

# Beata Maruszewska-Bieniek

---

"Europejska polityka bezpieczeństwa i obrony : aspekty polityczne i prawne", Jacek Barcik, Bydgoszcz-Katowice 2008 : [recenzja]

---

Silesian Journal of Legal Studies 1, 123-125

---

2009

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej [bazhum.muzhp.pl](http://bazhum.muzhp.pl), gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

**JACEK BARCIK:**  
**EUROPEJSKA POLITYKA BEZPIECZEŃSTWA  
I OBRONY. ASPEKTY POLITYCZNE I PRAWNE.**  
**[EUROPEAN SECURITY AND DEFENSE POLICY.  
LEGAL AND POLITICAL ASPECTS].**  
**Wydawnictwo Oficyna Branta 2008,**  
**Bydgoszcz–Katowice, pages 484**

Security is “a dynamic social process which each historic epoch completes with its specific contents” – this one and many other definitions included in the monograph by Jacek Barcik familiarizes us with issues which play a fundamental role for the existence of both individuals and societies. Peace and security are concepts with very wide meaning ranges and they may be considered from at least legal, political and social points of view. In the introduction, on the basis of the very title, we find out that the author included the two former of the mentioned aspects in his considerations – legal and political ones.

The monograph shows the institutional mechanism of Common European Security and Defence Policy, it presents the most important initiatives of the European Union undertaken within the second pillar, agreements concluded between partners and their functioning in practice. The considerations included in the monograph are based on vast resources including acts of primary and secondary law and other documents, materials collected from websites, 350 non-serial publications – national and foreign ones and numerous articles.

The monograph is addressed to a wide group of recipients. Lawyers who want to acquaint themselves with the development and mechanisms of functioning of the Common European Security and Defence Policy (CESDP) will be certainly interested in the publishing because of the scope of knowledge and information systematized with mathematical precision, by which I understand consequent introduction of successive concepts beginning from their historical genesis, through theoretical arguments and definitions showing the concept in many aspects, to numerous examples from practice of international relationships and jurisdiction. The extensive explanation of the mechanisms from which the European policy in the discussed scope is derived, will be interesting not only for lawyers but also representatives of other scientific fields such as history and political sciences. Despite the complexity and the number of details of the discussed problems, the accessible language, clear method of work and exhaustive analysis of the considered issue give it a value of a handbook.

The monograph consists of an introduction and nine content-related chapters.

The introduction tells us that “the aim of the work is to present the development and the mechanisms of functioning of CESDP, a new and prospective component of Common Foreign and Security Policy of the EU. The first chapter deals with the explanation of concepts: security, security policy, defence, defence policy, Common

Foreign and Security Policy (CFSP), Common Foreign and Defence Policy, European Security and Defence Identity (ESDI) with consideration of their legal aspect, the theory of international relationships, mutual relations and European Communities and the Third Pillar of the European Union. The author also explains the concept of “European security complex” and European law of peace and security.

The third chapter “Genesis and Development of the Common European Security and Defence Policy” includes the periodification of the history of European integration in the field of security and defence divided into six periods including the following years: 1946–1959; 1986–1992; 1993–1997; 1998–2006 which are completed by considerations over the proclamation of European Security Strategy, Battle Groups and approved on the Peak in Brussels “Ultimate Target 2010”, which assumes the creation of operational centre for the needs of specific missions, establishing the European Defence Agency and achieving full operational capacity of the Battle Groups.

In the face of signing Lisbon Treaty on 13 th December 2007 the considerations included in chapter 3 concerning the Constitutional Treaty gained historic values, however, it is worth remembering that – as the author emphasizes – Common European Security and Defence Policy is “a hyper-intergovernmental kernel” of the member states’ policy in the Second Pillar of the EU. Although the Constitutional Treaty was rejected, and after a few years replaced by a new project, which for the time being is Lisbon Treaty, the political discussion which accompanied the creation of the CESDP image at the stage of signing the Constitutional Treaty, will influence the further development of the European Union in this field.

Axiology and praxeology of CESDP – which is the title of the fourth chapter of the monograph, where the author familiarizes us with the principles and targets of the EU taking into account those which rule CFSP, among which the author rates the principle of respecting UNO rules, the principle of recognizing NATO as a warrant of its members’ common defence and the principle of respecting the EC competences. CESDP’s own targets were defined on the basis of analysis of the European Council’s documentation from summits in Cologne and Helsinki and they are the following: construction of autonomic military and civil capacities which are related to: creating ability to undertake the Petersburg Missions, strengthening the role of the EU in international relationships, restructuring arms industries of the member states.

What executive apparatus? What institutional structures serve to reach the targets established by CFSP/ CESDP? The answer to these questions can be found in chapter five, which is opened by an interesting argument on the very concept of “institutional structures” and reasons which decided on separation from uniform institutional frames of the EU the structures typical for CFSP and CESDP. In further considerations the author explains the role of the European Council, the remaining bodies of the EU, which in the second pillar act on borrowing basis, emphasizing their role in creating CESDP and own bodies of CFSP and CESDP, which he divides into permanent bodies: Political and Security Committee, Military Committee, Military Staff, Committee competent for civil aspects of crisis management and two agendas adopted by the EU from the West European Union: the Satellite Centre and the Centre for Security Studies.

In chapter six of the monograph we can find a description of numerous missions and operations undertaken to realize the CESDP targets based on resources and documents. The author divided them into capacity building missions, military

missions, rule of law missions, monitoring missions. He also presented the development of military capacity and civil capacity and the participation of CESDP in the arms industry, preventing the spread of weapons of mass destruction and in combating terrorism.

Legal aspects of implementation of CESDP in member states of the EU were presented in chapter seven from the point of view of constitutional conditions of the EU member states within the possibilities of implementing CESDP and methods of coordinating the cooperation in the scope of CFSP and CESDP. In constitutional – legal considerations the author included different “constitutional identity” of the member states, he also realized problems resulting from neutrality of Austria. The process of elaborating positions and performing parliamentary control in the field of the second pillar of the EU was presented on the example of eight EU member states, the selection of which was not accidental and it takes into account permanently neutral states, states traditionally conducting the policy of neutrality and the Kingdom of Denmark as a state with specific status excluded from the duty to cooperate in the field of CFSP.

The relations between the EU and the North Atlantic Treaty Organization (NATO) are the subject of considerations included in chapter eight. The special attention should be drawn to the characteristics of principles on which the relations between the mentioned subjects and the clear division of roles between the parties of transatlantic dialogue are based.

In chapter nine Polish position on CESDP is presented during the period before the accession as well as after the accession to the European Union, taking into account the latest regulations – National Security Strategy of the Republic of Poland of 5<sup>th</sup> November 2007.

Finally, CESDP in tables, clear, legible and considerably facilitating the systematization of knowledge gathered in this vast monograph.

*Beata Maruszewska-Bieniek*