RESEARCH AND TRAINING NETWORK: BRIDGING THE ACCOUNTABILITY GAP IN EUROPEAN SECURITY AND DEFENCE POLICY (ESDP)/ESDP AND DEMOCRACY

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European Security and Defence Policy: theoretical approaches, the Nice Summit and hot issues

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CONTENTS

Summary

This report provides a review of the academic literature on the development of ESDP and describes the EU's changing role in defence and security by providing a snapshot of the linkages that existed between the EU/WEU and NATO in 1997 and comparing it with the situation reached in mid 2001, after the signing of the Nice Treaty. Through a critical engagement with dominant explanations, along with an examination of the decisions-making process and outstanding hot issues, this report argues that there are a number of contradictory dynamics shaping the evolution of ESDP that pose serious challenges for democratic accountability.

The report argues that recent academic explanations for the development of ESDP have tended to rely on combining highly contested assumptions taken from neo-realism, neo-functionalism with bilateral relationships and transatlantic security factors. The report points out that the academic discourse has failed to sufficiently test the neo-realist and neo-functionalist assumptions and has fallen short of examining the *interplay* of domestic, institutional and external factors on the *evolution* of EU Member States' position vis-à-vis ESDP during 1998-2001. By omitting discussion of domestic and transgovernmental influences on the ESDP's evolution, the 'national interests' of EU Member States have been conceptualised as a series of bargains at the international level.

From late 1998 to mid 2001, the EU was given a stronger role in the security and defence areas, which appears to point to a process of 'Brusselsisation' of EU Member States' foreign, security and defence policies. However, these decisions were not the outcome of grand political and military strategy. Rather EU Member States agreed to develop ESDP from a series of ad-hoc and piece-meal reactions to the Kosovo war, domestic and international pressures.

The piece-meal nature of the policy-making process has created a situation in which the political and military processes are out of step. Rather than elected politicians providing political guidelines for military planning and future actions, EU/NATO Chiefs of Staff and other non-elected military experts are playing a key role in shaping the *political doctrine* underpinning ESDP. They are doing so by putting forward a number of 'technical' proposals on the force structure and posture of the emerging European Rapid Reaction Force.

At the same time, the failure of the Nice Treaty to clearly spell out the working relationship between the EU's three pillars in the foreign, security and defence areas, along with the creation of a number of new NATO/EU working groups without clarification of their legal status, means that EU and national officials have more room for maneuver in developing foreign and security policies without being directly accountable to the EP or national parliaments.

The report concludes that ESDP is as much about 'saving' NATO as it is about rendering the EU a significant regional military power. Through the development of the European Rapid Reaction Force, some dominant NATO/EU Member States are pursuing a variety of aims: they are attempting to renovate the integrated military structure in order to allow the Western Alliance to expand its capacity for 'peace-enforcement' operations; at the same time, they are attempting to link NATO to the EU's civilian muscle.

Introduction

What is the European Security and Defence Policy (ESDP)? Is it an attempt to fulfill the long-standing dream of a federal Europe with its own independent army and defence policy? Or is it simply another compromise amongst Europeans to allow NATO to survive by linking its military operations to the civilian and diplomatic resources available in the EU? This paper will address these questions in five sections.

In the first section, the methodological and theoretical issues involved in analysing this phenomenon are addressed. An engagement with dominant approaches and theories is essential for understanding both long and short-term trends. It is also essential because current explanations of ESDP have either failed to engage in theoretical testing or have taken for granted assumptions from dominant approaches that are themselves contested.

In section two we provide a snapshot of the EU's role in security and defence in 1997. Then, in section three, we compare the situation in 1997 with the decisions reached on ESDP at the Nice Summit in December 2000 and implemented up to mid 2001.

In the fourth section, an analysis of the evolution of ESDP, from 1998 to 2001, will be provided. It will be argued that there is incongruence between the political and military decision-making process. In contrast to normal policy-making procedures in which elected politicians provide a set of political guidelines to the military, the Chiefs of Staff and NATO planning staff, non-elected officials, are defining, through step by step measures presented as technicalities, some of the key political aspects of ESDP. In the final section, a number of hot issues that will shape the future of ESDP are outlined.

1. ESDP: theoretical and methodological issues.

This section addresses methodological and theoretical issues. It provides an overview of dominant theoretical approaches used to explain the development of the EU as a foreign policy and security actor, from the 1970s onwards. It summarises some of the dominant hypotheses present in current explanations and discusses potential alternatives approaches.

At its simplest level it can be argued that ESDP is both a political and legal concept. It encapsulates a number of decisions taken by EU Member States, both on a bilateral and multilateral basis, beginning from the autumn of 1998 at St. Malo and culminating in the Nice Treaty.[1] The French Presidency Report on the European Security and Defence Policy, adopted at Nice, is one of the most authoritative documents on ESDP at the time of writing.[2] It states that the aims of the efforts made over the past two years, at Cologne, Helsinki and Feira European Councils are as follows:

> "to give the European Union the means of playing its role fully on the international stage and of assuming its responsibilities in the face of crises by adding to the range of instruments already at its disposal an autonomous capacity to take decisions and action in the security and defence field." [3]

As this statement implies ESDP is an expression of the desire of the EU to develop military and civilian capabilities to project its power regionally and globally, potentially autonomously from NATO. Implicitly, ESDP is about finding a new 'burden sharing' between NATO and the EU in the security/defence areas. This means co-operation in making NATO a more flexible military organisation capable of undertaking 'peace-enforcement' operations, whilst at the same time allowing EU Member States to have more control over their own multilateral forces and the conduct of military operations. Simultaneously, another goal is the restructuring of the European defence industry, so as to develop a stronger European high technology industrial sector.

The complexity of the issue lies in a number of factors. The majority of the current literature on ESDP has not been driven by a desire to clarify theoretical frameworks, as it will be explained in more detail below. Hence, certain underlying and controversial assumptions about the nature of the European security order have been taken for granted. The complexity of ESDP requires that it be analysed on a variety of levels. It is necessary to take into account dynamics that range from the existence of bi-lateral/'special-relationship' relationships, the interaction between EU and NATO to the specific decision-making mechanisms in these international organisations that allow Member States to co-ordinate their foreign, defence and security policies. Moreover one must seek to conceptualise how domestic, transgovernmental and transnational actors influence the formulation of EU and NATO policies. The impact of

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[1] The key EU Council Meetings that shaped ESDP were: Cologne (June 1999), Helsinki (December 1999) and Feira (June 2000) For a compilation of the key official documents see: Rutten, M. (May 2001). *From St. Malo to Nice: European defence: core documents.* Chaillot Paper 47. Paris: WEU Institute for Security Studies.

[2] The report appeared as Annex VI to the Nice Treaty. It is available electronically at EU Council, (4 December 2000) *Presidency Report on the European Security and Defence Policy*, Press Release Nr 14056/2/00. The Nice Treaty and the Presidency report are available at http://ue.eu.int/Newsroom. Also Reprinted in Rutten, (M), *op.cit.* pages 168 to 208.; European Communities. (March 2001). *Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related areas.* London: HMSO. No 1. Cm 5090.

[3] *Ibid.*

external developments has also to be taken into account. Finally, the 'S' and 'D' that constitute 'ESDP' are controversial concepts in themselves. They include a spectrum of different phenomena: from the fulfillment of basic human needs, to migration movements and terrorist threats. These concepts are highly controversial issues in EU capitals and amongst academics.

