

Research Report 00.3
November 2000

Denise M. Groves

The European Union's Common Foreign, Security, and Defense Policy

Berlin Information-center for Transatlantic Security (BITS)

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Denise M. Groves has worked as a researcher at the Berlin Information-center for Transatlantic Security (BITS).

Contact:
Denisemgroves@aol.com

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Berlin Information-center for
Transatlantic Security (BITS)
Rykestr. 13
D-10405 Berlin
Germany
ph. +49 30 446858-0
fax +49 30 4410221
bits@bits.de
www.bits.de

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Executive Summary

At the end of November 2000, the French Presidency of the European Council is scheduled to host a Capabilities Conference in Brussels. The conference is meant to lay the groundwork for the establishment of the EU's Rapid Reaction Force — a force of roughly 60,000 – 80,000 troops mandated to undertake humanitarian and rescue missions, peacekeeping, and tasks of combat forces in crisis management operations, including peacemaking. The RRF is probably the most readily identifiable characteristic of the EU's ever-evolving common foreign, security and defense policies. But it is only one element of a broader effort to elevate the political and military status of the EU on international level.

The EU's Common Foreign and Security Policy (CFSP), as well as the second phase Common European Security and Defense Policy (CESDP), are ambitious programs for an institution whose Members have failed several times before to unite their foreign and defense policies. The swift pace at which both the CFSP and the CESDP are developing is also surprising given the EU's reputation as a notoriously slow-moving bureaucracy. But over the past several years, the CFSP and CESDP have progressed rapidly and have achieved a momentum that does not seem to be slowing. Indeed, decisions are being taken by the EU virtually everyday that are combining to enable the EU to advance towards its goal of "playing its full role on the international stage."¹

For all the activity that surrounds the CFSP and CESDP, however, there seems to be comparatively little public discussion about the significance of the events taking place. The steady progression of the CFSP and the CESDP will involve matters of supreme national interest, such as defense spending and export controls. For example, support for the RRF could spark greater integration and cooperation in the field of armaments, but also risk diluting the restrictive arms control standards of some Member States. The CFSP and CESDP will also have serious implications for relations with both the US and with Russia. For both countries, the question of whether the EU will duplicate the role of NATO is of utmost concern. Skepticism in Washington centers around the question of whether the Europeans will be able to make their plans work, and if so, whether the CESDP will then come into direct competition with NATO. At present, Russians take a relatively benign view of the EU's plans for a CESDP largely because of the strong economic relationship between the EU and Russia. But if the EU eventually adopts a collective defense mandate, the extent to which the EU has expanded Union membership could have serious strategic implications for the relationship with Russia.

In addition, the CFSP and CESDP will call into question a number of international legal and institutional questions, such as the role and authority of the United Nations regarding the use of force. By restricting itself to only those missions approved by the UN, the EU could make an important gesture in reaffirming the legitimacy of that organization and the supremacy of international law. The fate of the Western European Union also hangs in the balance as the EU gradually absorbs the WEU's functions and structures. However, the EU must still find a way to protect the integrity of the Article V collective defense commitment attached to the WEU's founding treaty. This matter, in addition to the several legal binding commitments between the WEU and NATO, are already proving to be too complicated for the EU to resolve in the immediate future.

Furthermore, the field of crisis management will be greatly affected and possibly improved by the actions taken by the EU. Whereas in years past, Western Europe was either unwilling or unable to rapidly respond to the brewing crises in the Balkans, the goal of the EU now is to be better prepared to deal with such situations. There is also the more subtle, but equally important goal of improving Europe's ability to undertake crisis management operations independent of the United States. But by pursuing an approach that largely prioritizes the military means of Europeans to handle crisis management, the EU could be undermining its innate ability to effectively address complex emergencies that usually also entail political, economic, and humanitarian elements.

¹ "European Council Declaration on Strengthening the Common European Policy on Security and Defense, Presidency Conclusions," Cologne European Council, 3 - 4 June 1999, p. 33.

These and many more issues will confront the EU as it moves forward in its work to design the elaborate architecture of the CFSP and the CESDP. Over the longer term, the lessons the EU learns from its experience dealing with these issues will help it to decide exactly what sort of world power it would like to become.

Introduction

Several times before, Europeans have attempted to adopt "common" foreign and defense policies. Several times before, they have failed. Still, both the French and the German governments doggedly persisted over the decades, intent to establish commonality in Western Europe on foreign and defense policies. For a variety of reasons, the Franco-German efforts always stalled — until recently. In the last few years, the Member States of the European Union (EU) have managed to coordinate a series of agreements that combine to act as a sort of engine, an engine that is propelling the EU towards the realization of a goal first envisioned in the early 1950's.² Almost fifty years after the first consideration of establishing a "European Defense Community," the EU now has not only the legal mandate to formulate common foreign, security, and defense policies, but it has also fostered the political will to mobilize a 60,000 – 80,000 member Rapid Reaction Force that will respond to humanitarian emergencies and undertake peacekeeping operations.

The developments of recent years — indeed, recent months — are significant and surprising for an organization that is notorious for its cumbersome bureaucracy and its usually snail-like pace of action. The on-going process of developing the EU's Common Foreign and Security Policy (CFSP) also represents a phenomenon not seen before. Like the adoption of common market standards and a common currency, the formulation of the CFSP represents another major stage in the gradual erosion of the trappings of statehood in Europe. The CFSP, and now a second phase that involves the progressive development of common European policies on security and defense (CESDP), involve matters of supreme national interest, including national foreign policies, defense policies, military capabilities, and even the architecture of export controls. It implies a level of trust and dependence that would not have been considered even twenty years ago. And considering the potential for the eventual establishment of a collective defense and the visions of some for the construction of a "federated Europe"³, it will ultimately require significant sacrifices of sovereignty.

And yet, despite the historical and political significance of the EU's efforts for a CFSP and CESDP, there has been very little public discussion about the subject. Instead, it has been a largely academic debate generally restricted to officials and think-tanks with only sporadic input from the outside. Even that debate has tended to focus on defining the EU's relationship with NATO. The comparative lack of in-depth and thorough examination of the topic is discouraging. The CFSP entails far more than just the complex detail of orienting the EU alongside that other Brussels-based organization that busies itself with trans-Atlantic security issues. In fact, the CFSP and the CESDP will effect national defense spending and investment in military capabilities by Member States. It will have serious implications for EU-Russia relations, particularly as union membership expands eastward, and it is already straining Europe's relations with the United States over the future of NATO. The development of the CFSP calls into question a number of international legal and institutional issues, not the least of which includes the issue of collective defense commitments, the role and authority of the United Nations, and the fate of the Western European Union. And of course, it could also redefine the practice of conflict prevention and crisis management as they are understood today.

It is clear that much of the work still lays before the EU, but the pace and design of the on-going process for the incorporation of an effective CFSP, as well as for the establishment of an autonomous military and non-military capability for the European Union, implies a substantial change not just to the character of the Union itself, but also to the way it is perceived globally.

² After 1950, a coalition of France, Italy, Belgium, Luxembourg, the Netherlands and Germany tried to create a "European Defense Community" in order to assuage concerns about the rearmament of Germany. The attempt ultimately failed when the French Parliament rejected the plan in 1954.

³ In a speech at Humboldt University in Berlin, German Foreign Minister Joschka Fischer outlined his "personal" vision of a Europe where there would be a central European government and a central European parliament that would lessen the powers of national governments. Joschka Fischer, "From Confederacy to Federation: Thoughts on the Finality of European Integration." Berlin, 12 May 2000.

Given this, in addition to the significant effect the CFSP will have on the politico-security environment within Europe, it is important to consider and understand exactly what consequences there may be.

In that context, the first section of this paper provides an overview of the recent history of the EU's Common Foreign and Security Policy, highlighting the major decisions that have been taken by European leaders. The second part of this paper outlines and assesses the various issues and challenges that will confront the EU as it proceeds with the implementation of its common foreign, security and defense policies.

1. The European Union's Drive for Common Foreign, Security, and Defense Policies

Probably the most well-known attribute of the European Union's CFSP and CESDP is the effort to build autonomous crisis management capabilities — a Rapid Reaction Force of 60,000 soldiers able to be deployed to a crisis spot within two months. This goal in particular and the CFSP in general are legally based on authority introduced in the 1993 Maastricht Treaty and later revised in the 1997 Treaty of Amsterdam. In addressing the future of the CFSP, the Treaty on the European Union provides for the development of a common defense policy and allows for the possibility of integrating the Western European Union (WEU) into the EU.⁴ In anticipation of that prospect, the Treaty of Amsterdam also incorporated the framework of the so-called Petersberg Tasks, which were themselves initially adopted by the Western European Union several years earlier. The 1992 Petersberg Declaration had defined the range of operations the WEU could undertake in support of the United Nations or the OSCE, specifically humanitarian and rescue missions, peacekeeping, and tasks of combat forces in crisis management, including peacemaking.⁵ The EU's planned Rapid Reaction Force will be formed to fulfill the same tasks.

On a political level, the movement for crisis management capabilities stemmed partly from European discomfort with the dominant international position of the United States. There was also a gradual consensus among European governments that they wanted and needed to take greater responsibility in international affairs — a level of responsibility befitting the economic and political clout the EU already possessed.⁶ After embarrassingly slow and inadequate responses to each of the multiple crises erupting in the former Yugoslavia, many in Europe became convinced that an effective common foreign and security policy — with the means to back it up — was necessary.

In 1997, the Amsterdam Treaty had allowed for the establishment of a European capability to respond to a range of humanitarian and peacekeeping tasks, but any effort to begin work on such a capability had to wait until the Member States ratified the new Treaty. Not until December 1998 at the British-French summit in St. Malo, France was the campaign for the establishment of "autonomous crisis management capabilities" launched. Changes in political leadership in several key countries in Europe in 1997 and 1998 contributed to the upsurge in activity on the CFSP issue. For example, under the leadership of the Conservative Party, Great Britain had traditionally resisted the notion of creating a security identity for the EU, instead stressing its view that NATO formed the bedrock of European security. But after the elections of spring 1997, which brought the opposition Labour Party into office, Prime Minister Tony Blair set to work revising the government's position on the issue. At the informal EU summit in Austria in 1998, Blair suggested that the UK would no longer oppose the idea of forming a stronger security and foreign policy role for the European Union so long as it "in no way undermines NATO but rather is complementary to it."⁷ He further declared that a "common and foreign security policy for the European Union is necessary, it is overdue, it is needed, and it is high time we got on with trying to engage with formulating it."⁸ In an address to the North Atlantic Assembly several days later, Blair argued that Europe badly needed to change its "unacceptably muted and ineffective" voice on foreign policy.⁹ He suggested that the very credibility of the EU was at stake if it did not

⁴ See Articles 11 and 17 of the Treaty on the European Union.

⁵ These criteria were included in the Western European Union Council of Ministers' Petersberg Declaration, 19 June 1992, Bonn. Available at <http://www.weu.int/eng/comm/92-petersberg.htm>

⁶ Otfried Nassauer, "Europe's Road towards Military Integration: Understanding the Political, Institutional, and Technological Developments Towards a Common European Security and Defense Policy." In *EU Restructuring for Conflict Prevention and Crisis Management*, International Security Information Service Conference Report and Comment, 22 November 1999, p. 25.

⁷ From comments made during a press conference after the Austrian Presidency Informal Summit, 5 November 1998. Available at <http://www.number-10.gov.uk>

⁸ Ibid.

