Constitutional Systems of the Council of Europe Member States	183
Libor Klimek	
European Police Office (Europol): Past, Present and Future	209
Oskar Krejčí	
The European Union and NATO: Cooperation, Competition or Conjunction?	229
Davorin Lapaš Robert Mrljić	
International Non-governmental Organizations (INGOs) as Participants in the International Lawmaking Process: Examples in Environmental and Space Law	247
Jan Lhotský	
The UN Mechanisms for Human Rights Protection: Strengthening Treaty Bodies in Light of a Proposal to Create a World Court of Human Rights	271
Hana Marková Nicole Grmelová	
Institutional Framework of Combating Money Laundering in the European Union	289
Pavel Mates Jan Šmíd	
Can the Welfare State Be Lean?	303
Daniela Nováčková	
The Legal Instruments of EU Fiscal and Monetary Stability	327
Zdeněk Nový	
The Role of the UNIDROIT in the Unification of International Commercial Law with a Specific Focus on the Principles of International Commercial Contracts	341

Contents

Katarzyna Sękowska-Kozłowska The Role of Non-governmental Organisations in Individual Communication Procedures before the UN Human Rights Treaty Bodies	367
BOOK REVIEWS	
Jaroslav Ivor Libor Klimek Jozef Záhora <i>Criminal Law of the European Union and Its Impact on the Legal Order of the Slovak Republic</i>	389
Zdeněk Nový <i>Good Faith as Principle of Contract Law in International Commerce</i>	392
NEWS & REPORTS	
Current Events, Past and Ongoing CYIL and CYArb® Presentations.....	399
Alexander J. Bělohávek Selected Bibliography for 2013.....	404
Important Web Sites	420
Index	425

All contributions in this book are subject to academic review.

List of Abbreviations

AML	Anti-Money Laundering
BSA	Bank Secrecy Act
CAHDE	Ad hoc Committee on E-democracy
CAS	Court of Arbitration for Sport
CAT	Committee against Torture
CED	Committee on Enforced Disappearances
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CICC	Coalition for the International Criminal Court
CISG	UN Convention on Contracts for the International Sale of Goods
CMW	Committee on Migrant Workers
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
DBO	Conditions of Contract for Design, Build and Operate Projects Gold Book
ECB	European Central Bank
ECOSOC	Economic and Social Council
ECT	Energy Charter Treaty
ECtHR	European Court of Human Rights
ESM	European Stability Mechanism
EU	European Union
Europol	European Police Office
FATF	Financial Action Task Force on Money Laundering
FAU	Financial Analytical Unit of the Ministry of Finance of the Czech Republic

FBI	Federal Bureau of Investigation
FIDIC	Fédération Internationale des Ingénieurs-Conseils
FIFA	International Football Federation
FIU	Financial Intelligence Unit
FIUs	Financial Intelligence Units
FIUs	Financial Intelligence Units
ICAS	International Council of Arbitration for Sport
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICM	Inter-Committee Meetings
IFs	International Sports Federations
ILO	International Labour Organisation
INGOs	international non-governmental organizations
IOC	International Olympic Committee
MFN	most-favoured nation treatment clause
NGOs	non-governmental organizations
NHRI	national human rights institutions
NOCs	National Olympic Committees
QUANGOs	quasi non-governmental organizations
SPT	Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
TB	Treaty bodies
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
UNIDROIT	International Institute for the Unification of Private Law
UPICC	UNIDROIT Principles for International Commercial Contracts

Articles

Aslan Abashidze The Process of Strengthening the Human Rights Treaty Body System	3
Jaroslav Valerievich Antonov Legal Instruments of E-democracy for the Development of Civil Society in International Practice	19
Gabriela Augustínyová Aiste Dumbryte The Indispensable Role of Non-governmental Organizations in the Creation and Functioning of the International Criminal Court	39
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Oskar Krejčí

The European Union and NATO: Cooperation, Competition or Conjunction?

Key words:

International organisation | European Union | NATO | geopolitics | foreign and security policy | post-modern state | political realism | liberal institutionalism | constructivism

***Abstract** | The European Union is almost unanimously regarded as a new – sometimes even a post-modern – type of international organization. The concept of the post-modern state is connected with the idea of governance at several levels. One can only understand the true meaning of the European Union if it is perceived as an organic part of a few integration processes taking place in the Western world.*

But the EU is not the only Western integration organization – there is also NATO. Integration of EU and NATO was managed essentially by the same people from the very beginning. In spite of a certain organisational overlap between the Union and the Alliance, a functional division of labour is in place. The European Union, if looked at in isolation, may seem to be a new type of international organisation. Nevertheless, foreign and security policy of the Union indicates a classic role of powers and interconnections with the traditional military-political organisation. This paper discusses the nature of these two organizations and analyses whether their interaction is in the form of competition, cooperation or conjunction. Finally the issue of the impact of this interaction on the individual states is discussed.

