

AUSTRIAN INSTITUTE FOR EUROPEAN SECURITY POLICY

**The European Union and NATO facing the challenge of
the 21st century**

Introduction

The Treaty of Maastricht gave the European Foreign and Security Policy a new dimension. The Common Foreign and Security Policy (CFSP) of the European Union was defined as a broad and comprehensive policy, including the framing of a common defence policy and defence. Already at the Hague Platform in 1987 EEC members had stated that a fully fledged European Union will be incomplete without a security dimension. When the Maastricht Treaty was negotiated the security context in Europe had changed dramatically. The Iron Curtain between western and eastern Europe had come down. Germany was reuniting. Yugoslavia was going to war. Europeans were becoming more and more aware that they would have to assume a larger responsibility for the security and stability in the new Europe which was taking shape. In former Yugoslavia Europeans learnt the bitter lesson, that economic and political power alone does not work when the other side is willing to use force. Effective diplomacy therefore needs to be backed up by credible military means.

In Amsterdam the Fifteen agreed that a common European Defence Policy will be framed step by step and that the Petersberg Tasks of crises management are to become tasks of the European Union. The new European policy of Great Britain and the decisions of the NATO Summit in Washington have opened the way to the important decisions of the European Councils of Cologne, Helsinki and Nice. The European Union has started to develop a genuine common European Security and Defence Policy (ESDP). The building of effective military capabilities has been the main concern of this policy. In the past two years the EU has achieved more in the area of ESDP as in the fifty years before. The Union is on the way to become a Security and Defence Union.

Also NATO has undergone a tremendous process of transformation. NATO is committed to a broad approach to security. While collective defence remains the central task of the Alliance, NATO has also become a central actor within the Euro-Atlantic area for co-operative security policy. Partnership, co-operation and dialogue are today essential instruments to promote security and stability. NATO also continues to be the bed-rock of the transatlantic link and the guarantor for continuing US engagement in Europe. NATO has taken in new members and is continuing to enlarge. NATO has assumed new missions and is started to be engaged in military crisis management. Command and force structures have been adjusted to the new security context and the new security challenges. NATO presents itself today as a new and transformed security and defence organisation, an organisation which is militarily effective and credible and continues to have a central role as anchor for the security and stability of Europe and the Euro-Atlantic area.

At the beginning of the 21st century the main challenge for the EU and NATO is to build a strong new frame-work of EU-NATO co-operation on the basis of shared values, equality and in a spirit of partnership.

The paper's attempt is to inform and analyse developments, which have taken place within the EU and NATO and draw also conclusions for the necessary future co-operation between these two organisations.

I. The development of the Common Foreign and Security Policy (CFSP) and a common European Security and Defence policy (ESDP) of the European Union: from Maastricht to Nice and beyond

The European Union, a political union

The European Union is more than an economic union. The Union is above all a political project. When the Community- building process started in the 1950s the Founding Fathers main goal was to overcome traditional national policies of the European nation-states and to create a new European political framework based on common rules of law, common procedures and institutions and an independent European judicial control assuring that in future the rule of law should govern relations among member states. The Community is above all a Community of peace. The economic integration process was not only seen as a means to create in Europe a zone of economic welfare and strength but a means to create a stable order of peace. Schuman said „ Building Europe is building peace”. The political finality of the Communities was already laid down in the Rome Treaties. The European Communities and the present European Union are therefore from their creation onward :

- a community of values,
- a community of solidarity, a solidarity which is essential for the functioning of the Union,
- a community of peace, which has made armed conflict among EU-members unthinkable and allowed to overcome century old national rivalries among European states.

The building of the European Union has been a success story since the process of European integration started. It has been so far the most successful political project of modern European history. It created the largest and most successful zone of peace and prosperity on the continent. The integration process brought not only welfare to the peoples of Europe but also peace: Peace through integration.

The European Union has become the first economic power of the world and a major global political player. Today the European Union has to assume not only European but also global responsibilities. The Union which is also a union of destiny must enhance the security of the Union and its members as well as protect and foster its own interests and that of its members.

The development of the common external action until the Treaty of Maastricht

The Rome Treaty transferred a number of competencies in the economic and trade area to the European Economic Community which became community matters under the responsibility of the Community institutions. The treaty gave the European Commission the task to implement a Common Foreign Trade policy. The external action of the Communities was therefore at the beginning mainly external economic policy. These policies were implemented successfully creating a network of international trade and co-operation agreements, association treaties and agreements on development co-operation. The Economic Communities thus became a major actor in international economic affairs.

Although the treaties did not include any provisions for co-operation in political foreign affairs member-states started in the late 1960s to co-operate in this area in pragmatic way, exchanging information and consulting each other on an increasing number of issues. The co-operation in political international affairs among members of the European Community developed therefore gradually over many years. It was subject of several political European initiatives.¹

In 1961 and 1962 France presented the "Fouchet Plan" and proposed a "Treaty on the Union of States", which was to lead to a unified foreign policy, the strengthening of Member States' security from any aggression and the co-ordination of defence policies. In the long term the Treaty on the Union of States was to encompass the European Communities. The French initiative was rejected by its partners for two main reasons: the desire to preserve the European Communities from a form of co-operation deemed excessively inter-State and the desire to preserve the defence link with the United States and NATO.²

At the Hague Summit in 1969 the Six reaffirmed the need to unify Europe politically. In 1970 the "Davignon" Report was adopted which marked the beginning of European Political Co-operation (EPC). The co-operation related exclusively to foreign policy. The Six agreed to inform and consult each other on major international policy problems with the purpose to strengthen Member States' solidarity through regular meetings between diplomatic services. In 1973 the Member States decided to step up the rate of meetings, to seek common approaches and to implement a concerted diplomacy. The Commission was associated to the consultation process in order to ensure a more coherent external action. Ten years later, in Stuttgart, a new step was taken: the political and economic (not military) aspects of security were included in the scope of EPC.³ In 1979 the EEC decided an economic embargo as a reaction to the Soviet intervention in Afghanistan. Embargo measures were also taken in the Falkland war.

From 1970 to 1986 the EPC was the result of a pragmatic, intensive and informal intergovernmental consultation process among member states without creating permanent structures. The EEC countries co-ordinated their policies on international issues and worked out common positions in international organisations and at international conferences. The political co-operation of the EEC countries proved very successful at the CSCE conferences in Geneva and Helsinki. The EEC became the key actor of the conference and contributed decisively to the outcome of the CSCE. Political co-operation became more and more a central element of the foreign policy of member states. The EEC also acquired a distinct identity in the world.

It took until the Single European Act in 1986, which reformed the European Communities and made provision for the establishment of a single common market until 1992, to create also a legal basis for the European foreign policy co-operation. An "EPC" Secretariat and the network of European correspondence linking the Foreign Ministries of member-states were

¹ See Heinrich Schneider, *Die Gemeinsame Außen- und Sicherheitspolitik der Europäischen Union*, Österreichs Jahrbuch für internationale Sicherheitspolitik 1997, Styria, p. 19ff. Heinrich Schneider's contribution describes the development from EPC to CFSP

² See Elfriede Regelsberger, Philippe de Shoutheete de Tervant and Wolfgang Wessels, *From EPC to CFSP: Does Maastricht Push the EU Toward a Role as a Global Power?*, in: Elfriede Regelsberger, Philippe de Shoutheete de Tervant and Wolfgang Wessels, ed., *Foreign Policy of The European Union. From EPC to CFSP and Beyond*, Boulder 1997, p. 5

³ See Simon Nattall, *Two Decades of EPC performance*, in Regelsberger, de Tervant and Wessels, *Foreign policy of the European Union*, p. 21

finally established.⁴ But the Single Act did not establish yet a "common foreign policy". External action of the EEC remained a harmonised and co-ordinated policy of member-states outside the institutional framework of the Communities.

The Treaty on the European Union (Maastricht)

The Treaty on the European Union (TEU) signed at Maastricht on February 2, 1992 established the European Union and the three pillar-structure of the Union: the first pillar of the European Community, the second pillar of the Common Foreign and Security Policy and the third pillar for co-operation in justice and home affairs. The Treaty created for all three pillars a unified institutional framework under the responsibility of the European Council and Council. Nevertheless the decisions making processes are very different for matters which are Community matters and for matters of the CSFP and also for matters subject of the co-operation in the area of Justice and Home Affairs.

Maastricht paved the way for the European foreign and security policy to acquire a new dimension. The TEU created the legal basis for the Common Foreign and Security Policy (CFSP) of the Union and established a new framework for the external action of the union and its members⁵:

1. The TEU defined the CFSP as a broad and comprehensive foreign and security policy, including the eventual framing of a common defence policy, which might in time lead to a common defence.
2. The CFSP became an undertaking of the Union and its members with the task to realise the objectives defined in the TEU and to enhance and protect common interests.
3. The TEU establishes the European Union as distinct identity on the international level.
4. The TEU engages member-states to support the external and security policy of the Union in a spirit of loyalty and mutual solidarity.

The provisions of Maastricht on CFSP

Title V of the TEU of Maastricht contains the provisions on a Common Foreign and Security Policy .

Establishment of CFSP and objectives: (Article J and J.1)

A common foreign and security policy is established . The Union and its Member States shall define and implement a common foreign security policy, covering all areas of foreign and security policy .

The objectives of the common foreign and security policy shall be:

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its Member States in all ways;
- to preserve peace and security in accordance with the principles of the UN Charter as well as a principles of the Helsinki Final Act and the objectives of the Paris Charter;
- to promote international co-operation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms .

Solidarity clause (J.1.4):

⁴ Single European Act, Art. 30

⁵ EU document, Treaty of Maastricht, Title V

Member States shall support the Union' external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. They shall refrain from any action which is contrary to the interests of the Union and likely to impair its effectiveness as a cohesive force in international relations. The Council shall ensure that these principles are complied with.

Mechanism of co-operation and instruments of CSFP (Articles J.1.3, J. 2 and J.3)

A systematic co-operation between Member States in the conduct of policy is established. Within the Council information and consultation will take place on any matter of foreign and security policy of general interest in order to ensure that their combined influence is exerted effectively by means of concerted and convergent action. Member States co-ordinate their actions in international organisations and at international conferences. They shall uphold the common positions in such forums. The Commission and each Member state has the right of initiative in the area of CFSP.

New instruments of CFSP

1. Common positions to be defined by the Council; Member States shall ensure that their national policies conform to the common positions.
2. Joint actions in the areas in which the Member States have important interests in common. A joint action is decided by the Council on the basis of general guidelines of the European Council. When adopting and defining a joint action the Council defines also those matters on which decisions are to be taken by qualified majority. Joint actions commit Member States in the position they adopt and in the conduct of their activity.⁶

Presidency:

The Presidency represents the Union in the area of CFSP. The Presidency is also responsible for the implementation of common actions.

The new Security and Defence Dimension (Article J 4)

The TEU stipulates that the common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.

The WEU, which is defined as an integral part of the development of the Union is given the task to elaborate and implement decisions and actions of the Union which have defence implications. Issues having defence implications are not subject of the procedures for joint actions.

The CSFP does not affect the specific nature of the security and defence policies of certain members, just as it respects undertakings under the North Atlantic Treaty.

Article J.4. is subject of a review at the Intergovernmental Conference of 1996.

⁶ EU document, Treaty of Maastricht, Title V, Art. J2 and J3

Annexed to the TEU are 2 important WEU Declarations of December 10, 1991, which were an essential part of the Maastricht agreements. The First WEU Declaration defines the relations between WEU and the EU and WEU and NATO. It also defines measures for the operational development of WEU. The Second Declaration invites EU member countries, which are not yet members of WEU to become members of WEU or observers if they so wish. (see also Annex II, WEU- the operational and military arm of the EU)

The organisational framework of CSFP

The external political action of the Union in the framework of CFSP is organised in the form of an intergovernmental co-operation in the second pillar. The CFSP is planned, decided and implemented under the responsibility of the Council. The Commission is fully associated to the work concerning CFSP.

In shaping the CSFP the following bodies are involved:

The European Council:

The European Council is formed by the Heads of State or Government of the Fifteen and the President of the European Commission. Foreign Affairs Ministers and the European Commissioner responsible for external relations participate at its meetings, which are chaired by the Member State holding the Presidency.

The European Council lends regularity to the political life and development of the European Union by meeting at least twice a year (usually in June and December). It is the highest authority in the area of Common Foreign and Security Policy, determines the policy's principles and general guidelines, decides on a common action and takes all major policy decisions.⁷

The General Affairs Council:

The Council of the European Union is composed of ministerial representatives of each Member State. CFSP matters are dealt with by Foreign Affairs Ministers in the General Affairs Council. The Council takes the necessary decisions concerning the formulation and implementation of the CFSP on the basis of general guidelines laid down by the European Council. The Council is responsible for ensuring that the Union's action is coherent, consistent and effective. During each presidency the Foreign Ministers have an informal meeting (Gymnich meetings) for informal discussion of major foreign policy issues, often preparing important policy decisions.

The COREPER:

The proceedings of the General Affairs Council are prepared by the Permanent Representatives Committee (COREPER). The Permanent Representatives (Ambassadors) act in this area in the same way as for the other Community policies.

The Political Committee:

This permanent committee of Political Directors monitors the international situation, contributes to the formulation of policies by giving the Council opinions, either at the latter's request or on its own initiative, and also oversees the implementation of the

⁷ See Thomas Grunert, *The Association of the European Parliament: No longer the Underdog in EPC*, in Regelsberger, de Tervant and Wessels, *Foreign policy of the European Union*, p. 111

policies that are agreed. It oversees the work of working groups and serves as a central forum for political consultations.

Working groups:

30 CFSP Working Groups have been established as intergovernmental bodies either for specific foreign policy issues f. i. policy planning, security, UN matters, proliferation issues etc. or as working groups having the responsibility for geographic areas f. i. Central Europe, Russia and CIS countries, Latin America, Middle East, North Africa etc. 12 Working Groups of the 30 are mixed working groups of Member states and the Commission. The Commission is also associated to the work of all intergovernmental CFSP Working Groups.

The Presidency:

Every six months a Member State of the Union takes the Presidency of the European Council, the Council of the European Union and the subordinate bodies responsible for preparing proceedings (COREPER, Political Committee and, at a lower level, working parties). The Presidency provides the impetus and ensures follow-up. It represents the Union in CFSP matters. It is responsible for the implementation of CFSP decisions. It is on this basis that it expresses the position of the Union in international organisations and at international conferences.

The Council Secretariat:

It supports the Council and the Presidency administratively. For the administrative tasks within the Council Secretariat the CFSP Secretariat has been organised in Brussels. In each Permanent Representation the function of a CFSP counsellor has been created to liaise with the CFSP Secretariat.

The European Commission:

The Treaty on European Union stipulates that the European Commission is to be fully associated with the work carried out in the CFSP field.⁸ Such association is needed to ensure the consistency of the CFSP with external economic relations and development co-operation, which are Community policies in which the Commission plays a leading role.

The President of the Commission joins the Heads of State or Government within the European Council. The Commission participates in meetings of the Council and its preparatory bodies. Like the Member States, it can lay before the Council any foreign and security policy issue and submit proposals to it. However, its right of initiative is not exclusive as is usually the case with Community policies. The Treaty also provides that the Council may request the Commission to submit to it any appropriate proposals to ensure the implementation of a joint action.

⁸ Single European Act, Art. 30.3

The Commission is also fully associated in the role of international representation and in the implementation of common measures. Like the Presidency, it informs the European Parliament of CFSP developments.⁹

The Member States:

The Member States have undertaken to give active and unconditional support to the implementation of the common foreign and security policy in a spirit of loyalty and mutual solidarity. Each Member State can lay before the Council any foreign and security policy issue and submit proposals to it.

Member States ensure that their national policies conform to the common positions. They defend these common positions in international forum. Where other Member States do not participate in the proceedings of international organisations and conferences, they keep them informed of all matters of common interest.

They undertake to uphold the joint actions. Their diplomatic services abroad co-operate to ensure compliance with and the implementation of common positions and joint actions.

The European Correspondence Network:

The various CFSP players are permanently linked by a protected system that enables them to exchange messages and hold consultations. In the Foreign Ministries of member states nominated European correspondents have the task of ensuring the efficient functioning of the permanent consultation process between capitals, Presidency, CFSP secretariat and Commission. The network of European Correspondence links permanently the Foreign Ministries, the CFSP- Secretariat and Commission. A daily exchange of COREUS ensures an intensive exchange of information and allows a permanent consultation process. Between 13000 to 15.000 COREUs, about 40 % proposals and drafts of the presidency are exchanged each year in the average.

Embassies of member states are kept informed daily by the local Foreign Ministry of the European Union member state to which they are accredited. Ambassadors of member states meet regularly and in third countries they often draft common reports on important matters.

Remarks to the outcome of Maastricht

When the Member States negotiated the Maastricht Treaty numerous events were altering the shape of Europe. The iron curtain between western and eastern Europe had come down. Germany was reuniting. Yugoslavia was going to war. At the international level, the Gulf War was beginning.

It was in these circumstances that the Member States started negotiations on the building of a Political Union with a security and defence dimension. There was a number of divergent

⁹ Fraser Cameron, Where the European Commission Comes In: From the Single European Act to Maastricht, in Regelsberger, de Tervant and Wessels, Foreign policy of the European Union, p. 102

views and interests and negotiations proved to be difficult. Whereas Member States were able to reach an important substantial agreement with a firm time-table on the creation of the Monetary Union, in the area of CSFP, especially in the area of security and defence, the outcome of Maastricht fell well short of the challenges the EC were facing. Many important ideas and proposals put forward at the Intergovernmental Conference – like the introduction of a clause on mutual assistance(Art. 5 WEU Treaty) into the new treaty, the creation of a European Rapid Reaction Force, the integration of WEU into the Union- were not taken up or adjourned until the next Intergovernmental Conference. During negotiations divergent views emerged on the future role of European defence and NATO, on the role of WEU and the linkages EC, WEU and NATO.¹⁰ At the beginning of the IGC the US voiced concerns that a Common European Defence Policy might impair NATO's role, a concern reflected by some Member States. The US reservations were overcome after an intensive transatlantic dialogue. At the Rome Summit of NATO in 1991 NATO and the US recognised finally that the building of a European Security and Defence Identity and the strengthening of the role of WEU are an important contribution to European security and will also strengthen the effectiveness of NATO. EC-Members for their part reached a consensus that the framing of a Common Defence Policy was to be part of the process of establishing CFSP, that the WEU would be developed as defence arm of the Union, but also as a means to strengthen the European pillar in NATO and would also keep its autonomy. The Twelve also agreed to review the issues in 1996.

The CFSP Review 1996/97:

When the CFSP as it was established by the TEU of Maastricht was reviewed by the Intergovernmental Conference in 1996/97 a number of deficiencies were identified. The CSFP continued to be declaratory and reactive, having very much the character of the EPC. The CFSP lacked an independent planning and assessment capacity, it had no visibility and lacked often continuity in action, f. i. an American President is faced each year with two different Presidencies representing the European Union. Member States continue to act often individually or in ad hoc frameworks like the Contact Group. The experience in former Yugoslavia demonstrated clearly that effective diplomacy needs to be backed up by credible military means, which could not be provided by WEU. Events proved also that financial incentives do not work when the other side is willing to use force.

The European Union needs therefore urgently an effective CFSP with a credible military dimension. The Union should be able to use effectively and in a coherent way all instruments when it engages in an external action. It must also be able to speak with one voice and demonstrate political will and leadership.

In general can be said, that the Union which is a major economic player on a global scale does not play so far a commensurate political role on the international stage. The European Community and its Member States today provide more than half the funds for international development aid and more than 50% of world humanitarian aid. They finance one third of world aid to the Middle East (50% for the Palestinian Territories), almost 60% to Russia and the Republics arising out of the former Soviet Union and 40% of the reconstruction effort in Bosnia and Herzegovina. This substantial aid can be supplemented by a political aspect: a

¹⁰ See Willem van Eekelen, *Debating European Security 1948-1998*, Center of European Policy Studies. Brussels and SDU Publisher, The Hague 1998, p. 59ff. In this publication van Eekelen gives a very detailed overview on the negotiations in preparing and during the Inter Governmental Conference 1990/91

contribution to international peace-keeping, the promotion of co-operation, democracy and human rights.