1.1 Establishing a common theoretical framework: choices available

So what should a social scientist who wants to understand ESDP do? One could identify two alternatives. We could begin an analysis by taking a set of hypotheses derived from one or more of the dominant IR and European integration theories and then apply them to our empirical analysis. The problem with this approach is that we run the risk of drawing boxes to be filled by historical details and thus structuring the data in already pre-defined categories. This could prevent us from capturing and synthesising complex dynamics. Since there is a lack of consensus among specialists as to the best 'theory' and the current tendency is to seek to bring together different approaches from the opposite ends of the theoretical spectrum – e.g. neo-realism and constructivist methods - this method might also run into the trap of bringing together theories and approaches that have different epistemological and ontological bases. An alternative method is to derive hypotheses through a constant engagement with both theory and empirical analysis. This would not engage in 'meta-theory' testing, but would instead search for 'middle-range' theories and approaches.[4]

1.2 Theories and approaches to ESDP

1970s - 1997: dominant approaches to understand the EU's security and defence policies

Prior to 1998, there was little consensus on how to study the EU's security and defence roles.[5] One can however identify some literature that explicitly sought to conceptualise the relationship between the EC/EU integration process and foreign/security/defence policies by situating the analysis within a theoretical framework. These contributions reflected some of the historical developments of the period. Simplifying substantially, from the 1970s to the early 1980s, writers followed two distinct approaches: neo-realism or neo-functionalism. The neo-realists emphasised that development in the EC could not be understood without taking into account the changed structure of the international system. Kenneth Waltz was one of the key exponents of this view. He reinterpreted classical realists' propositions on the working of the balance of power as a factor in determining states' behaviour in international relations. For Waltz the balance of power was the overarching determinant of a states' behaviour on the international scene. From this approach defence and security matters belonged to the realm of 'high politics' and were not susceptible to integrationist dynamics. EC politics were driven by nation states' search for maximising 'relative gains'.[6]

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[4] On the choices available for constructing common frameworks of analysis see: Peterson, J. (2001) **"The choice of EU theorists: establishing a common framework for analysis."** *European Journal of Political Research* Vol 39. pages 289-318

[5] Sjursen, H. (1998). "Missed opportunity or eternal fantasy? The idea of a European security and defence policy." In J. Peterson and H. Sjursen. *A common foreign policy for Europe? Competing visions of the CFSP*. London: Routledge**.** pages 95-111.

[6] Waltz, K. N. (1979). *Theory of International Politics*. Reading, Massachusetts, Addison-Wesley Publishing Company.; Waltz, K. N. (1986). "Reflection on Theories of International Politics: A response to my Critics." In R. O. Keohane. *Neorealism and its critics*. New York: Columbia University Press**:** page 378p.

Neo-functionalists, in contrast, conceptualised integration as resulting from an institutionalised pattern of interest politics, played out within international organisations. There was a 'spill-over' effect - a process whereby members of an integration scheme attempted to resolve their dissatisfaction with their attainment of the agreed collective goal, by resorting to collaboration in another sector. From the neo-functionalist perspective, a tendency was created that was favourable to the establishment of a common foreign policy.[7]

From the late 1980s and during the first part of the 1990s, a substantial amount of literature emerged analysing the relationship between the EU/WEU and CFSP/CDP, reflecting again actual development in the field. One school stressed that although both 'neo-realism' and 'neo-functionalism' contributed some useful insights into the development of CDP, there were substantial limitations to both approaches. It was argued that the gaps in the theory could only be filled by taking into account Moravcsik's work on 'intergovernmental institutionalism'.[8] Moravcsik's writing in the early 1990s was an attempt to demonstrate how a revised 'realist' perspective could account for EU bargaining. His approach reaffirmed the centrality of power and interest, which had been a central tenet of realist explanations of the international system in the early-post war period.[9] But he argued that interest is determined not simply by the balance of power, as neo-realists argued, but also by the preferences of domestic political actors, which are the outcome of political processes in the domestic polity. His approach was based on three principles: 1) intergovermentalism, 2) lowest-common-denominator bargaining, and 3) strict limits on future transfers of sovereignty.[10] From this perspective, the key shapers of EU policy-making were located at the national level, though there were transnational dynamics in operation. (Interestingly later, Moravcsik revised his approach to assign an important role to institutions as facilitators of positive sum bargaining).

Another school focused on seeking to understand the link between CFSP/CDP by stressing that despite the tenuous relationship between the two policies and organisations there were integrationist dynamics in operation.[11] There were also those who argued that the dynamics of European security lay in the bargaining process between on the one hand, NATO and the WEU and, on the other, in attempts by European Member States and North American partners to work out a new burden sharing arrangement. Thus for example, R. F. Laird, developed the concept of 'caucuses' to capture a set of bilateral/trilateral relationships among European Member States in the Western Alliance.[12] Other analysts sought to combine the insights of

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[7] Haas, E. P. (1976). "Turbulent Fields and the Theory of Regional Integration." *International Organizations* Vol 30, pp 173-212.; Schmitter, P. C. (1969). "Three Neo-Functionalist hypotheses about International Integration." *International Organization,* Vol 23, pages 161-6.

[8] Van Staden, A. (1994). "After Maastricht: Explaining the movement towards a Common European Defence Policy." In Carlaes, W and Smith, S. *European Foreign Policy: the EC and changing perspectives in Europe.* London: Sage Publications. pages 138 – 155 ; Moravcsik, A. (1991). "Negotiating the Single European Act: national interests and conventional statecraft in the European Community." *International Organizations*, Vol 45, No 1. pages 651-88.

[9] Morgenthau, H. J. and Thompson, K. W. (1993). *Politics among nations: the struggle for power and peace.* New York, McGraw-Hill.

[10] Moravcsik, A. (1992). "Negotiating the Single European Act: national interests and conventional statecraft in the European Community." *International Organization* Vol 45, No 1, pages 651 - 688.

[11] Roper, J (1995) 'Defining a common defence policy and common defence' in Martin, L and Roper, J (Eds). *Towards a common defence policy*. Paris: Western European Union. pages 7 to 12.; Rummel, R. E., Ed. (1992). *Toward Political Union: planning of common foreign and security policy in the European Community.* Baden-Baden, Nomos Verlagsgellschaft.

[12] Laird, R. F. (1991). *The Europeanization of the Alliance*. Boulder: Westview Press.

integration theory with those of regime theory.[13] Finally, there were those who used the concept of 'presence'or 'actorness' to understand the EU's external role.[14]

1.3 Current explanations of ESDP
Although many articles have been written on ESDP, until now, the majority have tended to focus on a description of some of the key decisions[15] and specific issues - such as military capabilities[16], the transatlantic relationship[17] - rather than providing an overall explanation for the dynamics behind ESDP. The exceptions have tended either to discuss ESDP as a subsection of the IGC 2000 in order to analyse the long-term impact of the Nice Treaty on the evolution of the EU[18] or have stressed the role of bi-lateral relations, external factors (the Kosovo crisis) and the process of EU economic and monetary integration.[19]

One example is the work of Professor Jolyon Howorth. In a report entitled *European Integration and Defence: the ultimate challenge?*, he argues that there are three key factors that shaped the development of ESDP: the degree of political will generated since the Franco-British St. Malo Summit in December 1998; the emergence of a transatlantic understanding that, on the one hand, NATO had to rely on the generation of a significant European military capability and that, on the other, the EU needed to maintain a defence industrial base; and the UK commitment behind the ESDP project.[20] In his account, Howorth states that Britain and other Atlanticists accepted the necessity of constructing ESDP as the price to save the Western Alliance. Although he admits that there were differences of opinion and long-term aims in Paris and London, he maintains that the Franco-British understanding was crucial for the decisions taken up to the autumn of 2000.

Other authors have highlighted the importance of the impact of the Kosovo crisis on EU leaders.[21] Alyson Bailes, for example, argues that Britain and France were frustrated by the fact that the EU could not get its act together and that lack of military capabilities prevented it from playing a more crucial role in the crisis. Some EU Member States agreed with the use of force but they would have preferred to have a more extensive use of diplomatic tools. Despite

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[13] Aybet, G. (1997). *The Dynamics of European security: 1945-1991.* Houndmills, Basingstoke :, Macmillan Press, 1997.

[14] Hill, C. (1993). "The Capability-Expectations Gap, or Conceptualising Europe's International Role." *Journal of Common Market Studies*, Vol 31, No 3. pages 305-28. Hill argued that the discussion of the EU's international actorness is analytically separate from the issue of its security and defence capabilities.

[15] Shepherd, A. J. K. (Summer 2000). "Top-Down or Bottom-Up: is security and defence policy in the EU a question of political will or military capability?" *European Security,* Vol 9 No. 2. pages 13-30. Duke, S. (2001) "CESDP: Nice's overtrumped success?' *European Foreign Affairs Review*, No 6 page 155 – 175. Duke comes to the opposite conclusion to mine. He argues that at Nice there was absolutely no progress on defence.

[16] Heisbourg, F. (Summer 2000). "Europe's Strategic Ambitions: the limits of ambiguity." *Survival* Vol 42, Nr 2, pages 5-15.

[17] Layne, C. (4 April 2001). "Death knell for NATO? The Bush Administration confronts the European Security and Defence Policy." *Policy Analysis,* No 394. Van Ham, P. (2000). "Europe's common defence policy: implications for the transatlantic relationship." *Security Dialogue* Vol 31, No 2, pages 215 - 242.

[18] Wessels, W. (June 2001). "Nice Results: The Millenium IGC in the EU's evolution." *Journal of Common Market Studies* Vol 39**,** No 2. pages 197-219.