Professor PhDr.

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I. Introduction

- 12.01.** The fundamental nature of the European Union may be presented in quite simple terms. As John Ruggie wrote, ‘the institutional, juridical, and spatial complexes associated with the community may constitute nothing less than the emergence of the first truly postmodern international political form.’¹
- 12.02.** The perception of the European Union as a qualitatively new international organisation inherently recalls the most serious debates in the theory of international politics. The axis of debate is around the concept of ‘time’ – at least since 1939 when *‘The Twenty Years’ Crisis, 1919-1939’* was published by Edward H. Carr. Carr profiled two main conceptual lines on the nature of the world politics: the ‘realistic’ line arguing that the nature of world politics does not change, and the ‘utopian’ line advocating a constantly evolving fundamental nature of the world politics, particularly thanks to the establishment of international institutions. For the realists, such as Robert Gilpin, ‘the fundamental nature of international relations has not changed over the millennia. International relations continue to be a recurring struggle for wealth and power among independent actors in a state of anarchy.’² Or as Martin Wight wrote, ‘international politics is the realm of recurrence and repetition; it is the field in which political action is most regularly necessitous.’³ For the utopians, however, nearly every single event in international politics is a proof of qualitative changes – or at least of the possibility for such changes to take place.
- 12.03.** In theory of international politics, contemporary ideas of how ‘times change’ are highly varied. For instance, the English school, liberal institutionalism and constructivism, are repeatedly juxtaposed in textbooks as the antipode of realism. Likewise, there is an increasingly common view that the European Union, as an international organisation, has overcome the traditional perception of international politics and cut itself loose from the use of power instruments, first of all military force. Historians, economists, and political sociologists emphasize that radical decisions made by several statesmen structured the form of the Union from its infancy. Václav Šmejkal, for instance, points out that

¹ John G. Ruggie, *Territoriality and Beyond: Problematizing Modernity in International Relations*, 47(1) INTERNATIONAL ORGANIZATION 140 (1993).

² ROBERT GILPIN, *WAR AND CHANGE IN WORLD POLITICS*, Cambridge, New York: Cambridge University Press 7 (1981).

³ Martin Wight, *Why is there no International Theory?* 2(35) INTERNATIONAL RELATIONS 43 (1960).

The European Union and NATO: Cooperation, Competition or Conjunction?

- 12.04.** The existing form of the European integration is the product of a unique vision of European unification and a unique historical situation. The presumed exceptionality consists in the fact that the European integration did not originate from the linear or logical continuation of the previous economic, political and ideological development, but that it has the historical anomaly of the post-war situation in Europe and the extraordinary drive with will and imagination by several individuals to thank for its genesis.⁴
- 12.05.** With this 'revolution of old structures', as Šmejkal puts it, the conversant group of politicians particularly in France and Germany sought a way to prevent the repeating of the horrors of the world wars they personally experienced. For example, amongst these politicians were Jean Monnet or Robert Schuman representing France and Konrad Adenauer representing the Federal Republic of Germany.
- 12.06.** The work initiated by the aforesaid politicians was recognized in 2012 by the Norwegian Nobel Committee, in the awarding of the Nobel Prize for Peace to the European Union. The justification for the Nobel Peace Prize being awarded states *inter alia* that, in the inter-war years, the Norwegian Nobel Peace Committee made several awards to persons who were seeking reconciliation between Germany and France. 'Since 1945, that reconciliation has become a reality', and 'today war between Germany and France is unthinkable'. But the committee even went further, saying:
- 12.07.** The Norwegian Nobel Committee wishes to focus on what it sees as the EU's most important result: the successful struggle for peace and reconciliation and for democracy and human rights. The stabilising part played by the EU has helped to transform most of Europe from a continent of war to a continent of peace.⁵
- 12.08.** When focussing our attention on the European Union (leaving aside certain links to some countries or other European integration blocks), all of the recognitions specified above can be accepted. The European Union is without question a unique international organisation. Through integration, it has reduced the number of interstate disputes. It has done this in some cases by eliminating their root causes and in other cases by transferring them into new institutions. In certain occasions, the tasks of international diplomacy were even turned into

⁴ Václav Šmejkal, *Poválečná evropská integrace jako revoluce starých struktur (Post-war European Integration as a Revolution of Old Structures)*, in GENEZE A SOUČASNOST EVROPSKÉ INTEGRACE (*Genesis and Presence of European Integration*), Prague: VŠE (University of Economics) 69 (Zdeněk Veselý ed., 2000).

⁵ *General Report on the Activities of the European Union — 2012*. Brussels: European Commission, 2013, at 9.

the subject-matter of a democratic decision-making process. Although it has not been able to eliminate all disputes between member states, it has institutionalised suitable procedures to resolve these disputes without wars.