⁹ Tony Blair, Address to the North Atlantic Assembly, 13 November 1998. The text of the speech is available at <http://www.number-10.gov.uk>

reinforce the commitments made in the 1997 Amsterdam Treaty to create a common foreign and security policy. With regard to military capabilities, Blair asserted that "diplomacy works best when backed by the credible threat of force," adding that "Europe needs genuine military operational capability...and genuine political will. Without these, we will always be talking about an empty shell."¹⁰ By the time of the St. Malo bilateral summit in December 1998, Blair had paved the way for a British endorsement of the common policy. In their joint declaration issued at the summit, the British and French leaders formally announced their agreement that in order for the EU to make a reality of the Treaty of Amsterdam, the EU must have its own military capability, the means to decide to employ it, and a readiness to do so.¹¹ In March of the following year, and only ten days before the NATO air-strikes over Kosovo began, the EU Foreign Ministers discussed the basic elements of an independent EU crisis management policy during their informal meeting at Reinhardtshausen.¹²

The political crisis in Kosovo and the subsequent military operations by NATO in support of the Kosovar population in the Yugoslav province in the first part of 1999 seemed to legitimize growing calls within Europe for autonomous capabilities within the EU. Inability by the West to prevent the outbreak of violence in Kosovo was frustrating enough, but the manner in which the military operations were conducted that spring also revealed an apparently stark disparity in force capabilities between the United States and European NATO members. In fact, American forces dominated Operation Allied Force. US forces sent almost 800 aircraft to fight the Kosovo war, double the amount dispatched by all the other NATO states combined.¹³ According to a declassified study issued by the US Department of Defense, American aircraft flew over 60% of the total missions.¹⁴ Other reports indicate that the United States accounted for more than 80% of the weapons delivered.¹⁵ This disparity only compounded the disagreements among many of the NATO members on crucial issues such as the heavy reliance on air power, the resistance to deploy ground troops, and the strategic direction of the campaign.

1.1. The NATO Summit in Washington

When NATO members gathered in Washington in April 1999 to commemorate the 50th anniversary of the Washington Treaty and to formally welcome three new members into the Alliance, the on-going war in Kosovo dampened what was to have been a celebratory atmosphere. After weeks of air strikes, Yugoslav President Milosevic showed no sign of capitulation, while discord within the Alliance about burden-sharing and overall strategy was well known. Still, in spite of the squabbling — or perhaps because of it — the Washington Summit yielded a number of communiqués and declarations pronouncing NATO's encouragement for a stronger European pillar of the Alliance while at the same time identifying areas that needed improvement. The Alliance's "Strategic Concept" issued during the meetings referred to the progressive developments within the EU, approving actions by the Europeans "to strengthen their capacity for action." NATO members also agreed that the EU's Common Foreign and Security Policy is compatible with the interests of the Alliance.¹⁶ Furthermore, in the Washington Summit Communiqué, NATO acknowledged the "resolve of the European Union to have the

¹⁰ Ibid.

¹¹ Joint Declaration Issued at the British-French Summit, Saint Malo, France, 3-4 December 1998. Available at <http://www.fco.gov.uk>

¹² Draft Conclusions of the German EU-Presidency on the Union's Common Foreign and Security Policy, Reinhardtshausen, 13-14 March, 1999. Available in the CESD-Policy Archive at www.bits.de/cesdpa/9e-f.html.

¹³ Walker, David. "Standing on our own Feet." *The Guardian (UK)*, 14 May 1999.

¹⁴ Department of Defense, "Report to Congress: Kosovo / Operation Allied Force After Action Report." 31 January 2000, p. 78.

¹⁵ International Institute for Strategic Studies, *The Military Balance, 1999-2000*, p. 30. London: Oxford University Press, 1999. An article in the 13 June 2000 edition of *Defense Daily* also quotes an unpublished report by the US Air Force, which stated that 84% of ammunition dropped over the former Yugoslavia was delivered by the United States.

¹⁶ NATO Alliance Strategic Concept, Washington, DC, 23 - 24 April 1999, para. 17.

capacity for autonomous action so that it can take decisions and approve military action where the Alliance as a whole is not engaged." The Communiqué also announced that NATO was ready to "define and adopt the necessary arrangements for ready access by the European Union to the collective assets and capabilities of the Alliance, for operations in which the Alliance as a whole is not engaged militarily as an Alliance."¹⁷

But while NATO welcomed the process taking place in the EU, it was careful not to abandon its pronounced devotion to the concept of ESDI in deference to the EU's new agenda. The European Security and Defense Initiative (or ESDI) was a NATO initiative that had evolved in the first part of the 1990s and was intended to strengthen the role, responsibilities, and contributions of the Europeans within the Alliance. By 1996, ESDI had fostered a closer relationship between NATO and the Western European Union, and had led to calls for specific measures that would allow the WEU access to NATO assets.¹⁸ At the Washington Summit, NATO agreed to recognize the EU's decisions to develop its own security and defense policies, but the principles of the Strategic Concept as well as the Summit Communiqué specifically reinforced the conviction that its own ESDI will continue to develop "within NATO."¹⁹

At the 50th anniversary summit, NATO also formally announced the Defense Capabilities Initiative (DCI), which is a program meant to "improve defense capabilities to ensure effectiveness of future multinational operations across the full spectrum of Alliance missions in the present and foreseeable security environment."²⁰ Although the concept for the DCI had been under discussion for some time, NATO's experience in Kosovo seemed to reinforce US Defense Secretary William Cohen's view that there was a need for such an initiative. Inclusion of the term "full spectrum" in the DCI implied that NATO allies needed to improve their force capabilities to be able to address not just large-scale aggressions (the type expected throughout the Cold War), but also to be able to handle "non-Article 5 operations."²¹ Indeed, the Strategic Concept strongly reinforced the previously adopted idea that NATO could undertake such operations in the future. In light of this broader spectrum of possible contingencies, the DCI called for improvements in five functional areas: deployability and mobility; sustainability and logistics; command, control, and communications; effective engagement; survivability of forces and infrastructure.²²

1.2. The European Council Summit in Cologne

The influence of the US on the Washington Summit declarations is clear, particularly in the emphasis on containing the development of the ESDI concept within NATO as well as the directives for augmenting military capabilities. But while the US maintained that Kosovo effectively demonstrated that Europeans needed to concentrate on becoming more effective partners within the Alliance, the movement within Europe for separate capabilities outside of the NATO framework had already gained swift momentum well before the war in Kosovo. In a series of meetings beginning in late 1998 through 2000, the EU took decisions that rapidly propelled the Union toward the development of a more mature CFSP, which includes the establishment of a Rapid Reaction Force.

After months of work, EU leaders met in Cologne and officially embraced the idea that the EU should have "autonomous capabilities." At the European Council Summit in June 1999, the

¹⁷ Washington Summit Communiqué, Washington, DC, 24 April 1999, para. 10.

¹⁸ For example, the Combined Joint Task Force (CJTF), first endorsed by Alliance leaders in January 1994, is a concept meant to improve cooperation between the WEU and NATO and to provide a framework whereby the WEU could lead an operation, such as a humanitarian or relief operation, using NATO assets.

¹⁹ See the Strategic Concept, paras. 13 and 30, and the Washington Summit Communiqué, para. 5.

²⁰ NATO Defense Capabilities Initiative, 25 April 1999, para. 1. Available at <http://www.nato.int/docu/pr/1999/p99s069e.htm>

²¹ These operations could include conflict prevention, conflict management, and crisis response operations in the Euro-Atlantic region.

²² Ibid.

leaders set about envisaging future strategic capabilities for the Union. The implicit idea was to empower the EU to negotiate the strategies and tactics for future military crisis management on a more even level with its transatlantic partners. That is, while officials from the European member states of NATO might have publicly agreed that their capabilities were deficient in comparison to the US, they were not content to maintain an unequal dependency within the Alliance or to repeat the bitter experiences of the Kosovo War.

In an Annex to the German Presidency's Conclusions released at the summit in Cologne, the EU leaders declared that their aim was to "strengthen the [Common Foreign and Security Policy] by the development of a common European policy on security and defense."²³ According to the report, the progressive framing of this aspect of the CFSP would require "a capacity for autonomous action backed up by credible military capabilities and appropriate decision-making bodies."²⁴ The EU also stated that it intended to be able to take decisions on conflict prevention and crisis management operations as defined in the Treaty on European Union, namely the Petersberg Tasks. This would require the definition of modalities to include the functions of the WEU into the EU so that the EU can fulfill its responsibilities in the area of the Petersberg Tasks.²⁵ EU leaders recognized, however, that implementation of their goals and the ability to undertake such operations would necessitate "reinforcement of [EU] capabilities in the field of intelligence, strategic transport, command and control."²⁶

European leaders concluded the Cologne Summit admitting that a number of problems on a technical and political level lay before them and would have to be resolved in order to achieve the desired autonomous capabilities. For example, they agreed that structures such as a Political and Security Committee as well as Military Committee were necessary in order to "ensure political control and strategic direction of EU-led Petersberg operations."²⁷ The inclusion of a military staff, a Situation Center and a Satellite Center (structures not coincidentally similar to those in the WEU) were suggested in order to create a capacity for analysis, intelligence, and planning. With regard to military capabilities for crisis management operations, it was noted that Member States needed to develop their forces, with particular emphasis on deployability, sustainability, interoperability, flexibility, and mobility. In addition, a number of other political questions, such as the matter of using NATO assets for EU operations and creating modalities for the participation and co-operation of non-EU allies, would require further consideration. The need for unifying leadership on these questions was apparent. Thus, the Cologne Summit Presidency Conclusions included an announcement that NATO Secretary-General Javier Solana would take up the post as the EU's High Representative for the Common Foreign and Security Policy. Only a few months later, he was also named Secretary-General of the WEU. Given these positions, it became Solana's task to guide the EU into foreign waters.

1.3. The WEU Council Meeting in Luxembourg

Among the first issues before the EU was the nagging question of its military capabilities. Several months after the EU Summit in Cologne, the WEU Council of Ministers gathered in Luxembourg where it released the results of its *Audit of Assets and Capabilities for European Crisis Management Operations*. The results of the Audit confirmed that "Europeans, in principle, have the available force levels and resources needed to prepare and implement military operations over the whole range of Petersberg Tasks."²⁸ However, the Audit identified a number of "gaps and

²³ "European Council Declaration on Strengthening the Common European Policy on Security and Defense." Annex III to the Presidency Conclusions, Cologne European Council, 3 - 4 June 1999, p. 37.

²⁴ Ibid.

²⁵ Ibid, p. 35. It should also be mentioned that, in the same paragraph, the Council noted that it was their aim to take the necessary decisions by the end of the year 2000. At that point, "the WEU as an organization would have completed its purpose."

²⁶ Ibid, p. 34.

²⁷ Ibid, p. 38.

²⁸ WEU Council of Ministers, "Audit of Assets and Capabilities for European Crisis Management Operations: Recommendations for Strengthening European Capabilities for Crisis Management Operations." Luxembourg, 23

deficiencies" where European assets and capabilities "should be strengthened to attain a higher level of operational effectiveness in crisis management." It concluded that critical areas such as strategic planning, communications, command and control, intelligence, strategic lift and tactical mobility, and logistics capacity need to be augmented.²⁹ These conclusions closely paralleled the DCI directive issued at the NATO summit only a few months earlier.

1.4. The European Council Summit at Helsinki

Although the results of the WEU Audit were generally accepted, some EU Member States — particularly the Nordic states — expressed concern about whether there would be equitable attention paid to the development of *non*-military capabilities for crisis management. These concerns were highlighted in a draft report prepared by the Finnish Presidency in anticipation of the European Council Summit to be held in Helsinki in December 1999. The report argued that the development of effective non-military crisis management tools should be developed in parallel with advances in the military sector. However, the official and final version of the report released at the summit reflected the pressure of the European powers — France, Great Britain, Germany, and Italy — to concentrate European attention on proposals for military planning.³⁰

The final draft of the Presidency Conclusions reaffirmed the EU's determination to "develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises."³¹ In the first Annex to the Report on Strengthening the Common European Policy on Security and Defense, the EU emphasized that the creation of a "European Army" was not envisaged, that the EU would act in accordance with the principles of the UN Charter, and that it recognized the "primary responsibility of the UN Security Council for the maintenance of international peace and security."³² In order to assume its responsibilities as defined in the Treaty on the European Union, the Council leaders defined for themselves a "headline goal" and set a date by which time Member States "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 of 50,000 – 60,000 persons)."³³ They agreed that by 2003, these forces should be deployable in full within 60 days, and must be sustainable for at least one year.³⁴ In addition, the Member States decided to develop smaller rapid response elements to be established within the headline goal and to be made available for deployment at very high readiness.

Drawing on the conclusions of the WEU Audit, the European Council indicated that "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." They also agreed to develop collective capabilities in the fields of command and control, intelligence, and strategic transport.³⁵ The approval of the Presidency Conclusions also provided direction on the establishment of new political and military bodies within the European Council in order to ensure the necessary political control and strategic direction for crisis operations. The structures described, including a Political and Security Committee, a Military Committee, a Military Staff,

November 1999.

²⁹ Ibid.