The Treaty of Amsterdam of 1997

The Intergovernmental Conference resulted in a new Treaty on European Union signed at Amsterdam on October 2, 1997. The treaty contains a revised Title V on a Common Foreign Security Policy with a number of important improvements.

1. Coherence and Solidarity:

The coherence of the external action of the Union is to be assured by an enhanced co-operation of the EU institutions and the Council has the task to ensure the unity, consistency and effectiveness of action by the Union. The solidarity clause binding Member states has been made stronger by adding the following clause: "The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. "

2. A stronger role of the European Council:

The European Council defines the principles of and general guidelines for CFSP, including matters with defence implications and when the European Union has recourse to the Western European Union. The Amsterdam Treaty now stipulates that the European Council shall decide on common strategies to be implemented by the Union in areas where the Member States have important common interests. On the basis of these common strategies, the Council can adopt decisions, actions or common positions by a qualified majority. If a member of the Council wishes to oppose one of these decisions for reasons of important national policy, the Council can appeal to the European Council, which then reverts to its function as a "court of appeal" and resolves the issue on the basis of unanimity.

The European Council has further the right to take two major decisions: The right to decide on a common defence of the Union and to decide the integration of the Western European Union into the European Union. Both decisions are subject to ratification by the Member States.

3. The Secretary General of the Council and High Representative for the CFSP

One of the major advances brought about by the Amsterdam Treaty lies in Article 26, which stipulates that the Secretary-General of the Council shall also be the High Representative for the Common Foreign and Security Policy. Sometimes referred to as "Mr CFSP", the High Representative will assist the Council by contributing in particular to the formulation, drawing up and implementation of political decisions and, where necessary, by acting on behalf of the Council at the request of the Presidency and conducting political dialogue with third parties.

The Presidency, the High Representative for the Common Foreign and Security Policy and a Member of the European Commission form the "new Troika". The Presidency may also be assisted by the Member State that will hold the following Presidency.

At its meeting in Vienna in December 1998, the European Council agreed that the High Representative should be "a personality with a strong political profile"; this was confirmed six

months later by the Cologne European Council when it appointed Mr Javier Solana Madariaga to the post. The Secretary-General Mr Javier Solana Madariaga and the Deputy Secretary-General Mr Pierre de Boissieu are in charge of the Council General Secretariat, which prepares the Council's work at all levels and ensures that it proceeds smoothly.

4. The Policy Planning and Early Warning Unit (PPU)

A declaration annexed to the Amsterdam Treaty provides for "a policy planning and early warning unit" to be established in the General Secretariat of the Council under the responsibility of the High Representative. The staff of this new working tool of the CFSP is drawn from the Council Secretariat, the Member States, the Commission and the Western European Union (WEU). The declaration annexed to the Treaty lists the unit's main tasks:

1. Monitoring and analysing developments in areas relevant to the CFSP.
2. Providing assessments of the Union's interests and identifying areas where the CFSP could focus in future.
3. Providing timely assessments and early warning of events or situations which may have significant repercussions, including potential political crises.
4. Producing, at the request of either the Council or the Presidency or on its own initiative, argued policy-options papers to be presented under the responsibility of the Presidency as a contribution to policy formulation in the Council.

5. The Special Representatives

The Amsterdam Treaty has standardised a practice allowing the Council to appoint special representatives with a mandate in relation to particular policy issues. Several special representatives have been appointed since the CFSP was established by the Maastricht Treaty: Mr Moratinos (Middle East), Mr Ajello (African Great Lakes) and, more recently, Mr Hombach and Mr Roumeliotis in south-east Europe.

6. New Instruments of CFSP

The Amsterdam Treaty gave the CFSP new instruments, common strategies and international agreements, in addition to the instruments provided for in the Maastricht Treaty (common positions, joint actions). The Union has therefore a choice of instruments at its disposal, which can be used in a systematic manner.

Common strategies

Common strategies are decided by the European Council, on a recommendation from the Council, in areas where the Member States have important interests. Each strategy specifies its objectives, its duration and the resources that will have to be provided by the Union and the Member States. The Council implements them by adopting inter alia joint actions and common positions.

The first common strategy, concerning Russia, was adopted by the Cologne European Council in June 1999. The common strategy on the Ukraine was adopted at the European Council of Helsinki in December 1999.

Joint actions

The Council adopts joint actions in certain situations requiring operational action by the European Union. Each action specifies its objectives, scope, the resources to be made available to the Union, the conditions of implementation and (if necessary) its scope.

Between 1994 and 1998, 81 joint actions were adopted by the Council. In 1998, half of the 20 joint actions concerned the former Yugoslavia or Albania. Six others addressed non-proliferation issues, mainly as regards nuclear weapons.

Common positions

The Council can adopt common positions setting out the Union's position on particular geographical or topical issues, vis-à-vis a third country or at an international conference, for example. The Member States then ensure that their national policies are in line with the common position. Between 1994 and 1998, 66 common positions were adopted. An example is the Common Position of 25 May 1998 on Human Rights, Democratic Principles, the Rule of Law and Good Governance in Africa.

The conclusion of international agreements

Where an agreement needs to be concluded with one or more States or international organisations in the CFSP sphere, the Council may authorise the Presidency to enter into negotiations. During such negotiations, the Presidency is assisted, where necessary, by the Commission. The agreements are then concluded by the Council, acting unanimously, on a recommendation from the Presidency.

However, the Treaty stipulates that no agreement shall be binding on a Member State whose representative in the Council states that it has to comply with the requirements of its own constitutional procedure; the other members of the Council may agree that the agreement shall apply to them provisionally. Also, there is a declaration annexed to the Treaty to the effect that such an agreement may not imply any transfer of competence from the Member States to the European Union.

The Union also uses other instruments of foreign policy.

Declarations

Declarations give public expression to a position, request or expectation of the European Union vis-à-vis a third country or an international issue. This flexible instrument makes it possible to react very quickly to sudden incidents in a particular part of the world and to state the Union's point of view. They are entitled "Declaration by the European Union" where the Council meets and adopts a position on an international issue and "Declaration by the Presidency on behalf of the European Union" where the Council does not meet. In 1994 the number of declarations was 110; in 1998 it was 163.

Political dialogue and Demarches

Contacts with third countries take place mainly through "political dialogue" meetings and "Demarches". The European Union holds a political dialogue with a very large number of countries or groups of countries on questions of international policy. Such meetings, of which there are many, take place at all levels: Heads of State, Ministers, Political Directors, senior officials and experts. The European Union can be represented at them by the Presidency, the

Troika or all the Member States of the Council. The Commission is always present. Demarches, which are confidential, are undertaken by the European Union vis-à-vis third countries. It is generally their purpose to resolve with the State in question matters relating to human rights, democracy or humanitarian action.

6. Improvement of the Decision-making Procedure

The fact of the Council having to adopt common positions and joint actions unanimously is regarded by some as a potential impediment, as one State can block the adoption of a text. Member States, meeting in Amsterdam, envisaged a number of measures to remove such impediments. While unanimity remains the rule, and is obligatory for the adoption of decisions with military or defence implications, two innovations should make it easier for decisions to be taken:

1. "Constructive abstention": When a decision is adopted, a Member State may couple its abstention with a formal declaration. In such a case, it is not required to apply the decision but acknowledges that the decision is binding on the Union.

2. The use of qualified majority voting: This has been extended to cases where the Council implements common strategies decided on by the European Council and to decisions on the implementation of joint actions and common positions. When a decision is adopted by a qualified majority, a Member State may, however, invoke important reasons of national policy - which it will set forth - in order to oppose the adoption of the text. A vote will not then be taken. The Council may, by a qualified majority, refer the matter to the European Council for a unanimous decision. It is important to note that qualified majority voting in the CFSP field is, in a way, "reinforced qualified majority voting": for adoption, acts require 62 votes in favour cast by at least 10 members.

7. New Financial Arrangements

Administrative expenditure and operational expenditure of CFSP are to the budget of the European Commission. Expenditure from operations having military or defence implications are charged to Member States in accordance with the GNP scale.

The European Security and Defence Policy (ESDP).

The main issues of the Intergovernmental Conference 1996/97

During the Intergovernmental Conference 1996/97 the Article J 4 on a common security and defence policy was reviewed and revised. During the conference the unsolved main issues, which were already discussed at Maastricht were on the table of negotiation: the framing of a Common Security and Defence Policy and Defence of the Union without impairing the role of NATO, the future role of WEU and the integration of WEU into the Union, the full participation of non-allied EU-members in building ESDP and the need to give the Union the possibility to act in a crises affecting the Union's interests also with military means. The emergence of local conflicts, or wars, as in former Yugoslavia, can also destabilise neighbouring States and even affect parts of the Union. The Union must also be able to defend common values, its fundamental interests, its independence and its security. It must be capable of meeting multiple threats, such as the proliferation of weapons of mass destruction, arms trafficking, contraband nuclear material, fundamentalism and extremism.

Although nine countries proposed a plan for the progressive integration of WEU into the EU including the transfer of Article V of the Brussels Treaty into a new TEU, eventually in form of a Protocol open to EU members prepared to accept certain conditions (NATO-membership). Britain and Sweden opposed this project. Austria and Finland did not dismiss this idea. They all finally agreed that WEU while maintaining its formal autonomy should become in practice a subsidiary organ of EU in EU- mandated operations. The European Council was given the right to decide guidelines for the WEU and WEU will have to elaborate and implement decisions and actions of the EU, whenever the EU avails itself of WEU. The European Council can also decide the integration of WEU into the EU, a decision which will be subject to ratification or acceptance according to respective constitutional requirements. A consensus was also achieved that the policy of the Union shall not prejudice the specific character of the security of certain Member states and shall respect the obligations of members under the North Atlantic Treaty and be compatible with the security and defence policy established in this framework.

The Fifteen agreed that the Petersberg tasks of WEU were to become also tasks of the European Union and be transferred into the new TEU .

The outcome of the very difficult negotiations in the area of security and defence policy was formulated in the new Article 17 of the Amsterdam Treaty. This article was accepted formally by WEU Member States in the Brussels Declaration of 22 July 1997 annexed to the TEU. The WEU accepted not only the political leadership of the Union but made also the provisions of Amsterdam binding for WEU. Although the new TEU did not solve the issues in substance it created the basis for the development of a genuine European Common security and Defence Policy, allowing to go ahead when the time is ripe.

The main provisions of the Amsterdam Treaty

1. The progressive framing of a Common Defence Policy:

They provide that the progressive framing of a common defence policy is part of CFSP which the Union shall define and implement. The Common defence policy includes the so-called Petersberg tasks but includes also indirectly all the other functions of defence policy. It might lead to a common defence, should the Council so decide. Also the European Parliament shares the view that territorial defence is indirectly included in the TEU, because Article 11 defines as objectives of the new TEU the safeguarding of “.. the independence and integrity of the Union “ and also the preservation “... of external borders”. (Tindemans-Report of April 30, 1998).¹¹ The TEU does however not include so far a mutual defence guarantee.

The process of framing a common defence policy being a step by step process will inevitably also oblige EU Members to face up to the issue of a mutual defence guarantees, which is at present still a sensitive issue. The Union being a union of peace and solidarity can not exclude solidarity, when one of its members is threatened or attacked by force. In a union the security can not be divided and the Political Union will not be complete without a common defence. This issue is not a question of “if“ but rather a question of “when“.

2. European Crises Management

¹¹ See Leo Tindemans, Report on the gradual establishment of a common defence policy for the European Union, Committee on Foreign Affairs, Security and Defence Policy, 30 April 1998. p.3

Article 17.2. stipulates that a common defence policy shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crises management, including peacemaking. Thus the so called new Petersberg tasks of WEU became tasks of the Union.

3. The role of WEU

The WEU being an integral part of the development of the Union has to provide the Union with access to an operational capability, notably for Petersberg tasks. The Union will avail itself of WEU to elaborate and implement decisions and actions of the Union which have defence implications. The European Council has the competence to decide guidelines for the WEU. All Member states of the Union, which means also states which are not members of WEU, are entitled to participate fully and on an equal footing when in Petersberg- tasks planned and implemented by WEU on behalf of the Union.

The TEU stipulates further that the Union shall foster closer institutional relations with WEU with a view of the possibility of integration of WEU into the Union, should the European Council so decide.

All those provisions were accepted by WEU in the Brussels Declaration of July 22, 1998. Thus WEU became practically a subsidiary organ of EU in EU –mandated operations. This in itself did not yet provide the Union with an efficient and effective instrument for all the Petersberg tasks as events proved. The Decision making procedures which were agreed between the Union and WEU in a “modus operandi” proved to be complicated and time-consuming. The WEU did also not provide so far all the military capabilities necessary for an effective European crises-management.

4. Armament Co-operation

The TEU stipulates that a common defence policy will be supported also by a co-operation in the field of armaments.

Basic issues of a functioning CFSP

The definition of common interests is a necessary prerequisite for a functioning and effective CFSP. A common perception of foreign and security interests and the political will to pursue these interests jointly are essential for effective external action and a condition for being an active and effective player on the international scene. In the EU important work has been going on trying to define the main common interests of the Union and the members. As a result of this work the following main common interests have been identified:

- Both security and prosperity of EU are dependent on co-operative structures in international relations. The EU thus supports a stable international order based on the rule of law and promotion of a balanced and sustainable economic and social development.
- The EU as a community of democratic countries has a vital interests in the preservation and strengthening of international peace in accordance with the UN Charter and in the observance of international law and the established principles governing the conduct of states.

- There is a need for adequate provisions for the security of EU and its members in all its aspects, including military.
- Preventive action is necessary to prevent dangers and threats which may result from new risks and uncertainties.
- The promotion of basic human rights and democratic institutions, the functioning of rule of law, the fostering of civil societies and liberal market economies are also among the best guarantees for a peaceful, predictable and co-operative behaviour of states as experience shows.
- There is a need in protecting and fostering EU's world-wide economic interests f. i. maintaining and developing the necessary European industrial and technological competitive capacity, securing the supply of raw materials and energy etc.
- It is also necessary to ensure the security of European citizens in the world.

The European Union on the way to a Security and Defence Union

When the Treaty of Amsterdam was signed most people expected that the framing of a Common European Security and Defence Policy (ESDP) would take some time. But two important events accelerated the process. In Britain the change of government led to important changes of the British policy concerning Europe and European defence policy. The government of Prime-minister Tony Blair did not only give up old British reservations but decided to lead the process of building a new ESDP of the Union.¹² But also the events in Bosnia and Kosovo demonstrated that that the Union needed urgently credible military capabilities and new structures assuring that decisions were efficiently taken and implemented.¹³ A consensus emerged among Member States that all necessary measures should be taken within the institutional framework of the Union, the Union being the real centre of political power in Europe. This consensus was the result of a number of important events:

- 23/24-10-1998 EU Summit of Pörtschach : PM. Tony Blair presents partners the new British policy
- 3/4 – 11-1998 First Informal Meeting of EU- Defence Ministers in Vienna
- 4 –12-1998 Franco-British summit: Joint Declaration on European Defence¹⁴
- 11/12-12-1998 European Council in Vienna
- 23/24-4-1999 NATO Summit in Washington approving the new Strategic Concept of NATO and the Washington Summit Communiqué which support the building of ESDP¹⁵

¹² See Publication "Can Britain lead in Europe", Centre of European Reform, London, September 1998

¹³ See Peter van Ham, Europe's New Defence Ambitions: Implications for NATO, The US and Russia, George C. Marshall European Center for Security Studies, The Marshall Center Papers, No. 1, April 2000, p. 14

¹⁴ Joint Declaration, British-French Summit St. Malo, 3-4 December 1998, Chaillot Paper 47, WEU Institute for Security Studies, Paris, May 2001, p. 8 and 9

¹⁵ See "The Alliance's Strategic Concept" approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C. on 23rd and 24th April 1999, and "Washington Summit Communiqué" issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C. on 24th April 1999

3 / 4 –6-1999 European Council in Cologne approves the Declaration and the Presidency Report on Strengthening of the Common European Policy on Security and Defence.

The Decisions of the European Council of Cologne

The European Council of Cologne on 3-4 of June 1999 decided to launch a new step in the construction of the European Union in pursuit of the progressive framing of a common defence policy. The European Council approved and adopted the Presidency's report defining the principles of further action.¹⁶

Guiding Principles

The aim is to strengthen the CFSP by the development of a common European policy on security and defence. This requires a capacity for autonomous action backed up by credible military capabilities and appropriate decision making bodies.¹⁷ Decisions to act would be taken within the framework of the CFSP. The Council would thus be able to take decisions on the whole range of political, economic and military instruments at its disposal when responding to crisis situations.

The focus of efforts therefore would be to assure that the European Union has at its disposal the necessary capabilities (including military capabilities) and appropriate structures for effective EU decision making in crisis management within the scope of the Petersberg tasks. This is the area where a European capacity to act is required most urgently. The development of an EU military crisis management capacity is to be seen as an activity within the framework of the CFSP (Title V of the TEU) and as a part of the progressive framing of a common defence policy in accordance with Article 17 of the TEU.

The Atlantic Alliance remains the foundation of the collective defence of its Members. The commitments under Article 5 of the Washington Treaty and Article V of the Brussels Treaty will in any event be preserved for the Member States party to these Treaties. The policy of the Union shall not prejudice the specific character of the security and defence policy of certain Member States.

Decision Making

As regards EU decision making in the field of security and defence policy, necessary arrangements must be made in order to ensure political control and strategic direction of EU-led Petersberg operations so that the EU can decide and conduct such operations effectively.

Furthermore, the EU will need a capacity for analysis of situations, sources of intelligence, and a capability for relevant strategic planning.

This may require in particular:

- regular (or ad hoc) meetings of the General Affairs Council, as appropriate including Defence Ministers;

¹⁶ See EU-document, Presidency Conclusions, Cologne European Council, 3 and 4 June 1999

¹⁷ See Peter van Ham, *Europe's New Defense Ambitions*, S. 9

- a permanent body in Brussels (Political and Security Committee) consisting of representatives with pol/mil expertise;
- an EU Military Committee consisting of Military Representatives making recommendations to the Political and Security Committee;
- a EU Military Staff including a Situation Centre;
- other resources such as a Satellite Centre, Institute for Security Studies.

Decisions relating to crisis management tasks, in particular decisions having military or defence implications will be taken in accordance with Article 23 of the Treaty on European Union. Member States will retain in all circumstances the right to decide if and when their national forces are deployed.

Implementation

As regards military capabilities, Member States need to develop further forces (including headquarters) that are suited also to crisis management operations, without any unnecessary duplication. The main characteristics include: deployability, sustainability, interoperability, flexibility and mobility.

For the effective implementation of EU-led operations the European Union will have to determine, according to the requirements of the case, whether it will conduct:

- EU-led operations using NATO assets and capabilities or
- EU-led operations without recourse to NATO assets and capabilities.

For EU-led operations without recourse to NATO assets and capabilities, the EU could use national or multinational European means pre-identified by Member States. This will require either the use of national command structures providing multinational representation in headquarters or drawing on existing command structures within multinational forces. Further arrangements to enhance the capacity of European multinational and national forces to respond to crises situations will be needed.

For EU-led operations having recourse to NATO assets and capabilities, including European command arrangements, the main focus should be on the following aspects:

- Implementation of the arrangements based on the Berlin decisions of 1996 and the Washington NATO summit decisions of April 1999.
- The further arrangements set out by NATO at its summit meeting in Washington should address in particular:
 - assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations;
 - the presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations.

Modalities of participation and co-operation

The successful creation of a European policy on security and defence will require in particular:

- the possibility of all EU Member States, including non-allied members, to participate fully and on an equal footing in EU operations;

- satisfactory arrangements for European NATO members who are not EU Member States to ensure their fullest possible involvement in EU-led operations, building on existing consultation arrangements within WEU;
- arrangements to ensure that all participants in an EU-led operation will have equal rights in respect of the conduct of that operation, without prejudice to the principle of the EU's decision-making autonomy, notably the right of the Council to discuss and decide matters of principle and policy;
- the need to ensure the development of effective mutual consultation, co-operation and transparency between NATO and the EU;
- the consideration of ways to ensure the possibility for WEU Associate Partners to be involved.