[19] Howorth, J. (November 2000). *European Integration and Defence: the ultimate challenge.* Chaillot Paper 43. Paris, WEU Institute for Security Studies.; Bailes, A. (2000). "Under a European flag." Draft paper. Foreign Policy publication. For a shorter version of some of Howorth's arguments see: Howorth, J. (Summer 2000). "Britain, France and the European Defence Initiative." *Survival* Vol 42, No 2. pages 33-55.

[20] Howorth, J. (November 2000). *op.cit.* page 93

[21] Pond, E. (1999). "Kosovo: catalyst for Europe." *The Washington Quarterly* Vol 22, No 4, pages 77-92.

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these differences, EU Member States reached a consensus that in order to have a say in a crisis situation, the EU needed extra military capabilities. [22]

To summarise the dominant approaches outlined so far, let us draw out schematically some of the key assumptions and discuss their unique contributions to and potential pitfalls for future research.

Neo-realism
Neo-realism would argue that to understand ESDP we will need to look at the changing nature of the balance of power and how Member States' search for relative gains influenced the bargaining process at the EU/NATO level.

The problem in adopting such hypotheses is that we will treat states as unitary actors in pursuit of self-help and by so doing we create a black box around any role that domestic politics can have on the dynamics of the international system. We would also have to take for granted the neo-realist assumption that the international system is anarchic, driven by self-help. This definition of the anarchic nature of the system is highly questionable, as many commentators have pointed out. [23]

Liberal intergovernmentalism
To simplify a complex subject area, only Moravcsik's work will be discussed here because of his influence in the area of EU integration theory. From his contribution, the hypothesis could be derived that ESDP is the product of bargains amongst EU Member States that are driven by domestic politics. Although EU/NATO institutions influenced the process, one has to look at the formation of national preferences in the context of the domestic politics of the Member States. It is at this level that the dynamics for the decision to develop ESDP lie.

The advantage of this hypothesis is that it includes the role of domestic politics in its analysis, rather than removing it, as neo-realism does. However, there remains a problem with this approach. As some commentators have pointed out, Moravcsik's conceptualisation of domestic politics is one of a relatively insulated domain. It might well be that there are transnational groups operating at the national level for whom allegiance to the nation state is not a prime importance. Hence it is problematic to assume that domestic decisions are insulated from the influence of regional/international politics. [24]

Neo-functionalism
From neo-functionalists' writings, the hypothesis could be derived that ESDP is the result of 'the spill-over' effect from economic integration. The increased level of co-operation in the economic and monetary union, exemplified by the EMU project, influenced the emergence of ESDP. Neo-functionalists would therefore give a primary role to an analysis of how economic and monetary decisions shaped the debate about military/security issues.

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[22] Bailes, A. (2000). *op.cit.*

[23] For a critique of neo-realism, see: Ashley, R. K. 'The Poverty of Neorealism' in R.O. Keohane, 1986. *Neorealism and its critics*. Columbia: Columbia University Press. 1986.; Wendt , A. 'Anarchy is what make it.'*International Organisation*, 1992, vol. 46, No. 2, pages 391-425; Schroeder, P. 'Historical reality versus neorealist theory.', *International Security,* Summer 1994, vol. 19, No. 1, pages 108-148.; Milner, H. 'The assumption of anarchy in International Relations Theory: a critique' in D.A. Baldwin. *Neorealism and neoliberalism: the contemporary debate*. New York, Columbia University Press. 1993, pages 145-148.

[24] See Rosamond, B. (2000). *Theories of European integration*. Basingstoke, New York: Palgrave. page 138-140.

The weakness of this hypothesis is that it does not explain why a more marked level of integration in the military security field did not develop under the SEA or the Maastricht /Amsterdam Treaties and why it is only at the end of the 1990s that the integration has taken place. The primacy of economic factors cannot be taken for granted, it has to be proven via empirical investigation. Some studies have been carried out in the area of armament but not for the overall policies covered under ESDP as developed during 1998-2001.[25] Since the contribution of neo-functionalism is highly contested, supporters of these explanations will have to undertake more in-detailed empirical analysis.[26]

Neo-institutionalists
Neo-institutionalists would explain ESDP by emphasising the impact of international institutions on the foreign policies of EU/NATO Member States. Their working hypothesis would assume that the creation of a number of working groups, fora and bodies set up under EPC, and later CFSP, coupled with interaction between NATO/WEU via a number of working groups and exchanges created a pattern of mutual understanding among Member States on foreign and defence issues. These norms and understandings were responsible for the decision to integrate defence into the EU.

One criticism of this hypothesis is that it assumes that international organisations are primary factors in the evolution of EU/NATO policies and so fails to explain satisfactorily the relationship between domestic factors and supranational ones. This is because neo-institutionalists, like Keohane, writing from the late 1980s onward, share with neo-realists the assumption that anarchy is an essential feature of the international system and that states can be conceptualised as rational self-interested actors. This has meant that some neo-institutionalists accept *a priori* the predominance of the balance of power and institutions in shaping a state's behaviour, thus failing to explain the dynamics of interest formation within national, international and transnational policy making fora.

Bilateral Relations
Contemporary writers such as Howorth argue that ESDP is the product of bilateral, 'special relationships'. Although Howorth does not ground his argument theoretically, there is a body of literature, such as Laird's work in the 1980s on 'caucuses', that could potentially be used to understand the role of 'bilateral relations' in alliance politics.

The problem with these hypotheses is that they elevate bilateral relations above other factors in an *a priori* manner and fail to situate the specificity of bilateral relationship in the context of their historical evolution. Thus, for example, Howorth reviews the Franco-British and Franco-German relationships in the late 1990s, without taking into account whether these so-called 'special relationships' are the outcome of purely short-term dynamics or longer-term ones. Thus, although he discusses some of the differences in outlook and interests that underline such relationships, he merely puts the two phenomena on the same level, despite the fact that in post-war European history, the Franco-British 'special relationship' is a recent development, whereas the Franco-German relationship has stronger historical roots. He also fails to provide sufficient arguments to demonstrate how 'special' the Franco-British relationship in the security/defence area is.

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[25] Freedman, L. and A. Menon (1997). 'Conclusion: defence, states and integration.' In J. Howorth and A. Menon. *The European Union and National Defence Policy*. London, Routledge**:** 155-172; Taylor, T. (1997). Arms procurement. In J. Howorth and A. Menon. *ibid*. page 121-140.
[26] For an overview of critiques of neo-functionalisms from different school of thoughts see: Rosamond, B. (2000). *op.cit.* 74 – 88.

Moreover, Howorth conceptualises 'special relationships' by discussing the 'national interest' of France, Germany and Britain. He treats the 'national interest' as though it was already coherently formulated and then bargained out within EU/NATO bodies. By so doing he fails to engage with the possibility that such an 'understanding' might be the product of particularistic interests within policy-making bodies in France, Germany and Britain.

Nevertheless any analysis of ESDP should take into account the role of bilateral relations since there is some evidence that they help create informal-policy-making networks.[27]

External factors: the role of the United States and regional/international crises.
In the discussions prior to the 1990s and in more recent literature, there is an understanding that the United States and external crises play a significant role in shaping the emergence of the EU's role in security and defence.

ESDP and the United States
One hypothesis suggests that ESDP is the product of increased divergences between the EU and NATO Member States. This puts forward the notion that ESDP would not have happened if there had not been significant disagreement, in the early 1990s, over the level of military and diplomatic engagement in the crises in Croatia and Bosnia-Herzegovina and, more recently, over the extent of NATO's military action in Kosovo.

Another hypothesis would be that ESDP is a way of strengthening transatlantic relations, thereby keeping the US involved in European affairs. From this approach, ESDP is about the US relinquishing some of its military roles in Europe so that Europeans can take on low-level, low intensity military tasks in their own immediate backyard (Eastern Europe and Middle East), whilst the US will remain heavily involved in article 5 and 'peace-enforcement' activities. From this perspective, there are no contradictions between ESDP and the US presence in Europe.

Despite these differences, from a theoretical perspective, it is clear that the nature of the US as the traditional 'hegemonic power' in the EU security area has to be taken into account. Neo-realists explain the US role in Europe as that of a benign hegemonic power and, in the first part of the 1990s, they envisaged the US withdrawal from European affairs as a consequence of the collapse of the Soviet Union. Neo-institutionalists have provided a different set of explanations. They argue that the US might stay engaged in the security field, despite the end of the Soviet threat, because there are institutional interests at stake in keeping the Western Alliance alive.