II. The Absence of a Common EU Policy

- 12.09.** The nature and degree of integration of the European Union can be assessed as a whole, as can its function. The same is true for the different Union policies. Such an assessment will reveal that there is a significant difference between economic and political integration within the Union. This is particularly true of the institutional framework of the EU, but it also applies to the practices of EU foreign and security policies, which have numerous specificities. The outset of this policy can be traced back to the *Single European Act* (signed in 1986; ratified in 1987), which defined the scope of European political cooperation. The Maastricht *Treaty on European Union* (signed in 1992; ratified in 1993) subsequently underpinned the deepening integration with several pillars, with the Common Foreign and Security Policy becoming one of the main supports for the ‘Maastricht cathedral’. The *Treaty of Lisbon* (signed in 2007; ratified in 2009) provided for the currently applicable concept of integration in foreign and security policy, namely in Article 24 (formerly Article 11 of the *Treaty on European Union*). This Article, specifically paragraph 1 thereof, provides *inter alia* the following:
- 12.10.** The common foreign and security policy is subject to specific rules and procedures. It shall be defined and implemented by the European Council and the Council acting unanimously, except where the Treaties provide otherwise. The adoption of legislative acts shall be excluded. The common foreign and security policy shall be put into effect by the High Representative of the Union for Foreign Affairs and Security Policy and by Member States, in accordance with the Treaties. The specific role of the European Parliament and of the Commission in this area is defined by the Treaties. The Court of Justice of the European Union shall not have jurisdiction...⁶
- 12.11.** The text of the *Treaty of Lisbon* quoted above shows that the domain of foreign and security policy raises the interests of the member states

⁶ Council of The European Union (6655/08), Consolidated versions of the Treaty on European Union and the Treaty on the functioning of the European Union, at 40, available at: <http://register.consilium.europa.eu/pdf/en/08/st06/st06655.en08.pdf> (accessed on 11 September 2013).

above those of the Union as a whole. A technical manifestation of this principle is the fact that, apart from consensus, the Union does not have any other procedure to seek a common interest in the case of foreign and security policy. The decisions in the Council cannot be taken on the basis of any majority – relative, absolute or qualified. At the same time, a compromise-seeking mechanism is fully absent because the *Treaty of Lisbon* does not require an agreement between the member states in this area. Consequently, the EU foreign and security policy exists only as a frequently accidental common denominator of policies pursued by the individual member states.

- 12.12.** While the current British prime minister has commented that the actions of the Union in the field of foreign and security policy are a manifestation of commendable plurality of opinions, he is not exactly right. That disunity does not show itself in the discussions, but in different practical actions. This was clear, for instance, during the intervention in Iraq in 2003, as well as when seeking a uniform position on the Russian-Georgian war of 2008. Also the independence of Kosovo has so far been recognized by 22 out of the 27 members of the European Union. Further, in May 2013, the Union was not able to collectively extend the embargo for arms supplies to Syrian rebels and their allies. This was a signal of resignation in the face of a situation where some member states would supply these arms, while others, such as Germany, Sweden, Austria, and the Czech Republic, were in favour of extending the embargo. The European Union once again proved that when it comes to escalated international conflicts, it has no foreign policy – its activities fall apart into the often contradictory actions of the individual member states.

III. The Structure and a Common Policy

- 12.13.** This absence of unity in relation to foreign and security policy also translates, in interesting ways, into the architecture of the European Union. This becomes very clear when one compares the European Council and the Council of ministers with the Commission and the European Parliament. The former provide a forum for the presentation of the member states' independent policies, while the latter represent the element of joint policy in the Union. In decision-making, the Commission and the European Parliament apply a variously conceived principle of majority, with some elements of democracy. Compared to the European Council and the Council of Ministers, however, the Commission and the European Parliament have significantly limited powers in foreign and security policy. But the Commission has a wide

prerogative, and often makes use of it. The European Parliament focuses primarily on resolutions of recommendation and promotional relevance in foreign and security policy. The case of Kosovo as previously mentioned is an example of this practice.