The European Council tasked the General Affairs Council to prepare the conditions and the measures necessary to achieve these objectives, including the definition of the modalities for the inclusion of those functions of the WEU which will be necessary for the EU to fulfil its new responsibilities in the area of the Petersberg tasks. In this regard, our aim is to take the necessary decisions by the end of the year 2000. In that event, the WEU as an organisation would have completed its purpose.

The Helsinki European Council – a further important step forward

On the basis of the guiding principles agreed at Cologne, the Finish Presidency took the work forward in military and non-military aspects of crisis management. The European Council of 10/11 December 1999 approved two progress reports proposing concrete measures and providing guidance for further work to take the necessary decisions by the end of the year 2000 towards the objectives set at Cologne.¹⁸

1. The strengthening of the Common European Policy on Security and Defence

The European Union should have the autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and then to conduct EU-led military operations in response to international crises in support of the Common Foreign and Security Policy (CFSP). The action by the Union will be conducted in accordance with the principles of the UN Charter and the principles and objectives of the OSCE Charter for European Security. The Union recognises the primary responsibility of the United Nations Security Council for the maintenance of international peace and security.

The following has been agreed:

- A common European headline goal will be adopted for readily deployable military capabilities and collective capability goals in the fields of command and control, intelligence and strategic transport will be developed rapidly.
- New political and military bodies will be established within the Council to enable the Union to take decisions on EU-led Petersberg operations and to ensure the necessary political control and strategic direction of such operations.

¹⁸ See EU-document, Presidency Conclusions and Reports on strengthening the common European policy on security and defence and on non-military crisis management of the European Union, Helsinki European Council 10 and 11 December 1999

- Principles for co-operation with non-EU European NATO members and other European partners in EU-led military crisis management, without prejudice to the Union's decision-making autonomy.

Military capabilities for Petersberg tasks

In accordance with the commitment made at Cologne Member States are determined to give the EU appropriate capabilities, to be able to undertake the full range of Petersberg tasks in support of the CFSP. Such capabilities will enable them to conduct effective EU-led operations as well as playing, for those involved, their full role in NATO and NATO-led operations. More effective European military capabilities will be developed on the basis of the existing national, bi-national and multinational capabilities, which will be assembled for EU-led crisis management operations carried out with or without recourse to NATO assets and capabilities. Particular attention will be devoted to the capabilities necessary to ensure effective performance in crisis management: deployability, sustainability, interoperability, flexibility, mobility, survivability and command and control, taking account of the results of the WEU audit of assets and capabilities and their implications for EU-led operations.

To develop European capabilities, Member States have set themselves the headline goal: by the year 2003, co-operating together voluntarily, they will be able to deploy rapidly and then sustain forces capable of the full range of Petersberg tasks as set out in the Amsterdam Treaty, including the most demanding, in operations up to corps level (up to 15 brigades or 50,000-60,000 persons). These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support services and additionally, as appropriate, air and naval elements. Member States should be able to deploy in full at this level within 60 days, and within this to provide smaller rapid response elements available and deployable at very high readiness. They must be able to sustain such a deployment for at least one year. This will require an additional pool of deployable units (and supporting elements) at lower readiness to provide replacements for the initial forces.

Member States have also decided to develop rapidly collective capability goals in the fields of command and control, intelligence and strategic transport, areas also identified by the WEU audit. They welcome in this respect decisions already announced by certain Member States which go in that direction:

- to develop and co-ordinate monitoring and early warning military means;
- to open existing joint national headquarters to officers coming from other Member States;
- to reinforce the rapid reaction capabilities of existing European multinational forces;
- to prepare the establishment of a European air transport command;
- to increase the number of readily deployable troops;
- to enhance strategic sea lift capacity.

The General Affairs Council, with the participation of Defence Ministers, will elaborate the headline and capability goals. It will develop a method of consultation through which these goals can be met and maintained, and through which national contributions reflecting Member States' political will and commitment towards these goals can be defined by each Member State, with a regular review of progress made. In addition, Member States will be using existing defence planning procedures, including those available in NATO and the Planning and Review Process (PARP) of the PfP.

The European NATO members who are not EU Member States, and other countries who are candidates for accession to the European Union will be invited to contribute to this improvement of European military capabilities.

The restructuring of European defence industries is of greatest importance and contributes to strengthening the European industrial and technological defence base. Increased efforts should be made to the harmonisation of military requirements and the planning and procurement of arms.

Decision-making

The Council decides upon policy relevant to Union involvement in all phases and aspects of crisis management, including decisions to carry out Petersberg tasks in accordance with Article 23 of the EU Treaty. Taken within the single institutional framework, decisions will respect European Community competencies and ensure inter-pillar coherence in conformity with Article 3 of the EU Treaty.

All Member States are entitled to participate fully and on an equal footing in all decisions and deliberations of the Council and Council bodies on EU-led operations. The commitment of national assets by Member States to such operations will be based on their sovereign decision. Member States will participate in the ad hoc committee of contributors.

Defence Ministers will be involved in the common European security and defence policy (CESDP); when the General Affairs Council discusses matters related to the CESDP, Defence Ministers as appropriate will participate to provide guidance on defence matters.

The following new *permanent* political and military bodies will be established within the Council:

- *A standing Political and Security Committee (PSC)* in Brussels will be composed of national representatives of senior/ambassadorial level. The PSC will deal with all aspects of the CFSP, including the CESDP, in accordance with the provisions of the EU Treaty and without prejudice to Community competence. In the case of a military crisis management operation, the PSC will exercise, under the authority of the Council, the political control and strategic direction of the operation. For that purpose, appropriate procedures will be adopted in order to allow effective and urgent decision taking. The PSC will also forward guidelines to the Military Committee.
- *The Military Committee (MC)* will be composed of the Chiefs of Defence, represented by their military delegates. The MC will meet at the level of the Chiefs of Defence as and when necessary. This committee will give military advice and make recommendations to the PSC, as well as provide military direction to the Military Staff. The Chairman of the MC will attend meetings of the Council when decisions with defence implications are to be taken.
- *The Military Staff (MS)* within the Council structures will provide military expertise and support to the CESDP, including the conduct of EU-led military crisis management operations. The Military Staff will perform early warning, situation assessment and strategic planning for Petersberg tasks including identification of European national and multinational forces.

As an interim measure, the following bodies have been set up within the Council in March 2000:

- A Standing Interim Political and Security Committee at senior/ambassadorial level;
- An Interim Body of Military Representatives of Member States' Chiefs of Defence;
- Military experts are to be seconded from Member States to the Council Secretariat in order to assist in the work on the CESDP and to form the nucleus of the future Military Staff.

The Secretary General/High Representative (SG/HR) has a key contribution to make to the efficiency and consistency of the CFSP and the development of the common security and defence policy. In conformity with the EU Treaty, the SG/HR will contribute to the formulation, preparation and implementation of policy decisions.

In the interim period, the SH/HR, Secretary General of the WEU, should make full use of WEU assets for the purpose of advising the Council under Article 17 of the EU Treaty.¹⁹

Consultation and co-operation with non-EU countries and with NATO

1. Non-EU European NATO members, EU candidate countries

With non-EU European NATO members and other countries who are candidates for accession to the EU, appropriate structures will be established for dialogue and information on issues related to security and defence policy and crisis management. In the event of a crisis, these structures will serve for consultation in the period leading up to a decision of the Council.

Upon a decision by the Council to launch an operation, the non-EU European NATO members will participate if they so wish, in the event of an operation requiring recourse to NATO assets and capabilities. They will, on a decision by the Council, be invited to take part in operations where the EU does not use NATO assets. Other countries who are candidates for accession to the EU may also be invited by the Council to take part in EU-led operations once the Council has decided to launch such an operation.

2. Participation of other States

Russia, Ukraine and other European States engaged in political dialogue with the Union and other interested States may be invited to take part in the EU-led operations.

3. The participation in EU-led operations

All the States that have confirmed their participation in an EU-led operation by deploying significant military forces will have the same rights and obligations as the EU participating Member States in the day-to-day conduct of such an operation.

In the case of an EU-led operation, an ad-hoc committee of contributors will be set up for the day-to-day conduct of the operation. All EU Member States are entitled to attend the ad-hoc

¹⁹ See EU-document, Presidency Conclusions and Reports, Helsinki European Council, Annex 1 to Annex IV

committee, whether or not they are participating in the operation, while only contributing States will take part in the day-to-day conduct of the operation.

The decision to end an operation will be taken by the Council after consultation between the participating states within the committee of contributors.

4. Relations between EU and NATO

Modalities for full consultation, co-operation and transparency between the EU and NATO will be developed. Initially, relations will be developed on an informal basis, through contacts between the SG/HR for CFSP and the Secretary General of NATO. The Council invited the Portuguese Presidency to present proposals on principles for consultation with NATO on military issues and recommendations on developing modalities for EU/NATO relations, to permit co-operation on the appropriate military response to a crisis, as set out in Washington and at Cologne.

Follow-up

The Portuguese Presidency has been invited, together with the Secretary General/High Representative, to carry forward the work on strengthening the common European security and defence policy. The Presidency is requested to indicate whether or not Treaty amendment is necessary.

2. Non-Military Crisis Management of the European Union

The European Council in Cologne tasked the Presidency to examine all aspects of security including the enhancement and better co-ordination of the Union's and the Member States' non-military crisis response tools.

The inventories of the tools have been drawn up. They show that Member States and the Union have accumulated considerable experience or have considerable resources in a number of areas such as civilian police, humanitarian assistance, administrative and legal rehabilitation, search and rescue, electoral and human rights monitoring, etc.

In order to be able to respond more rapidly and more effectively to emerging crisis situations, an Action Plan should be drawn up to develop a rapid reaction capability in the field of crisis management using non-military instruments.

Action Plan

I. Objectives:

1. The strengthening of the synergy and responsiveness of national, collective and NGO resources in order to avoid duplication and improve performance.
2. Enhancing and facilitating the EU's contributions to, and activities within, other organisations, such as the UN and the OSCE whenever one of them is the lead organisation in a particular crisis, as well as EU autonomous actions.
3. Ensuring inter-pillar coherence.

II. Means:

1. Member States and the Union should develop a rapid reaction capability by defining a framework and modalities.
2. An inventory of national and collective resources should be pursued.
3. A database should be set up to maintain and share information on the pre-identified assets, capabilities and expertise within all areas relevant to non-military crisis management. The availability and quality of these assets would need to be clearly defined.
4. A study should be carried out, taking into account lessons learned, to define concrete targets for EU Member States' collective non-military response to international crises (e.g. the ability to deploy at short notice and sustain for a defined period a set number of civilian police as a contribution to civpol missions; to deploy a combined search and rescue capability of up to 200 people within twenty-four hours).
5. A co-ordinating mechanism, fully interacting with the Commission services, should be set up at the Council Secretariat. It would run the database project and the different capabilities initiatives. In particular crises, depending on the EU's role, it may set up an ad hoc centre to co-ordinate the effectiveness of EU Member States' contributions.
6. In establishing a rapid reaction capability urgent consideration will be given to developing civil police capabilities.
7. Rapid financing mechanisms such as the creation by the Commission of a Rapid Reaction Fund should be set up to allow the acceleration of the provision of finance to support EU activities, to contribute to operations run by other international organisations and to fund NGO activities, as appropriate.²⁰

The implementation of the decisions from Helsinki

1. The set up of the Interim EU structures and bodies

In March 2000 the interim structures and bodies decided in Helsinki were established and started their work.

- On the basis of a decision of the European Council in Brussels, a Interim Political and Security Committee (IPSC) on the level of ambassadors was established. The task of the IPSC is to handle current business of the Committee in the area of CFSP. The IPSC has also the task to drive forward the implementation of the decisions of Helsinki regarding ESDP. The IPSC acts very closely with the Secretary General/High Representative for the CFSP, who has a key role in the further development of the ESDP.
- An Interim Military Body composed of the Chiefs of Defence Staff represented by their military representatives was established. The Military Body is responsible for the set up of permanent military structures and to direct the development and implementation of the Headline Goal and the Collective Capabilities Goals. For the work of the Military Body a specific and well defined action plan including a timetable was approved, based on a British-French "Food for thought paper on elaboration of the Headline Goal".

²⁰ See EU-document, Presidency Conclusions and Reports, Helsinki European Council, Annex 2 to Annex IV

- A number of military experts were assigned to the Council Secretariat. Their task is to assist the work on the ESDP in the military area and to be the core of a future EU military staff. The group of military experts will progressively be enlarged and will at the end of May include about 130 officers. The military experts also will take over the available military expertise in the WEU. This will be made easier by the fact that the EU-Secretary General/High Representative for the CFSP has been nominated WEU-Secretary General as well.

2. The Planning of the Headline Goal and of the Collective Capabilities Goals

In order to define the military requirements, which the EU needs, if it is to carry all Petersberg tasks including tasks of high military intensity, a very intensive force planning process took place within the EU from April to November 2000. The basis for the work was a “Reflections paper” adopted by the Common Council of the Foreign and Defence ministers for the elaboration of the headline goal.

The planning was done by a Headline Goal Task Force (HTF/STF) guided by the interim EU Military Body, which was established in March the same year. It was composed of national experts and the EU military experts. To the ongoing planning work NATO expertise was important, especially in the area of simulation, available in the NATO Command and Control Agency. To this aim, the Headline Goal Task Force Plus (HTF/STF Plus) including NATO experts was set up.

The planning process, was based on a number of assumptions and generic scenarios. Fundamentally the Union should be enabled to deal with a major armed operation in and around Europe. On the other hand, the Union should be enabled to handle smaller conflicts, e.g. humanitarian Operations, evacuation of EU-citizens etc. over long distances. Planning was based on Scenarios, which were based on “illustrative profiles” defined by the WEU and evaluated by NATO experts. The planning included tasks like traditional “Peace-keeping’s”, humanitarian operations, but also military operation of peace enforcement. In the planning process, the experiences of NATO with the crisis in the former Yugoslavia were also taken into account.

The task of the EU military experts was, in co-operation with NATO experts, to work out a catalogue of the required generic capabilities which will be necessary for the implementation of a successful operation. For each type of operation “force packages” were defined. As a result of the planning process, the military capabilities the EU needed to fulfil the Headline Goals, were identified. The required capabilities were listed in the Helsinki Headline Catalogue, which was the basis for the national commitments of the EU countries at the Capabilities Commitment Conference. Before the conference took place, the Task Force was also to analyse and evaluate in advance the contributions, EU member states were prepared to pledge.

The European Council of Feira 19./20. June 2000, results

The Portuguese presidency submitted to the European Council in Feira an Interim Report on the implementation of the Helsinki mandate. Progress has been made in the elaboration of the Headline Goal and the collective capabilities goals. Work has to be driven forward in view of the forthcoming Capabilities Commitment Conference which is to take place in autumn 2000.

The European Council also agreed on guidelines for further work in the following areas:

1. Arrangements for consultation and co-operation with non-EU European NATO-members and EU-accession-candidates in the area of military crisis management :

In order to allow non-EU European NATO members and other countries ,which are candidates for accession to the EU to participate in EU- led military crisis management the European Council agreed on guidelines for the arrangements for consultation and co-operation which are to be worked out until the Nice Council. The Council established a set of guiding principles for the consultation process and defined also the modalities for participation .²¹

The Union thus will ensure the necessary dialogue ,consultation and co-operation with non-EU European members and EU candidate countries on EU- led crisis management. The dialogue and information will cover issues related to security and defence policy and crisis management. A single, inclusive structure for dialogue, consultation and co-operation will be established between the EU and all the fifteen countries concerned (6 non-EU European NATO countries and EU candidate countries). Within this structure further exchanges will take place with the 6 non- EU European NATO countries, when the subject matter will require it. The arrangements will have to respect fully the decision-making autonomy of the EU and its single institutional framework.

Modalities for participation will need to take into account the different needs arising in different situations. In periods without crisis a regular dialogue on security, defence and crisis management issues will take place, in times of crisis consultations will be intensified and be focused on the crisis and its management. Should the EU decide on a military operation , the non-EU European NATO members will have the right to participate in the event of an operation requiring recourse to NATO assets and capabilities. If the EU does not use NATO assets in an operation , they will be invited to take part, on a decision of the Council. EU- candidate countries may be invited by the Council to participate in operations.

When the Council takes the decision to launch an operation an ad hoc Committee of the contributing countries will be set up for the day to day conduct of the operation., in which all EU-member states and other participating countries are represented. Partner countries , which deploy significant military forces for an operation, will have the same rights as participating EU-member states

2. The development of the relations between the EU and NATO.²²

The European Council agreed a set of principles, which will have to be taken into consideration in the elaboration of a frame-work for consultation and co-operation between EU and NATO. According to the European Union the mechanism for consultation and co-operation between EU and NATO should be based upon the following principles.

- The frame-work of consultation and co-operation to be developed must respect fully the autonomy of EU decision-making has to be respected
- EU and NATO have undertaken to strengthen and develop their co-operation in military crisis management on the basis of shared values, equality and partnership.

²¹ See EU-document, Presidency Conclusions Santa Maria da Feira, European Council 19 and 20 June 2000, Annex I, Appendix 1

²² See EU-document, Presidency Conclusions Santa Maria da Feira, Annex 1, Appendix 2

The aim is to achieve full and effective consultation, co-operation and transparency in order to identify and take rapid decisions on the most appropriate military response to a crisis and to ensure efficient crisis management

- In this context the EU objectives in the field of military capabilities and those arising from NATO's Defence Capabilities Initiative will be mutually reinforcing
- While being mutually reinforcing in crisis management EU and NATO are organisations of a different nature. This will have to be taken into consideration in the arrangements concerning the relationship between EU and NATO and in the assessment of the existing procedures governing WEU-NATO relations with a view to their possible adaptation to an EU-NATO framework
- Arrangements and modalities for relations between EU and NATO will reflect the fact that each organisation will be dealing with the other one on an equal footing.
- In the institutional relations between EU and NATO no EU-member state will be discriminated

In order to develop EU-NATO relations the EU proposed the establishment of four "EU-NATO ad hoc working groups" dealing with key issues for the future development of the EU and NATO relations:

1. Working group on security issues: This working group has the task to work out security agreements between EU and NATO. This work has absolute priority. It is the main goal to reach an agreement, which governs full information exchange and access by designated EU officials and its member states to NATO planning structures.
2. Working group "capability goals": This working group has the task to ensure intensive information and consultation between EU and NATO experts in the elaboration of the Helsinki Headline Goal and the Collective Capabilities Goals. This would allow the use of NATO military expertise and guarantee the congruence between the development of the Headline Goal and the Defence Capabilities Initiative. After the elaboration of the Headline Goal and Capability Goals a regular review process will be established to ensure that the agreed goals will be met and maintained. The NATO Defence Planning Process and the Planning and Review Process (PARP) will provide also data for monitoring the achievement and the maintenance of the agreed goals.
3. Working group on arrangements enabling the EU access to NATO assets and capabilities (Berlin and Washington agreements):
This working group has the task to prepare an agreement on the modalities for an ensured EU access to NATO assets and capabilities (Draft framework agreement on the implementation of the Berlin-plus-agreements) as agreed in Washington. This agreement should be ready at the latest by the time the EU becomes operational (2003)
4. Working group on permanent arrangements EU/NATO:
The task of this working group is to define the main parameters of an EU/NATO agreement, which will formalise structures and procedures for consultations between the two organisations in times of crisis and non-crisis. These procedures of consultations shall enter into force, when the new permanent political and military bodies in the field of ESDP will start their work in 2001.²³

In the case of arising new issues further of ad hoc working groups can be established. On the EU side, the Interim Political and Security Committee is in charge to co-ordinate the work of the EU-NATO working groups.

²³ See Andréani, Bertram, Grant, Europe's Military Revolution, p. 26

2. Measures to enhance EU-capabilities in the field of the non-military crisis management

The Presidency carried forward in collaboration with the Secretary General/High Representative the work on all aspects of civil crisis management according to the Helsinki mandate. The main goal of this work is to enhance and to co-ordinate better the non-military crisis management response tools of the Union and the member states. Also the contribution of the European Union to crisis management operations led by international and regional organisations should be improved.