External Crises
Current explanations have pointed to the importance of external crises in shaping the evolution of ESDP. However, with the exception of neo-realisms, the other dominant approaches of intergovernmental liberalism and neo-institutionalism do not conceptualise the role of external crises in the pattern of co-operation among Member States and international organisations. This is because most of their work has been focused on the role of international organisations responsible for economic co-operation, rather than military/defence co-operation.

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[27] Salesse, Y. (1997). *Propositions pour une autre Europe. Construire Babel.* Paris, Editions du Félin.

Neo-realists state that international crises marked by the emergence of new 'threats' will reinforce co-operation amongst Member States but that ultimately there will never be a substitute for the Soviet threat and therefore international relations will be characterised by the collapse of military alliances, such as NATO.[28]

From this brief overview it seems that whilst we need to take into account the current approaches used to explain ESDP, there are some limitations to the explanations provided by the neo-realist, neo-functionalist and neo-institutionalist approaches. These approaches fail to successfully conceptualise the interrelationships between domestic factors, international institutions and external factors. The methodology adopted excludes *a priori* the possibility that there might be transnational and transgovernmental factors in operation and seems to underplay the role of domestic influences.

From preliminary results discussed in section 4, the current explanations do not successfully clarify the reasons why there is incongruence between the military and political processes driving ESDP. Although the Nice Treaty incorporated a number of key decisions taken by the EU/WEU and NATO Councils, the agreement reached did not provide political guidelines for the development of a EU military role. In fact, the military and political doctrines that are shaping the evolution of ESDP are being defined in a piece meal manner by the EU/NATO Chiefs of staff and military experts rather than being formulated by political institutions such as the European Council, the EP and national parliamentary structures.

The following research questions might therefore be worth exploring. Could there be a coalition of forces among the different EU/NATO Member States at different levels of the policy-making structures that are driving the process and have different political agendas? Could it be that the construction of the ESDP project is influenced not only by external dynamics and institutional interests but also by the existence of different understandings and belief systems amongst actors as to the overall aims of the ESDP project, as constructivists would argue? In other words, would it be more useful to adopt research questions that do not assume that the key factors shaping ESDP are to be found in the dichotomy of national versus supranational and material versus ideological factors?

There are a number of alternative approaches available both within International Relations and Integration Theory that could help us bridge the gap between the different levels of analysis and overcome such dichotomies. These approaches range from transgovernmental coalitions, policy-networks, and multi-level governance, to constructivism and historical/sociological institutionalism. [29]

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[28] Mearsheimer, J. 'Back to the Future' *International Security,* Summer 1990, Vol 15 No. 1; Mearsheimer, J. J. 'The False Promise of International Institutions'. *International Security* , Winter 1994/95, Vol 19 No. 3, pages 4 - 49.

[29] For transgovernmental coalitions see: Keohane, R. O. and J. S. Nye (1974). "Trangovernmental relations and international organizations." *World Politics*, Vol 28, No 1: 38-62 . For a discussion of multi-level governance see: Rosamond, Ben. *Op.cit.* page: 109 – 113. Ebbinghaus, G. (1998). "Europe through the looking glass: comparative and multi-level perspectives." *Acta Sociologica* Vol 42, No 4 . Christiansen, T. and Jorgensen, K. E. (1997b). "Reconstructing European Space: from territorial politics to multilevel governance." *Journal of European Public Policy* Vol 4, No 1. For constructivism see: Rosamond, Ben. *Op.cit.* page 171 to 174. and Christiansen, T. and K. E. Jorgensen (1999). "The Amsterdam Process: a structurationist perspective on EU Treaty Reform." *European integration online papers* Vol 3, No1. For an overview of policy network theory see: Borzel, T. A. (1997). *Policy networks: a new paradigm for European governance*. Fiesola, San Domenico (FI) Italy.; Kenis, P. and V. Schneider (1991). Policy Networks and Policy Analysis: Scrutinizing a New Analytical Toolbox. *Policy Networks: empirical evidence and theoretical considerations.* B. Marin, & Mayntz, R. Frankfurt am Main, Westview Press; Marin, B. and R. Mayntz (1991). Introduction: Studying Policy Networks. Policy

The advantages of these approaches over neo-institutionalism, intergovernmental liberalism and neo-functionalism are that they allow us to conceptualise the evolution of ESDP by looking at the roles of a variety of actors located at the national, supranational and transgovernmental levels without assuming *a priori that* there is hierarchy among the different levels of analyses. The validity of these approaches has already been demonstrated by a number of studies on European defence covering other historical periods.[30]

Networks: empirical evidence and theoretical considerations. B. Marin and R. Mayntz. Frankfurt am Main, Westview Press**:** 11-24. For sociological and historical institutionalism see: Thelen, K. (1999). "Historical institutionalism in comparative politics." *Annual Review of Political Science* Vol 2, pp. 369 – 404; Steinmo, S. and K. Thelen (1992). 'Historical institutionalism in comparative politics'. In S. Steinmo, K. Thelen and F. Longstreth (Ed) *Structuring politics: historical institutionalism in comparative analysis..* Cambridge, New York, Cambridge University Press.

[30] Katzenstein, P., Ed. (1996). *The Culture of national security; norms and identity in world politics.* New York, Columbia University Press; Kier, E. (1997). *Imagining war: French and British military doctrine between the wars.* Princenton, Princeton University Press. Bono, G. (2002) *NATO's 'peace-enforcement' tasks and 'policy communities'.* Ashgate.

2. The EU's role in security and defence in 1997

The role of the EU in security and defence in 1997
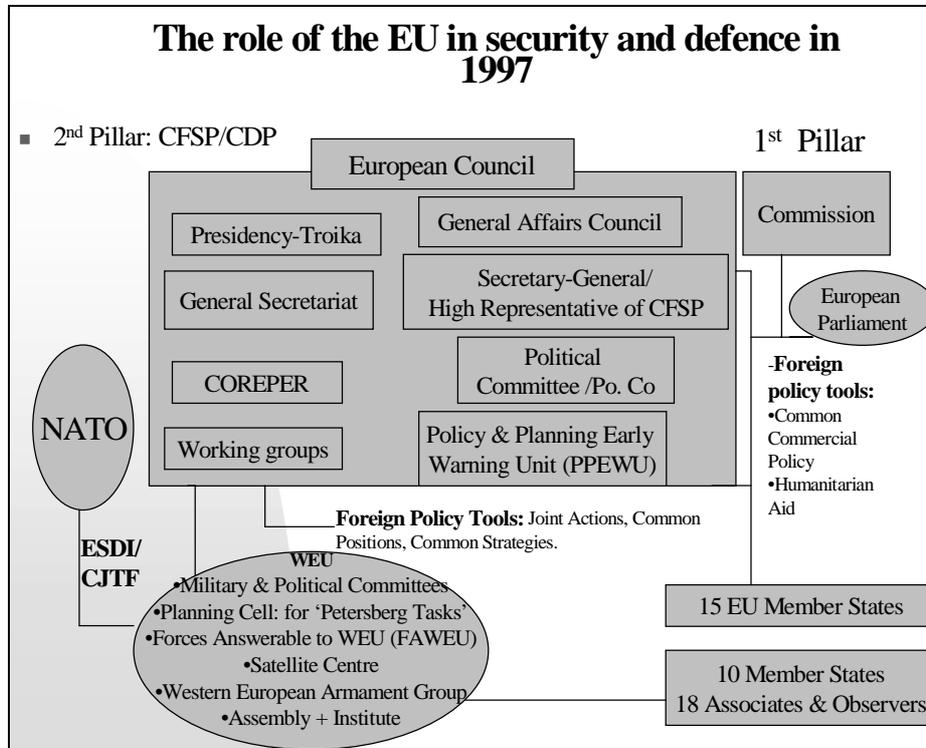
Introduction

In this section, we provide a snapshot of the role that the EU played in European security and defence in 1997. We emphasise that at the time the EU exerted its influence on the international scene through its trade policies and humanitarian aid, rather than through its Common Foreign and Security Policy (CFSP) or Common Defence Policy (CDP).

In 1997, the EU was organised in a three pillars structure. Pillar I dealt with economic, social and environmental policies, more or less related to the European Single Market. Pillar II was responsible for CFSP and pillar III with Justice and Home Affairs issues. Defence matters were exercised through a link between Pillar II and the Western European Union (WEU), what was known as CDP. The WEU was tasked to act as a 'bridge' between the EU and NATO.