- 12.14.** The European Council has not adopted any decision stipulating that the Union should jointly pursue the policy of this Serbian province becoming independent and of the subsequent recognition of the separated Kosovo. However, Javier Solana in his function as the EU High Representative for the Common Foreign and Security Policy initiated a number of secret and public activities which gradually resulted in the separation of Kosovo. A similar approach is being applied by the current EU Commissioner for Enlargement, Štefan Füle. In the negotiations on the accession of Serbia to the Union, Füle has pursued the principle of the territorial integrity of Kosovo, which has not been defined as a prerequisite at the level of the European Council or Council of Minister.
- 12.15.** By analogy, this is also the case of the *European Parliament resolution of 18 April 2013 on the European integration process of Kosovo*. In Article 8 of this *Resolution*, the European Parliament ‘reiterates that ideas of partitioning Kosovo or any other country of the West Balkan run counter to the spirit of European integration; reiterates its support for the territorial integrity of Kosovo and for commonly agreed solutions to outstanding disputes’.⁷ This principle would be very difficult to accept even if its formulation was not preceded by a violation of the UN Security Council Resolution 1244 from June 1999. This begs the question of when the ‘spirit of the European integration’ appeared, giving the Kosovars the right to establish their own state – while, at the same time, denying the same right to Serbs in Kosovo or in Bosnia and Herzegovina, for instance.
- 12.16.** However, the essential fact is that these issues are not discussed at the level of the Union bodies, which have the decision-making power pursuant to Article 24 of the *Treaty of Lisbon* – i.e. primarily at the European Council. A simple difference in the member states’ opinions blocks the decision, which in turn opens the way for autonomous actions by the member states and for arbitrariness of the Commission. At the same time, the subsequent actions of the Commission and the resolutions adopted by the European Parliament fully and systematically avoid the only foreign policy doctrine which ever was

⁷ European Parliament, *European Parliament resolution of 18 April 2013 on the European integration process of Kosovo*, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0187&language=EN&ring=B7-2013-0089> (accessed on 11 September 2013).

The European Union and NATO: Cooperation, Competition or Conjunction?

adopted by the Union – entitled *Secure Europe in a Better World* (2003). This document, in a Chapter titled *An International Order Based on Effective Multilateralism*, provides for principles to be followed by all European Union bodies:

- 12.17. In a world of global threats, global markets and global media, our security and prosperity increasingly depend on an effective multilateral system... We are committed to upholding and developing International Law. The fundamental framework for international relations is the United Nations Charter. ... We want international organisations, regimes and treaties to be effective in confronting threats to international peace and security, and must therefore be ready to act when their rules are broken.⁸

IV. Geo-functional Cooperation EU/NATO

- 12.18. With such an approach to the foreign and security policy, the European Union cannot be considered to be a universal organisation embracing all sectors. This fact is apparent in the concept of the EU Common Security and Defence Policy. The following bodies have been established under CSDP: EU Military Staff (2001), the European Defence Agency (2004), and the internet-based European Security and Defence College (2005). The very first occasion when the European Union sent its armed forces to secure peace dates back to 2003 – a mission in Macedonia. Since then, the Union has organized 34 military or security operations as of May 2013.⁹ But there are questions as to whether the aforesaid activities of the European Union do not duplicate or perhaps even contradict the work of the North Atlantic Alliance. The difficulties in defining the relationship between the European Union and NATO are particularly important in the sense that NATO and the European Union are ‘Geopolitical Burden-Sharing’ institutions, which reportedly require a ‘geo-functional’ division of roles and cooperation.¹⁰

⁸ European Council, *A Secure Europe in a Better World*. European security strategy, Brussels, 12 December 2003, at 9, available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf> (accessed on 11 September 2013).

⁹ See International Security Information Service, *europa*, CSDP Note – CSDP and EU Mission Update, May 2013, available at: http://www.isis-europe.eu/sites/default/files/publications-downloads/CSDP%20Note%20Mission%20Update%20May%202013_2.pdf (accessed on 11 September 2013).

¹⁰ PAUL CORNISH, *EU AND NATO: CO-OPERATION OR COMPETITION?* Brussels: European Parliament 7, 12 (2006), available at: http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/eunatorelations_eunatorelations_en.pdf (accessed on 11 September 2013).

- 12.19.** One of the major problems when interpreting the role and nature of the European Union concerns its separation from history. It is an undeniable truth that Robert Schuman and Konrad Adenauer were present at the origin of the Union. They were holding their state offices at the time when the treaty establishing the European Coal and Steel Community was signed (1952). In addition, Schuman was the French minister for foreign affairs at the time when France co-founded NATO (1949), just like Adenauer was the German federal chancellor when the Federal Republic of Germany was accepted to join the Alliance (1955). Schuman was a member of the government, partly as the prime minister, during the colonial war conducted by France in Indochina. Their perception of the world can by no means be considered to be utopian.
- 12.20.** The current definition of relations between the European Union and NATO is based on the *Berlin Plus* agreement of 2002 and its subsequent additions. These agreements concern a series of arrangements governing the cooperation between these organisations in the use of resources, information sharing and planning. An essential element in the design of such relationships is the accepted principle that NATO will lend its means and planning resources to the European Union only for operations where the Alliance itself decides not to intervene. Consequently, Turkey as a NATO member state was able to block the above-mentioned Union's operation EUFOR Concordia (2003) in the Republic of Macedonia for five months. The operations of the European Union in the Balkan, Iraq or Libya illustrate very aptly that the activities of the Union in military matters are designed to complement the activities of the Alliance.
- 12.21.** For statesmen like Schuman and Adenauer, the integration processes within the Union and the Alliance were complementary, mutually supportive activities. In general terms, it is possible to conclude that the EU and NATO were formed and managed essentially by the same people since the very beginning. The same is the case today. While both these international organisations may partially overlap in terms of their institutional configuration, they are mutually complementary in the political point of view. The organisational imperfection in ensuring cooperation between the EU and NATO does not mean that there is no common political interest. On contrary, it seems that even this organisational imperfection might have its functional advantages.
- 12.22.** When the North Atlantic Council as the supreme decision-making and consultative body within NATO decided to bomb Yugoslavia, and the European Council as the supreme body within the European Union decided to provide humanitarian aid for the Balkans. It is important to remember that these decisions were not adopted by abstract