The following measures have been taken as concrete results of this intense work:

1. A Council decision (May 22nd 2000) established a Committee for Civilian aspects of Crisis management.
2. Within the Council Secretariat a co-ordinating mechanism has been installed, which is in permanent contact with the Commission services. In a first step a database on civilian police capabilities has been established to record and share information between the member states and the Union on resources relevant for non-military crisis management. The task of co-ordinating mechanism is to propose initiatives in connection with the development of the EU-capabilities in the field of non-military crisis management and to contribute in defining concrete targets. The co-ordinating mechanism co-operates with the Interim Situation Centre/Crisis Cell, which has been established by the Secretary General/High Representative.
3. Drawing on experiences from recent and current crisis, a study has been worked out to define concrete targets in the field of civilian aspects of crisis management. This study was based upon the expertise of the member states and upon the results of a seminar on civilian crisis management, which took place in Lisbon on April 3rd to April 4th 2000. The study emphasised the priorities on which the European Union should focus its co-ordinated efforts in a first phase. According to the results of the study the availability of police forces for international crisis missions should be the first priority. In addition the study identified the need for judges, prosecutors, penal experts and civil administration experts to ensure the re-establishment of the rule of law and civil administrative systems.
4. Recognising the central role of police in international crisis management operations, and the increasing need for police officers for such operations, EU-member states decided to increase their capability to provide police officers for international police operations. By 2003 the EU members states should be able to provide up to 5.000 police officers to international missions across the whole range of crisis prevention and crisis management operations. Within the target for EU overall capabilities member states should be able to identify and deploy a pool of 1.000 police officers within 30 days. Within the framework of the EU a concept for international police missions will be developed. Taking into account the requirements of international police operations member states and EU will define standard selection criteria and basic training programmes.
5. The Commission presented a proposal for a Council Regulation creating a Rapid Reaction Facility to support EU activities.

The EU-Capability Commitment Conference, results

On November 20th and 21st 2000, the European Union Capability Commitment Conference took place in Brussels, in which member states pledged their national contributions to the

Helsinki Headline Goal.²⁴ The national contributions were based upon the Helsinki Capabilities Catalogue defining the requirement for military crisis management and were also subject of consultations within the framework of the Headline Goal/Task Force. The commitments of EU member states were included in the Helsinki Forces Catalogue which was adopted by the Foreign and Defence Ministers. The outcome of the Capability Commitment Conference can be summarised as follows:

European Rapid Reaction Force

In the field of military capabilities the EU member states set themselves the Headline Goal of being able to deploy within 60 days and sustain for at least one year forces up to corps level (60.000 persons) by 2003. In quantitative terms contributions pledged by member states make it possible to achieve the Headline Goal set.

The member states contributions included in the Helsinki Forces Catalogue, constitute a pool of more than 100.000 soldiers, 400 combat aircraft and 100 vessels. The main contributions are distributed by Germany, France, Great Britain and Italy. Germany committed 13.500 man, 93 combat aircraft, 20 vessels; France committed 12.000 man, 75 combat aircraft, 12 vessels including one aircraft carrier, Strategic Reconnaissance Satellites and command- and control assets. Great Britain committed 12.500 man, 75 combat aircraft, 18 vessels including one aircraft carrier and the new strategic lift brigade. Italy committed 12.000 soldiers, 47 combat aircraft and 19 vessels. Spain committed 6.000 and the Netherlands 5.000 soldiers. The contributions of the other smaller countries lie between 1.000 and 4.000 soldiers and a number of combat aircraft and vessels.

By 2003, once the Political and Military Bodies of the Union are in a position to exercise political control and strategic management of EU-led operations, the Union will be able to undertake Petersberg-tasks in line with its increasing military capabilities. Smaller Petersberg-tasks could be carried out by the end of 2001.

Efforts need to be made to improve the availability, deployability, sustainability and interoperability of forces. Efforts also need to be made in areas such as military equipment including weapons and ammunition, support services including medical services, prevention of operational risks and protection of forces.

Strategic capabilities

In order to lead operations the member states offered a satisfactory number of national or multinational headquarters at strategic, operational force and component levels. These offers, which will have to be evaluated further in qualitative terms, will enable the European Union to carry out different types of crisis management missions without requiring NATO assets.

The European Union Military Staff, which will acquire an initial operating capability in the course of 2001 will support the EU's collective early warning capability and will provide it with an pre-decisional situation assessment and strategic planning capability.

As regards tactical intelligence the member states will bring in a number of resources, which can contribute to the analysis and situation monitoring capability of the Union. But serious

²⁴ See EU-document, Presidency Report on the European Security and Defence Policy (ESDP), Nice European Council, 7, 8 and 9 December, Annex 1

efforts have to be made to strengthen the Union in the area of strategic intelligence in the future. In the area of strategic air and naval transport capabilities improvements are also necessary, to offer the Union the possibility to react to all requirements of a demanding operation.

The identified shortfalls in the area of strategic intelligence, command, control and communication and strategic air transport require that the EU will rely on NATO assets to carry out the more demanding Petersberg-tasks for a foreseeable time.

Measures for the further strengthening of European capabilities

The EU member states committed themselves at the Capabilities Commitment Conference in Brussels to medium and long-term efforts in order to improve their operational and strategic capabilities. Especially in the framework of the reform of armed forces measures should be taken to strengthen their own capabilities and promote multinational solutions, including pooling resources. Existing planned multinational projects are to be implemented:

The objectives of measures to be implemented are:

- to improve the performance of European forces in the area of availability, deployability, sustainability and interoperability
- to develop strategic capabilities as strategic mobility to deliver forces rapidly to the field of operations; headquarters to command and control forces and the associated information and communication systems, means for intelligence
- to strengthen essential operational capabilities in the framework of a crisis management operation, identified areas are: Resources for search and rescue in operational conditions, means of defence against ground-to-ground-missiles, precision weapons, logistic support, simulation tools.

The already ongoing restructuring of the European Defence Industry shall favour the development of European capabilities. In this connection the European co-operation in the field of research and development will be strengthened as well. A number of important projects are in preparation, as for instance the Future Large Aircraft (Airbus A 400 M), Troop Transport Helicopters (NH 90), the development of new optical and radar satellite equipment (Helios II, SAR Lupe and Cosmos skymed).

Defining an evaluation- and review-mechanism

In order to ensure continuing European action to strengthen capabilities the member states decided to establish an evaluation- and review-mechanism. This mechanism shall guarantee the implementation of the commitments made in view of achieving the Headline Goal in quantitative and qualitative terms.

The mechanism shall be approved at the Nice European Council. Based on the model of HTF – Headline Goal Task Force the mechanism will provide a frame-work for close consultation. The EU Military Staff will be integrated in the planning process. To avoid the unnecessary duplication the mechanism will rely on technical data emanating from existing NATO mechanisms, such as the Defence Planning Process and the Planning and Review Process (PARP). The establishment of a Working Group on Capabilities including NATO experts, modelled after the HTF/STF plus, shall ensure the coherency of commitments of member countries in connection with the implementation of the Headline Goal and the commitments undertaken in the frame-work of NATO's Defence Planning Process and the PARP.

The Working Group on Capabilities has to ensure the coherent development of EU and NATO capabilities, where they overlap, in particular those arising from the goals set out at the Helsinki European Council and from the NATO Defence Capabilities Initiative (DCI).

Commitments by European partner countries

The members of the Union intend to achieve the Headline Goal on the basis of member contributions. The European Union invited also the accession candidates and the non-EU European NATO countries to contribute to the improvement of the European capabilities. At the Ministerial meeting on November 21st 2000 these countries declared their contributions to the improvement of European capabilities. These commitments, which are considerable especially in the cases of Turkey, Poland and Norway, extend the range of capabilities available for EU-led operations. The commitments of partner countries will be analysed and evaluated according to the same criteria as those applied to the member states.

The European Council of Nice – decisions and results

Although the negotiations and the media coverage focused on the issues of the institutional reform of the European Union, the European Council of Nice on December 7th and 8th 2000 adopted a number of important documents concerning the future development of the common European Security- and Defence Policy and agreed on 2 important revisions of the treaty of the EU in area of ESDP. This result had become possible, because the fifteen members of the European Union had already achieved a consensus in the area of the ESDP based upon the decisions of Cologne, Helsinki and Feira. The French presidency therefore was able to present not only a positive report but also a package of measures and decisions to be adopted by the Council. By this also the time-frame agreed in Cologne (end of 2000) was met.

In the connection with the Presidency Report, the following important documents were submitted to and adopted by the European Council:

1. Military Capabilities Commitment Declaration
2. Document on the achievement of the Headline Goal, Review Mechanism for Military Capabilities
3. Document on strengthening of European Union Capabilities for Civilian Aspects of Crisis Management
4. Decision for the establishment of a Permanent Political and Security Committee (PSC)
5. Decision for the establishment of a Permanent Military Committee of the European Union (EUMC)
6. Decision for the organisation of the Military Staff of the European Union (EUMS)
7. Arrangements concerning co-operation between EU and non-EU NATO members and EU accession candidates
8. Permanent arrangements for EU-NATO consultation and co-operation

The European Council decided in addition important amendments of the EU-Treaty in the area of ESDP. In Article 25 amendments were agreed: the tasks of the Political Committee will be taken over by the Political and Security Committee (PSC). The Council may authorise the PSC in relation with a crisis management operation to take decisions. In Article 17 of the EU Treaty the obsolete stipulations concerning WEU were eliminated.

1. Military Capabilities

The European Council of Nice endorsed the Military Capabilities Commitment Declaration as adopted by the European Union Capability Commitment Conference.²⁵

The national contributions pledged by the member states at the Commitment Conference, which was held in Brussels on November 20th, allowed to achieve in quantitative terms the requirements identified for achieving the Headline Goal agreed in Helsinki. But the Military Capabilities Commitment declaration also pointed out shortfalls of quality of armed forces and strategic capabilities. The member states promised to make further efforts to improve their operational capabilities in order to carry out the most demanding of the Petersberg tasks, in particular as regards availability, deployability, sustainability and interoperability. As for the collective capability goals the member states agreed to pursue their efforts in the area of command, control, communication, intelligence and strategic air and naval transport capabilities.

Review Mechanism for Military Capabilities for the achievement of the Headline Goal²⁶

In order to assure compliance by member states with the commitments undertaken for the implementation of the Headline Goal and the collective capabilities goals the European Council of Nice decided the creation of a review mechanism, which will enable the EU to review and to promote the implementation of the commitments in the light of changing circumstances and to ensure the consistency between the force planning related to the Headline Goal within the Union and the NATO Defence Planning Process and the PfP-Planning and Review Process (PARP).

In the light of the positive experience gained in elaborating the capability requirements for EU crisis management the EU Evaluation and Review Process will continue to be based on the method, which was successfully used during the initial elaboration of the Headline Goal. Within the framework of the EU Review Mechanism work will be carried out under the involvement of member state military experts, experts of the EU Military Staff, NATO/SHAPE experts and experts of International Military Staff (IS) of NATO meeting in the formats of the former Headline Goal-Task Force/Headline Goal-Task Force plus (HTF/HTF plus). HTF and HTF plus have to meet on a regular basis in order to

- permit the exchange of all necessary information,
- provide a technical assessment of progress with pledges, including pledges in respect of such qualitative issues as availability, standards and interoperability

The EU Military Committee will draw conclusions from experts' exchanges with a view to referring the appropriate recommendations to the PSC:

The EU Mechanism encompasses the following main tasks:

- identification of EU capability goals for military crisis management
- permanent monitoring of a catalogue of the necessary forces and capabilities resulting from these goals under the direction of the Military Committee
- identification and harmonisation of the national contributions in the light of the required capabilities. National contributions have to be re-evaluated and re-

²⁵ See EU-document, Presidency Report on the European Security and Defence Policy (ESDP), Nice European Council, 7, 8 and 9 December, Annex 1

²⁶ See EU-document Presidency Report on the European Security and Defence Policy (ESDP), Nice European Council, 7, 8 and 9 December, Appendix 1 to Annex 1

harmonised in the light of the revision of approved needs. This will need to be done in a way to ensure consistency with the NATO Defence Planning Process and the PfP-Planning and Review Process

- the quantitative and qualitative review of the national contributions including requirements in terms of the interoperability of forces (C3I, exercises, training, equipment) and forces availability standards. This evaluation will be done by the Military Committee on the basis of a detailed work of the experts groups (HTF) assisted where necessary by NATO in the form of experts group based on the HTF plus format. The EU Military Committee is responsible to spot any shortcomings and to give recommendations to the PSC regarding measures guaranteeing that Member States' undertakings are consistent with requirements.

The document also laid down a number of principles for the Review Mechanism. Progress has to be re-evaluated on a regular basis, the definition, assessment, monitoring and follow-up of capability goals must fully respect the decision-making autonomy of the EU. Transparency and clarity should enable comparison between the commitments of the various Member States.

The arrangements concerning transparency, co-operation and dialogue between the EU and NATO should be set out in the document on permanent arrangements between the EU and NATO. The evaluation mechanism will take account of the following additional principles:

- the need for the concerned countries to ensure the compatibility of the commitments taken on in the EU framework with the force goals accepted in the framework of the NATO Defence Planning Process or the PARP
- the need for mutual reinforcement of the Union's capability goals and those arising from the Defence Capability Initiative
- the need to avoid unnecessary duplication of procedures and information requested

In the initial period it deems necessary that the Defence Ministers of the member states review the implementation of the collective and national commitments regularly to ensure the effective implementation of the Headline Goal until the end of 2003.

The additional contributions of the non-EU NATO members and other accession candidates will be evaluated, in liaison with the states concerned, according to the same criteria as those applied to the member states

Permanent EU NATO Group on Capabilities

A permanent EU NATO Group on Capabilities is to be set up to ensure the coherent development of EU and NATO capabilities, where they overlap (in particular those arising from the Headline Goal and the NATO Defence Capabilities Initiative). The EU NATO Group on Capabilities will ensure the exchange of information and dialogue between both of the organisations and will help to promote:

- exchange of information concerning capability issues;
- mutual recognition of the commitments made by the member states;
- ensuring the compatibility of the Headline Goal and – regarding the concerned member states – the goals accepted in the framework of NATO Defence Planning Process or the PARP;

- discussions among experts on qualitative issues as availability, standards and interoperability

It will be for the member states concerned as for both the EU and NATO to draw the appropriate conclusions from the work of the group.

2. Establishment of new permanent Political and Military Structures

At Nice the European Council decided to establish within the Council new permanent Political and Military bodies to enable the EU to assume its responsibilities in the area of CFSP and ESDP. These Political and Military bodies will have the task to ensure a coherent policy of the EU in international affairs and in the area of crisis management. The composition, competencies and procedures of these new bodies were defined in the decisions adopted by the European Council.

The Political and Security Committee (PSC)²⁷

The new Political and Security Committee comprises one member each from the fifteen member states at ambassadorial level and may be chaired by the High Representative for CFSP in a crisis situation and wherever it deems necessary. It deals with all aspects of the CFSP including the ESDP. The PSC is the pivotal security and defence organ of the EU has been given considerable power.

The PSC will take over all tasks of the Political Committee defined in Article 25 of the TEU. It may also meet in the format of Directors.

In particular the PSC will:

- keep track of the international situation in the areas falling within the Common Foreign and Security Policy, help define policies by drawing up opinions for the Council either at the request of the Council or on its own initiative and monitor implementation of agreed policies;
- examine the areas of GAC, draft conclusions, in which it is involved;
- provide guidelines for other committees on matters falling within the CFSP;
- maintain a privileged link with the Secretary General/High Representatives (SG/HR);
- send guidelines to the Military Committee, receive the opinions and recommendations of the Military Committee, the chairman of the Military Committee takes part in PSC meetings if necessary;
- receive information, recommendations and opinions from the Committee for Civilian Aspects of Crisis Management and send it guidelines on matters falling within the CFSP;
- co-ordinate, supervise and monitor discussion on CFSP issues in various working groups to which it may send guidelines and who's reports it must examine;
- lead the political dialogue in its own capacity and in the forms laid down in the treaty;
- provide a privileged forum for dialogue on the ESDP with the fifteen and the six as well as with NATO;

²⁷ See EU-document Presidency Report on the European Security and Defence Policy (ESDP), Nice European Council, 7, 8 and 9 December, Annex III

- under the auspices of the Council take responsibility for the political direction of the development of military capabilities. As part of the development of military capabilities the PSC will receive the opinion of the Military Committee assisted by the European Military Staff

In the event of a crisis, the PSC is the Council body, which deals with crisis situations and examines all the options that might be considered as the Union's response within the single institutional framework and without prejudice to the decision-making and implementation procedures of each pillar. To prepare the EU's response to a crisis it is for the PSC to propose to the Council the political objectives to be pursued by the Union and to recommend a cohesive set of options aimed at contributing to the settlement of the crisis. In particular it may draw up an opinion recommending to the Council to adopt a joint action. It supervises the implementation of the measures adopted and assesses their effects, without prejudice to the role of the Commission. The PSC is informed by the Commission about the measures, the Commission has adopted or is envisaging. The PSC is also informed by the member states of the measures they have adopted or are envisaging at the national level.

The PSC is responsible for political control and strategic direction of the EU's military response to the crisis. Based upon the opinion and the recommendations of the Military Committee, it evaluates most of all the essential elements (strategic military options including the chain of command, operation concept, operation plan) to be submitted to the Council.

According to the Nice Treaty (Article 25) the Council may authorise the Committee for the purpose and duration of a crisis management operation to take also the relevant decisions.

The PSC plays a major role in enhancing consultations, especially with NATO and the third states involved.

The Secretary General/High Representative may chair the PSC, especially in a crisis situation after consulting the Presidency.

The European Union Military Committee (EUMC)

The EUMC is the highest military body established within the Council and is composed of the Chiefs of Defence Staff (CHODS) represented by their representatives (MILREPs). The Committee gives military advice and makes recommendations to the Political and Security Committee. It provides military direction to The European Union Military Staff (EUMS). It exercises military direction of all military activities within the EU framework.

It provides military advice and makes recommendations to the PSC related to military aspects with regard to:

- the development of the overall concept of crisis management;
- the political control and strategic direction of crisis management operations and situations;
- the risk assessment of potential crisis;
- the elaboration, the assessment and review of capability objectives;
- the EU military relationship with NATO, non-EU NATO countries and candidate and other countries

In crisis management situations it issues upon the PSC's request an Initiating Directive to the Director General of EUMS to work out and present strategic military options. The EUMC

evaluates the strategic military options, which are developed by the EUMS and forwards them to the PSC together with its evaluation and military advice. On the basis of the military option, which is selected by the Council, it authorises an Initial Planning Directive for the Operation Commander. On the basis of the EUMS' evaluation the EUMC provides advice and recommendations to the PSC on the Concept of Operations (CONOPs) developed by the Operation Commander as well as on the draft Operation Plan (OPLAN) drawn up by the Operation Commander. During an international operation the EUMC oversees the proper execution of military operations under responsibility of the Operation Commander. The members of the EUMC take part or are represented in the Committee of contributors.

The chairman of the Military Committee is elected for three years and is a 4-star flag officer and he represents the EUMC at the PSC and the Council. He is also advisor to the Secretary General/High Representative in all military matters. The first chairman of the EUMC is the former Finnish Chief of Staff General Gustav Hägglund.