If we assume that 'security' is a broad concept that goes beyond hard-core defence issues to do with the armed forces and defence spending, then it could be argued that the EU played a role in security more through Pillar I than Pillar II. The Maastricht and the Amsterdam Treaties gave CFSP new policy instruments (joint actions, common positions, declarations, common strategies) and created a number of new political structures under Pillar II: the

Political Committee (PC); the Committee of Permanent Representatives (COREPER); the EPC Secretariat, the post of Secretary General/High Representatives for CFSP and the Policy Planning and Early Warning Unit, (PPEWEU). It also established Qualified Majority Voting (QMV) and 'constructive abstentions' in order to provide greater flexibility for CFSP. [31]

Nevertheless, by the end of 1997, the reality was that EU Member States had been reluctant to use these instruments and to co-ordinate their foreign policies within the EU framework.[32] This can be seen in the scope and nature of the joint actions achieved at the time.

To simplify a complex issue, joint actions are more important than common positions in that, in contrast to the latter, they require a general willingness to put financial resources at the disposal of the Council for their implementation. By the end of 1997, the EU had introduced a variety of joint actions as follows:[33]

- **Balkans:** 22 Joint Actions introduced spanning from humanitarian aid to support for elections in Bosnia-Herzegovina and the establishment of the EU administration in Mostar.
- **Dual-use good:** 10 Joint Actions on controls on the export of dual-use goods.
- **Great Lakes Region:** 7 Joint Actions covering support for democratic transition in Zaire and Congo to humanitarian aid.
- **Anti-personnel land mines:** 6 Joint actions covering general anti-personnel mines policy and de-mining action in Bosnia-Herzegovina and Croatia.
- **Middle East Process:** 5 Joint Actions spanning from provision of aid to the Palestinian authorities to observation in elections.
- **Non-Proliferation:** 2 Joint Actions covering promotion of transparency and export controls for nuclear weapons.
- **Stability Pact in Europe:** 2 Joint Actions, launching the Stability Pact.

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[31] The Amsterdam Treaty was negotiated during 1996/1997 and did not enter in force until 1998. For an analysis of the Maastricht Treaty and the introduction of CFSP/CDP see: Duke, S. (2000). *From elusive quest for European security: from EDC to CFSP*. New York, St. Martin's Press. Corbett, R. (September 1992) 'The Intergovernmental Conference on Political Union.' *Journal of Common Market Studies*, Vol 30 No 3; Laursen, F. and Vanhooancker, S.E (1992) *The intergovernmental conference on Political Union. Institutional Reforms, new policies and international identity of the European Community*, Maastricht.; Menon, A; Foster, et al. (1992 Autumn). "A common European defence." *Survival, page* 106-112., Menon, A. 'Behind complementarity and transparency: the politics of the European Security and Defence Identity'. *Journal of European Integration*, XVI. 1992; For an analysis of the importance of changes made to CFSP/CDP in the Amsterdam Treaty see: Cottey, A. (December 1998). *The European Union and conflict prevention: The role of the High Representative and the Policy Planning and Early Warning Unit*. London: International Alert/Saferworld; Heisbourg, F. (March 1999). "Les prémices d'une convergence des objectifs." *Défense Nationale* Vol 55, page 18-23. Duke.S (2000) *op.cit.* pages 126 – 144.

[32] Peterson, J. "Introduction: the European Union as a Global actor" in Peterson and H. Sjursen. (1998) *A common foreign policy for Europe? Competing visions of the CFSP.* London: Routledge**.** pages 3 – 17 and other contributions in this volume.; Ginsberg, R. H. (1997). "The EU's CFSP: the politics of procedure" in M. Holland et al (Eds) *Common foreign and security policy: the record and reforms*. London, Cassell. pages 12 – 33. ; Soetendorp, B.(1999). *Foreign policy in the European Union: theory, history and practice*. London, Pearson Education Limited. Especially conclusion: pages 147 to 156.

[32] Smith, M. (1998). Does the flag follow trade? 'Politicisation' and the emergence of a European foreign policy. In J. Peterson and H. Sursen. *Op.cit.* pages 77 to 94.

[33] The data was obtained from : Conseil de l'Union Européenne (11 Octobre 2001) *Actes Juridique PESC : liste thematique*. Available on the website of the Council of the European Union.

Other joint actions included, extra-territorial legislation, dispatch of a team of observers for the Russian Parliamentary elections, and support for South Africa's democratic transition. Most commentators agree that these joint actions did not amount to a foreign policy of substantial weight. [34]

EU Member States had also been partly unwilling and partly unable to make full use of the WEU in security and defence issues. The WEU, established in 1954 out of the Brussels Treaty of 1948, was the result of a compromise, on the one hand, between the aspirations of some European Member States for a European Defence Community (EDC), and on the other US and British desires to ensure that Germany rearmed itself in a manner that could be accepted by France. In fact, the main unofficial purpose of the WEU in the early post-war period had been to ensure Germany's rearmament. Although the WEU was entrusted with providing a forum for discussion of defence issues, it was not given the resources to develop command and control capabilities and thus became subordinate to NATO. As a result of a revival of the Franco-German security relationship in the late 1980s[35], the end of the Cold War and other domestic factors, during the Maastricht and Amsterdam negotiations, in 1991/2 and in 1996/7, French and German politicians lobbied hard to have the WEU merged into the EU.

Although the integrationists did not succeed in merging the two organisations[36], between 1992 and 1997, the WEU underwent a rapid revamp. It undertook mine sweeping missions during the Gulf war of 1991. A year later, in June 1992, the WEU Council of Ministers issued the Petersberg Declaration. This stated that the WEU could be employed for "humanitarian and rescue tasks; peace-keeping tasks; tasks of combat forces in crisis management, including peace-making."[37] In July 1992, the WEU became involved in the monitoring and enforcement of the UN embargo in the Adriatic and the Danube. In January 1993, a planning cell was established. It had approximately 30 military officers and dealt with generic and contingency planning. WEU Member States committed themselves to make military units answerable to the WEU, what came to be known as the Forces Answerable to the WEU (FAWEU). In addition, a WEU Satellite Centre in Torrejon (Spain) and a Western European Armament Group (WEAG) were set up[38]. The former's task was to train experts in the interpretation of satellite images, the latter's mission was to develop a European armaments agency. The WEU also embarked on its own 'enlargement process' by establishing associate partners status for nine Central European countries. Finally, during 1994 - 1996, the WEU undertook a military operation in Mostar, Bosnia-Herzegovina. The operation, based on a formal request by the EU, provided a police element to help restore public order and security

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[34] Peterson, J. *op.cit.* Ginsberg, R. H. (1997). *op.cit.*

[35] Haglund, D. G. *Alliance within the alliance?: Franco-German military cooperation and the European pillar of defence*. Boulder, Colo: Westview Press. 1991.; Pirotte, O. (Ed.). *Les politiques de defense Franco-Allemandes*. Paris: Fondation pour les Études de la défense. 1997.

[36] The Maastricht Treaty stated that "the Union *requests* the Western European Union (WEU), which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications." See Title V, Article J.4 paragraph 2 of the Maastricht Treaty. The use of the term 'request', rather than instruct, demonstrates how hesitant EU leaders were in bringing the WEU and the EU closer together at the time. The Amsterdam Treaty stated reaffirmed that the WEU would remain an autonomous organisation.

[37] WEU Council of Ministers. 'Western European Union Council of Ministers Petersberg Declaration.' WEU Documents. section II On Strengthening WEU. 19 June 1992.

[38] The Western European Armament Group is now called the Western European Armament Organisation (WEAO) and the WEU Satellite Centre in Torrejon is now the EU Satellite Centre as it will be explained in the next section.

in this city, and included police officers from EU countries that were directly responsible for its administration.[39]

The WEU did not assume a stronger role in European defence partly because it was in competition with NATO in a number of policy areas. The relationship between NATO and the WEU is central to the European security system. After the failed attempt to develop EDC and the Fouchet plan in the 1950s and early 1960s, EC Member States' desire for a European security identity found expression in the 'Europeanisation of the Alliance', via the establishment of the Eurogroup and other forms of ad-hoc caucuses within NATO.[40] With the end of the Cold War the demand for more substantial change in the military and political posture of NATO increased. This resulted in tensions in the NATO/WEU relationship.[41] Although the NATO Strategic Concept of 1991 had acknowledged the importance of the development of a European Security and Defence Identity (ESDI), the two organisations had problems in establishing a close working relationship. This is because both organisations had aspirations to undertake peacekeeping operations. The competition between them was evident in the second half of 1992, when both NATO and the WEU decided to become involved militarily in the former Yugoslavia but, at least initially, failed to properly co-ordinate their activities. By 1994/1995, however, NATO had taken over the planning and undertaking of peace-keeping and peace-enforcement activities in the Balkans.