institutions. Rather, they were made by specific statesmen who, in case of the Alliance and the Union, happen to be the same persons in the Western European powers. Furthermore, the symmetry or asymmetry of the relations and the importance of the particular policies are evidenced by the fact that it is easier to start a career in NATO and continue in the European Union – as was the case with the two European Commissioners mentioned above – than vice-versa. The Alliance and the Union are like twins; sometimes they even seem to be like Siamese twins.

V. Values and Socialization

- 12.23. Probably the most valuable input from the political theories of the English school, particularly from constructivism, is the idea that international institutions operating on the basis of certain values are able to translate these values into the policies of their member states and the political culture of the power elites in these countries. If this would be the case, the policies of the European Union member states could indeed experience a qualitative transformation, for instance, as a result of the adoption of the *Charter of Fundamental Rights of the European Union* (initially 2000; in force only together with the *Treaty of Lisbon*).
- 12.24. The Alliance's documents currently in force seem to imply its commitment to the idea of human rights. However, the actual function of NATO is to provide collective military defence. Its original understanding is embodied in Article 5 of the *North Atlantic Treaty* (1949):
- 12.25. [T]he Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.
- 12.26. Pursuant to Article 6, the Alliance's area of defence interests consists of the territory of the Parties (initially including the so-called Algerian Departments of France), the territory under their jurisdiction and their armed forces and occupation forces in the Mediterranean Sea and in the Euro-Atlantic area north of the Tropic of Cancer.¹¹

¹¹ NATO, The North Atlantic Treaty, available at: http://www.nato.int/cps/en/natolive/official_texts_17120.htm (accessed on 11 September 2013).

- 12.27.** The original interpretation of the purpose and aim of NATO corresponded to the containment (Georg Kennan) or rollback (James Burnham) of communism. Following the dissolution of the Soviet Union at the end of the Cold War, the Alliance began to seek a new concept as its reason for being. The nature of NATO's transformation was probably most aptly expressed in *The Alliance's Strategic Concept* (1999)¹². In several places, this document emphasizes the determination to conduct non-Article 5 crisis response operations in the Euro-Atlantic area, while the Euro-Atlantic area is no longer spatially concretized. While the new strategy on *Active Engagement, Modern Defence* (2010) as written pays deference to the idea of its return to the principles of international law¹³, the bombing in Libya (2011) took place only after its adoption.
- 12.28.** The NATO-centric understanding of global security is apparent from a number of both public and off-the-record statements of some Alliance officers as well as from the practical steps taken by the Brussels headquarters. Their understanding is by far closer to the concept of the clash of civilizations (coined by Samuel Huntington) than to the ideals of human rights and democracy. These were the same ideals mentioned by the Norwegian Committee when awarding the Nobel Prize to the Union. This is also confirmed by the military actions carried out by NATO or its member countries, as well as by some member states of the European Union, such as those in Yugoslavia (1999), Iraq (2002), Libya (2011) and Syria (2011-to date). These actions cast doubt upon – or at least significantly modify – the idea that the role of countries as military units has shifted in the course of increasing economic interdependence. Rosecrance's vision that, in the current international system, the 'trading state' becomes dominant at the expense of the 'military state'¹⁴ needs to be transformed into the concept of possible control over a territory through a local elite selected by force and through transnational monopolies.

¹² See NATO: The Alliance's Strategic Concept, available at: http://www.nato.int/cps/en/natolive/official_texts_27433.htm (accessed on 11 September 2013).

¹³ See NATO: Active Engagement, Modern Defence, available at: http://www.nato.int/cps/en/natolive/official_texts_68580.htm (accessed on 11 September 2013).

For a more detailed comparison of the European Union and NATO strategies, see *Doktríny mocností a nejdůležitějších aliancí na počátku 21. století (Doctrines of power and the most important alliances at the beginning of the 21st century)*, Conference publication, VYSOKÁ ŠKOLA MEZINÁRODNÍCH A VEŘEJNÝCH VZTAHŮ PRAHA, Prague: Professional Publishing (2011).