³⁰ For more on this, see Peter Cross and Otfried Nassauer, "European Security: Sharks and Minnows off Helsinki." BITS Policy Note 99.4, 2 December 1999.

³¹ Presidency Conclusions, Helsinki European Council, 10 - 11 December 1999, para. 27.

³² Ibid, paras. 26-27.

³³ "Presidency Progress Report to the Helsinki European Council on Strengthening the Common European Policy on Security and Defense." Annex 1 to Annex IV of the Helsinki Summit Conclusions, p. 22.

³⁴ It has been generally agreed that in order to maintain this level of operational forces, a total number of at least 150,000 personnel will have to be earmarked for the task.

³⁵ Helsinki Summit Conclusions, Annex 1 to Annex IV, p. 22.

and a planning and analysis cell, closely mirror NATO's basic decision-making structure, which would theoretically enable the EU to act either closely with, or independently of, the Alliance.

The reasoning behind the establishment of structures such as these was at least partially based upon the assumption that any European force within the foreseeable future would have to depend upon some NATO assets in order to conduct larger or high intensity operations. On the issue of consultation and co-operation with NATO and with non-EU European NATO members, the Helsinki Conclusions pointedly referred to "the decision-making autonomy of the EU", but conceded that "appropriate structures for dialogue and information on issues related to security and defense policy and crisis management" were necessary. Until more formal relations between the EU and NATO, the Council concluded that strictly informal contacts between Solana and the Secretary General of NATO, George Robertson would suffice. For the interim period, the task of outlining the "modalities for full consultation, co-operation and transparency between the EU and NATO" was then delegated to the incoming Portuguese Presidency.³⁶

The pronounced commitment to establish a Rapid Reaction Force by 2003 largely overshadowed an additional Annex in the final Helsinki Presidency Conclusions, one that addressed the non-military aspects of EU's CFSP. This section, however, contained fewer specific details and employed many ambiguous terms. In its discussion about non-military tools such as "civilian police, humanitarian assistance, administrative and legal rehabilitation, search and rescue, electoral and human right monitoring, etc," the report contended that "considerable experience...[and] resources" already exist in a number of areas. The EU leaders called for further assessments of such capabilities and for regular updating.³⁷ In order to develop rapid reaction capabilities employing such non-military instruments, they also called on Member States and the Union to define "a framework and modalities, as well as [pre-identify] personnel, material and financial resources [to be used] in response to a request of a lead agency like the UN or the OSCE" and only "where appropriate" in autonomous EU actions. The importance of a "coordinating mechanism" was emphasized, particularly with regard to maintaining the database of existing resources, for sharing experiences and best practices, and in order to conduct a study to identify the Union's strengths and weaknesses. The EU called for the creation of an "*ad hoc* center to co-ordinate the effectiveness of EU Member States' contributions," but only in particular cases and depending on the EU's role in an operation.³⁸

1.5. The Road to Feira

The conclusions and instructions outlined in the first Annex of the Report on the Security and Defense Policy were ambitious; the European Council expected that much would have to be accomplished during the time period after the Helsinki meetings and before the next summit in Feira, Portugal, in June. Indeed, over this time period, development of the CFSP maintained the swift momentum gained since the major decisions taken at the Cologne Summit — in spite of growing skepticism about the feasibility of building the Rapid Reaction Force by 2003.³⁹ The conclusions of the summit in December had placed a great deal of work at the doorstep of the incoming Presidency, including the establishment of the structures called for in the military report. But the Portuguese seemed up to the task: by March, 2000, the interim committees called for at Helsinki met for the first time.

The Political and Security Committee (PSC), composed of national representatives of senior/ambassadorial level, is instructed to deal with all aspects of the CFSP, including the

³⁶ Ibid, p. 25.

³⁷ Helsinki Summit Conclusions, Annex 2 to Annex IV, p. 27.

³⁸ Ibid, p. 28.

³⁹ For example, Retired German General Klaus Naumann said in late March 2000 that the EU would need 10 years to build up a real military intervention capability. Douglas Hamilton, "European Rapid Reaction Force Unlikely by 2003." *Reuters*, 29 March 2000. In addition, an editorial in *Defense News* opined that the EU's goal of "creating a highly mobile force of some 50,000-60,000 peacekeepers by 2003 is laudable, but looks next to impossible to achieve." *Defense News*, 27 March 2000.

Security and Defense Policy. In the case of a military crisis management operation, the PSC will exercise, under the authority of the European Council, the political control and strategic direction of the operation. The Military Committee is composed of the Chiefs of Defense, represented by their military delegates. This committee will give military advice and make recommendations to the PSC, as well as provide direction to the Military Staff. The Military Staff is to provide military expertise and support for the security and defense policy work, including the conduct of EU-led military crisis management operations. It will perform early warning, situation assessment and strategic planning for Petersberg tasks including identification of European national and multinational forces.⁴⁰

The Portuguese presided over several other activities in the military field of the common defense policy. For example, around the time of the Helsinki Summit, it had been proposed that the Eurocorps — a Franco-German initiative launched in 1993 — assume command of NATO's KFOR troops currently deployed in Kosovo. The Eurocorps had been originally established as a force answerable to the WEU, but partly because of the fact that it is now composed of almost 60,000 troops from Spain, Belgium and Luxembourg in addition to France and Germany, it is commonly viewed as a prototype for the future EU Rapid Reaction Force. It could also be utilized to begin implementation of the EU's headline goal. Therefore it was significant for the EU when, under pressure from both France and Germany, NATO eventually agreed to the proposal to turn over control of the KFOR mission for six months. Several months after the initial proposal, in April 2000, a contingent of 335 Eurocorps officers led by a Spanish general finally took over command of the nearly 1,000 staff officers at KFOR headquarters.⁴¹ The Eurocorps' performance in this mission will be monitored closely as European officials begin to formulate procedures for future implementation of common security and defense policies.⁴²

Also during the Portuguese Presidency, an annual joint military exercise to test the working relationship of NATO and the WEU was staged. Code named CMX/CRISEX, the exercises in February 2000 simulated a crisis management operation by both organizations in a Kosovo-like scenario. The maneuvers were conducted largely through computer models, but were designed to test the WEU's responsiveness and ability to manage such an operation while employing NATO assets. As with the Eurocorps, this operation was conducted in anticipation of building procedures for an EU crisis management capability that will necessarily have to work in collaboration with NATO. According to German Defense Minister Rudolf Scharping, the exercise was practical because use of NATO assets and capabilities in EU-led missions "will likely be the rule rather than the exception."⁴³ Both the WEU and NATO considered the exercise to be "an important test of ESDI-related concepts and arrangements" and that it will offer valuable lessons for WEU-led operations using NATO assets.⁴⁴

Fewer concrete results were obtained on the non-military side of the security and defense policy equation. The Helsinki Declaration had invited the Portuguese Presidency to carry work forward on the question of conflict prevention and strengthening the efficiency and responsiveness of the EU's non-military capabilities. That job has generally fallen to Chris Patten, the External Relations Commissioner for the European Union. Patten has committed himself to this task. For example, he declared in December 1999 that: "There must be less fire-fighting and more concentration on the causes of the fires...Europe needs not only a crisis management capability but also a conflict prevention policy."⁴⁵ In February 2000, Patten further claimed that "Conflict prevention — removing the root causes of conflicts themselves — and conflict management are

⁴⁰ See the Helsinki Summit Conclusions, Annex 1 to Annex IV, p. 24.

⁴¹ Richard Norton-Taylor, "Eurocorps to Run Kosovo Peace Force." *The Guardian*, 18 April 2000.

⁴² Luke Hill, "New European Force Takes on First Task in Kosovo." *Defense News*, 21 February 2000.

⁴³ From an excerpt of a speech by Rudolf Scharping at the 36th International Security Policy Conference in Munich. "Europe's Evolving Identity: Independent Capability Must Grow with Allied Ties." *Defense News*, 21 February 2000.

⁴⁴ WEU Ministerial Council, Porto Declaration. Oporto, Portugal, 16 May 2000.

⁴⁵ See Chris Patten, "The Future of the European Security and Defense Policy and the Role of the European Commission." Speech to the Conference on the Development of a Common European Security and Defense Policy — The Integration of the New Decade. Berlin, 16 December 1999.

at the heart of the EU's and the Commission's Foreign and Security Policy Agenda."⁴⁶ And yet, during the months of the Portuguese Presidency, compared to the developments in the area of military strength, relatively little was accomplished on a meaningful level to address the "root causes of conflicts."

Patten's efforts have largely centered around the establishment of a "Rapid Reaction Facility," a fund that had been suggested in the Helsinki Conclusions.⁴⁷ The purpose of the fund would be to allow for better mobilization and rapid deployment of non-military crisis response tools. Based on the conclusion that Member States of the EU and the EU itself have already "accumulated considerable experience or have considerable resources" at their disposal, Patten sought to improve upon the effectiveness and responsiveness of those assets.

In April 2000, Patten's office announced a proposal for the establishment of the Rapid Reaction Facility. According to the proposal, the Facility should be "designed to accelerate the provision of finance to support EU activities world-wide, to contribute to operations run by international organizations and to fund NGO activities."⁴⁸ The Facility is meant to address crisis situations and is aimed at the "preservation or establishment of the civic structures necessary for political, social, and economic stability." This could include election monitoring, border management, de-mining operations, police training and provision of police equipment, and civil emergency assistance, and other non-combat assistance. It is a structure that is meant to provide rapid primary funding to the designated and contracted government agencies, international organizations, or NGOs who are best suited to address the crisis at hand. Because it should not duplicate the developmental assistance provided by ECHO, the funding provided through the Rapid Reaction Facility for a single activity will be limited to a period of 9 months and capped at an amount of 12 million EUROS. The proposal indicates that there are no geographic restrictions to possible responses by the Facility. However, the Facility's annual budget is restricted to 30 million EURO for the first year of operation and 40 million EURO per year through 2006. According to the proposal, the "specific added value [of the Rapid Reaction Facility] is represented by the rapidity of the interventions in situations of high tension and by the possibility of mixing different instruments of intervention in order to achieve a comprehensive and coherent action in security related emergencies."⁴⁹

1.6. The European Council Summit in Feira

One of the most important and pressing tasks for the Portuguese Presidency had been to devise procedures for a relationship with NATO that will allow for consultation and cooperation with the Alliance and also grant non-EU states the chance to participate in EU operations. The Presidency Conclusions adopted by the European Council at their summit meeting in Feira in June seem to demonstrate that, for the interim at least, the EU believes the best way to protect its autonomy and yet allow non-EU states the chance to participate would be to create a kind of parallel but distinct structure that would enable "dialogue, consultation and co-operation", but not a substantive role in the decision-making process.

After conspicuously noting that there will be "full respect for the decision-making autonomy of the EU and its single institutional framework," the first Appendix to the Presidency Conclusions detailed the modalities and principles that would guide relations during both the routine "non-

⁴⁶ Chris Patten, "The EU's Evolving Foreign Policy Dimension — The CESDP After Helsinki." Speech to the Joint Meeting of the European Parliament Foreign Affairs Committee with Members of the NATO Parliamentary Assembly, 22 February 2000. This remark was repeated in the EU's press release announcing the proposed Rapid Reaction Facility, 11 April 2000.

⁴⁷ Not to be confused with the "Rapid Reaction Force."

⁴⁸ External Relations Press Notice, "ESDP: Commission proposes Rapid Reaction Facility to mobilize Civilian Crisis Instruments." Brussels, 11 April 2000, IP/00/365.

⁴⁹ Communication to the European Parliament and the Council, Rapid Reaction Facility: Proposal for a Council Regulation Creating the Rapid Reaction Facility, para 3.

crisis" phase and during the operational "crisis" phase.⁵⁰ During the routine phase, there will be exchanges between the EU and non-EU NATO allies as well as other countries who are candidates for EU membership.⁵¹ In the course of one presidency term, or about six months, there will be regular meetings in the total "EU + 15" format. There will be at least two meetings between just the EU and non-EU NATO states, or the "EU + 6" format. According to the Feira report, additional meetings will be organized if the need arises. Aside from noting that the meetings will take place "at the appropriate level," no other specifics were given.