The EU Military Staff (EUMS)

The EU Military Staff, that will grow to a total of 130 members until the summer of 2001, has the responsibility to provide military expertise to the EU and to fulfil all staff tasks of a military nature. The Military Staff is to perform "early warning, situation assessment and strategic planning for Petersberg-tasks including identification of European national and multinational forces and to implement policies and decisions as directed by the European Union Military Committee".²⁸

Functions of the EU Military Staff:

- It performs three main operational functions: early warning, situation assessment and strategic planning;
- it provides military expertise to EU bodies and in particular to the Secretary General/High Representative;
- it supplies the situation centre with military information and receives its output
- it carries out the military aspects of strategic advance planning for Petersberg-missions;
- it identifies and lists the European national and multinational forces for EU-led operations co-ordinating with NATO;
- it contributes to the development and preparation of national and multinational forces made available by the member states to the EU. The modalities of the relation with NATO are defined in relevant documents;
- it organises and co-ordinates the procedures with national and multinational headquarters including those NATO-headquarters available to the EU ensuring, as far as possible, compatibility with NATO procedures;
- it programmes, plans, conducts and evaluates the military aspect of the EU's crisis management procedures;
- it liaises with national headquarters and multinational headquarters of the multinational forces;
- it establishes permanent relations with NATO according to EU/NATO permanent arrangements and appropriate relations with identified correspondents within the UN and OSCE, subject to an agreement of these organisations.

²⁸ See EU-document Presidency Report on the European Security and Defence Policy (ESDP), Nice European Council, 7, 8 and 9 December, Annex V

- additional functions in crisis management situations:
 - it supports the EUMC in its contributions to Initial Planning Guidance and Planning Directives of the Political and Security Committee;
 - it develops and prioritises military strategic options as the basis for the military advice of the EUMC to the PSC;
 - it identifies in co-ordination with national planning staffs and, as appropriate with NATO, the forces that might participate in possible EU-led operations;
 - it assists the Operation Commander in technical exchanges with third countries offering military contributions to an EU-led operation, and in the preparation of the force generation conference;
 - it continuously monitors crisis situations
- additional functions during operations:
 - the EUMS acting under the direction of the EUMC continuously monitors all the military aspects of operations together with the designated Operation Commander, it conducts strategic analysis to support the EUMC and its advisory role to the PSC in charge of the strategic direction

The EUMS is a Council Secretariat department directly attached to the SG/HR. The EUMS is headed by a 3-star flag officer, who's function-title is Director General of the EU Military Staff. As first Director General of the EUMS the German General Rainer Schuwirth was appointed.²⁹

Transfer of WEU functions to the EU

The European Council of Nice decided that the EU takes over also other important functions of the WEU. The satellite centre in Torejon and the WEU Institute for Security Studies will be incorporated into the framework of the EU and become EU-agencies.

3. Arrangements concerning non-EU European NATO-members and other countries, which are candidates for accession to the EU

The European Council approved the final arrangement for consultation and participation of non-EU NATO members and candidate countries on issues of security and defence policy and EU crisis management. The frequency of and procedures for consultation will depend on requirements and should be guided by considerations of pragmatism and efficiency. There will be different arrangements for normal periods and periods, where a crisis situation arises.

During normal periods a minimum of two meetings will be held during each presidency with the six non-EU European NATO-members and the fifteen EU-members (format 15+6) and two meetings in EU plus fifteen format (format 15+15). In addition to that there will be one meeting in the format 15+6 and one in the format 15+15 on ministerial level. Additional meetings might be called in a crisis situation. All of these meetings will supplement those held as part of the CFSP enhanced political dialogue.

The meetings will be take place with the PSC. There will be two meetings on the Military Committee level and exchanges at military experts level. Each third country can appoint a

²⁹ See Andréani, Bertram, Grant, Europe's Military Revolution, p. 42

representative from its mission to act as an interlocutor with regard to the PSC. As regards the EUMS an officer can be appointed as point of contact.

When a crisis develops, dialogue and consultations will be intensified in the pre-operational phase between the EU and the six non-EU NATO-members with regard to the event of an operation requiring resources to NATO assets and capabilities. After the Council has chosen the strategic military option the operational planning work will be presented to the non-EU European NATO-members and the other candidate countries, which have expressed their intention to participate in an operation.

When the Council has approved the operation concept having taken into consideration the outcome of the consultation with third countries, the following arrangements concerning participation will be applied:

In the event of an operation requiring resources to NATO assets and capabilities, the non-EU European NATO-members can participate, if they wish so. They will, on a decision by the Council, be invited to take part in operations, where the EU does not use NATO assets. All other countries, which are EU accession candidates, may be invited by the Council to participate in EU-led operations, when the Council has decided to start such an operation.

For operations requiring recourse to NATO assets, the non-EU European Allies will be involved in the planning process according to NATO modalities. Autonomous EU-operations will be carried out by a European Military Staff Body at strategic level and non-EU European Allies and candidate countries may send liaison officers to the European Military Staff. Contributions offered by these countries will be reviewed and evaluated. If the contributions match the requirements of the operation, the partner countries will be invited to the Force Generation Conference.

After the operation is formally launched the Committee of Contributors will be established, which will be the main forum for discussing all problems relating to day-to-day management of the operation. In this Committee all EU member states and countries deploying significant military forces will be represented. Non-EU European Allies and candidate countries, which deploy significant military forces under an EU-led operation, will have the same rights and obligations as EU member states as regards the management of the operation. While the Operation Commander is directing the military operation, the PSC is in charge of the “political control and strategic direction” of the operation.

4. Consultation and co-operation between the EU and NATO

Some progress has also been made in articulating an institutional relationship between the EU's new security structures and NATO. After the establishment of the EU Interim ESDP four ad hoc EU–NATO working groups were established in the summer of 2000. Between Feira and Nice, considerable progress was made within these working groups towards the development of a working relationship between the EU and NATO.

An Interim Security Agreement was concluded between the HR-CFSP and the Secretary-General of NATO, George Robertson. In September and November the then Interim Political and Security Committee of the EU met with NATO's North Atlantic Council (NAC). In February 2001, shortly after the Nice Council, the PSC and NAC met for the first time under new permanent NATO–EU consultation arrangements. It has been agreed that these two

supreme bodies will meet formally at least three times per EU presidency and that there will be at least one EU–NATO ministerial meeting per presidency. Either body may propose additional or extraordinary meetings.

At the Nice European Council the EU adopted comprehensive proposals for standing arrangements for consultation and co-operation between EU and NATO. The proposals are based on the principles at the Feira European Council. They include a number of concrete proposals such as:

- regular contacts between the HR-CFSP and the NATO Secretary General, and between the military and political staffs and secretariats of the two organisations;
- regular common meetings of the PSC and NAC, common meetings on Ministerial level, common meetings on the military committees and other committees and working groups
- invitations of the Secretary Generals to Ministerial meetings of EU and NATO and cross-presentation in a number of committees like the Military Committees, invitation of the Deputy SACEUR to EU meetings and the Director General of the EUMS to NATO meetings;
- invitations to appropriate NATO officials to attend the various CFSP and ESDP meetings of the EU;
- procedures for mutual consultation in times of crisis, with distinct procedures relating to an operation calling on NATO assets and to an EU-only operation;
- mechanisms for guaranteed access for the EU to NATO's planning capabilities, including in situations where the EU is simply 'examining options with a view to an operation';
- procedures for placing pre-identified NATO assets and capabilities at the disposal of the EU and for the Union's reporting back to NATO on the use of such assets throughout a crisis;
- the identification and feasibility of a series of command options to be made available to the EU.

However, to date, NATO has been unable to respond fully to these proposals because of difficulties concerning the role of the six non-EU NATO European allies in ESDP, particularly that of Turkey.

The implementation of the ESDP after Nice: Future challenges, problems and perspectives

First priority: development of European military capabilities

The deployment and availability of credible European military capabilities is the key issue for effective European crisis management. The development of European military means and capabilities necessary to cover the full range of crisis management tasks is the main challenge for the Union and its member states in the military field in the next years to come.

The force planning process, taking place within the EU and being supported by NATO expertise led to the elaboration of the Helsinki Headline Goal Catalogue listing the

requirements for EU crisis management operations. The result of the Capability Commitment Conference formed the basis of the Helsinki Forces Catalogue. During this process the military capabilities of the Member States available and the deficiencies and shortfalls of European forces were examined. Preparatory work had been done by the WEU in 1999, who carried out an inventory of the European forces and available national and multinational headquarters (“*audit*”), that were capable of participating in Petersberg missions.³⁰

Present situation: serious European deficiencies and shortfalls

Europe has extensive conventional capabilities, especially in the area of ground forces. The total of forces of the EU member states (1,795.000 persons) exceeds the U.S. by 25% (1,372.000)³¹. But U.S. forces have not only a great number of modern high-tech weapon systems but means and capabilities in the area of command, control, communication, strategic and tactical intelligence and reconnaissance at their disposal, which European forces do not have. NATO’s Kosovo campaign demonstrated these deficiencies and shortfalls in practise.

In 1999 the defence expenditures of the 15 EU member states amounted to 163 billion US \$, those of the United states to 283 billion US \$. While the defence budgets of the EU Member States amount to 57,5% of the U.S. budget, the military effectiveness of European forces reaches not more than 10% of the effectiveness of U.S. forces.³²

This means that Europe has too many soldiers, but not those who fit today’s challenges.

The current structure of European forces and the existing shortfalls in the field of necessary capabilities (“*capability gap*”) compared to the U.S. are also a result of the Cold War. NATO defence planning assigned European forces to take over tasks of conventional defence of the continent. These tasks shaped European capabilities: ground troops, tanks, air defence etc. American forces, which are permanently prepared for operations outside the U.S., always had the quality of mobile, quick reacting expeditionary forces. The development of strategic reconnaissance satellites, modern command, control, communication and information systems remained tasks of the U.S.³³

Petersberg operations demand forces, that can be put into action at a rapid pace. Apart from the NATO-Rapid Reaction Corps, Europe has only limited forces of such quality. Some countries have already made serious efforts to restructure their defence budgets and adopt the equipment of their forces to the new European security and defence challenges in the post-Cold-War-Era. This reform has been accomplished by Great Britain and is in progress in France. Most other European countries will have to undergo a defence reform. Today the majority of the available European military forces are mainly trained and equipped for tasks of continental defence.

The main challenge for the next years is to ensure the transformation of forces away from Cold War standing armies towards mobile, readily deployable expeditionary forces, enabling them to carry out conflict management operations in and around Europe to secure peace and stability. There are still serious deficiencies in qualitative terms, in area of the so called –ities,

³⁰ see EU-document, Presidency Conclusions, Santa Maria da Feira European Council, 19 / 20 June 2000, Annex I

³¹ see François Heisbourg, European Defence, Making It Work, Chaillot Paper 42, WEU-Institute for Security Studies, Paris Septmeber 2000, Annex 2

³² see Gilles Adreani, Christoph Bertram, Charles Grant, Europe’s Military Revolution, Cenetr of European Reform, London 2001, S. 55 und 56ff, and François Heisbourg, European Defence, Annex 4

³³ see Gilles Adreani S. 54

availability, deployability, sustainability and interoperability as well as the over-all military equipment.

The Capability Commitment Declaration adopted at the conference is frank in its assessments.³⁴ The concrete commitments of the member states summed up to a pool of about 100.000 personnel including appropriate air and naval forces, which will provide the EU with the capability to carry out all Petersberg tasks until the end of 2003, under the presumption that the EU member states take the necessary steps to overcome the deficiencies in quality. There are still big shortfalls in the area of collective strategic capabilities. The EU lacks an effective command and control system and the ability to deliver the forces rapidly to the field of operations over long distances. If these deficiencies remain, it will reduce the efficiency of an operation and raise risks for the forces in the area of operations. Until the appropriate European capabilities are established, the Union will have to rely heavily on NATO capabilities, which are mainly American capabilities, if the Union intends to carry out the more demanding Petersberg operations.

Deficiencies concerning strategic capabilities

The main deficiencies, that reduce the options of the EU, are

- deficiencies in the area of command, control and communications (C3);
- shortfalls in the area of reconnaissance, lack of strategic satellite reconnaissance and early warning capabilities;
- deficiencies in the area of information, analysis and situation monitoring capabilities;
- insufficient capabilities in the area of strategic air and naval transport;
- technological deficits in the equipment of forces

Existing command, control, communication and information systems are insufficient for larger Petersberg operations. No deployable multinational strategic and operational Joint European headquarters do exist.

Today only SHAPE or the Defence Staffs of Great Britain and France have the capacity for operational planning of more demanding operations, like the Kosovo campaign, where the EU member states provide more than 80% of the forces in the area. Germany has started to create an appropriate Defence Staff.

European measures

The implementation of the Headline Goal and the decisions of the Capability Commitment Conference are ambitious aims. A number of measures must be taken to overcome the identified shortfalls. But the challenges that have to be met in connection with the building of the European Rapid Reaction Forces are mainly not an issue of quantity but quality of forces and the lack of appropriate European strategic capabilities.

Forces

In order to realise the Headline Goal European national forces as well as multinational forces, like the EUROCORPS, will have to be modernised and trained for the new challenges Europe is facing. Forces, that are used in crisis management operations, must have the appropriate flexibility and adaptability. Equipment and Training of the used European forces must be

³⁴ See Briefing Paper, New Series No. 20, The Royal Institute of International Affairs, April 2001, p. 2

superior to any possible opponent. As regards quality, forces should be characterised by: mobility, availability, deployability, sustainability and interoperability.

Main task is therefore the building of Rapid Reaction Forces. France and Germany agreed also to transform the multinational Eurocorps, which was typical ground force, into a European Rapid Reaction Force and its Military Staff should be able to lead operations on a multinational level. It seems suitable to establish further European multinational forces.

Collective European means and capabilities:

Great efforts and additional financial support will be necessary to overcome the European shortfalls in the area of strategic capabilities: modernisation of the command and control system (command, control, communication and intelligence), modern European intelligence capabilities in the fields of strategic and tactical intelligence including reconnaissance and strategic satellite communications and tactical and strategic lift. Further stallite intelligence capabilities are needed in addition to Helios and designated military satellite communication systems. However, in the interim, the EU must examine what further use can be made of the steadily improving Commercial Satellite Imagery (CSI) technology for PSOs. Such assets and means are at present provided to NATO mainly by the U.S. It will be necessary and inevitable to invest in such assets, if the European Union really is determined to build an effective and credible military capability. These European investments are also practically identical with the investments required by NATO's Defence Capabilities Initiative. They can therefore not be qualified as an unnecessary duplication.

The Europeans will carry out these investments only under the condition that they will be in a position to decide on the use of these assets themselves. Investments in connection with the development of collective European capabilities will therefore also enhance the realisation of the Defence Capabilities Initiative. NATO will have access to these assets and the Alliance therefore will be strengthened as well.

Apart from these high-tech capabilities additional European capabilities are needed in the area of logistic and combat support, such as medical services, supply etc. These efforts are not as expensive but still bring considerable improvement of European capabilities.

The problem concerning duplication in the military field is mainly not one between EU and NATO but between the EU member states, where duplication leads to a great waste of resources.³⁵ The national European forces all have their own defence staffs, supply-, logistic- and procurement-systems leading to high costs for equipment and ammunition. The small national defence budgets permit procurement only in small quantities and over long periods of time. Procurement within the EU member states therefore is too expensive. Economical reason should result in enhanced co-operation in this area. A multinational approach also appears to be advisable in the area of training and maintenance, especially for modern weapon systems, but also in the field of supply and logistic. For instance all national contingents participating in KFOR have to be supplied in a costly way from their country.

European governments have to learn to spend limited resources for defence better and more effectively and to widen co-operation between European forces in a dramatic manner. At this stage common European forces are not in sight, the present concept leads to European forces built upon national contributions, so the key question remains: How can armed forces be

³⁵ Lord Roper, speech at the meeting of the International Geneva Centre for Security Policy, November 16th 2000

connected without to create a loss of national sovereignty and how can common collective military capabilities be built up?³⁶

The new EU-Military Staff (EUMS) will have to be provided with sufficient capacities for strategic planning, pre-decisional situation assessment and strategic information. It will need the capacity for strategic analysis during an operation in order to support the PSC with task of political control and strategic direction of an EU-operation.

Nevertheless, if the operation of the ERRF is to become efficient in practice, the EU must either develop a truly comprehensive multinational strategic and operational EU headquarters or, as the Declaration points out, ensure that the politically more palatable option of access to NATO strategic and operational headquarters capabilities is reliable and assured.

A further issue which remains contentious is that of operational planning. France has argued that instead of simply relying on NATO's planning expertise, the EU must also develop its own operational planning capabilities. The UK and other governments have insisted that there must be no question of duplicating the complex, sophisticated and costly planning capabilities available through NATO. However, the planning for any EU military mission which does not have recourse to NATO military assets would have to be carried out by one or other of the EU member states' national Joint Service Headquarters (at present these exist at corps level only in France and the UK). The recourse to such facilities in the event of an autonomous EU operation is accepted by all member states, but they will need to upgrade them.³⁷

For Petersberg-operations without recourse to NATO assets, joint national headquarters qualified for the task should be reorganised on a multinational level. Elements of other units, air and ground forces should be included into the existing multinational headquarters of EUROCORPS, EUMAFOR and EUFOR.

For modern systems it seems to be advantageous to strive for solutions on an European level. For instance, it seems to be appropriate to command and manage the 400 Eurofighters, which will be used by 5 EU member states from the year 2002 on, collectively, and to agree on common training, common supply and service and logistic. Only these measures can cut costs and will guarantee the necessary interoperability of the new aircraft in the future. For the 200 new large transport aircraft Airbus 400 M the 200 planes should be assigned to an European transport command ("Eurolift").

No specific time-frame for the development of European collective capabilities was agreed on so far, but it is very likeable, that the process will take more than 3 years.

Financial resources

The structural problems of the European forces and the remarkable differences between the European financial defence expenditures and the resulting military effectiveness are also reflected in the differences between the single defence budgets of the EU member states. On an average the EU member states spend 21% of their defence budgets on equipment and research and development, while the U.S. spend 37,3%. Within the EU there are remarkable distinctions as well. In the area of procurement Sweden is front-runner (49%) followed by

³⁶ Christoph Bertram, François Heisbourg, Charles Grant „Mehr Europa, mehr Verteidigung, weniger Kosten“, Frankfurter Allgemeine Zeitung, August 2000

³⁷ See Briefing Paper, New Series No. 20, The Royal Institute of International Affairs, April 2001, p. 2

Finland (39,4%) and Great Britain (27,5%). The group, which spends less than 12%, consists of Ireland, Belgium, Portugal, Spain and Italy.

Even when the existing financial resources on defence shall be spent in the future more effectively than in the past, the restructuring of the defence budgets will not be enough to reach the aspired goals.

EU member states will have to spend more resources on procurement and research and development, defence reform and defence modernisation will not be achievable without an increase of financial resources.

The EU Review Mechanism

To ensure the implementation of the commitments undertaken at the Capability Commitment Conference, the EU member states agreed on the establishment of a EU review mechanism modelled after the planning process used in connection with the elaboration of the Headline Goal. The Union will therefore review regularly the fulfilment of the Headline Goal. It has been agreed that the Review Mechanism will use the data of the Defence Planning Process concerning NATO members and of the Planning and Review Process (PARP) for the 4 non-allied EU-countries. NATO data should be made available via the HTF plus. NATO experts continue to participate in EU work, but the standing procedures are not settled yet. A number of details remain open. Nevertheless it seems appropriate to use tested elements of the Defence Planning Process. Therefore the EU Headline Goal Questionnaire should be based upon the Defence Planning Questionnaire, it also seems to harmonise the time-frame of the EU Planning Cycle with the one of NATO, which runs over 2 years. Until 2003 a more constant review and evaluation of Member States might be appropriate.

Institutional issues:

The Security and Defence dimension of the European Union was established in the second pillar within the institutional frame-work of the European Union.

The decision-making body in connection with ESDP therefore is the General Affairs Council of Foreign Affairs Ministers with the participation of Ministers of Defence, if ESDP matters are on the agenda. The Council of Foreign Ministers and Defence Ministers may also meet ad hoc in the event of a crisis

Establishment of a Council of Ministers of Defence

A broad involvement of the Ministers of Defence is a crucial precondition to make the European Union capable and effective in the field of military crisis management. It will be their task to provide the required capabilities for the realisation of the Headline Goal and the needed strategic capabilities. The development of appropriate military capabilities will result in a large number of questions concerning military aspects and corresponding agreements between the EU member states. Therefore informal meetings won't be sufficient in the long run. A Council of Defence Ministers should be established as in the case in many other areas of governance. The reports resulting from the EU Review mechanism will also have to be forwarded to the Defence Ministers to be reviewed and evaluated. The Council of Defence Ministers should therefore meet once each presidency.³⁸

³⁸ See François Heisbourg, idem..., and Gilles Andreani, Christoph Bertram, Charles Grant, Europe's Military Revolution, S. 40ff

The European Parliament's Tindemans Report also recommended the establishment of Council of Defence Ministers as a formal EU body. The French-British summit of St. Malo on December 4th 1998 also proposed the establishment of a Council of Defence Ministers.