In the early part of 1994, the Clinton Administration had launched a proposal to seek to find a solution to the 'burden sharing' issue. This proposal was encapsulated in the Combined Joint Task Force (CJTF) concept.

CJTF had both political and military elements. From a military point of view, CJTF represented a new way of organising command and control structures within NATO. The key elements of the concept are summed up by the three ideas of: 'task force', 'combined' and 'joint'. A 'task force' is a military body organised to achieve a specific mission or operational purpose. At the completion of the military mission the task force is disbanded. 'Combined' means that military commanders have the task to bring together the military forces of a number of nations. 'Joint' means that operations include elements from two or more services: the army, navy, marine or air force units. A key feature of CJTF was the idea that forces could be assembled at very short notice for a variety of tasks from peacekeeping to traditional Article 5 tasks.[42] Initially, the proposal was to set up cells within the major Subordinate Command headquarters. These cells would contain a number of assigned officers, for

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[39] Deighton, A. (Ed). (1997). *Western European Union 1954-1997: defence, security, integration.* Oxford, European Interdependence Research Unit, St Antony's College, Oxford.; Rees, W. (1998). *The Western European Union at the Crossroads: between transatlantic solidarity and European Integration*, Westview Press.; Myers, J. A. (1993). *The Western European Union: pillar of Nato or defence arm of the EC?* London, Brassey's for the Centre for Defence Studies.; Jopp, M. (1997). 'The Defense Dimension of the European Union: The role and Performance of the WEU'. In E. Regelsberger, P. de Schoutheete de Tervarent and W. Wessels. *Foreign Policy of the European Union: from EPC to CFSP and Beyond*. London: Lynne Rienner Publishers.; Bloed, A. and R. A. Wessel, Eds. (1994). *The changing functions of the Western European Union (WEU): Introduction and basic documents.* Dorbrecht/Boston/London: Martinus Nijhoff Publishers. Lenzi, G., (Ed). (1998). *WEU at fifty*. Paris: The Institute for Security Studies Western European Union;.

[40] Laird, R. F. (1991).*op.cit.*.

[41] Wijk, R. D. *NATO on the Brink of the New Millenium: The Battle for Consensus*. London: Brassey's. 1997.; page 51.

[42] United States. Congress. House Committee on Foreign Affairs Subcommittee on Europe and the Middle East. *The NATO Summit and the future of European security: hearings before the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs, House of Representatives, One Hundred Third Congress, second session, February 2, 1994.* Washington DC: Congress.1994. page 118.

example officers specialising in intelligence, communications, logistics and civil affairs. Once a crisis situation had emerged and the NAC had decided to take action, the cell would be augmented with further teams of experts. The augmented cell would be tasked with launching a new headquarters and putting together the necessary force packages. The allocation of forces would then have to be approved by individual Member States.[43] The political significance of CJTF was that it permitted the implementation of ad hoc 'coalitions of the willing'. In theory, CJTF allowed WEU forces to be integrated with those of NATO.

However, during 1995 and the first half of 1996 a number of obstacles prevented progress on the CJTF. The stumbling block was the definition of the division of labour that had to be established between NATO and the WEU during the implementation of CJTF-type operations. The NAC was reluctant to accept that the Europeans formulated their positions within the WEU and then presented it to the NAC. France did not want to subordinate its forces to SACEUR in a CJTF operation and the United States and Canada were resolute in maintaining command of their own resources.[44] A breakthrough seemed to occur at the NATO Berlin Summit in June 1996 when it was stated that the new agreement would "permit the creation of coherent military forces capable of co-operating under the political control and strategic direction of the exclusively European security organisation, the Western European Union". The Summit also declared that headquarters were to be identified for allowing the WEU to use NATO assets. However, the agreement was soon to fall back into a new phase of misunderstanding and quarrelling over its exact interpretation. The French insisted on having control over one of the NATO headquarters, AFSOUTH, and officials in Washington did not want to make such a concession.[45]

Thus at the end of 1997, the WEU only played a limited role in European defence and NATO remained the dominant European defence organisation despite the introduction of the ESDI and CJTF concepts.

In contrast to the situation under Pillar II and its relation with the WEU and NATO, the EC/EU exercised a heavy weight in the world through its external trade policy, also known as the Common Commerce Policy (CCP) and development co-operation policy. In fact, many specialists considered the external economic relations and external economic policies to be the core of EU foreign policy. They argue that the EC has politicised foreign trade and that there has been a growth of foreign economic policy outside of the European theatre to include Central America, Southern Africa, Asia-Pacific and inter-regional relations.[46] With regards to development co-operation policy, the European Union and its Member States are the world's biggest donors of development aid. In 1998, the EU Development Aid amounted to over

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[43] There exists a variety of secondary literature that explains the concept. See: Barry, C. 'NATO's Combined Joint Task Forces in Theory and Practice.' *Survival,* Spring 1996, Vol 38, No. 1. pages 81-97.; Estrella, R.(26 October 1996) *CJTF and the Reform of NATO.* Brussels, North Atlantic Assembly.; Cornish, P. (1997) *Partnership in crisis: The US, Europe and the fall and rise of NATO*. London, Royal Institute of International Affairs. My understanding was deepened by discussions with a number of NATO officials at NATO headquarters in September 1998.

[44] WEU Assembly. Defence Committee. (Rapporteur: Mr De Decker) *WEU Assembly Document 1468: European armed forces.* Document 1468. Paris: WEU. 12 June 1995.

[45] NATO (3 June 1996) *Final communiqué*. Press Communique M-NAC-1(96)63. available at: http://www.nato.int/docu/pr/1996/p96-063e.htm. ; Grant, R. P. (1998). 'France's new relationship with NATO.' In M. E. Brenner. *NATO and Collective Security*. London, New York, Macmillan Press and St. Martin's Press**.** page 53-76. Gregory, S. (2000). *French defence policy into the twenty-first century*. New York, St. Martin's Press. Especially chapter 4, pages 104 – 153.

[46] Smith, M. (1998). 'Does the flag follow trade? 'Politicisation' and the emergence of a European foreign policy'. In J. Peterson and H. Sursen. *Op.cit.* pages 77 to 94.

$27.6 billion, of which $6.6 billion went to Least Developed Countries.[47] Hence, some experts described the EU as a 'civilian power'.[48]

Partly because of this incongruence between the EU's role in foreign economic/aid development policies and security/defence policies and partly because of the frustration over the working relationship that had come into being between NATO and the WEU, some EU Member States developed ad-hoc arrangements to co-ordinate their defence policies and respond to external crises. These arrangements resulted, on the one hand, in the formation of multinational corps such as EUROCORPS, EUROFOR, EUROMARFOR and, on the other, in the creation of ad hoc 'coalitions of the willing' to deal with external crises: the Contact Group and 'Operation Alba'.[49]

In conclusion, at the end of 1997, the EU was more a 'civilian power' rather than a military actor. Its exercised its weight in the world through the use of foreign economic policies and development aid (Pillar I). Although the EU had a role in European security and defence through Pillar II and the WEU, NATO retained a leading role in European security. Because of dissatisfaction with the existing division of labour between NATO and the WEU and in order to have more room for manoeuvre, some EU member states had developed ad-hoc military and political arrangements to deal with external crises.

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[47] Source: *OCDE: 2000 Development Co-operation Report*: Table 31. Aid from DAD Countries to least Developed Countries. Reproduced on the web-site of the European Commission Directorate General Trade: http://trade-info.cec.eu.int/

[48] For a review of the concept of 'civilian power' as applied to the EU see: Smith, K. E. (April-June 2000). "The end of civilian power EU: a welcome demise or cause for concern?" *The International Spectator* XXXV(2). pages 11 – 28, especially 11-14

[49] Schwegmann, C. (June 2000). 'The Contact Group and its impact on the European institutional structure'. *Occasional Papers* 16. Paris, WEU Institute for Security Studies. Boidevaix, F. (1997). *Une Diplomatie informelle pour l'Europe. Le Groupe de Contact Bosnie*. Paris; Foster, E. (1998). "Ad hoc in Albania: did Europe fail?" *Security Dialogue* vol 29, No 2. pages 213-217. The EUROCORPS (European Corps) were established by Chancellor Kohl and President Mitterand on 14 October 1991. Belgium, Spain and Luxembourg joined the Eurocorps at a later date. EUROFOR (Rapid Deployment Force) is a formation of land and air based forces established in May 1995 by France, Spain, Portugal and Italy. It has no pre-assigned forces. It is constituted only at times of crisis. EUROMARFOR (European Maritime Force) was established by France, Spain and Italy in May 1995.