In the second operational phase, that is, in the event of a crisis, dialogue and consultation between the EU + 15 will be "intensified."⁵² If there is a possibility that the EU will lead a military crisis management operation, the consultations will offer an opportunity for an exchange of views. If there is also a possibility that the EU will employ NATO assets, particular attention will be given to consultation with the six non-EU European NATO states. If the EU does launch an operation and does use NATO assets, those six states may participate in the operation if they so wish. But if the operation is conducted independent of NATO assets, then the six European NATO members and the other EU candidate states may only participate upon invitation by the Council of the European Union.

Those states that confirm their participation in an operation by contributing "significant military forces," will share the same the same rights and obligations as EU Member States in the "day-to-day" conduct of that operation. However, it is important to note that the EU retains the ultimate authority for the political and strategic direction of the operation and only it can decide when to launch and end an operation.

With regard to the EU's institutional relationship with NATO, the European Council approved a second Appendix attached the Presidency Conclusions.⁵³ Here again, the EU noted that "development of consultation and cooperation between the EU and NATO must take place in full respect of the autonomy of EU decision-making." Stressing the equal and mutual nature of the EU-NATO relationship, the European Council agreed that there are four main issues that must be coordinated between the two organizations. The report suggested establishing "*ad hoc* working groups" to define security arrangements for information exchanges; to define capability goals in order to make the elaboration of the headline goal compatible with NATO's Defense Capabilities Initiative; to set up arrangements so that the EU can gain access to NATO assets; and to define the permanent arrangements that will govern relations between the EU and NATO.⁵⁴ The European Council declared its intentions to have the permanent arrangements ready by the time of the Nice Summit in December 2000.⁵⁵

In the Presidency Conclusions, the European Council also reiterated that "improving European military capabilities remains central to the credibility and effectiveness of the Common Security and Defense Policy." It further stated that it was looking forward to the first Capabilities Commitment Conference scheduled for late November.⁵⁶ At that conference, Member States are to make their commitments to the headline goal and a review mechanism is to be created to measure the progress made toward achieving that goal.

There were two additional appendices to the Feira Conclusions, each dealing with the non-military aspects of the CFSP. In that context, the Council noted the establishment of another institutional structure, the Committee for Civilian Crisis Management.⁵⁷ According to a Council

⁵⁰ "Modalities of Consultation and/or Participation for Non-EU European NATO Members." Appendix 1 to the Feira Summit Conclusions, p. 17.

⁵¹ The report did not define the term "exchanges", but noted instead that they would take place "at the appropriate level." Ibid, p. 18.

⁵² Ibid, p. 19.

⁵³ "Principles for Consultation with NATO on Military Issues and Recommendations on Developing Modalities for EU/NATO Relations." Appendix 2 to the Feira Summit Conclusions, pp. 21-24.

⁵⁴ Ibid, p. 24.

⁵⁵ Ibid, p. 23.

⁵⁶ Feira Summit Conclusions, para. 8.

⁵⁷ "Strengthening the Common European Security and Defense Policy," Feira Summit Conclusions, p. 11

decision that was taken in late May, the Committee will act as a counterpart to the European Council's Situation Center. The Committee, which first met on June 16, is meant to "provide information, formulate recommendations, and give advice on civilian aspects of crisis management to the interim Political and Security Committee."⁵⁸ In addition, the Feira Presidency Report stated that a coordinating mechanism has been set up at the Council Secretariat, which has further developed "the inventory of Member States and Union resources relevant for non-military crisis management."⁵⁹ As a first priority, the mechanism has focused its attention on establishing a database of civilian police capabilities. A study was also conducted (and was included in the Presidency Conclusions) to define a series of concrete targets in the area of civilian aspects of crisis management. Largely as a result of that study, the Presidency identified concrete targets for civilian police capabilities, namely, that the "Member States should, cooperating voluntarily, as a final objective by 2003 be able to provide up to 5000 police officers for international missions across the range of conflict prevention and crisis management operations." A rapid deployment element was also included in this proposal.

The stated intent of the Study on Concrete Targets on Civilian Aspects of Crisis Management was to "enhance [the EU's] capability in civilian aspects of crisis management in all relevant areas."⁶⁰ It argued that by paying particular attention to those areas where the international community has demonstrated weakness, the EU could provide an "added value" to the EU's ability to react to crisis situations. Again noting that the EU has already accumulated considerable experience or resources in this area, the report urged the Union to concentrate on filling in the gaps. It went on to say that improving law enforcement, the rule of law, civil administration and civil protection in crisis areas should be matters of priority. The report offered multiple measures the EU could adopt, but the suggestions were rather ambiguous. For example, "the EU could consider ways of supporting the establishment/renovation of infrastructures of local courts and prisons as well as recruitment of local court personnel and prison officers in the context of peace support operations."⁶¹ The proposal to be able to deploy up to 5000 police officers by 2003 was the only target specifically outlined and accepted by the European Council.

The report also suggested that the Committee for Civilian Aspects of Crisis Management could continue working on developing other concrete targets. In fact, Commissioner Patten had previously stated that it was his intention to propose other targets. The press release announcing the proposal for the Rapid Reaction Facility stated that "the next step will be the establishment of non-military headline goals to match the military one."⁶² Patten has been a long-time advocate of establishing non-military headline goals. He has argued that conflict prevention and management requires effective co-ordination in the area of humanitarian assistance, including setting a target number for mobilization of civilian and military police, identifying resources for rehabilitation and reconstruction assistance, and knowing "where to turn" when there is a need for mediation, arbitration or confidence-building missions.⁶³ However, while the EU agreed to a civilian headline goal of 5,000 policemen, no further decisions on civilian crisis management capabilities have been taken.

⁵⁸ Council of the European Union, "Council Decision of 22 May 2000 setting up a Committee for civilian aspects of crisis management." 2000/354/CFSP.

⁵⁹ "Strengthening the CESDP," Feira Summit Conclusions, p. 11.

⁶⁰ "Study on Concrete Targets on Civilian Aspects of Crisis Management," Appendix 3 to the Feira Summit Conclusions, p. 25.

⁶¹ *Ibid*, p. 27.

⁶² External Relations Press Notice, 11 April 2000.

⁶³ Patten, 16 December 1999.

2. What Does It All Mean?

After a series of consultations and summits that have resulted in pronouncements of ambitious plans and the establishment of a multitude of committees, the European Union edges ever closer to the formulation of an elaborate architecture for a common foreign and security policy than ever before. But behind all the formalities and proud rhetoric, what does it all actually mean? According to Javier Solana, the EU's appointed representative for the CFSP, the development of the CFSP reflects the very credibility of the European Union.⁶⁴ If that is true, given the time and investment that has already gone into making the European Union what it is today, then broader and more intensive discussion about issues central to the CFSP would seem to be necessary in order for the EU as an institution to succeed. This discussion must necessarily include analysis of the EU's conflict prevention and management goals, the effect of the EU's mandate on international law and international organizations such as the UN and the WEU, as well as an assessment of how the CFSP may affect relations with Russia, with the US and within NATO, and of the impact on military capabilities and defense spending.

2.1. Balancing Military versus Non-Military Capabilities

One fundamental question that must be addressed is that of the balance between the military and non-military elements of the EU crisis management capability. In June, 1999, the Cologne European Council declared that it "should have the ability to take decisions on the full range of conflict prevention and crisis management tasks" as outlined by the Petersberg Tasks. The use of the term "full range" would seem to imply an equal emphasis on also addressing the non-military aspects of conflict prevention and crisis management. However, since the Cologne Summit, the EU has mostly concentrated on nurturing its crisis management ability *vis-a-vis* the Rapid Reaction Force. Well defined goals, clearly established deadlines, and multiple committees support the development of the Force. Furthermore, towards the end of the French Presidency, there is to be a formal force generation conference to determine how the RRF should be adequately armed and what acquisitions will have to be made.

The fact that the EU is concentrating on this aspect of the conflict management is intriguing not just because it represents European aspirations to conduct military operations on their own, but also because of the institutional mandate of the force to undertake humanitarian and peacekeeping missions. During the 1990s, military forces were frequently deployed to countries scattered around the globe, tasked to provide humanitarian assistance or operate as peacekeepers. Some observers promoted these types of missions as a practical redefinition of the role of the military in a post-Cold War environment. Others, including certain American officials, were hesitant to accept that role and became increasingly reluctant to commit to military forces to humanitarian or peacekeeping operations. For example, Secretary of Defense William Cohen said shortly after the Kosovo war that "Peacekeeping is not a primary mission, certainly of the US forces, and I suspect that is the case for many of the other NATO countries as well. Peacekeeping involves a different type of training, and capabilities."⁶⁵ In this light, it is notable that the Amsterdam Treaty embraced the humanitarian and peacekeeping duties described as the Petersberg Tasks. Furthermore, the decision to build a Rapid Reaction Force that will operate within the bounds of the Petersberg tasks demonstrates that the EU has every intention to undertake missions that the US does not consider to be "primary." This divergence of views is significant. Some have warned that this divergence could lead to a "two-tier alliance" where the Europeans focus on low-intensity situations such as peacekeeping while the United States or NATO does the "heavy lifting" or the "dirty work at the high end of the spectrum."⁶⁶

⁶⁴ From a speech by Javier Solana, Secretary General/ High Representative of the European Union for the CFSP before the plenary of the European Parliament, 1 March 2000.

⁶⁵ William Cohen, from a press conference with Norwegian Minister of Defense Eldbjorg Lower in Oslo, Norway, 10 July 1999. Available at www.defenselink.mil/news/Jul1999/

⁶⁶ For example, see John Hillen's comments made at the NATO Parliamentary Assembly's Rose-Roth Seminar,

While the RRF and the adoption of the Petersberg Tasks signals a European commitment to active involvement in the kinds of crises that had previously festered unanswered in the Balkan region, emphasis on the military strength of the crisis management capability would appear to be an unfortunate development. By pursuing a crisis management approach that largely prioritizes military means, the EU could be neglecting some of its greatest strengths.⁶⁷ Historically the EU is a non-military organization that has achieved the complicated feat of bringing 15 sovereign states — some small nations, some regional powers — together under one umbrella. Furthermore, the EU successfully combines NATO members with neutral and non-aligned members. As a crisis management and conflict prevention actor, this multi-faceted organization has a good record and an immensely wide range of practical experiences, skills, and tools at its disposal. Moreover, the European Union dispenses huge amounts of humanitarian aid, and is the world's main supplier of Official Developmental Assistance, providing roughly 55% of total ODA. The EU is also the most important trading partner and investor for developing countries around the world.⁶⁸ Therefore, an EU crisis management or defense policy that follows an approach focused on development of military capabilities could risk detracting from the strength and benefits of the EU's diplomatic and economic prowess.

However, the EU should not be limited to providing only economic and diplomatic assistance in crisis situations. This would deny the EU of the ability to effectively address complex emergencies that usually entail political, economic, humanitarian, as well as military elements. Instead, the EU needs a crisis management strategy that balances both military and non-military components and enables the EU to address the full spectrum of a crisis.⁶⁹ This must include a balanced distribution of resources and support in order for both the military and non-military tools to be effective.

In this context, one priority for the near future should be to re-emphasize the role of non-military crisis management and to encourage better civil-military cooperation. There is increasing acknowledgement that this type of cooperation is an essential and inevitable element if crisis prevention and particularly crisis management are to be improved. For example, during the NATO Parliamentary Assembly's 45th Rose-Roth Seminar in March 2000, experts gathered to discuss the topic of "Military Involvement in Civilian and Humanitarian Missions."⁷⁰ Although this topic and the various facets involved remain a popular source of debate, military and civilians experts present at the seminar generally agreed that better civil-military cooperation and consultation is necessary — particularly in complex emergency scenarios like the conflict in Kosovo in 1999. Michael Clarke, Director of the Centre for Defence Studies in London, pointed out that the inherent capabilities of the military make it uniquely qualified to perform many of the tasks needed during humanitarian crises. This is largely because the military is well organized and better equipped to deploy personnel and materials around the world in a rapid manner.⁷¹

This fact may offer a partial explanation for the EU's emphasis on developing military capabilities. Nevertheless, the EU should not rely exclusively, or even too heavily, on the military for success of crisis prevention and management. Chris Patten's suggestion to lay out equivalent "headline goals" for the non-military side of crisis response is a healthy first step in that regard. The Presidency Conclusions issued at the Feira Summit also demonstrate that EU leaders are beginning to move in a direction that could augment their ability to not only "win the peace" but also to ultimately contribute to the stated goal of conflict prevention. The commitment to be able

"Military Involvement in Civilian and Humanitarian Missions." Montreux, Switzerland, 21 March 2000. The summary report of the seminar is available at www.naa.be/publications/special/rr-montreux00.html

⁶⁷ Nassauer, p. 24.