Strengthening the role of PSC

The PSC plays a pivotal role in the area of CFSP and ESDP. It has been given considerable power, of which it will be able to accomplish, only when it is strengthened in many ways. It has to be supplied with the necessary support not only by the Council Secretariat but by the Permanent Representatives as well. The member states should be represented in the PSC by high-ranked ambassadors. The tasks of the PSC require the involvement of highly qualified and motivated personalities. It also would be important that the Secretary General /High Representative takes the chair as often as possible.

The PSC, the Military Committee and the Military Staff were established within the institutional frame-work of the Council. After the integration of the new structures which have the main responsibility ESDP it will be important to make sure that all actors concerned with issues dealing with security and defence matters will be included in the decision-making process of the Union in an appropriate manner. At the same time it will be necessary to ensure the highest possible level of efficiency to enable the Union to respond immediately in the face of a crisis situation.

Along with the development of military expertise it is inevitable to also develop sufficient political-military know-how in the frame-work of the Council Secretariat, as it exists in the International Secretariat of NATO.

The future of WEU

In accordance with the decisions of the European Council of Cologne all WEU functions and structures relating to crisis management should be taken over by the European Union.³⁹

All WEU-member states agree, that Article V of the Brussels Treaty containing the reciprocal security guarantee shall be maintained, because this reciprocal security guarantee is an important expression of European solidarity and a crucial element of a Political Union.⁴⁰ The elimination of this article which commits European WEU-members to defend themselves collectively would mean an irresponsible step back in the process of European integration. European integration has to strive for growing solidarity, not less solidarity within the Union.

During the WEU Ministerial Council in Marseille on November 13th 2000 the WEU-member states therefore agreed on maintaining certain residual structures in the frame-work of the WEU after the integration of all operative political and military functions into the EU. They will act as guardian of Art. V and XI. The WEU Treaty therefore will be maintained at least for a transition period. The mechanism of consultations between WEU and EU was suspended, all stipulations referring WEU were eliminated in Art. 17 of the TEU.

In the long run this will not prevent the disappearance of WEU, because it is not necessary to keep WEU alive because of Art. V alone. The reciprocal security guarantee of Art. V could be transferred to the TEU in form of a protocol, as pointed out at the Inter Governmental

³⁹ See EU-document, Presidency Conclusions , Cologne European Council, 3rd and 4th June 1999

⁴⁰ See Willem van Eekelen, Debating European Security, 1948-1998, p. 61

Conference in 1996/97. EU member states could accede to the protocol under certain conditions.

A European defence review – definition of collective interests, goals and strategies

A Common Security and Defence Policy of the European Union has to be built on common interests and goals, which need to be defined. France already proposed in 1994 the elaboration of a White-Paper on European security in the frame-work of the WEU.

The proposal was not accepted by Great Britain. WEU countries nevertheless agreed to elaborate a common reflection on European Security within the WEU frame-work. Work within the WEU to which also WEU Associate Partners were involved resulted in the WEU-document “European Security: a Common Concept of the 27 WEU countries” which was forwarded to the WEU Ministerial Council on November 14th 1995.⁴¹ The document was a first attempt to analyse the new security context in Europe and the new emerging risks.

The Tindemans report also proposed the elaboration of a European Security and Defence Doctrine.⁴²

In Cologne it was decided to take a different more pragmatic approach in developing ESDP. Priority was given to the development of real military capabilities. The focus on military capabilities turned out to be the decisive breakthrough within the European Union. It proved right, to take the pragmatic approach and to focus on the development of military capabilities. In the elaboration of the Helsinki Headline Goal changes of the international security context were taken into consideration.

There is a strong case now to end the present strategic ambiguity and start to define more clearly the political and strategic goals of the new ESDP.

Most European countries are undergoing national defence review. A European Strategic Defence Review, going beyond the HLG, who would define the missions, structures, capabilities and resources required to future European forces would be an important contribution to ensure that European reforms move into the right direction. Europe is turning away even very slowly from the concept of national armed forces. There will be no European army, but there will be European forces multinational and national working, training, acting and operating together. There will be European co-operation in many areas, f.i, logistics, procurement, maintenance, training etc. could release important resources.

A European Strategic Defence Review would also be important to develop a common strategic vision what European forces are for. This would allow to define more clearly, what is meant by the Petersberg-tasks, what are the outer limits in geographical and operational terms.⁴³ Work should also be undertaken to harmonise the approach of European forces to the

⁴¹ See WEU-document, European Security: a Common Concept of the 27 WEU Countries, WEU Ministerial Council, Madrid November 14th 1995, WEU press and information office, Brussels 1995

⁴² Leo Tindemans, Report on the gradual establishment of a common defence policy for the European Union, Committee on Foreign Affairs, Security and Defence Policy, 30 April 1998

⁴³ François Heisbourg, presentation at the 4th European Forum on Security Policy of the AIES, The Common ESDP, Making It Work, Vienna December 12th 2000

management of Peace Support Operations, which are more complex, because they require a mix of civilian and military skills.

In recent years many EU member states have adopted out new Defence White-Papers and carried out defence reviews. Work could begin by looking for the areas of convergence between the various Defence White-Papers and Reviews. A comparison between these documents will probably show a greater degree of convergence than difference. It seems therefore appropriate to start work on a collective European Defence Review by looking for the areas of convergence between the various White-Papers and reviews of the EU member states.⁴⁴

The U.S is at present carrying out a new analysis of risks in the 21st century. It would be therefore normal and useful for the Europeans to share among themselves their national analysis of present threats: on risks of proliferation and on the evolving security context around the Union. This would base the declared objective of a CFSP and ESDP on a minimum of common understanding of international realities.⁴⁵ In this context work could also be undertaken to define better the common interests of the Union, as it has been done so far by the political working groups of the Union.

The defence reviews and reforms, which many EU countries are undertaking, will lead to a certain restructuring of the defence budgets releasing resources for investments and R+D. But we must be aware that defence reform and defence modernisation will not be achievable without an increase of financial resources as well. European tax payers will be better prepared to accept such increases, if they are contributing not only to the strengthening of European capabilities but also of the European Union as a key European security actor.

II. NATO and the development of a European Security and Defence Identity – Burden-sharing and more European responsibility

The first NATO Secretary General, Lord Ismay described NATO's purposes as following: "to keep the Americans in, the Russians out and the Germans down". It is maybe not the most diplomatic way to express oneself, but it was non the less the common understanding of the purpose of NATO during and after the founding of the alliance. Today, however, the situation has fully changed. Although, NATO as organisation, and as defence alliance has survived itself. But why one could ask?

Why does a collective defensive alliance exist at a time when there is nothing to defend itself against? Why was NATO maintained when the Warsaw Pact – NATO's institutional counterpart during the Cold War – was abolished, thus to a very large extents removing the military threat to Western Europe? There is no threat to NATO and an eventual, future menace is extremely distant.

It is often emphasised in literature pertaining to organisation-theory, that organisations have an inherent tendency to survive. The reason for this could be common inertia or narrow bureaucratic concerns for its individual organisational interests. The collapse of organisations e.g. the USSR, Warsaw Pact and COMECON was swift and effective. If the latter are the

⁴⁴ idem

⁴⁵ See Nicole Gnesotto, Newsletter No. 32, WEU Institute for Security Studies, p. 1

exceptions, then NATO could be the norm. It was not long before it was warned that NATO had to do something to ensure its survival. NATO had – it was said – to “Go out of area or out of business”. New tasks was indispensable.

Should one attempt to apply Lord Ismay’s prescription of NATO’s purposes to the present day situation, one may say that they are to keep the Americans in, the Russians attached and the European together. The first purpose is identical, NATO remains the organisation that binds Europe and the United States. The second purpose, namely including Russia into narrow partnership, is a novelty and so is the third, since the idea that not only Germany but also the new members should be bound by the narrowest possible military integration, represents a new and broader interpretation of NATO’s *raison d’être*. But how did it all begin?

The very beginning of the Alliance

The establishment of the Atlantic Alliance, better known as the *North Atlantic Treaty Organisation* (NATO), was a reaction by European Western and North American powers, which feared Soviet dominance in Eastern Europe. NATO was more a European wish than one of the US. The earlier establishment of the Western Union was primarily – as well as NATO – a reaction to the soviets. The Western Union symbolised the ‘will’ to protect the political order and institutions of Western Europe. An order founded on democratically principles and human rights including the right to free speech. However, the demonstration of this ‘will’ power to defend Western Europe from Soviet aggression was far from actual defence.⁴⁶

The Europeans reasoned that Western Europe could only be defended with a massive American assistance and involvement. The British appealed to the United States and Canada to join the Western Union. In doing so, this collective arrangement would through its transatlantic link establish a real and creditable European defence.⁴⁷ However, it was clear from the US perspective that the Western Union had become, as it were, a Potemkin village where the head of the military command, Field Marshal Montgomery, often clashing with the head of the ground forces, the French general Jean de Lattre de Tassigny.⁴⁸ From the onset the United States never intended to join the Western Union since the aims and objectives of the organisation were too narrow for US interests.

Instead, the United States decided to offer the Western European countries a comprehensive weapon-aid-program within the framework of an Atlantic alliance, which was spearheaded by the State Department.⁴⁹ In this proposed US arrangement, troops were to be provided by the Europeans.⁵⁰ The negotiations were started at the end of October 1948. This new Atlantic alliance would be far more encompassing than the member-states of the Western Union, and would furthermore include Denmark, Norway, Iceland, Italy, Portugal and Canada.

⁴⁶ See Bonnén, Preben, *Towards A Common Defence Policy for Europe – The ways and means to make it a reality*, Toronto 2001.

⁴⁷ Ibid.

⁴⁸ See Frede P. Jensen, *WEU – Den Vesteuropæiske Union, Det Sikkerheds- og Nedrustningspolitiske Udvalg* (SNU), København, 1994, pp. 14.

⁴⁹ Cf. The Vandenberg Resolution, United States Senate Resolution 239, 80th Congress, 2nd session, Washington, D.C., 11 June, 1948.

⁵⁰ See Steven Weber, *Multilateralism in NATO: Shaping Postwar Balance of Power, 1945-1961*, Research series no. 79, Berkeley 1991, pp. 26.

The negotiations concluded with the signing of the North Atlantic Treaty in Washington, 4 April 1949, procuring a common security system, based on the principles of partnership and consensus building.

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat of force in any manner inconsistent with the purposes of the United Nations.⁵¹

Hence an alliance of free Western countries emerged, connected by their desire to maintain their security through mutual guaranties according to article 51 of the Charter of the United Nations.

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security ...⁵²

From the very beginning of NATO, the alliance was more than just collective defence. NATO is a community of shared values based on freedom, democracy, human rights and the rule of law. Although a number of other issues, such as economic and social co-operation, were brought up in the Treaty the main issue was the collective defence. Until the end of the Cold War, NATO was that organisation, which guaranteed the peace, stability and prosperity in Europe, based on common values as Article 5 had it.

The 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.

However, the North Atlantic Treaty is legally weak. Where the parties in the text of the treaty has agreed that an armed attack against one or more of the them in Europe or North America shall be considered as an attack against them all (Article 5), it is up to each individual member state to decide which means is deems necessary. The article does not necessarily commit the members to assist militarily. On the other hand, with an strong integration as established by NATO, however, it would be difficult to avoid offering military assistance.

NATO's transformation

The end of the Cold War led to a re-evaluation of the roles and responsibilities of international organisations. NATO's adaptation included recognition of, and support for, a more coherent and distinct European defence contribution, which make it necessary to distinguish between the two types NATO. Namely the NATO which was formed at the being

⁵¹ See Article 1 of the North Atlantic Treaty, Washington, D.C., 4 April 1949.

⁵² See Article 51 of the Charter of the United Nations, San Francisco, USA, 24 October 1945.

of the Cold War, from the New NATO which emerged from the post-Cold War situation in the early 1990's.

The traditional definition of security, which was concentrated on territorial defence, was being challenged as never before. There was an increased recognition of the reduced value and importance of military power in international relations in general, especially between European states in particular. The individual or group, as opposed to the state, was frequently seen as the main target of security policy. With no threat to national territories, the European security agenda was now dominated by a series of diffuse risks and challenges such as transnational crime, ethno-nationalist conflict and nuclear proliferation.⁵³ In other words, the central role of the state in security and defence was now being challenged, which also began to influence the role played by NATO.

At the Summit Meeting in London in July 1990, in the most far-reaching Declaration issued since NATO was founded, the Heads of State and Government announced major steps to transform the alliance in a manner commensurate with the new security environment and to bring confrontation between East and West to an end. They extended offers to the governments of the Soviet Union and Central and Eastern European countries to establish regular diplomatic liaison with NATO and to work towards a new relationship based on co-operation. The London Declaration included proposals to develop co-operation in numerous different ways. Leaders and representatives of Central and Eastern European countries were invited to NATO Headquarters in Brussels.

However, the challenges could not be comprehensively addressed by one institution alone, but only in a framework of interlocking institutions tying together the countries of Europe and North America. So NATO were working toward a new European security architecture in which the alliance, the CSCE (today OSCE), the European Community (Today the EU), the WEU and the Council of Europe complement each other. In other words, regional frameworks of co-operation became even more important.

With the ending of the Cold War, the unification of Germany, and the dissolution of the USSR, the strategic and political environment in Europe changed drastically. As a response to the new situation, the NATO countries published the 'new Strategic Concept' in Rome 8. November 1991, which – unlike during the Cold War – was presented openly and officially.

The concept is prone to multiple interpretations and characterised by the need for compromise. But the purpose cannot be misinterpreted: NATO is in accordance with Article 2 viewed as a larger and more substantial organisation with a larger area of responsibility.

The Parties will contribute towards the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

⁵³ See Wæver, Ole, Buzan, Barry, Kelstrup, Morten & Lemaitre, Pierre (1993), *Identity, Migration and the New Security Agenda in Europe*, London: Printers Publishers.

Indeed, while Article 14 of the United Nation Charter affirms, that the main responsible for the maintenance of the international peace and security is the Security Council, a qualification was added concluding that NATO...

...as such plays a crucial role in contributing to security and stability in the Euro-Atlantic Area.

The determining factor is precisely that the strategic concept insist that NATO has the main responsibility for this "Euro-Atlantic" area. The notion; "Euro-Atlantic area" is, indeed important as it is present throughout the strategic concept without ever being clearly defined.

The crucial element is the reference to the will and possibility to independently carry out "non-Article 5 crisis response operations". An essential point is made in Article 48 of the strategic concept which asserts that...

...the maintenance of security and stability in the Euro-Atlantic area is of key importance. An important aim of the alliance and its forces is to keep risks at distance by dealing with potential crisis at an early stage. In the event of crisis which jeopardise Euro-Atlantic stability and could affect the security of the alliance members, the alliance's military forces may be called upon to conduct crisis response operations. They may be called upon to contribute to the preservation of international peace and security by conducting operations in support of other international organisations complementing and reinforcing political actions within a broad approach to security.

The grand openings are imbedded in these formulations for the new, independently operating NATO within the broadly defined "Euro-Atlantic area". Indeed, what is new here is that there are no explicit requirements for a UN-mandate when "crisis response operations" are to be carried out within the Euro-Atlantic area.

The concept "a broad approach to security" is the essential and driving element in the 1991-doctrine. Where the new strategic concept reaffirmed NATO's core functions, it also allowed the alliance, within the radically changed situation in Europe, to realise in full the broad approach to stability and security encompassing political, economic, social and environmental aspects, along with the indispensable defence dimension. There was a perception that the earlier strategic principles, such as flexible response, forward defence, and brinkmanship, were no longer considered relevant in post-Cold War era.

At the NATO meeting the member states declared to support all steps in the countries of Central and Eastern Europe towards reform and promised further to give practical assistance to help them succeed in this difficult transition. This was based on the conviction that own security is inseparably linked to that of all other states in Europe.⁵⁴

⁵⁴ In Copenhagen the year before, 7 June 1990, the alliance had taken further initiatives to develop partnership with these countries, including extensive programme of high level visits, exchanges of views on security and

Threats were replaced by security challenges and risks, enemies became partners and massive armed conflict became conflict management, and conflict prevention. Indeed, although collective defence remained the primary aim of the Alliance, dialogue and co-operation had become central issues, which among other things had seen the formation of an *Allied Command Europe Rapid Reaction Corps* (ARRC). This was not an insignificant event since ARRC, the land component of the (ACE) *Rapid Reaction Corps* (RRF), is a token of NATO's constant engagement in Europe.⁵⁵

European role on security and defence

The burden-sharing problem was also on the agenda, when negotiations at the *Intergovernmental Conference* (IGC) on the establishment of the European Union were at their peak. In the 1991 concept, the references to the *European Security and Defence Identity* (ESDI), to the role of the WEU, and the strengthening of the European pillar within the NATO were numerous. This was considered a positive European contribution to burdensharing.

However, despite the USA in principle supported such a European role on security and defence, the US did voice concerns that a common European defence policy might impair NATO's role, a concern reflected by some of the member states as well. This concern was to read too in the so-called Bartholomew Telegram dated the 20 February 1991 dealing with the general US approach to developing a European Security Identity.

We support such an identity, provided it strengthens the Atlantic Alliance... the United States has long supported a strengthened European role within the Alliance. So we welcome the prospect of sustaining the transatlantic partnership on security affairs with a more confident and united Europe – a partnership consonant with the North Atlantic Treaty... In our view, efforts to construct a European pillar by redefining and limiting NATO's role, by weakening its structure, or by creating a monolithic bloc on certain members would be misguided.⁵⁶

However, the US reservations were overcome after an intensive transatlantic dialogue. NATO and the US recognised finally that the building of a European security and Defence Identity and the strengthening of the role of WEU are an important contribution to European security

other related issues, intensified military contacts, and exchanges of expertise in various. In Brussels, 10 January 1994, the *Partnership for Peace* (PfP) programme and the *Euro-Atlantic Partnership Council* (EAPC) were established.

⁵⁵ Its role is to be prepared for employment throughout *Allied Command Europe* (ACE) in order to augment or reinforce local forces whenever necessary. Its peacetime planning structure includes 10 assigned divisions plus corps troops from 14 NATO nations, allowing a rapid response to a wide range of eventualities. Its broad spectrum of capabilities enables forces to be tailored appropriately to multifaceted and unpredictable risks.

⁵⁶ See The Bartholomew Telegram, 20 February 1991 in; van Eekelen, William, *Promoting European Security*, CEPS, 1998.

and the alliance as a whole. Thanks to the NATO and US' blue print, now at least the Europeans itself could begin to discuss defence issues.

This discussion which took its beginning during the IGC where the member states of the EC started negotiations on the building of a political union with a security and defence dimension. But why this discussion? Why should the IGC and a political union occupy themselves with defence politics at all?

The answer is found in the "Platform on European Security Interests" from October 1987 in which the need for a closer defence co-operation was expressed just as it was emphasised that the political project in Europe would first be finished in that moment it would include a common security and defence policy too.⁵⁷ In this way Maastricht was not much but a "natural" continuation or follow-up of this line.

There was a number of divergent views and interests and negotiations proved to be difficult. Whereas member states were able to reach an important substantial agreement including a firm time-table on the creation of the *European Monetary Union* (EMU), in the area of the *Common Foreign and Security Policy* (CFSP), especially in the area of security and defence, the outcome of Maastricht fell well short of the challenges the EC were facing.