3. The Nice Treaty and the Presidency Report on European Security and Defence Policy

The Nice Treaty signed by the Heads of State on March 10, 2001[50] modified some of the sections contained in the Amsterdam Treaty related to a Common Foreign and Security Policy (CFSP) and added a number of annexes dealing with ESDP, whose implementation are not subject to Treaty Ratification. These annexes are known as the Presidency Report on ESDP.[51] As a result the role that the EU plays in security and defence has changed, though the three pillars structure has been maintained. In a simplified format, the key differences between the situation in 1997 and mid 2001 are as follows:
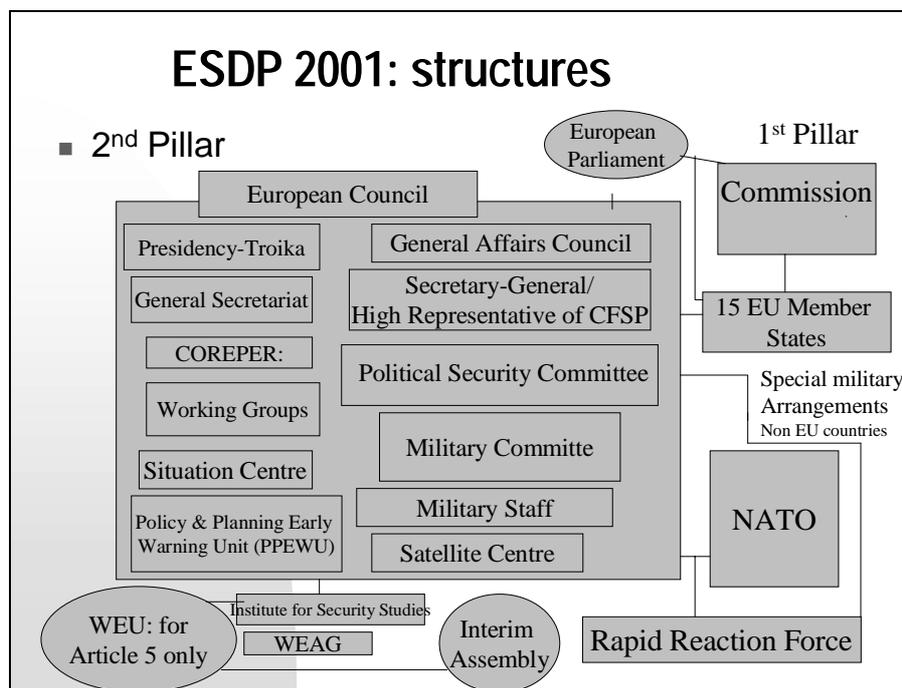
3.1 Key differences

First**,** the defence aspects of Europe's common foreign and security policy will no longer be framed by the EU's former defence arm, the Western European Union, but by the EU itself.[52] In the Treaty of Nice it was agreed that most of the functions of the WEU would be transferred to the EU.[53] This has meant the setting up of new military and political structures

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[50] European Union. Nice Treaty (June 1991) *op.cit.*

[51] As mentioned previously the most important aspects of ESDP are outlined in the annex to the Nice Treaty. Op.cit. Reprinted in Rutten, (M), (2001) op.cit. page 168 to 208.

[51] European Union. Nice Treaty (June 1991) *op.cit.*

[52] This point can be found in Title V: Provision on a Common Foreign and Security Policy in Article 17 of the Nice Treaty that replaces Article 17 of the Amsterdam Treaty. *Ibid.*

[53] The residual functions of the WEU concern collective self-defence obligations and the role of the WEAG 'the European forum for armaments cooperation''. The collective self-defence obligations are contained in Articles V of the Brussels Treaty. The article reads "If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in

in the EU. The military structures are: the European Union Military Committee (EUMC) and the European Union Military Staff (EUMS). The new political body is the Political Security Committee (PSC).[54]

Secondly, the EU has decided to develop an EU military force of up to 60,000 troops able to be deployed at 60 days notice and with the ability to sustain itself for at least one year. This force has to be able to undertake a large spectrum of tasks ranging from peace-keeping to peace-making.[55]

Thirdly, arrangements have been agreed for EU-NATO consultation and for involvement of non-EU NATO members candidate countries and other partners in EU-led crisis management operations.[56]

Fourthly, the EU is to take full responsibility in the area of conflict prevention and policies were agreed to strengthen EU capabilities for civilian aspects of crisis management. These include the establishment of a police force of 5,000 police officers to be operational by 2003, measures to strengthen the rule of law, civilian administration and civil protection.[57]

Whilst these decisions were mentioned in the Presidency Report as an annex to the Treaty, others have been incorporated in the Treaty itself. Article 24 in Title V of the Nice Treaty establishes a Political and Security Committee (Article 25). As the article states:

> 'a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the presidency and the Commission.
> Within the scope of this Title, this Committee shall exercise, under the responsibility of the Council, political control and strategic direction to crisis management operations.
> The Council may authorize the Committee, for the purpose and for the duration of the crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation without prejudice to Article 47." [58]

The treaty also introduces a number of changes that have an indirect effect on CFSP and ESDP. The changes relate to clauses on Enhanced co-operation, Qualified Majority Voting (QMV), vote weighting and unanimity principles in certain areas.

Enhanced Co-operation
Article 27a-e in the Nice Treaty modifies the nature of Enhanced Cooperation in CFSP and introduced specific clauses for how Enhanced Cooperation relates to ESDP. [59] 'Enhanced

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their power''. Another key 'residual' aspect that is under negotiation is the future of the WEU Assembly. This issue will be discussed in-depth in the section about accountability.

[54] See Presidency Report on ESDP , Part II. *Op.cit.*

[55] Presidency Report on ESDP, see Part I. *Op.cit.*

[56] Presidency Report on ESDP , Part IV, VI and Annex VI and VII to the Report. *Op.cit.*

[57] Ibid, for full details see annex II: Strengthening of European Union Capabilities for civilian aspects of crisis management. *Op.cit.*

[58] The modified articles 25 can be found in Title V: Provision on a Common Foreign and Security of the Nice Treaty.

[59] Article 27a can be found in Title V: Provision on a Common Foreign and Security of the Nice Treaty. Point 2 of Article 27a states that: 'Articles 11 to 27 and Articles 27b to 28 shall apply to the enhanced cooperation

Cooperation'[60] allows groups of states the right to push ahead in a specific policy area without the consensus of all EU Member States. The Amsterdam provisions requires that 'at least a majority' of Member States have to be involved, while amended Article 24 of the Nice Treaty will require a minimum of eight Member States. In other words, in the current EU of 15 Member States a simple majority is required, whereas in a larger Union, the use of an enhanced cooperation mechanism could be undertaken with less than a simple majority of states.

The Nice Treaty incorporates Enhanced Co-operation in CFSP but this is limited to common positions and joint actions, which need to be based on prior unanimous decisions. The area of military co-operation is excluded from the application.

Some commentators, have pointed out that article 27a-, the rules laid out for the introduction of Enhanced Cooperation in CFSP, are in contradiction with Articles 43-45 and Article 23(2) of existing provisions. [61] From their perspective, article 23(2) contains a paragraph that would allow a state to block the decision to vote by QMV. [62] Article 23(2) in fact states:

> 'If a member state of the Council declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority voting, a vote shall not be taken. The Council may, acting by a qualified majority voting, request that the matter be referred to the European Council for decision by unanimity.'

Vote Weighting
The Nice Treaty introduces changes in the Council's vote weighting system that will make it more difficult to achieve a qualified majority and accordingly easier to gather a blocking minority. [63]

Unanimity Principles in certain areas
In the past, the Council required unanimity to both open and conclude negotiations on an agreement with one or more States or international organisations. However, if the representative of a Member State believed that the agreement did not comply with its constitutional procedure, then the agreement would not be binding for the state concerned. The Nice Treaty removes the requirements for unanimity for opening negotiations and requires unanimity in the acceptance of the agreement only under specific circumstances. It introduces Qualified Majority Voting (QMV) when the agreement is required for the implementation of a Joint Action or Common Action.[64]

In order to appreciate the changes, the details of the political and military structure set up under Pillar II are outlined below.