¹⁴ See RICHARD ROSECRANCE, *THE RISE OF THE TRADING STATE: COMMERCE AND CONQUEST IN THE MODERN WORLD*, New York: Basic Books (1986).

The European Union and NATO: Cooperation, Competition or Conjunction?

- 12.29.** Therefore, at first sight, Samuel Huntington and his vision of the clash of civilizations offers a better explanation for the current shape of Western integration than that articulated by the Norwegian Nobel Peace Prize Committee. However, the perception of the EU/NATO conjunction as a 'Fort West' protecting the Euro-Atlantic civilization based on Judeo-Christian values is only one of the possible options for how the division of humankind into civilization spheres can be perceived. In his essay *On Peaceful Unity of Faith (De pace fidei; 1453)*, Cardinal Nicholas of Kues, a renaissance philosopher, described the conclusion of the imaginary dispute among the representatives of various Churches as information to God. According to the wise men participating in the discussions, 'to various nations you sent various prophets and teachers – some at one time, others at another. But the earthly human condition has this characteristic: viz., that longstanding custom, which is regarded as having passed over into nature, is defended as the truth.' However, the discussion has proved that 'in the loftiest domain of reason a harmony among the religions was reached, in the aforeshown manner.' And the King of kings commanded that the wise men return to their nations in the name of the Creator of all, who 'may be praised in peace'.¹⁵ This is how the European humanism was born, leading towards the enlightenment rationalism which gave birth to the idea of human rights. However, this approach is fundamentally different from the social Darwinist geopolitics forming the foundations for the Huntington's understanding of the clash of civilizations.
- 12.30.** This raises the question of whether the security-related values of the European Union and of NATO should be seen as contradictory or complementary. In any case, there is an apparent difference between cooperation-based summits between the Union and Russia and China, and NATO's transformation towards the geostrategic visions of the clash of civilizations, which are associated with permanently high military expenditures and encirclement of the core of the Euro-Asian 'Grand Chessboard'.
- 12.31.** From the point of view of comparing the Union and Alliance policies, it is not relevant which of these values are ethical or whether or not the policies are efficient; the essential aspect is that they are different. They are indeed different although they are – in most cases – pursued and followed by the same countries and the same politicians. This is the case, *inter alia*, because of the existence of the double security concept: security as a social guarantee for citizens versus military and physical

¹⁵ JASPER HOPKINS, NICHOLAS OF CUSA'S DE PACE FIDEI AND CRIBRATIO ALKORANI. TRANSLATION AND ANALYSIS, Minneapolis: A.J. Banning Press 634, 669-670 (1994).

security of the country. This also corresponds to the functioning of the state as such:

- 12.32.** 1) The ministries in charge of trade and the business elites think relatively pragmatically. They do so based on the current calculations of economic efficiency, which they use to adapt their global policy for all azimuths. However, every trade topic can be securitized or de-securitized, or prioritized to a vitally important and, thus, existential state interest. As Jana Lasicová and Jaroslav Ušiak put it, this happens ‘according to the countries’ own preferences, which do not necessarily have to be equally acceptable for all members and non-members’ of an organisation, from the point of view of both security and ethics.¹⁶ This reality has become very clear in the recent years, particularly in the energy sector.
- 12.33.** 2) The ministry of defence and the military elites think on a ‘regional basis’ with relatively constant front lines defined by geopolitics. The ‘regional basis’ in this concept has a broad scale. It ranges from global and space perception of security in the case of superpowers such as the U.S., to a full loss of the understanding of territoriality itself as is the case with small countries. In small countries like the Czech Republic, the army has been reduced below the level traditionally required for national defence. Small countries subordinate their security to the Alliance understanding and actions. Their assistance in NATO’s foreign missions is only of a minor military importance; it is primarily intended as a diplomatic expression of support for the allied powers.

VI. False Promise and Future

- 12.34.** The concept of the post-modern state is connected with idea of multi-level governance, existing at supra-national, governmental and sub-national levels.¹⁷ But the findings in this article can lead to the conclusion that the integration of the European countries within the European Union has not penetrated into the core of sovereignty of the different national states, into the ‘high politics’ – their foreign, security and defence policies. This raises the most significant of all questions: Can the type of integration represented by the Union in its ideal form exist without NATO in the current world? The realist school, having

¹⁶ See JANA LASICOVÁ & JAROSLAV UŠIAK, BEZPEČNOST AKO KATEGÓRIA (*Security as a Category*), Bratislava: Veda 192 (2012).

¹⁷ See e.g. GEORG SØRENSEN, CHANGES IN STATEHOOD. THE TRANSFORMATION OF INTERNATIONAL RELATIONS, New York: Palgrave (2001).

The European Union and NATO: Cooperation, Competition or Conjunction?