⁶⁸ According to Poul Nielson, European Commissioner for Development Cooperation and Humanitarian Aid, "A New Focus and a Better Organization for the European Communities' Development Cooperation." Speech given before the Conference on Unity in Diversity, Berlin, 12 April 2000. Also see the ECHO website for more specific details and statistics on European aid assistance, www.europa.eu.int/comm/echo

⁶⁹ Cross and Nassauer, p. 4.

⁷⁰ Rose-Roth Seminar, 21 March 2000.

⁷¹ Ibid.

to deploy 5000 police officers by 2003 and the stated intentions to improve the EU's ability to restore law enforcement and civil administration services to crisis areas is laudable. But the continued references to the fact that EU members have already accumulated considerable resources is disappointing and misleading for at least two reasons. First, although the EU seems to believe there are sufficient resources to address the civilian aspects of crisis management, there are currently serious staffing shortages in Kosovo for exactly that area of work. In the spring of 2000, there was even a somewhat desperate call for personnel on the EU's External Relations web-site to fill vacant positions in the UN's mission to Kosovo. Second, whereas there is a capabilities conference for the establishment of the Rapid Reaction Force planned for this November, there is no comparable capabilities conference scheduled for the EU's non-military functions. Under this lens, the contradiction between the EU's rhetorical commitment to conflict prevention and its actions becomes very clear.

To follow up with Patten's call for non-military headline goals, one step the EU might consider is instituting a standard model for training civilian personnel in methods of mediation, stress management, human rights, international law, election monitoring, etc. Through the cultivation of a corps of experts, each equipped with common training and educated in civilian "rules of engagement", the EU could more rapidly draw together a team able to respond to a simmering crisis situation. The institutional experience of the Organization for Security and Cooperation in Europe (OSCE) and its plans to develop Rapid Expert Assistance and Co-operation Teams (REACT) provide a basis for this kind of plan.⁷² In fact, in the interests of avoiding unnecessary duplication (or conversely, condemning OSCE plans to failure for lack of resources or political support), the EU could combine its efforts with the OSCE to build more effective non-military capabilities.⁷³

2.2. International Organizations and International Law

The position the EU takes on international law issues and regarding the authority of other international organizations is another issue that will confront the EU in the future. In terms of crisis management, concerns center around the issue of whether the EU would undertake a military crisis management mission in the absence of a mandate from an appropriate body such as the United Nations and the OSCE. By restricting itself to only those missions approved by such a mandate, the EU would make an important gesture in reaffirming the importance of international organizations and international law. The Presidency Conclusions issued at Helsinki confirmed that decisions on when and how to employ the EU's crisis management capabilities will take place "according to the principles of the UN charter and the principles and objectives of the OSCE Charter for European Security" as was directed in the Treaty on the European Union.⁷⁴ The Petersberg Declaration of June 1992, which defined the types of tasks the WEU could undertake, stated that decisions to use military units will be taken "in accordance with the provisions of the UN Charter."⁷⁵

It remains to be seen whether these guidelines will be interpreted to mean that the EU will actually require a mandate from either of these organizations to act. It is plausible to consider that some EU states could simply repeat the interpretation employed by NATO to justify its military operations against Serbia in 1999. In that instance, NATO maneuvered around the absence of a Security Council mandate by defining its actions as being in accordance with

⁷² The OSCE's REACT force is intended to fulfill the need to rapidly deploy civilian and police expertise to address problems before they become crises. REACT could also act as a surge capacity to assist rapid deployment of large scale or specialized operations.

⁷³ For an example of how the EU could build a non-military police capacity to rapidly respond to "fill the gap between diplomacy and military force", see Daniel Plesch and Jack Seymour, "A Conflict Prevention Service of the European Union." BASIC Research Report 2000.2. Available at <http://www.basicint.org>

⁷⁴ Treaty on the European Union, Title V, Article 11.

⁷⁵ Western European Union Council of Ministers Petersberg Declaration, Bonn, 19 June 1992. Article II, paragraph 3.

previous Security Council resolutions relevant to the Kosovo conflict as well as the principles of the United Nations Charter. The North Atlantic Treaty, the founding document of NATO, recognizes that the United Nations Security Council has the "primary responsibility for the maintenance of international peace and security."⁷⁶ The text of the EU's Helsinki Summit Conclusions, under the heading "Common European Policy on Security and Defense," adopted exactly the same language.⁷⁷ Notable in these communications is the fact that while both entities accept the "primary" responsibility of the UN Security Council, as it is laid down in Article 24 of the United Nations Charter, NATO's use of military force in the spring of 1999 without a UN mandate implies that NATO does not recognize that the UN might have "exclusive" or "sole" responsibility. Short of explicitly stating that the EU would not undertake any operations without a mandate from the UN Security Council, the EU could conceivably exploit the same loop-hole NATO did in 1999. If the EU adopts a similar exploitation of the imprecision of the term "primary", the EU could further weaken the role and authority of the UN, as well as the OSCE, in international affairs.⁷⁸

There is a reason why the EU might choose to avoid expressly requiring UN permission to conduct its operations: if the United States were opposed to an EU contingency, perhaps because it feared that such an operation would weaken the readiness of NATO, it could exercise its veto power within the Security Council. If the EU does pronounce that it will act only with a UN mandate, that would theoretically mean that the EU would require the permission of the United States to undertake a crisis management operation.

On the other hand, some US officials suggest that they would actually prefer that the EU avoid limiting itself to act only with a UN or OSCE mandate. Before the NATO operations over Kosovo began in early 1999, there had been hesitation among some Allies to launch military operations without permission from the UN. Indeed, Congressman Doug Bereuter remarked that "many EU members who are allies wanted NATO's new Strategic Concept to declare that NATO will undertake out-of-area operations only with a UN mandate. The United States at great effort vetoed that."⁷⁹ If the EU were to impose such a restriction on itself, US officials like Bereuter wonder whether or if NATO will be able to foster consensus for action if a UN mandate is unattainable.

Nevertheless, the fact remains that there are members of the European Union who were definitely uncomfortable with NATO's actions absent the UN mandate and will certainly be reluctant to sanction an EU operation under such circumstances. For example, a representative of the Finnish government has stated that her country will not participate in peacekeeping or crisis management operations without political authorization from the UN Security Council or the OSCE.⁸⁰ Austrian politicians have argued that a UN or OSCE mandate is needed for moral legitimacy.⁸¹ French President Jacques Chirac declared that "ultimately, it is the prerogative of the United Nations Security Council, which is the only body with the international legitimacy to decide on the use of force."⁸² Although a consensus is not needed within the EU to launch a crisis management operation,⁸³ as is required in NATO, the question still arises, will the EU be

⁷⁶ The North Atlantic Treaty, Washington, DC, 4 April 1949, Article 7.

⁷⁷ Helsinki Summit Conclusions, para. 26.

⁷⁸ This issue was addressed by Alain Barrau, Chairman of the French National Assembly's Delegation to the European Union, in his report on the EU's CFSP, which submitted to the French National Assembly on March 16, 2000.

⁷⁹ Doug Bereuter, "American Perspectives on the Creation of the ESDI within the European Union." 22 February 2000.

⁸⁰ From a speech by Liisa Jaakonsaari to the Friedrich Ebert Foundation Seminar, "Social Democratic Perspectives on a Common Foreign and Security Policy." Berlin, 6 - 7 April 2000.

⁸¹ From a speech delivered by Peter Kostelka, Chairman in Office of the Social Democratic Group in Parliament to the Ebert Foundation Seminar, 6-7 April 2000.

⁸² Jacques Chirac, Speech to the Presidential Committee of the WEU Parliamentary Assembly. Paris, 30 May 2000. Available at <http://www.doc.diplomatie.fr>

⁸³ In this context, there exists a choice for "constructive abstention," whereby a Member State may abstain from participating in an operation that is supported by a coalition of the willing.

able to foster the collective will to respond to a crisis whether or not there is a UN mandate? This question is not simply academic: it was exactly because of Europe's indecision and paralysis that rapid responses to each of the Balkan crises were not manageable.

2.3. The Fate of the WEU

Another major question that must be answered as the EU frames its military crisis management capability involves the fate of the Western European Union.

In theory, the Western European Union could act as the guinea pig for the construction of the EU's autonomous force structure. After all, the European Union has been preparing itself for a military role for some time and had already anticipated the need to adopt an ever closer relationship with the WEU, a dormant security organization whose membership is very similar to EU membership. As far back as 1991, the objective had been to "build up the WEU in stages as the defense component of the European Union."⁸⁴ The possibility of integrating the WEU into the EU was also reaffirmed in Article 17 of the 1997 Treaty of Amsterdam. At the meeting of the WEU Ministers in Luxembourg in 1999, the Council of the European Union was granted direct access to the expertise of the WEU's operational structures, including the Secretariat, the Military Staff, the Satellite Center, and the Institute for Security Studies. The WEU has already moved to Brussels, has harmonized its Presidency terms with that of the EU, and perhaps even more significant, the Secretary General of the WEU is also the EU's High Representative for the CFSP. Through these and other measures, the WEU has been set firmly on the path towards eventual integration into the European Union.

The main problem with integrating the WEU into the EU arises when the collective defense commitment of the WEU's founding document, the Brussels Treaty, is considered. The WEU's full members are hesitant to renounce the Article V defense commitment — which is actually stronger than that of NATO's Washington Treaty — yet it is very difficult to incorporate it into the EU partly because of the membership of the four neutral states, Austria, Finland, Ireland, and Sweden. In addition, Associate Members of the EU, most notably Turkey, have expressed their own concerns about how their acquired rights within the WEU would survive the integration since they are not members of the EU.⁸⁵

Nevertheless, the EU has taken rapid steps towards dissolving the WEU and transferring its major components into the European Union. As called for in the Amsterdam Treaty, the measures being adopted now are intended to clear the way for the integration of many of the functions of the WEU into the EU.⁸⁶ Currently, plans call for the satellite-imaging center in Spain and the Institute for Security Studies in France, as well as a number of security arrangements, to be transferred into the EU. The Western European Armaments Group (WEAG) will remain separate and will continue to function as a distinct entity.⁸⁷ This step has been deemed necessary primarily because membership of the WEAG includes such non-EU states as Turkey and Norway. The EU is also apparently considering maintaining the independence of the WEAG in order to coordinate European research and defense spending.⁸⁸ But perhaps more importantly, the WEAG's survival as a separate entity will also serve to host the Article V collective defense commitments until the EU can determine exactly what the fate of the defense commitment will be. There have been suggestions that the Article V commitment could be attached to the Treaty on the European Union as a protocol, leaving the option open for Member States to sign up to it

⁸⁴ Maastricht Declaration, 10 December 1991. "Role of the Western European Union and its Relations with the European Union and with the Atlantic Alliance." The Maastricht Declaration at the same time noted that "the objective is to develop the WEU as a means to strengthen the European pillar of the Atlantic Alliance."

⁸⁵ For a discussion on this topic, see the Report submitted on behalf of the Political Committee by Mr. Martinez Casañ, Rapporteur and Mr. Adamczyk, co-Rapporteur, "The WEU Associate Members and the New European Security Architecture." Assembly of the WEU, Document A/1690, Brussels, 10 May 2000.

⁸⁶ See the Treaty on the European Union, Article 17, para. 1.

⁸⁷ Luke Hill, "WEU's Armaments Cooperation Group Plans to Soldier On Alone." *Defense News*, 29 May 2000.

⁸⁸ *Ibid.*

or not. However, critics of this idea argue that a protocol would not be a suitable way to deal with a matter as important as a collective defense commitment.⁸⁹

Other legal implications of abolishing the WEU also remain to be reconciled, particularly the legally binding arrangements that have been negotiated between the WEU and NATO. These include agreements on intelligence sharing, the Combined Joint Task Force, the Eurocorps, and non-duplication of assets.⁹⁰ In order to renegotiate these agreements with NATO, or at least form similar but new agreements, the EU has established several working groups with NATO that will attempt to draft compromises on these matters.⁹¹ Through these informal consultations, the EU and NATO may eventually come to some agreements. However, it is unlikely that final arrangements can be achieved in time for the Nice Summit.