Many important ideas and proposals were put forward at the IGC – like the introduction of a clause on mutual assistance (Art. V. WEU Treaty) into the new formed treaty, the integration of WEU into the Union and the creation of a European Rapid Reactions Force. In October 1991, Great Britain and Italy formulated a joint declaration on European Security and Defence, suggesting among other things that member states of WEU should develop a *European Reaction Force* (ERF), which should be autonomous, separate from NATO structure. Further more the ERF should have its own peacetime planning cell to develop contingency plans and organise exercises. The idea of ERF was not taken up but other ideas did not find a consensus or were adjourned until the next IGC.

Similarly, there has been a line of tension that acts upon the question pertaining to how NATO's European pillar should be defined and is to be identified between Europe and the United States there are also – and to an equally great degree – lines of contention between and amongst the European countries with their diverse interests, and priorities. Interestingly enough, these intra-European lines of conflict are deeply connected to the level of dependence of the United States. If we look at the Nordic countries, Norway and Iceland, but also Denmark underline the necessity of building a European role in security and defence within the Alliance.⁵⁸ The other Nordic non-aligned countries, Finland and Sweden stress in this respect they fully support the development of a ESDP by the EU.⁵⁹

⁵⁷ The context in which the need for a common security and defence policy was proposed was different from the one which has its effect today. Unlike today when our experiences from the Balkans are the decisive factors the aim at that time was to oppose the threat from the Warsaw pact. The superior conventional forces of the Warsaw pact and its capability for surprise attack and large-scale offensive action were of special concern among the Europeans in this context. Cf. WEU Ministerial Council document, Platform on European Security interests, The Hague, 27 October 1987.

⁵⁸ See Bonnén, Preben and Palosaari, Teemu, On the Road to a Nordic Defence Co-operation? Bringing military issues back on the Nordic agenda, in; Ulkopoliitiikka, Helsinki, 2001.

⁵⁹ At the same time, Finland and Sweden - a line between crisis-management and defence. In their interpretation, when one speaks about defence in the EU context, one actually means crisis-management. See Ojanen, Hanne,

However, the member states of the EC for their part reached a consensus that the framing of a common defence policy was to be part of the process of establishing CFSP, that the WEU would be devolved as defence arm of the Union, but also as a means to strengthen the European pillar in NATO and would also keep its autonomy.

The objective is to develop WEU as a means to strengthen the European pillar of the Atlantic Alliance. Accordingly WIE is prepared to develop further the close working links between WEU and the Alliance and to strengthen the role, responsibilities and contributions of WEU Member States in the Alliance. This will be undertaken on the basis of the necessary transparency and complementarity between the emerging European security and defence identity and the Alliance. WEU will act in conformity with the positions adopted in the Atlantic alliance.⁶⁰

To this aim, member states decided to intensify their co-ordination on Alliance issues, which represent an important common interest with the aim of introducing joint positions agreed in the WEU into the process of consultation among its members and the venue for agreement on policies bearing on the security and defence commitments of Allies under the Washington Treaty.

The WEU, therefore, became the bridge between NATO and the EU. It is at the same time the body was named in the TEU are named as the body responsible for carrying out decisions of the EU with defence implications, and also the vehicle for the ESDI in NATO. Whereas Maastricht was a follow-up of the Platform on European Security Interests the time was not yet ripe for an actual common defence.

The revitalisation of the WEU

Two years later after the European Union came into reality, it was stated at the Ministerial Council in Madrid, November 1995 that the WEU is an essential element of the development of the ESDI within the Atlantic Alliance.⁶¹ The revitalised WEU became simultaneously “the defence arm of the Union” and the “European pillar of the Alliance”, hence accommodating the different pressures behind Europe’s defence. The WEU has developed the necessary organisational links with NATO and an “all-inclusive” approach to policymaking; but was called upon to undertake only a few relatively modest missions.

In Berlin at the Ministerial Meeting of the *North Atlantic Council* (NAC) 1996, the WEU succeeded in forcing through an expansion of the already initiated co-operation with NATO,

Participation and Influence: Finland, Sweden and the post-Amsterdam development of the CFSP, Occasional Papers 11, Institute for Security Studies of WEU, Paris, January 2000.

⁶⁰ Cf. WEU related texts adopted at EC Summit Maastricht – 10 December 1991, The Role of the Western European Union and its relations with the European Union and with the Atlantic Alliance.

⁶¹ Cf. WEU-document, Madrid Declaration, Ministerial Council, Madrid, 14 November, 1995.

giving top priority to the fortification of a European identity in NATO.⁶² This meant that the WEU and NATO in the future will ‘consult’ one another concerning emergencies and that the WEU has been enabled to use NATO assets in situations where the United States, for instance, were unwilling to be involved, or their involvement was deemed unnecessary.

While the USA accepted the idea of developing a European role in security and defence, its aim was to develop ESDI within NATO, the WEU having the role of a platform of military co-operation among European allies.

The USA very much wanted the WEU to be in charge of the implementation of ESDI, because connected with that WEU was autonomous of the EU (could be requested). The USA also had worries that the French-German initiative in 1991 to merge two units of the French-German brigade, having two equal command languages and regular rotation in the top administration, and plan to already in 1992, France and Germany intended to supply troops of their own at the disposal of this newly established EUROCORPS.⁶³

The EUROCORPS was an alternative to ARRC developed to give the EU the opportunity to take independent military action.⁶⁴ The United States and Great Britain, both of which considered it as a rival to NATO, did not meet the French-German initiative with enthusiasm. They feared it would become a European army, which would operate independently of NATO and the *Western European Union* (WEU), and therefore would challenge NATO and the United States’ engagement in Europe.⁶⁵

According to Willem van Eekelen the creation of the EUROCORPS could become – what he called – a third layer of defence co-operation – NATO, WEU and the EUROCORPS – without a clear place in the structure of WEU as a whole. To reassure her allies, France accepted that the EUROCORPS could operate under command of NATO in crisis situations ranging from war to international peacekeeping.⁶⁶ In 1993, the United States proposed the creation of an CJTF concept.⁶⁷

⁶² Cf. NATO Final Communiqué, Ministerial Meeting of the North Atlantic Council, Berlin 3 June, 1996, Press Communiqué M-NAC-(96)63, para.6.

⁶³ Cf. The Declaration of La Rochelle, 22 May, 1992.

⁶⁴ The French-German initiative began in 1988 when France and Germany intensified their military co-operation by establishing a common Security and Defence Council. Cf. Bericht des deutschen und des französischen Verteidigungsministers über die Aufstellung des Europäischen Korps vom 22. Juli 1992 (Bericht von La Rochelle), B. Vorschläge, I. Aufträge.

⁶⁵ See van Eekelen, Willem, pp. 107 and Fitchett, Joseph, Paris Concedes to NATO on French-German Corps, International Herald Tribune, 1 December, 1992, pp. 1 and 6.

⁶⁶ The United States insisted that the EUROCORPS be integrated into NATO, while France resisted this effort. Originally, France would only have accepted the subordinate role of EUROCORPS to the WEU. However, German mediation between Paris and Washington made it possible for the EUROCORPS to be at NATO’s disposal provided that the French and German parliaments agreed to participate in a given action. The EUROCORPS however, became one Forces Answerable to WEU (FAWEU) among many. When Belgium decided to participate, followed by Luxembourg and Spain, its relationship with NATO was clarified better. So the EUROCORPS became a FAWEU.

⁶⁷ The notion of the CJTF had previously been presented by the USA during a meeting in NATO’s Defence Planning Committee in Travemünde, Germany, January, 1993. The following year, in Brussels, 10- 11 January, 1994, NATO leaders directed that it be developed.

A Combined Joint Task Force is a multinational, multi-service deployable task force generated and tailored primarily, but not exclusively, for military operations not involving the defence of Alliance territory, such as humanitarian relief and peacekeeping. It provides a flexible and efficient means where-by the Alliance can generate rapidly deployable forces with appropriate command and control arrangements. The wide variety of circumstances under which CJTF's might operate places considerable demands on the command and control arrangements for such operations.

The role of the CJTF headquarters is therefore crucial. CJTF headquarters "nuclei" or core staffs are being established on a permanent basis within selected "parent" headquarters of the NATO military command structure. The headquarters "nuclei" join with "augmentation" modules and "support" modules appropriate to a particular operation to form a CJTF headquarters specifically structured to meet the requirements of the operation in question. This HQ would be able to call on NATO or WEU forces for any given mission.

The forces would be assigned from NATO main forces and put under the command of the CJTF HQ. This principle can be applied to NATO missions including US forces, or to European-only missions. The Partnership opened the door to a wide range of practical co-operation in political and military fields, including peacekeeping. The politico-military framework for CJTF was to take account of this.

But these include the need to ensure that its development is consistent with other elements of NATO's adaptation, including in particular the prospective revision of the command structure; to take full account of the WEU dimension by developing the concept of 'separable but not separate' capabilities which could be used either by NATO or by the WEU; to provide for the possible involvement of non-NATO nations in a CJTF; to maximise cost-effectiveness and avoid duplication. In sum, the CJTF concept is an integral and essential part of the Alliance's adaptation to the challenges - and the opportunities - of the new security environment.

The CJTF concept was designed to give NATO greater flexibility in responding to Out-of-Area conflicts. Through WEU-led CJTF's, the WEU could, in cases where the Alliance as whole is not engaged, or does not wish to be involved, launch and conduct operations under its own command, using NATO assets and capabilities. By bringing military actions of European in the framework of WEU into the NATO framework, the principle of separable, but not separate forces, advocated by the Alliance was achieved. While European member states would have the capacity to act independently of the alliance, this capacity would remain within the NATO framework, thus preserving, rather than duplicating, NATO's integrated decision making and command structures.⁶⁸

The Treaty of Amsterdam provided further evidence of the determination to have a more active and coherent *Common Foreign and Security Policy* (CFSP) through the creation of a High Representative for the CFSP and a planning cell. The new TEU incorporated the Petersberg into the treaty, initially adopted by the WEU, which range from humanitarian

⁶⁸ See Lutz, Anne Rachel, *The Combined Joint Task Force Concept: NATO's operational Lifeline for a New Security Architecture*, College of Europe, Natolin, 1999, pp. 20-21.

missions to peace making.⁶⁹ There is also a stronger reference to defence than in the Maastricht Treaty. Furthermore, it is professed in Article 17, that:

The development of a Common Foreign and Security Policy (CFSP) includes the progressive framing of a common defence policy. Such a policy as called for in the Amsterdam Treaty, would be compatible with the common security and defence policy established within the framework of the Washington Treaty. The clear juxtaposition of and connection between the EU's and CFSP and NATO's Common Security and Defence Policy are new and exemplify the present and future relationship between these two organisations.

It is from this that what we know and call ESDI evolved. Questions of how to enable WEU to undertake the tasks in question, how to ensure a better burden sharing between the USA and Europe, and how to integrate the new democracies in Eastern and Central Europe all contributed to the advancement of the CJTF concept.

Special role was to be developed for the DSACEUR, always a European general, in WEU crisis management. As a result of the crisis in the Balkans which often meant that the discussion on capacities and burden sharing had to recede into the background in favour of action. This applies especially to CJTF which at that time had not yet left the drawing board.⁷⁰ However, even the CJTF did not leave the drawing board, the idea had to be tested in action, when IFOR had to implement the military part of the Dayton agreement.

Within the new military structures the CJTF concept was adopted. CJTF headquarters will be established CINC NORTH, Brüssel, and with CINC SOUTH, Naples. The new command and control structures will not be as large as foreseen in Brussels and Berlin. They will have to draw on resources from regional headquarters.

The Washington Summit

At the Washington Summit in April 1999, Alliance leaders reaffirmed their commitments to preserving the transatlantic link while reinforcing the European pillar of the Alliance on the basis of the Brussels Declaration of 1994, and the principles agreed at Berlin in 1996 and welcomed to the strengthening of a Common European Security and Defence Policy by the Amsterdam Treaty and the reflections launched since then in the WEU and – following the St. Malo Declaration – in the EU, including the Vienna European Council Conclusions.

⁶⁹ However, the Petersberg tasks is not a aim or goal, but treaty obligated.

⁷⁰ This further development has given cause for a new discussion on Europe's part in NATO. In the St. Malo Declaration, December 1998, Britain and France implicitly proposed to by-pass the WEU by making the European Union itself the framework within which Europe would develop the capacity for autonomous action where NATO as a whole is not engaged. At the Cologne European Council on 3 – 4 June 1999, Heads of States and Governments debated on how to construct this military capacity.

The Washington Summit communiqué confirmed the key elements of the Berlin agenda on building ESDI. The Washington Summit communiqué stressed the following points:

- acknowledged that the EU is resolved to have the capacity for autonomous action so that it can take decisions and approve military action where the Alliance as a whole is not engaged;
- that NATO and the EU will have to ensure - as this process goes forward – that effective mutual consultation, co-operation and transparency are developed building on the mechanisms existing between NATO and the WEU ;
- it welcomed the steps to strengthen both EU members and other European Allies' defence capabilities, especially for new mission, avoiding unnecessary duplication.
- Non-EU European Allies should be involved as fully as possible in EU-led crisis response operations, building on existing consultation arrangement within WEU.
- The decisions taken in Berlin in 1996, including the concept of using separable but not separate NATO assets and capabilities for WEU-led operations, should be further developed.

In this sense, the Summit set out a number of principles. Among these the core basis of which – and building on the Berlin decisions – Alliance Heads of State and Government declared their readiness to define and adopt the necessary arrangements for ready access by the European Union to the collective assets and capabilities of NATO for operations.⁷¹ In this regard the following decisions were reached at the Washington Summit:

- Assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations;
- The presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations;
- Identification of a range of European command options for EU-led operations, further developing the role of DSACEUR in order for him to assume fully and effectively his European responsibilities;

⁷¹ Cf. Washington Summit Communiqué, Issued by the Heads of State and Government participating of the North Atlantic Council in Washington, D.C. on 24 April 1999.

- The further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations.

As part of this efforts, the DSACEUR became the focal point for ESDI within NATO as well as the principal point of contact with WEU Strategic Commanders. Beyond this, NATO agreed at the NATO summit in Washington, 1999, to identify a range of European command options for EU-led operations, further developing the role of DSACEUR in order for him to assume, fully and effectively, his European responsibilities.⁷²

In this regard, it is imagined that DASACEUR – or another European general – will act as Operation Commander of EU-led operations. As the Operations Commander would come under the authority of the EU Council, it would be the EU and not NATO, which would maintain political and military control at the strategic, tactical and operational levels and DSACEUR will have the role as a force generator and a Strategic Co-ordinator between NATO/SHAPE and EU military bodies..⁷³

However, an essential part of the development of ESDI is the improvement of European military capabilities. The Alliance's *Defence Capabilities Initiative* (DCI), agreed in Washington, is designed to ensure the effectiveness of future multinational operations across the full range of NATO missions and will play a crucial role in this process. Objectives arising from the DCI and the efforts of the EU to strengthen European capabilities are mutually reinforcing.

The DCI amid a growing concern that too many of Europe's predominantly Cold War military structures were being overtaken by the demands of a new strategic environment, and outclassed by the capabilities of the US to the point where their capacity to interoperate was coming into question.⁷⁴ Also the conclusions of the WEU Audit presented in November 1998, stressed this point. Furthermore the WEU study called for better strategic planning in line with NATO's standards and improvement of European access to satellite intelligence.⁷⁵

DCI aims in particular to improve Alliance capabilities in the following five overlapping areas:

- “mobility and deployability”; i.e. the ability to deploy forces quickly to where they are needed, including areas outside the Alliance territory;
- “sustainability”; i.e. the ability to maintain and supply forces far from their home bases and to ensure that sufficient fresh forces are available for long-duration operations;
- “effective engagement” i.e. the ability to successfully engage an adversary in all types of operations, from high to low intensity;

⁷² Cf. Washington Summit Communiqué, NAC-S(99), 24. April 1999, Section 10.

⁷³ Cf. WEU-Documents, A European Crisis Reaction Force, Doc. 1668, Assembly of Western European Union, 10. November 1999.

⁷⁴ Cf. Washington Summit Communiqué Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council, Washington D.C., 24 April 1999.

⁷⁵ Cf. Audit of Assets and Capabilities for European crisis management operations recommendations for strengthening Europeans capabilities for crisis management operations, Luxembourg 22-23 November 1999.

- “survivability”: i.e. the ability to protect forces and infrastructures against current and future threats; and
- “interoperable communications”: i.e. command, control and information systems which are compatible with each other, to enable forces from different countries to work together.

The need for progress in European capabilities is very clear. During the air campaign, one ally had to carry a disproportionate share of the burden simply because the others didn't have the military capability to participate at all levels. There also was increasing difficulties in command-and-control, because the systems used by some Allies were more advanced than those of the rest. In a military alliance, interoperability is an essential prerequisite for the effective delivery of military muscle.

The worries of the US

Although the Cologne European Council welcomed the results of the NATO Washington summit as regards NATO support for the process launched by the EU and its confirmation that a more effective role for the European Union in conflict prevention and crisis management will contribute to the vitality of a renewed Alliance and the fact that the Atlantic Alliance remains the foundation of the collective defence of its Members, the aim is to operate autonomously.

The adoption of the European Union as the framework within which European efforts will be developed has however again resurrected fears that this could have adverse consequences for NATO through decoupling, division and duplication. European reassurances, notwithstanding, there remain concerns that the result will be a rival organisation in structure but lacking the necessary military capabilities.

Former Secretary of State for Defense William S. Cohen expressed this view clearly at a informal NATO Defence Ministerial Meeting in Birmingham, Great Britain, Tuesday, October 10, 2000. The United States and Europe should seek

... relationship that will benefit the current, and the potential future, members of both organizations – a relationship wherein NATO and EU efforts to strengthen European security are coherent and mutually reinforcing; the autonomy and integrity of decision-making in both organizations are respected, each organization dealing with the other on an equal footing; both organizations place a high premium on transparency, close and frequent contacts on a wide range of levels, and efforts that are complementary; and there is no discrimination against any of the member states of either organization.⁷⁶

That the United States, however has recognised the new role of Europe and foreseen that the EU would take over the most important functions of the WEU, was already agreed upon in the

⁷⁶ Informal NATO Defense Ministerial Meeting, Remarks as Prepared for Delivery by Secretary of Defense William S. Cohen, Birmingham, United Kingdom, Tuesday, October 10, 2000.

Washington Communiqué. In the Communiqué, the WEU was no longer mentioned by name. The partner was the EU to whom NATO enters into direct co-operation with regards to develop a ESDI within NATO in view of crisis management and that European crisis management will take place within NATO as crisis management operations through the EU, in practice will be utilising NATO-resources.

That the United States should have the European Union as its new partner instead of WEU, was decided at the WEU Ministerial Meeting in Marseilles the 13. November 2000. At this meeting Ministers the following statement was issued:

...approved the WEU residual functions and structures which will be in place by 1 July 2001 at the latest and will enable Member States to fulfil the commitments of the modified Brussels Treaty, particularly those arising from Articles V and IX, to which the Member States reaffirm their attachment. Ministers requested that the necessary administrative and accommodation measures now be taken, to ensure that the residual WEU structures are in place when EU become operational.⁷⁷

As a naturally consequence of this new situation, the Ministers decided to suspend application of the routine consultation mechanisms in force between WEU and the EU, without prejudice to the co-operation required within the framework of the transition process. Similarly, WEU/NATO routine consultation mechanisms would be suspended. It is also unlikely that the WEU will not survive in the long run.

III. Building a strong new frame-work of EU-NATO co-operation and Conclusion

At the beginning of the 21st century we must recognise the fact that not only the security context in Europe and in the world has changed considerably since the end of the Cold War, but also the European Union and NATO, the two key security actors in Europe, have been transformed substantially.

With the end of the Cold War the threat of a war challenging the existence of western democracies in Europe has faded away. In the present strategic environment the risk of a large scale conventional aggression against Europe is highly unlikely, but the possibility of such a threat emerging over a longer term still exists. Europe remains subject to a wide variety of military and non-military risks which are multi-directional and often difficult to predict. These risks include the risk of proliferation of NBC weapons and their means of delivery, the possibility of regional crises at the periphery of the Union and the continuing uncertainty and instability in and around the Euro-Atlantic area. Europe is faced with a new environment of limited security and limited threats which are rarely existential for all EU and NATO members and sometimes concern few of them directly.