Edward Carr as one of its founding fathers, dramatizes this question even further.¹⁸ It claims that:

- International organisations are established to ensure the ‘small policy’.
- International organisations are established as an expression of interest by the powers. In other words, they exist as long as they suit the needs of these powers.

12.35. Essential tasks of foreign and security policy of large powers are not dealt with even at the level of institutions such as NATO: nuclear weapons remain under the sole command of the states having them in their possession, rather than under joint command of the Alliance. Individual members continue to station troops in member countries such as the U.S. troops in Germany. In crucial situations, the functioning of the Alliance is beyond democratic control. Recently, the Czech Republic was requested by NATO to give its consent to the bombing in Libya, but consent was not put to the public or the parliament for deliberation. It is actually not fully clear whom the question was directed to. Was it the prime minister, the government as a whole, or a minister? The prime minister did not give an answer even after the interpellation in the Parliament of the Czech Republic to find out who gave the consent. Given that the bombing was preceded by a publicly declared disapproval with the use of force from the minister of foreign affairs, one can only assume that the small country subordinated itself to the interests of the allied powers.

12.36. Also in the European Union, the ideals of peace and democracy are practically applied mainly inwards within the organisation. Any search for an agreement to solve major problems, such as the Euro crisis, requires an agreement between Germany and France first. A general consensus is only sought on the basis of their agreement. This approach shows a hidden bilateralism policy. The geopolitical axis of the European Union going from Berlin to Paris was also demonstrated in 2013 when looking for a solution for the debt crisis in Cyprus. It is worth noting that the final decision to impose a levy on high deposits, which was adopted by the Council of Ministers, was accompanied by an announcement that the decision does not need to be approved by the Cypriot parliament. If such a decision would be imposed on Germany or France, certainly there would be someone to remind us that the beginning of European parliamentarianism was the result of the nobility’s fight for the right to express opinions on tax issues. But the

¹⁸ See Arthur A. Stein, *Neoliberal Institutionalism*, in OXFORD HANDBOOK OF INTERNATIONAL RELATIONS, Oxford, New York: Oxford University Press 206 (Ch. Reus-Smit and D. Snidal eds., 2008).

position of Germany and France are tolerated because their exit would have catastrophic consequences for the Union.

12.37. In this respect, even the European Union is not built on the principles of justice or solidarity, but on the traditional principle of relative advantages for the member states. Integration in foreign and security policy constitutes only a 'false promise', as John Mearsheimer puts it.¹⁹ Autonomy in international organisations is truly becoming more relevant than sovereignty (Robert O. Keohane), but only for small countries. The Czech Republic can be used as an example of the 'socialisation' of a small country within an international organisation, i.e. of the use of templates offered to choose a policy. This process does not take place through the learning of elites, or at least not only through such learning. This is to say nothing of the learning of the public. In the situation of increasing interdependence, the countries in transition seem to shift from the position of semi-periphery to the position of regional periphery within the Alliance and the Union. At the same time, jointly shared assets become so important in the organisation that they are able to suppress sovereign foreign policy. The 'socialisation' of small countries takes place in circumstances where the internal arrangements of the respective organisations are determined not only by the nature of the formal agreements, but also by the informal structure of the organisation developed based on the power potential ratios between the member states.

12.38. However, the historic processes in the European Union and Alliance are not yet over. It is not necessary to jump to 'realistic' scepticism—that nothing will ever change. If for no other reason than that 'the characteristic vice of the utopian is naivety; of the realist, sterility', to use the words of Edward Carr. To conclude with another quote from Carr: 'all healthy human action, and therefore all healthy thought, must establish a balance between utopia and reality, between free will and determinism'.²⁰

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Summaries

FRA [*L'Union Européenne et l'OTAN: Collaboration, rivalité ou unité ?*]
Presque tout le monde s'accorde à considérer l'Union européenne comme un nouveau type d'organisation internationale – parfois

¹⁹ John J. Mearsheimer, *The False Promise of International Institutions*, 19(3) INTERNATIONAL SECURITY 5 (Winter 1994/1995).

²⁰ EDWARD HALLETT CARR, *THE TWENTY YEARS' CRISIS, 1919-1939. AN INTRODUCTION TO THE STUDY OF INTERNATIONAL RELATIONS*, New York: Perennial 11–12 (2001).

carrément désignée comme postmoderne. On associe le concept d'état postmoderne à l'idée d'une gouvernance à plusieurs niveaux. Pour comprendre cependant entièrement le sens de l'Union européenne, il faut la percevoir comme une partie organique d'un certain nombre de processus d'intégration en cours dans le monde occidental.