The ultimate fate of the WEU as an institution, however, is unclear. At the Cologne Summit, the European Council had stated that after the EU takes over the functions of the WEU (at that time scheduled for the end of 2000), the WEU as an organization "would have completed its purpose." But it is clear that the process of integrating the WEU into the EU has been hampered by many complex problems. It now seems that the EU has taken a less ambitious approach to dissolving the WEU and has at least tacitly chosen to keep parts of the WEU independent and alive. This is a pragmatic decision because so long as some semblance of the WEU survives, it can play host to the WEAG, the associate member states, the Article V commitment, and the binding agreements with NATO — all problems the EU has thus far failed to resolve. In this sense, the WEU also continues to act as both a buffer between the EU and NATO as well as a mechanism the EU can employ should it decide to conduct an operation using NATO assets.

2.4. The EU's Relationship with Russia

Undoubtedly one of the most important matters the European Union must handle in the context of its CFSP is its relations with Russia. Considering the EU's plans to expand membership eastward, the policies and instruments the EU chooses to adopt now will have a direct effect on Russian interests. That is, if the European Union expands to include former Soviet states such as Latvia, Lithuania or Estonia, the EU — complete with its 60,000 strong Rapid Reaction Force, a mandate to respond to Petersberg missions, and possibly someday a collective defense element — would be rubbing up against Russia's borders.

On an individual governmental level, relations with the power in the east have always been extremely important. Consequently, Russia was an obvious target for EU leaders in the development of the EU's first Common Strategy within the framework of CFSP at the Cologne Summit in June, 1999. It is a strategy that addresses a wide scope of issues that reflect the nature of Europe's complex relationship with Russia. It promises cooperation and assistance for matters such as reforming Russia's domestic economic policies, privatization, land reform and banking reform. It also promotes cooperation with regard to energy policies, nuclear safety, environmental issues, and the fight against organized crime. The EU's clear strategic goals emphasize the importance of a stable and democratic society in Russia and the maintenance of stability and security in Europe as a whole.⁹²

Geographic proximity is not the only reason why Europe is so closely tied to the fate of Russia: the Common Strategy notes that while the European Union is Russia's main trading partner, Russia also provides significant energy resources to Europe. The close economic nature of the relationship could therefore explain why Russia maintains a benign view of the European Union and has thus far expressed comparatively little alarm regarding the CFSP and EU enlargement. In

⁸⁹ See the Report submitted to the Assembly of the WEU on behalf of the Political Committee by Mr. de Puig, Rapporteur, "The Consequences of Including Certain Functions of WEU in the European Union — Reply to the Annual Report of the Council." Assembly of the WEU, Document A/1689, 10 May 2000.

⁹⁰ Nassauer, p. 26.

⁹¹ Luke Hill, "EU-NATO Procedural Talks Help Define Cooperation." *Defense News*, 7 August 2000.

⁹² "Common Strategy of the European Union on Russia," Annex II of the Cologne Summit Conclusions.

fact, one analyst has noted that the general public in Russia has very little knowledge of the EU, which implies that the EU, and even the WEU for that matter, are certainly not perceived to be antagonistic military blocs.⁹³ Those Russians that have heard of the EU know well that the EU is Russia's main investor and for this reason alone, also likely recognize the benefits a continued cooperative relationship can offer. After all, the Russian government is primarily focused on the economic development of the country and the perpetual goal of integrating the country into Europe.

Nevertheless, as the EU's foreign, security, and defense policies develop and as the EU incorporates new members, Russian attitudes could quickly change. Some speculate that Russia favors the evolution of the CFSP because it implies greater European independence from American influence, especially *vis-a-vis* NATO.⁹⁴ In addition, so long as there is no collective defense mandate attached to the EU, Russia will continue to view expansion of the Union with less hostility than the expansion of NATO. However, if a collective defense agreement is indeed adopted by the EU, the extent to which Union membership has expanded could have serious implications for the strategic relationship with Russia. This is particularly true when considering the membership of two nuclear powers within the EU as well as the deteriorating state of the Russia military. In addition, the Petersberg mandate could cause further friction — but also closer cooperation — between Russia and the EU in the future. Because there is no specific geographic limitation to Petersberg missions, it is conceivable the EU would contemplate undertaking a mission very close to Russia's borders, especially as the enlargement process continues. Current instability in the trans-Caucasus region, for example, has the potential to worsen to the point that the EU may feel compelled to respond. The nature of the EU's response — whether it employs military tools or non-military, civilian instruments — will likewise determine the nature of the Russian response.

The Common Strategy fashioned at Cologne apparently anticipated the possibility of European actions in regions close to Russia. This is evidenced by the EU's pledge to "work with Russia to develop joint foreign policy initiatives with regard to third countries and regions, to conflict prevention and to crisis management especially in the areas adjacent to Russia, on the Balkans and the Middle East."⁹⁵ European leaders also considered the importance of including Russia in their strategic planning when they gathered at the Council Summit in Feira in June 2000. In the context of fashioning the principles and modalities for the EU's relationship with NATO and EU candidates, the Feira Presidency Conclusions suggested that "Russia, Ukraine, and other European States engaged in political dialogue with the Union and other interested States, may be invited to take part in EU-led [crisis management] operations."⁹⁶ No specifics were given, but the French Presidency was invited to make proposals for an arrangement. Such a step would go a long way towards keeping the EU-Russia relationship on a cooperative track, especially as the EU expands closer to Russia borders and at the same time, acquires military strength.

2.5. Transatlantic Relations

The issue of reconciling the development of the EU's CFSP and CESDP with American expectations is proving to be an equally delicate — although definitely more frustrating — process. While treading a rough path towards the establishment of an independent foreign and security policy structure, the EU is trying to reassure allies on the other side of the Atlantic that its intentions are not to disengage. In February 2000, Patten told a joint meeting of the European Parliament Foreign Affairs Committee and members of the NATO Parliamentary Assembly that the EU has no intention of duplicating NATO's role: "The core of NATO's function is collective defense. And nobody, I repeat, NOBODY, is suggesting that this should become part of the EU

⁹³ Peter von Ham, "Europe's New Defense Ambitions: Implications for NATO, the US, and Russia." Marshall Center Papers, No. 1. George C. Marshall European Center for Security Studies. April 2000.

⁹⁴ *Ibid*, pp. 28-29.

⁹⁵ "Common Strategy on Russia," p. 28.

⁹⁶ "Strengthening the Common European Security and Defense Policy," Feira Summit Conclusions, p. 8.

mandate."⁹⁷ Patten's comments followed a curious statement made by European Commission President Romano Prodi to a group in Latvia less than two weeks earlier. In his speech, Prodi purportedly said that "any attack or aggression against an EU member nation would be an attack or aggression against the whole EU, this is the highest guarantee."⁹⁸ Prodi may have misspoken (or spoke too soon), but given the question of incorporating the WEU and its collective defense mandate into the EU, this kind of security commitment is not out of the question. In fact, the Maastricht Declaration and the Amsterdam Treaty both make reference to the fact that the longer term perspective of the EU's security and defense policy could be to develop a common defense. The Treaty of the European Union explicitly allows for the member states to decide to adopt a common defense if they so choose,⁹⁹ but as a European Parliament resolution on the establishment of a Common European Security and Defense Policy noted, "collective defense *at present* falls outside the field of the CESDP" (emphasis added).¹⁰⁰ One might easily assume that collective defense eventually *will* fall within the field of the EU's security and defense policies. Prodi's premature comments merely point to the fact that a decision on this question will have to be taken eventually. They also point to one of the many issues of contention between the EU and the United States.

The possibility that the EU could one day construct a common defense promises to complicate relations with the United States over the longer term. Even as the EU takes preliminary steps to build its capacity for autonomous action, the American reaction to the plans was, and remains, cautious. Initially, the US position was premised on the conditions that Europe does not challenge the leadership role of the Alliance on European security matters, and that the EU does not acquire a completely separate capacity for action that might weaken NATO. US policy on this issue came to be characterized by the three D's: No De-coupling, meaning that development of a common European security and defense policy should not weaken the Atlantic Alliance; No Discrimination, implying that EU-led crisis management operations should be open to equal participation by all NATO members; and No Duplication, meaning that EU capabilities should not replicate those already in existence within NATO. By November 1999, George Robertson, Secretary General of NATO, tried to soften the criticism and frame the concerns as the three I's: Improvement in European defense capabilities; Inclusiveness for all European allies; and the Indivisibility of transatlantic security.¹⁰¹ One analyst describes the US position as having more recently evolved into a less condemning, more positive sounding "yes, but" attitude.¹⁰²

It is likely that with a "yes, but" position the Clinton Administration is trying to show that it is not entirely opposed to the development of a more militarily capable Europe. Gradually, the Administration has warmed to the concept, but skepticism about how exactly CFSP will develop remains. Furthermore, certain members of Congress in particular prefer to throw their support behind the European Security and Defense Identity, the concept developed in the context of NATO to allow the Europeans a larger role within the Alliance.¹⁰³ A basic element of ESDI focuses on improving European capabilities, but in the American mindset, the improvements are meant to contribute to the collective assets of NATO, not the EU. Thus, the commonly heard criticism from Washington is that the European members need to spend more for their obligations to NATO rather than waste time and effort building new institutions that could come into direct competition with the Alliance.

⁹⁷ Chris Patten, 22 February 2000.

⁹⁸ According to a report by Stratfor.com, "Diplomatic Blitzkrieg: The West Responds to Russia's Assertiveness." 11 February 2000. <http://www.stratfor.com>

⁹⁹ Treaty of the European Union, Article 17.

¹⁰⁰ Motion for a Resolution, European Parliament, 3 May 2000.

¹⁰¹ From a speech given by NATO Secretary General Lord Robertson to the Annual Session of the NATO Parliamentary Assembly, 15 November 1999.

¹⁰² Stanley R. Sloan, "The United States and European Defense." *Chaillot Papers*, No. 39. Institute for Security Studies, Western European Union. Paris, April 2000, p. 23.

¹⁰³ See Sloan's study for a more extensive discussion about the varying opinions within the Clinton Administration, in Congress, and among the non-governmental elite.

The widening differences between the US and Europe is most basically illustrated by the terms employed on either side of the Atlantic. It is often easy to determine who is doing the talking based purely on which acronym is used — despite the fact that the difference amounts to more than just a few letters. For the Americans, the debate revolves around the question of whether ESDI is to remain under the rubric of NATO. For example, one hearing before the US Congress in March 2000 brought out testimony about the future of ESDI, even though the line of questioning from the members of Congress was quite clearly more about the EU's agenda.¹⁰⁴ On the other hand, the focus of discussion in Europe is about how to develop both the CFSP as well as the CESDP, two concepts quite distinct from ESDI. One observer in Washington made this keen observation of the hazards of confusing the acronyms:

"The persistent use of 'ESDI' rather than 'CESDP' [Common European Security and Defense Policy] by US officials could be a subtle transatlantic hint that the way to strengthen European defenses is through NATO rather than the EU. Equally likely, however, the references to ESDI may betray simple ignorance...John Holton of the American Enterprise Institute recently warned that 'it is possible that ESDI has a hidden agenda to project European military power 'out of area' without U.S. involvement.' The true ESDI (under NATO) could hardly do that, for it would be subject to U.S. veto."¹⁰⁵

Acronyms aside, the inconsistencies become more significant when substantive issues about sharing capabilities or decision making are debated. For example, the Helsinki Presidency Conclusions declared that the EU will decide whether or not to launch a crisis management operation "when NATO as a whole is not engaged." But according to Congressman Doug Bereuter, this phrase can be interpreted to mean that the European Council at Helsinki had allowed for a "NATO right of first refusal" before they would make a decision to lead a military operation.¹⁰⁶ No such concession has actually been admitted by the EU and in fact, an early draft of the report on EU/NATO relations by the Portuguese Presidency in the spring of 2000 suggested instead that the EU and NATO would commonly assess a situation and would mutually decide on the best way to conduct an operation. A decision would then come "at a point at which a common understanding would emerge that the Alliance as a whole would not be engaged and that an operation under the political and strategic direction of the EU was envisaged..."¹⁰⁷ Interestingly, no mention of this issue was made at all, in any form, in the final and public version of the Presidency Conclusions released at Feira. Still, US officials persist with their own interpretations. On June 28, Defense Secretary Cohen remarked that, "Yes, there will be decisions that will be made by EU [on crisis management operations], but within the context of situations where NATO decides not to take action."¹⁰⁸

Not surprisingly, there is significant European resistance to the idea that NATO might reserve a "right of first refusal." Acceptance of such a condition would effectively render EU actions dependent on a prior decision by the North Atlantic Council — hardly the decision-making autonomy Europeans desire. But the US is clearly anxious to engage the European Union in discussions on mutually binding formal agreements (e.g., on the availability of European military capabilities to NATO). Depending on the type of operation the EU chooses to launch, it may have to employ some NATO assets. And given that the European Union will lack the capability

¹⁰⁴ Senate Committee on Foreign Relations, Subcommittee on European Affairs, "NATO and the EU's European Security and Defense Policy." 9 March 2000. In particular, see the testimony of Marc Grossman, Secretary of State for European Affairs and Frank Kramer, Assistance Secretary of Defense for International Security Affairs. Both witnesses focused almost exclusively on discussion of ESDI. Available at <http://www.senate.gov/~foreign/testimony/>

¹⁰⁵ Tomas Valasek, "The European Alphabet Soup." Center for Defense Information, *Weekly Defense Monitor*, 6 April 2000.