The European Union

⁷⁷ Cf. WEU Document, Marseilles Declaration, Marseilles, 13 November 2000.

Since the signing of the Treaty of Maastricht the European Union has been transformed enormously. The European Union of the year 2001 is no more the hesitant Europe of Maastricht but a Union that has the Euro and is developing ESDP. It is a fundamentally changed European Union. The European Union has finally started to construct a Security and Defence Policy that reflects its ambitions, its values and needs. Since the process of developing ESDP started in Amsterdam and Cologne Europe has more achieved in the area of defence policy than the many decades before. The European Union is on the way to be an important and unique security actor which will be able to respond with a full range of non-military and military instruments to the great number of “soft” and “hard” security challenges which Europe faces and which necessitates a full range of approaches. The EU will in the future not only be able to provide “soft” security through conflict prevention, non-military crisis management and post conflict reconstruction, but also “hard” security through military force projection. The building of credible military capabilities and the implementation of the military goals which the Union has set itself will be essential if the Union is to assume fully its responsibility as a key European security actor and if the Union is going to assume a greater responsibility for the security of Europe.

NATO

Also NATO has undergone a tremendous process of transformation. NATO is committed to a broad approach to security. While collective defence remains the central task of the Alliance, NATO has also become a central actor within the Euro-Atlantic area for co-operative security policy. Partnership, co-operation and dialogue are today essential instruments to promote security and stability. NATO also continues to be the bed-rock of the transatlantic link and the guarantor for continuing US engagement in Europe. NATO has taken in new members and is continuing to enlarge. NATO has assumed new missions and is started to be engaged in military crisis management. Command and force structures have been adjusted to the new security context and the new security challenges. At the beginning of the 21st century NATO presents itself as a new and transformed security and defence organisation, an organisation which is militarily effective and credible and continues to have a central role as anchor for the security and stability of Europe and the Euro-Atlantic area. But NATO alone with all its military power is unable to secure in the changed security context alone the security and stability of Europe.

Building a new EU-NATO relationship

After the decisions of the summits of Amsterdam, Cologne, Nice and Washington it is clear that the European Union and NATO must work closely together and establish strong institutional links in the interest of the security and stability in Europe and the Euro-Atlantic area.

Although the European Union and NATO are linked by common values and share the same strategic interests, for many years formal relations did not exist between the two organisations. In the past there have been many informal contacts on Secretariat level but no formal and institutional links. Since the European Council in Feira some progress has also been made in articulating an institutional relationship between the EU's new security structures and NATO. After the establishment of the EU Interim ESDP four ad hoc EU-NATO working groups were established in the summer of 2000. Between Feira and Nice, considerable progress was made within these working groups towards the development of a working relationship between the EU and NATO. An Interim Security Agreement was

concluded between the HR-CFSP and the Secretary-General of NATO and meetings were organised between the PSC of the EU and NAC. Also Foreign Ministers of EU and NATO had for the first time joint meetings.

The EU and NATO have undertaken to strengthen and develop their co-operation on the basis of shared values, equality and in a spirit of partnership. On the basis of this principles the European Council of Nice approved EU proposals for “Standing Arrangements for Consultations and Co-operation” between the EU and NATO and adopted a package of measures to ensure effective consultation, co-operation and transparency between the EU and NATO. The EU proposes the establishment of a new permanent framework of co-operation and consultation between the EU and NATO which should also ensure full transparency between the two organisations. As framework for consultations the EU proposes a regular pattern of meetings at Ministerial, North Atlantic Council/Political and Security Committee, Military Committee and expert level as well as through contacts with Secretariats. It foresees cross-representation inter alia on the level of the Secretary Generals, the Chairmen of the Military Committees at Ministerial meetings or meetings of the Military Committee.

The European Union also proposes a package of agreements for ensured access to NATO planning capabilities, ensured availability of pre-identified NATO capabilities and the identification of a range of European command options for EU-led operations, taking into consideration the special role of DSACEUR. The EU proposals were based on the decisions of NATO formulated in Berlin in 1996 (Berlin+) and in Washington in 1999.

In establishing a direct political and military relationship between the EU and NATO it will also be essential to find satisfactory solutions for EU and NATO on four major issues: functioning institutional arrangements, participation, ensured access to NATO planning capabilities and ensured access to NATO assets.

Since Nice the EU and NATO have been working and discussing these issues in order to prepare the necessary agreements between EU and NATO. Progress has been made but some major issues are still open because NATO was not able to respond to some of the EU proposals.

The Institutional framework

The institutional arrangements must be established upon the basis of equality between the two organisations. The consultation mechanism which was agreed by both sides therefore provides regular joint meetings on Council and ministerial level, common meetings of the Military Committees and other committees and working groups. Meetings between NAC and PSC outside times of crisis should be held not less than three times, and Ministerial meetings once, per EU Presidency. Either organisation may request additional meetings as necessary. In an emergency phase of a crisis contacts and meetings will be stepped up.

The NATO Secretary General, the Chairman of the NATO Military Committee and DSACEUR will be invited to EU meetings, the EU Secretary General/High Representative and EU Presidency will be invited to NATO meetings.

There will be also cross-presentation in various other EU and NATO bodies. Regular contacts also are to take place between the HR-CFSP and the NATO Secretary General and between the military and political staffs and secretariats of the two organisations.

These institutional arrangements, which are satisfactory for both organisations still need to be formalised by an agreement. At present the arrangements for consultation and co-operation are applied in practice.

Participation

The EU is aware that the issue of participation of non-EU European NATO members and EU accession candidates is an important issue for the Union and for NATO as well. Three of the six European states concerned are due to join the EU within the next few years and it is the interest of the Union itself to involve them in EU work to the largest extent possible. The EU is also interested to resolve the role of the other non-EU European Allies in EU-led operations. The Union is aware of the special status of non-EU European NATO members, especially when the EU decides on crisis management operations with recourse to NATO assets and capabilities.

The Nice European Council endorsed the arrangements for dialogue, consultation and co-operation with non-EU European NATO members and EU-candidate countries. These arrangements provide for regular meetings with the PSC and the EUMC in a 15+6 and 15+15 format and the Council in a 15+6 format. The arrangements of the Union regulate in considerable detail the involvement in ESDP of two groups – ‘the six’ (the non-EU NATO European states) and ‘the fifteen’ (the non-EU NATO European states and, partly overlapping with these states, the EU accession candidates) and give special consideration to the role of non-EU European NATO members.

In case of a crisis-management operation a Committee of Contributors will have a key role in the day to day management of the operation and in this committee non-EU European Allies and candidate countries which deploy significant military forces will have the same rights and obligations as EU Member States.

EU arrangements therefore provide extensive rights of consultation and participation in the EU decision-shaping process. But decisions will be taken by the Union in accordance with EU law within the EU institutional framework.

After the European Council in Feira some criticisms have been voiced with respect to the EU proposals. Norway and Turkey have been particularly vocal to ensure that no such arrangement can be agreed until *assured access* is matched by *assured participation* for non-EU European allies. After the Nice European Council which adopted the final proposals for the arrangements of participation most of the anxieties felt among these fifteen non-EU members have been met or muted.⁷⁸

A notable exception is Turkey. Rather than the dialogue, consultation and co-operation offered, Turkey seeks a decision-making role akin to that of full EU member states in the preparation and execution of any EU crisis exercise. There is no doubting the significance of Turkey’s position. Not only is it a member of NATO (something that has allowed it to frustrate agreement within the Alliance on assured access of the EU to NATO assets), but it has also an important geostrategic location.⁷⁹

⁷⁸ See Briefing Paper No. 2, Royal Institute of International Affairs, p. 4

⁷⁹ *idem*, p. 4

The Turkish attitude has become a big problem because Turkey requests something which is unacceptable under the law of the European Union. It is also a fact that the offer of involvement and participation in the preparation and implementation of EU led crisis management operations to non-EU NATO members goes further than anything which has been offered so far by other international organisations to non-members. Non allied EU-Members participating in NATO-led operations do not have the same possibilities. By preventing a consensus within NATO Turkey it might lead the European Union to take measures it wishes to avoid.

Access to NATO planning capabilities

Guaranteed permanent access to NATO's planning capabilities are important especially for two areas of planning: force planning and operational planning. Strategic planning will and must be done within the new EU military structure, but even when EU examines strategic military options it would be important that EU staff can also draw on NATO expertise.

It is not the intention of the Union to build up large military planning staff for force planning and operational planning. The EU Review Mechanism, which is to be elaborated, strives not to duplicate NATO planning activities, but to use NATO expertise and data and to link up with the Defence Planning Process in NATO and the Planning and Review Process of PfP (PARP). EU Member States therefore agreed that the EU Review Mechanism will have to ensure consistency between the implementation of the EU Headline Goal (HLG) and Defence Capability Initiative (DCI) of NATO. In order to ensure consistency between the EU force planning related to the HLG and the NATO Defence Planning Process and the PARP the EU Review Mechanism provides the creation not only of a permanent Headline Goal Task Force but of a Headline Goal Task Force+, in which NATO experts participate. This is important because European countries have only one military budget and one set of forces.

Also in the area of operational planning guaranteed access to NATO's operational planning capabilities is essential because at present SHAPE is the only international headquarters, which has the capacity to plan larger Petersberg-operations. The other option are national headquarters of some EU countries, which still need to be adapted and given a more multinational European character.

Presumption of availability of pre-identified assets and capabilities

Assured access to NATO Planning Capacities and NATO assets and means for EU-led crisis management operations are essential if the European Union is to undertake crisis management operations of higher military intensity, because Europe does not have so far the necessary strategic capabilities. At the Capability Commitment Conference European countries identified the European shortfalls in the area of command, control, communication and intelligence, strategic and tactical mobility, logistics and agreed to make efforts to invest in the lacking capabilities. For that Europe will need extra financial resources and also time. The capabilities, which Europe needs, if it wants to implement the Headline Goal, are very similar, if not identical with those identified within the Defence Capabilities Initiative (DCI) . Up to now only the United States have these capabilities in sufficient number. Most European countries do not have them. If the European countries do not procure the necessary strategic collective capabilities the dependence of Europe on the United States will remain unchanged and the "strong Europe", that so many American leaders call for will be still-born.⁸⁰

⁸⁰ See Enhancing The European Union as an International Security Actor, ed. Bertelsmann Foundation, 2000, p. 32

Ready and assured access to pre-identified assets and capabilities in NATO will therefore be essential, if the European Union is to undertake crisis management operations of higher intensity. Efforts should therefore be made to ensure that the agreements of Berlin and Washington are to become reality. A solution in this direction would be also an expression of the political will to establish a genuine equal partnership between EU and NATO.

The position of the United States

For the establishment of a strong new frame-work of EU-NATO co-operation the position of the U.S. will be crucial. The United States have always supported the European integration process and the European Union has been build up under the security umbrella of NATO. But the U.S has viewed ESDP in ambivalent fashion. Officials within the Clinton administration were often at pains to offer their support, publicly welcoming the potential of ESDP to take on conflict management tasks the US would prefer to avoid. Yet as the momentum of ESDP has gathered pace, Washington has stressed that the initiative should not undermine NATO.

The policy of the incoming Bush administration has so far continued largely along these lines. The new American President offered his support of ESDP as a means of developing a rapid reaction capability that could act when 'NATO as a whole chooses not to engage'. But there is no doubt that the US is looking to European states to take over more and more of the responsibility for European security. This view has also been expressed by the new administration. Therefore the main criteria for U.S. judgement of European efforts to build ESDP will be, if Europe is able to build up and provide the necessary military capabilities, because only such capabilities will be considered as real contribution to the strengthening of NATO and the enhancement of European security.

The United States, for all its military might, acknowledges it is incapable of fulfilling its own policy objective of fighting two Major Theatre Wars (MTW) simultaneously. Consequently, the need for a militarily-capable European ally has never been greater. In this context it is also important to note that the great majority of NATO troops committed through SFOR and KFOR in Bosnia—Herzegovina and Kosovo are European. Some political leaders in the US would like the Europeans to pay more and do more without any significant increase in their political and operational control over NATO missions. However, any increase in European capabilities will undoubtedly change the balance of political power within the Alliance.⁸¹

Beyond this debate, the threat remains that the American commitment to European security could diminish if for domestic reasons the US strategic concept changed further. Indeed, the threat of US disengagement must remain part of European strategic calculations, because in the event Europe would be under pressure to take over a stronger role as a capable security actor. Consequently, if European assets and capabilities remain inadequate, then Europe's weakness would not only underline its inability to deal with its own vital security interests but accelerate US disenchantment.⁸²

Final remarks

⁸¹ See *Enhancing The European Union as an International Security Actor*, ed. Bertelsmann Foundation, 2000, p. 32

⁸² *idem*, p. 34

For both Europe and the United States, the emergence of an autonomous European defence capability constitutes a major strategic challenge. The US has to learn to accommodate an evolving and often unwieldy partner, within the Atlantic Alliance and within its own strategic concepts. Europe has to learn to develop the mentality of the major power which she should become. The fact that the gestation period of European defence will be – at best – lengthy makes it particularly hard for each of them to meet these challenges. The Europeans will demand to be treated as if they already had reached their aspired status, long before they have, while the Americans will be tempted to opt for a mixture of resentful unilateralism and patronising encouragement.⁸³

More than half a century of peace in Europe is closely tied with the performance of the western security alliance, hereby especially with the United States, which secured its influence on Europe through the North Atlantic Treaty Organisation. Naturally, in the foreground stood America's own political, strategic and economic interests, from which the Europeans profited, especially in regard to maintaining peace. However, the American dominance over decades had also led to the fact, that Europe's self-development concerning security and defence did not go beyond first steps.

Was it not the wish of the Americans and their President John F. Kennedy, that Europe would get together, thereby also taking a load off of America and sharing the responsibility with the United States?

Europe is still far from presiding over the required military capacities and will remain dependent on its Partner USA for a long time. Yet, there is something going on in Europe that is revolutionary in regard to its whole history: the turning away – even if very slowly – from national armed forces, the archetype of sovereignty. Europe is undergoing a real military and political revolution. For Europe this is a real challenge and question of political will and political leadership.

Developing ESDP and building European Rapid Reaction Forces and effective European military capabilities does not mean for Europeans "less US" – it means more Europe, and hence a stronger NATO. Strengthening Europe's role in security is about re-balancing the transatlantic relationship in line with European and American interests.⁸⁴

⁸³ Andréani, Bertram, Grant, Europe's Military Revolution, p. 73ff

⁸⁴ Speech by NATO Secretary General at the Annual Session of the NATO Parliamentary Assembly, Amsterdam 15 November 1999

ANNEX

WEU – the operational and military arm of the EU

The WEU was established on October 23, 1954 by the Brussels Treaty on Economic, Social and Cultural Collaboration and Collective Self Defence from March 17, 1948, which was modified in 1954 in order to create the condition for the accession of Germany and Italy. Greece accessed to the Treaty in 1995.

Members of the WEU are at present Belgium, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, UK.

The main objectives of the treaty were defined as follows

- To fortify and preserve the principles of democracy, personal freedom and political liberty, the constitutional traditions and the rule of law, which are their common heritage.
- To strengthen the economic, social and cultural ties.
- To afford assistance to each other in maintaining international peace and security and in resisting any policy of aggression.
- To promote the unity and to encourage the progressive integration of Europe.

The treaty provides in its Article V a reciprocal security guaranty:

"If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power."

In order to avoid duplication with NATO, Article IV foresees that WEU should work in close co-operation with NATO. The core function of collective defence was therefore delegated to NATO and the WEU did not build up its own military structures.

The objectives of the WEU Treaty in the economic, cultural and social area were not realised, because Member states decided to realise these objectives within the framework of the EEC. For many years WEU was only used for a number of limited tasks. It was practically a dormant international organisation.

During the negotiations leading to the Treaty of Maastricht, EU and WEU countries decided that the WEU should be developed as the defence component of the European Union and as the means to strengthen the European Pillar of the Atlantic Alliance. The Maastricht Treaty therefore gave WEU the task to elaborate and implement decisions and actions of the Union which have defence implications. WEU committed itself to develop its operational role. In developing its operational role the following measures were implemented:

1. Petersberg Operations:

In the Petersberg declaration WEU tasks were adjusted to the new risks and threats of post-Cold-War Europe. Apart from contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively,

military units of WEU member States, acting under the authority of WEU, could be employed for:

- humanitarian and rescue tasks;
- peacekeeping tasks;
- tasks of combat forces in crisis management, including peacemaking.

These new Petersberg Tasks are to be carried out under the authority of the UN and OSCE.

2. The Political and Military structures of WEU and their development:

A great number of measures were taken to strengthen the organisational structure of WEU and to develop the operational capabilities of WEU which should allow it to implement operations for the EU.

WEU-Bodies:

- The WEU Council:

The Council is the main body of WEU and meets twice a year on ministerial level. The Ministerial Councils are attended by the Ministers of Foreign Affairs and Defence. The Council meets weekly as Permanent Council on ambassadorial level.

- Military Committee:

The Military Committee is the senior military authority of WEU, consisting of the Chiefs of Defence Staff. It meets weekly in the format of the Military Delegates and has the task to advise the Council on military matters.

- The Permanent Political-Military Group:

The Permanent Political-Military Group is responsible for political-military affairs and acts under the authority of the WEU Council.

- Working Groups:

Several working groups were established, like the Council Working Group, the Space Group, the Mediterranean Group, the Special working Group, etc.

. In all bodies, representatives of the Ministers of Foreign Affairs and Defence are represented.

The Secretariat:

The Secretariat, which is headed by the Secretary-General was transferred to Brussels, reorganised and strengthened.

Military Staff:

- A *Planning Cell* with a permanent military staff was established with the task of generic planning and other military staff functions.
- In support of the Planning Cell an *Situation Centre* and an *Intelligence Unit* were created as well as a *Satellite Observation Centre* situated in Spain.

WEU Institute for Security Studies:

The institute was established in Paris as a research institution collaborating with national academies and institutes.

The WEU Parliamentary Assembly:

The WEU Parliamentary Assembly was created as a forum of discussion and consultation on parliamentary level. It is composed of members of national parliaments.

Military Capabilities:

Military forces were designated to WEU (Forces answerable to WEU). These forces are national forces and newly created multinational forces (e.g. EUROCORPS, EUROMAFOR, EUROFOR).

3. A variable geometry of the participation in WEU-work

Only EU members can be full WEU members. They can also choose to become only observers. Non EU-NATO countries were given the status of Associate WEU Members. For Central and Eastern European Countries which are associated to the European Union the status of an Associate Partner has been created, allowing them to participate regularly in WEU work. Every second Permanent Council is taking place in the format of 28 which means with the participation of associate partners.

4. Relations WEU-EU:

A framework for co-operation was agreed and realised step by step.

5. Relations WEU-NATO:

WEU was able to establish with NATO a good working relationship. A Joint Council WEU-NATO meets quarterly. There is cross participation on the level of the Secretary-Generals at Ministerial Meetings and a close co-operation between the political and military staff of WEU and NATO. WEU also participates at the NATO force planning process. The CJTF-Concept was developed by NATO to allow WEU to use NATO means and capabilities for WEU led operations. A number of agreements were signed.

The role of WEU:

Although WEU made great efforts to develop in accordance with the European Union Treaty a number of real deficiencies continue to exist. Operational means are insufficient to carry out all the operations as foreseen by the Petersberg Declaration. Present WEU capabilities allow only operations of lower military intensity. The WEU is largely dependent on NATO resources.

The relationship between the WEU and the EU did not correspond for many years to the role of the WEU as foreseen by Maastricht. Procedures were complicated and not efficient.

During the Inter Governmental Conference 1996, 9 EU countries proposed therefore the integration of WEU into EU, a proposal which did not find a consensus. EU members agreed that WEU should become an implementing organisation of the EU, acting under the guidance of the European Council (guidelines). Until the integration of WEU into EU, which can be decided by the European Council unanimously, WEU's task is to provide military capabilities to EU and to act as a bridge between EU and NATO.

At the European Council at Cologne, the Council decided that all WEU-functions relating to crisis management (Petersberg tasks) are to be taken over by the European Union by the end of the year 2000.