L'UE n'est pas la seule organisation d'intégration européenne – il ne faut pas oublier l'OTAN. Ce sont essentiellement les mêmes qui sont depuis l'origine derrière l'intégration dans l'UE et dans l'OTAN. Bien que les fonctions de l'UE et celles de l'OTAN se recouvrent dans certains cas, on peut parler d'une relative division du travail. Si l'on observe l'Union européenne isolément, on peut la concevoir comme un nouveau type d'organisation internationale. En tous les cas, c'est à la fois le rôle classique de grande puissance de l'Union européenne et sa relation avec une organisation politico-militaire comme l'OTAN qui caractérisent sa politique étrangère et de sécurité. On examine dans le présent article l'essence de ces deux organisations et on se demande lesquelles de leurs interactions correspondent à des collaborations, des rivalités ou des formes d'union. La question de l'impact de ces différentes interactions sur les États membres de ces organisations est abordée en conclusion.

CZE [Evropská unie a NATO: spolupráce, konkurence, nebo jednota?]

Evropská unie je téměř jednoznačně chápána jako nový – někdy přímo postmoderní – typ mezinárodní organizace. Pojem postmoderního státu je spojen s ideou vládnutí na více úrovních. Porozumět ale významu Evropské unie lze jen tehdy, je-li vnímána jako organická část několika integračních procesů probíhajících na Západě.

EU není jedinou západní integrační organizací – je zde též NATO.

Integrace EU a NATO byla od počátku řízena v zásadě stejnými lidmi. Přestože existuje určité organizační překrývání mezi Unií a Aliancí, je zde funkční dělba práce. Když je Evropská unie nahlížena izolovaně, může být vnímána jako nový typ mezinárodní organizace. Nicméně zahraniční a bezpečnostní politika Unie naznačuje klasickou roli mocností a propojení s tradiční vojensko-politickou organizací. Tato stať pojednává

o podstatě těchto dvou organizací a rozebírá, které jejich interakce mají podobu konkurence, spolupráce nebo jednoty. V závěru je diskutována otázka, jaký vliv mají tyto interakce na jednotlivé státy.

- POL** [*Unia Europejska i NATO: Współpraca, konkurencja czy jedność?*]
Rzeczywiste znaczenie UE i NATO można zrozumieć jedynie wówczas, kiedy wyobrazimy je sobie jako żywe organizmy, będące częścią procesów integracyjnych w zachodnim świecie. Ponieważ organizacyjnie UE i NATO w pewnych kwestiach pokrywają się, stwarza to dobre warunki do ich współpracy w pewnych obszarach. Patrząc na Unię Europejską odrębnie od pozostałych ugrupowań, należy uznać ją za nowy typ organizacji międzynarodowej; z drugiej strony, jej polityka międzynarodowa i polityka bezpieczeństwa sugeruje klasyczną mocarstwową rolę UE i powiązania z tradycyjnymi organizacjami wojskowo-politycznymi.
- DEU** [*Die Europäische Union und die NATO: Zusammenarbeit, Konkurrenz oder Einheit?*]
Die wahre Bedeutung von EU und NATO lässt sich nur erfassen, wenn wir sie als lebende Organismen und als Bestandteil der in der westlichen Welt stattgefundenen und stattfindenden Integrationsprozesse begreifen. Im Hinblick auf gewisse organisatorische Überlappungen zwischen EU und NATO ist in einigen Bereichen Raum für eine Zusammenarbeit zwischen den beiden gegeben. Die Europäische Union, gesondert von anderen Gruppierungen betrachtet, darf als neuer Typ einer internationalen Organisation betrachtet werden; auf der anderen Seite verweist ihre internationale Politik und Sicherheitspolitik auf die klassische Machtrolle der EU und ihre Verflechtung mit traditionellen militärisch-politischen Organisationen.
- RUS** [*Европейский Союз и НАТО: сотрудничество, конкуренция или единство?*]
Реальное значение ЕС и НАТО можно понять, представив их как живые организмы и как составную часть процесса интеграции в западном мире. Учитывая, что некоторые функции ЕС и НАТО перекрываются, существуют определенные возможности для их сотрудничества в некоторых областях. Если рассматривать Европейский Союз отдельно от других групп, то его можно считать международной организацией нового типа. С другой стороны, международная политика и политика в области безопасности подразумевает классическую роль ЕС и связь с традиционными военно-политическими организациями.

ESP [¿*La Unión Europea y la OTAN: cooperación, competencia o unidad?*]

La verdadera importancia de la UE y la OTAN puede ser entendida si las vemos como organismos vivos y como parte de los procesos de integración en el mundo occidental. Considerando algunos solapamientos de índole organizacional entre la UE y la OTAN, es evidente que en algunas áreas existe espacio para la cooperación mutua. Si miramos la Unión Europea fuera del contexto de otras agrupaciones, podemos observar un nuevo tipo de organización internacional; por otro lado, su política internacional y de seguridad dejan entrever el papel de poder tradicional de la UE y su interconexión con las organizaciones político-militares tradicionales.

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