¹⁰⁶ Douglas Bereuter, 22 February 2000. The footnote in his text reads: "The United States believes the phrase 'where NATO, as a whole, is not engaged' is equivalent to the recognition of NATO's primary role in decision-making on security matters."

¹⁰⁷ From a draft report by the Portuguese Presidency on EU/NATO relations, paras. 17-18.

¹⁰⁸ William Cohen, Remarks delivered to the Transatlantic Forum of the Western European Union. Washington, 28 June 2000. Available at <http://www.useu.be/ISSUES/cohen0628.html>

to conduct any large scale or high-intensity operations without borrowing some US assets for at least the foreseeable future, the US has been pushing to establish EU-NATO links at as early a stage as possible. In contrast, the European position is to enter negotiations on formalizing relations between the EU and NATO only after the EU structures and capabilities are securely in place.¹⁰⁹ An unnamed US government official remarked in February that:

"The charitable view is that the European Union is not ready [for dialogue] because its new structures — the military and security committees — are not yet in place. The less charitable view is that they are holding us at bay. I think the truth probably falls somewhere in between, because there is a wide diversity of opinion about how to proceed with formalizing relations any links to NATO."¹¹⁰

Although the European Council implied in the Feira Summit Conclusions that a "permanent" relationship with NATO could be installed by December 2000, it appears that the EU will continue to push back that date until the EU permanent structures are put into place after the Nice European Council in December--or even later. The Feira Conclusions stressed that the arrangements for the relationship between the EU and NATO will reflect the fact that they will deal with each other on an "equal footing" and that the two will be "mutually reinforcing" in crisis management.¹¹¹ Establishing a dialogue on an equal basis will certainly take some time as the EU needs to acquire capabilities that will endow the organization with some credibility. Therefore, one can expect that the informal relationship between the EU and NATO will persist until the EU can improve its negotiating position.

Definition of the relationship with NATO — or rather, with the non-EU members of NATO — promises complications for the EU's plans. On this question, the US is finding convenient allies among the Czech Republic, Hungary, Iceland, Norway, Poland and especially Turkey, all of which are members of NATO but not the EU. These states share the American concern that EU decisions and operations could effectively discriminate against them and weaken transatlantic links with the US. They are worried that even though the EU could theoretically employ NATO assets, they would have no influence on any decisions or actions taken by the EU. The non-EU NATO states have consequently demanded the right to fully participate in the development of the new EU Rapid Reaction Force and to sit on the EU's political and military committees.¹¹²

An early draft of the plans developed by the Portuguese Presidency to develop modalities for the consultation and participation of third countries in EU crisis management operations did very little towards assuaging the concerns of the non-EU NATO members. The language in the draft report was careful to stress the importance of protecting the EU's decision-making autonomy while at the same time agreed that allowances must be made for non-EU NATO members as well as candidates for EU accession to contribute to EU-led crisis management.

But at the WEU Council of Ministers meeting in Porto in May 2000, the Turkish Defense Minister expressed his government's disappointment with the proposals in the draft report by the Portuguese Presidency.¹¹³ He criticized the scheme as one that would reverse the cooperative measures and inclusiveness that have evolved within the WEU over the past ten years. The Defense Minister further noted that Turkey's offers to contribute to the military headline goal had not yet been acknowledged and that there had thus far been no mention made of non-EU European allies contributing to the development of the non-military crisis management capability. Turkey proclaimed that it could only conclude that "the status of the full partnership [which had been] established in the WEU is being downgraded to the status of a 'third country.'" The Turkish official even alluded to the possibility of blocking the EU from using NATO assets:

¹⁰⁹ Nassauer, p. 25.

¹¹⁰ Brooks Tigner, "US Seeks Talks with WEU Before it Disbands." *Defense News*, 21 February 2000.

¹¹¹ "Principles for Consultation with NATO," Feira Summit Conclusions, pp. 21-22.

¹¹² Peter Finn, "Six in NATO Upset Over EU Corps Plan." *The Washington Post*, 9 April 2000.

¹¹³ From a speech given by Sebahattin Çakmak, Turkish Minister of Defense, to the WEU Council of Ministers on the "WEU and the Development of ESDI and CESDP." Oporto, Portugal, 15 May 2000. <http://www.weu.int/portugal2000/speeches/20000515-tu.htm>

he concluded his speech by referring to the "necessary cooperation with NATO" and stated that "a satisfactory arrangement can contribute positively to the development of the EU's future relations with NATO on the military side."¹¹⁴

At the same meeting, the Norwegians and the Czechs expressed similar dismay with the proposals, albeit less bluntly. Both suggested that the Portuguese plan should be considered just as the first step towards a process of greater inclusiveness and co-operation.¹¹⁵ Instead, the final report adopted at the Feira Summit appears to have taken this position, given the vague details and the very terms employed (i.e., "principles" and "modalities"). It is probable that the details were deliberately left open-ended because the EU has not yet ironed out all the wrinkles within the CFSP and thus, did not want to determined quite yet how the relationship between the EU, NATO, and other EU candidates countries should be permanently structured.

Still, it appears that the Turkish government remains displeased with the Feira Conclusions. The Conclusions maintain the previous position that had stated that non-EU European NATO countries that contribute "significant military forces" will only have influence over the day-to-day conduct of an operation and not the political or strategic decisions. With this in mind, Turkish concerns may stem from the possibility that the EU could conduct crisis management operations in the Balkans or the Trans-Caucasus, areas of direct strategic interest to Turkey. Consequently, the Turkish government is keen to have its voice heard in the working groups that were designed by the European Council at Feira and tasked to work out the complex issues relevant to the EU-NATO relationship. The working groups have already begun meeting in Brussels and were expected to submit their proposals by September. According to a diplomat close to the talks, "Turkey has taken a very hard stand"¹¹⁶ and is likely to resist any measures that would limit its influence on the EU.

2.6. European Military Capabilities and Defense Spending

At the same time that it will be difficult to satisfactorily resolve the issue of consultation arrangements, additional tensions exist regarding the European desire for autonomous capabilities and the American demand for avoidance of unnecessary duplication. On this question, there seem to be two contradictory concerns emerging from Washington. First, the US seems nervous about the possibility that the Europeans could take up an operation without the participation or even consent of the US. The American insistence that NATO have a "right of first refusal" is characteristic of this position. Conversely, there is a substantial amount of skepticism in the US about the ability of the Europeans to even make their plans work. Critics who adopt this position commonly point to the military capability gaps between the US and Europe that have been cited by the DCI and the WEU Audit. Regardless of the argument, some US officials are terminally pessimistic, warning that if the EU experiment fails, the consequences for NATO could be disastrous. For example, the US Ambassador to NATO, Alexander Vershbow, has claimed that if the EU countries fail to meet their Helsinki goals, it could create a major internal crisis for the Alliance. Vershbow argued that "it could lead to a two-tier alliance in which the Europeans only focus on low-intensity situations such as peacekeeping while leaving NATO to do the dirty work at the high end of the spectrum. That would not be healthy for the transatlantic relationship."¹¹⁷

To a large degree, the American fixation on the dire consequences centers around defense spending. Stated simply, there is not enough of it. The argument that European defense spending is too low is an old one, but now that the EU is outlining new military missions, the complaints

¹¹⁴ Ibid.

¹¹⁵ See the speeches of both the Czech Minister of Defense Vladimir Vetchy and Norwegian State Secretary Espen Barth Eide. WEU Council of Ministers meeting, Oporto, Portugal, 15 May 2000. Available at <http://www.weu.int/portugal2000/speeches.htm>

¹¹⁶ Luke Hill, "EU-NATO Procedural Talks Help Define Cooperation." *Defense News*, 7 August 2000.

¹¹⁷ William Drozdiak, "US Tepid on European Defense Plan." *The Washington Post*, 7 March 2000.

have grown louder. During a visit to Hamburg, Germany in December 1999,¹¹⁸ and again at the annual Munich Conference on Security Policy in February 2000¹¹⁹, US Defense Secretary William Cohen exhorted the Germans to correct the disparity in capabilities that was exposed during the Kosovo war. In an op-ed piece for the *Washington Post*, Cohen accepted that reforms and better investments within the existing budgets of the European allies would help to fill the gap. "But in the final analysis," he concluded, "allies will have to spend more on defense if they are to measure up to NATO's requirements and establish a European Security and Defense Identity that is separable but not separate from NATO."¹²⁰

In general, the US applies the directives of the DCI to push Europeans to spend more to overcome the credibility and capability gap. In his testimony to the Senate Committee on Foreign Relations, Assistant Secretary of Defense for International Security Affairs Franklin Kramer said that:

"The Allies need to show leadership in making the necessary investments to field a 21st century force...Yet unresponsive defense budgets continue to erode Alliance capabilities. While Allies acknowledge their capability shortfalls, few have made concrete efforts towards their amelioration by increasing their defense budgets and reallocating funds... To provide the necessary resources to support DCI, nations must re-evaluate the percentage of their GDP devoted to defense spending and will need to consider restructuring existing forces, reallocating within existing defense budgets, and increasing defense spending."¹²¹

Considering the EU's multiple commitments to build autonomous crisis management capabilities, to rectify the deficiencies identified by the WEU Audit, and to improve its security contribution to NATO according to the Defense Capabilities Initiative, some leaders in Europe admit that increased defense spending will be necessary. It should come as no surprise that defense ministers and generals would push for greater spending, or even that HR/SG Javier Solana, also the former Secretary General of NATO, admitted in discussions about plans to create the EU Rapid Reaction Force that "in the short and medium term [EU member states] will have to increase defense budgets."¹²² But other politicians would also like to reverse the direction of falling defense budgets. The French Ambassador to the US claims that "the present unsatisfactory state of defense budgets within NATO" can be corrected if European citizens understand the mission better and if the imperative is made clear.¹²³ Nevertheless, more money for the military is unlikely to appear in the near future given the high level of unemployment in many European countries, tight budgetary constraints, and the fact that most Europeans do not perceive a looming military threat that might legitimate higher spending.

2.7. Developing and Unifying European Assets

But there is general acceptance among European governments that the military strength exhibited during the Kosovo war is insufficient for the establishment of autonomous capabilities. The comparison has been cited many times before: while Europeans collectively spend 60% of what the US does on defense, they do not get anything close to 60% of US capabilities.¹²⁴ In order to fill that gap, EU governments have endorsed the findings of the WEU Audit and the DCI, which means that they will have to acquire costly systems such as command and control structures, satellite communications, and strategic transport. But larger defense budgets are

¹¹⁸ William Drozdiak, "Cohen Criticises German Arms Cuts." *The Washington Post*, 2 December 1999.

¹¹⁹ Jim Garamone, "Cohen Ties Together European, NATO Proposals." *American Forces Press Service*. 4 February 2000.

¹²⁰ William Cohen, "Europe Must Spend More on Defense." *The Washington Post*, 6 December 1999.

¹²¹ Testimony of Franklin Kramer, Senate Committee on Foreign Relations, 9 March 2000.

¹²² Douglas Hamilton, "European Rapid Reaction Force Unlikely by 2003." *Reuters*, 29 March 2000.

¹²³ From a speech by Ambassador Francois Bujon de l'Estang at the College of William and Mary, Williamsburg, VA, 20 April 2000. Available at <http://www.info-france-usa.org>

¹²⁴ For examples, see George Robertson's speech to the NATO Parliamentary Assembly, 15 November 1999 or François Heisbourg, "European Defense Takes a Leap Forward." *NATO Review*, Spring-Summer 2000, Vol. 48, pp. 8-11. See also Chris Patten, 22 February 2000.

clearly not a feasible remedy and may not even solve the problem. Instead, Europeans are exploring alternative strategies such as greater efficiency in spending, reforming force structures, establishing unified and coherent procurement policies within Europe, and restructuring and consolidating European defense industries. It is a mission fraught with sensitive and complicated issues, not the least of which involve issues of sovereignty, coordinated national export controls, and protection of classified information.

In the framing of a common defense policy, Article 17 of the Treaty of the European Union allows for the Member States to cooperate in the field of armaments. But Article 296 exempts defense industries from the EU laws that regulate competition in other sectors of the common marketplace.¹²⁵ This means that EU countries can enact measures that will protect their domestic defense companies from external competition. In addition to this, procurement is undertaken on a national basis, from national defense budgets. As a result, fragmented procurement policies, redundant research and development (R&D) programs, and widely varying export control standards contribute to an overall level of inefficiency, which ultimately makes it difficult for European defense companies to compete with American products.

Alberto Zignani, Italy's National Armaments Director, has warned that unless Europe coordinates its defense acquisitions, American defense companies will continue to dominate the European market and will eventually push European companies out of business.¹²⁶ A report by the Bertelsmann Foundation in Germany also pointed out that "the very attempts by European governments to protect their indigenous industries through preventing the adoption of a single European market in defense has increased the threat of European companies becoming sub-contractors to the American giants."¹²⁷ Because of the large US defense budget and because the US government is able to fund large acquisition packages, it is able to support longer production runs and achieve an economy of scale that would be otherwise impossible in Europe. The adverse result of the disjointed acquisition practices in Europe means that it is even more difficult for European governments and industries to cope with the rising costs of so-called "smart" and "brilliant" weapons technology and thus, are unable to compete with American companies that are able to offer cheaper and more cost efficient products for export. When all of these elements are added together, it is ultimately more expensive to fill in the defense capabilities gap.

The survival and security of domestic defense industries have always been closely bound to the integrity of national sovereignty. This is no less true today even for the EU, an institution which is itself essentially an agglomeration of national sovereignty. Therefore, if the EU is to develop a common security and defense policy, one that is meant to promote the political status of the EU and provide for improved autonomous military capabilities, the maintenance of a strong and secure European armaments market and only limited dependence on the US for defense needs seems logically necessary. In order to accomplish this, and in order to compete not just in Europe, but internationally as well, the dialogue in Europe today is focusing on restructuring and rationalizing defense industries. Trans-national mergers are only one phase. The more difficult elements in the evolution of a common European weapons market (and therefore, mutual dependency) will require governments to harmonize export controls, procurement decisions, as well as research and development strategies. The first steps in this direction were recently taken when the six major arms producing powers (France, Germany, Italy, Spain, Sweden, and the UK) hammered out a "Framework Agreement" that calls for common export procedures, simplified technology and classified information transfers, and coordinated research and development.¹²⁸

Although those in the European defense industry have heralded it as an important step forward, opposition to this agreement and others like it is already gaining momentum. Some non-

¹²⁵ Treaty of the European Union, Article 296.

¹²⁶ J A C Lewis, "US Giants Threatening to Overrun Europe." *Jane's Defense Weekly*, 9 February 2000.

¹²⁷ Bertelsmann Foundation, *Enhancing the European Union as an International Security Actor: A Strategy for Action*. 2000, Gütersloh. p. 65.

¹²⁸ Alessandra Galloni, "European States Work Toward Common Export Control." *Reuters*, 27 July 2000. The Agreement must still be ratified by each of the signatory states and is open for other European countries to join.

governmental organizations in Europe are complaining that the "creeping harmonization" of arms export controls in the EU could risk diluting some member states' more restrictive export control criteria and reducing the standards to the lowest common denominator. This could, in turn, make weapons technology leakage to undesirable destinations more likely.¹²⁹ In addition, the "White Lists" referred to in the Framework, which identify states that are eligible to receive weapons exports from the six, will not be made public for confidentiality reasons. According to critics, this practice contradicts the EU's Code of Conduct on the arms trade, which specifically aims to promote "greater transparency."¹³⁰

Coordinated acquisitions and national specialization are other suggestions being made toward the goal of establishing a single European armaments market. The idea is that by unifying demand, better cost efficiency can be achieved, and expensive items, such as precision guided munitions, can be acquired at a more manageable cost. The Organization for Joint Armament Cooperation (OCCAR) is one of a few attempts at coordinating procurement within Europe. OCCAR was initially formed in 1996 by France and Germany, and was then later joined by the UK and Italy. In September of 1998, the four countries signed a treaty to make OCCAR a legal entity, empowered to develop procurement procedures, contracts, and regulations.¹³¹ To date, OCCAR has managed only a few projects, but the hope is that with time, it will acquire enough experience to be able to ease the development of a European Armaments Agency.

Exploitation of commercial or civilian sector products are also viable options for cost savings in procurement. US Assistant Secretary of Defense Franklin Kramer suggested that the Europeans could fill many of their logistics and communications requirements by purchasing commercial or "off-the-shelf" technology. He suggested that this could be particularly efficient in the area of global positioning systems (GPS), satellite communications and imagery, and that "increased leveraging of commercial logistics and mobility assets holds opportunities for greatly improved capabilities without large spending increases."¹³²

It is still uncertain whether the US will be satisfied that the Europeans are moving to fulfill the directives of the DCI. Each EU state has agreed that in order to meet the headline goals outlined at Helsinki, investments must be made in strategic lift capabilities, tactical mobility, integrated command and control systems, intelligence and logistical support. But the areas in which the US also believes the European must focus their efforts require the acquisition of extremely expensive items, such as precision guided munitions. In at least the short term, the costs associated with restructuring national armed forces to meet the Helsinki headline goals and to be able to handle the Petersberg Tasks will likely override American insistence that the Europeans purchase this kind of advanced weaponry. Besides, such high technology would have comparatively little value for the types of missions the EU expects to focus its efforts on. By the time of the Capabilities Conference or even later, as the EU works toward developing its own capabilities, it is conceivable that the EU could devise for itself something along the lines of a "European Capabilities Initiative." A home-grown initiative of this type could offer a more tailored approach to meet EU goals.

Apparent efforts on the part of European governments to bolster European defense firms in the context of a cooperative armaments plan are already becoming a source of dispute with the US. For example, the US recently complained that the German government yielded to "political-industrial pressure" to grant a \$240 million contract for the purchase of helicopter engines to European defense companies instead of a consortium that included an American firm.¹³³ It seems

¹²⁹ Kathleen Miller and Theresa Hitchens, "European Accord Threatens to Lower Export Controls." British American Security Information Council Occasional Paper No. 33, August 2000.

¹³⁰ Ibid.

¹³¹ For more description, see the Report submitted to the WEU Assembly by Mr. Colvin, Rapporteur, on behalf of the Defense Committee, "European Armaments Restructuring and the Role of the WEU," Document 1623, 9 November 1998, paras. 31-37.

¹³² Franklin Kramer, testimony before the US Senate Foreign Relations Committee, 9 March 2000.

¹³³ See Colin Clark, "Losers Complain Politics Steered Germany's Engine Choice for NH-90." *Defense News*, 19 June 2000.

only natural, though, that cooperation within the EU on weapons requirements will entail an inclination to "buy European", especially in order to improve the health of local defense industries that are finding it difficult to compete against US companies. Indeed, the same day the Framework Agreement on Export Controls was signed, the governments of Britain, Belgium, France, Germany, Italy, Spain and Turkey also announced their decision to buy 225 Airbus A400M transport aircraft — instead of planes offered by the United States or by a Russian-Ukrainian consortium. British Defense Minister Geoffrey Hoon heralded the group purchase by declaring that the acquisition "underlines our shared commitment to supporting the European defense industry."¹³⁴

Beyond the question of procurement and revitalizing European defense firms, EU governments will have to resolve the problem of establishing a sufficient level of interoperability and standardization in order to supply the forces that will undertake military crisis management operations. The force generation conference slated to be held in November 2000 is to determine exactly what assets will be available to support the Rapid Reaction Force and make it operational by 2003. However, given the complicated nature of even the few questions mentioned above, there is already some serious doubt among observers that the EU can meet the 2003 deadline. At a gathering of defense ministers and generals in Brussels in late March, retired German General Klaus Naumann frankly remarked that he did not believe the EU would be able to build the Rapid Reaction Force by 2003. NATO Secretary General George Robertson echoed the sentiment and advised European leaders to "exercise rhetorical discipline" on the issue.¹³⁵

¹³⁴ Noah Barkin, "Europe Unites on Airbus Military Plane." *Reuters*, 27 July 2000.

¹³⁵ Douglas Hamilton, "European Rapid Reaction Force Unlikely by 2003." *Reuters*, 29 March 2000.

3. Conclusion

The development of the both the CFSP and the CESDP continues at an extraordinarily rapid pace. After decades of little or no movement towards commonality in foreign and defense policies, the 15 nations of the European Union have reached consensus and are united in an effort to equip the Union with strategic capabilities. But a multitude of questions and problems lay before the EU: how the EU answers and how it solves those problems will determine the shape and the image of the EU as a world power.

Over the longer term, the EU must decide what sort of power it would like to become. This will necessarily involve the question of collective defense. For now, there is no foreseeable threat to the security of any of the EU members and an implied agreement to defend each other exists on only a *de facto* level. But as the process of enlargement begins and as countries such as Turkey or Romania enter the Union, will that *de facto* commitment also be extended? And as the Treaty on the European Union suggests, will the citizens of current EU members agree to the formal establishment of a common defense that includes such countries as Latvia or Estonia? And how will the European Union reconcile the existence of two nuclear powers within that common defense?

In terms of crisis management capabilities, the ambitious rhetoric of the Member States suggests that they want to create an EU that is competent to address a crisis with political, economic, non-military and military tools. Indeed, in February 2000, Chris Patten argued that there are two essential features of a credible and coherent foreign and security policy:

"First, we require the capacity to exert influence, whether through diplomacy, aid programs, trade measures or other means — including the provision of security assistance in crisis situations. Second, we need both the political will and the practical ability to apply force in the last resort if other options fail."¹³⁶

Recent events, however, demonstrate that a disproportionate emphasis has been placed on nurturing military capabilities in the form of the Rapid Reaction Force. In fact, a meeting of the EU Defense Ministers in France at the end of September has already yielded early pledges to the headline goal by the ministers from Belgium, Germany, Italy, Spain, and others. The risk of concentrating too much on military capabilities is that the EU could end up constructing a common security and defense body that is oddly reminiscent of NATO. The measures adopted by the European Council of Ministers this summer to introduce a top-secret classification system for EU documents related to both the military and non-military crisis management could be one sign of this inclination.¹³⁷ The policy pushed through the Council at the end of July while the European Parliament was on holiday was sponsored by Javier Solana, the High Representative for the CFSP and the former Secretary General of NATO.

Although it is heavily influenced by NATO, the EU is nevertheless in a position to build better and more capable non-military crisis prevention and crisis management tools. The EU may be inexperienced in matters of defense or security policy, but it has acquired a wealth of experience as a political and economic actor. But will the EU continue to nurture the ability it has gained from that experience? The additional challenge for the Europeans will be to look beyond enhancing their military might and consider how they might best prevent future conflicts in the first place. This will require that the EU resist restricting itself only "reactive" structures, but instead foster more "proactive" policies. A more balanced and carefully calibrated approach to crisis prevention — and if that fails, to crisis management — will guarantee the EU the ability to "play its full role on the international stage."

¹³⁶ Patten, 22 February 2000.

¹³⁷ Ian Black, "Fury as Envoys Vote for Military Secrecy." *The Guardian (UK)*, 27 July 2000.

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Berlin Information-center for Transatlantic Security (BITS)
Rykestr.13, D-10405 Berlin, Ph.:+49-30-446858-0, Fax:+49-30-4410221, bits@bits.de, www.bits.de