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provided for in this article, save as otherwise provided in Article 27c and Article 43 to 45.'' Treaty of Nice. (2001) *Op.cit.*

[60] Also known as flexibility and closer co-operation.

[61] See amended Article 43 (Title VII) of the Nice Treaty. *Op.cit.*

[62] Miller, V. (1 May 2001). *The Treaty of Nice and the Future of Europe*. London, House of Commons Research Paper 01/49. page 37.

[63] *Ibid.* pages 22 and 23.

[64] The modified articles 24 can be found in Title V: Provision on a Common Foreign and Security of the Nice Treaty.

3.1.1 Political Security Committee (PSC)

The PSC, (COPS in French), is the leading body for decision-making on CFSP and ESDP policies.[65] As previously mentioned, it acts both as a crisis monitoring and crisis management body.[66] Apart from keeping track of the international situation, examining the role of the General Affairs Council and providing guidelines to other committees on matters falling within the CFSP, it deals with crisis situations. Under such circumstances, the PSC will examine all the options available and will exercise "political control and strategic direction of the EU's military response to the crisis". This means that whilst it will take into account the opinions of Coreper and the Commission, it will have overall political authority. It will also evaluate the opinions and recommendations of the Military Committee and in particular "the essential elements" (strategic military options including the chain of command, operation concept, operation plan) to be submitted to the Council.[67] The exact relationship between COREPER and PSC and Po.co remain unclear at the time of writing. (see section on 'Coherence' below)

In the event of a crisis the Secretary General/High Representatives may chair the PSC. To have full control over a military-crisis management situation, a procedure is followed: the PSC will send a recommendation based on the opinion of the Military Committee. The Council might then decide to launch an operation within the framework of joint action. The joint action will include a definition of the role of the Secretary-General/High Representative. Once the operation has begun, the Council will be kept informed through PSC reports presented by the SG/HR in his capacity as Chairman of the PSC.[68]

3.1.2 European Union Military Committee (EUMC)

EUMC is the highest military body established within the Council. It is composed of the Chiefs of Defence (CHODs) represented by their military representatives (MILREPs). It exercises military direction of all military activities within the EU framework. The EUMC meets at the level of CHODs as and when necessary.

The EUMC provides military advice and recommendations to the PSC on all military matters within the EU as and when requested. The EUMC develops the overall concept of crisis management in its military aspects, assesses the risk of potential crises and makes a financial estimate for the cost of operations and exercises. In crisis management situations it acts as follows:

> "Upon the PSC's request, it issues an Initiating Directive to the Director General of the EUMS (DGEUMS) to draw up and present strategic military options.
> It evaluates the strategic military options developed by the EUMS and forwards them to the PSC together with its evaluation and military advice.
> On the basis of the military option selected by the Council, it authorises an Initial Planning Directive for the Operation Commander.
> Based upon the EUMS evaluation, it provides advice and recommendations to the PSC: - on the Concept of Operations (CONOPS) developed by the Operation Commander – on the draft

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[65] Taken from Presidency Report, Annex III.
[66] 'a Political and Security Committee shall monitor the international situation …" it will provide, "political control and strategic direction to crisis management operations." European Union. (20019) Nice Treaty. *op cit.*
[67] Presidency Report on ESDP, Annex III. *op.cit.*
[68] *Op.cit.*

> Operation Plan (OPLAN) drawn up by the Operation Commander. It gives advice to the PSC on the termination option for an operation."[69]

Some Member States have decided to send the same military representative to the EU Committee as to the NATO Military Committee. Through this form of 'double-hatting', it is hoped to foster EU-NATO co-operation.

3.1.3 The EU Military Staff

At present, it is planned that by 2003, the EUMC will ultimately consist of about 135 officers and support staff. The role of the staff is twofold: to provide early warning, situation assessment and strategic planning for Petersberg tasks, including the identification of the relevant forces; and to implement the policies and decisions of the EU Military Committee. It remains unclear whether the EU Military Staff will act mainly as an advisory body or will be involved in planning military activities as SHAPE does in NATO.

The head of the Military Staff, a three star general, is the senior military adviser to the High Representative. He will participate in the PSC and, when it is relevant, in meetings of the Council of Ministers. General Rainer Schuwirth, a German, was appointed Head of the Military Staff in November 2000. His deputy is a British brigadier, Graham Messervy Whiting.

3.1.4 EU Rapid Reaction Force

The European Rapid Reaction Force is intended to be used for what are known as 'Petersberg Tasks'. As previously mentioned, EU Member States have agreed to build a combined military capacity by the year 2003 which is able to deploy up to 60,000 ground troops within 60 days and to maintain such a force on a mission for one year. At the end of the year 2000, they voluntarily pledged resources to a 'catalogue of forces'. All Member States except Denmark have agreed to take part.

According to the 'catalogue of forces', the 60,000 troops will be supported by 100,000 others plus approximately 400 combat planes and 100 ground facilities. The force will be militarily autonomous and have command, control and intelligence capabilities. It will have logistical units and, during combat operations, it will combine air and naval elements. Member States have also agreed to co-operate in improving their intelligence, air and naval transport military capabilities.[70]

The core of the Rapid Reaction Force is being built from the Eurocorps and it will involve a substantial amount of restructuring of national EU Member States' forces and defence investment to reach the target set.[71] The extent to which the EU RRF will

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[69] Presidency Report on ESDP, Annex IV, *op.cit.*

[70] Military Capabilities Commitment Declaration, EU Council Press Release 20 November 2000, Nr 13427/2/00, reprinted in Rutten, M (May 2001). *Op.cit*. page 158 – 164.

[71] For an analysis of a number of military requirements to build an efficient EU RRF see: Heisbourg, F. (Ed) (September 2000). *European Defence: making it work*. Chaillot Papers 42. Paris, WEU Institute for Security Studies. Especially chapter 5 to 7. Annati, M. (2/2001). "Shaping the requirements for the European Rapid Reaction Force." *Military Technology*. Centre for Defence Studies (November 2001). *Achieving the Helsinki Headline Goals.* London: Centre for Defence Studies.

act solely under the command of the new political and military structure set up under the EU Council is one of the most contentious issues at present.[72]

3.1.5 EU Situation Centre

An EU Situation Centre is linked to both the Military Staff and Solana's Policy Unit. Civilian and military personnel run it jointly. The Situation Centre's job is to co-ordinate and process information that is relevant to a crisis, and pass it on to the relevant institutions.

3.1.6 EUMC and NATO

The relationship between EUMC and NATO military authorities was and remains at the time of writing one of the hottest issues in the negotiation of ESDP, as explained in the next two sections. At its centre there are three issues. First, the extent to which the EU Member States could consult in crisis situations without having to do so at NAC level. In other words, whether or not NATO has a right of first refusal. Second, how far the EU will act autonomously using NATO assets. Finally, the extent to which the EU will make use of NATO's operational planning capabilities and data or build its own operational capabilities.

The EU and NATO Summits in December 2000 came up with a partial solution. However, the annexes to the Nice Treaty do not officially clarify the issue of whether the EU would undertake a consultation process in crisis management without first holding meetings with NATO. Nor has the issue of the extent to which the EU will develop its own operational capabilities or rely on those of NATO been settled.[73]

It appears nevertheless that the EU will not act politically independently from NATO. There are in fact two provisions that indicate that a close working relationship is being established between EU and NATO. One states that extensive meetings at NAC and PSC levels and between the NATO and EU Military Committees are planned at each Presidency; the other explains that in case of a crisis, the contacts and meetings between the two organisations will be increased.[74]

More importantly, although the Nice Treaty clarifies that the EU can act autonomously and can decide to call upon the use of NATO assets, (that is planning resources and military capabilities), it should be emphasised that at present, the EU does not have extensive planning capabilities to undertake its own operations. It is therefore likely that even when the EU might decide politically to act on its own, it will have to decide so in close consultation with NATO unless it develops its own military operational planning capabilities. To a certain extent, some Member States would like to settle once and for all the issue of first-right of refusal by preventing the EU from developing its own planning capabilities. This way of thinking is

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[72] (1 December 2000) 'Analysis-question mark over EU's Rapid Reaction Force'. *Reuters*; Castle, S. (5 December 2000) "France angers Britain over EU defence force" *The Independent*.

[73] This issue is discussed in the EUMC-NATO section below. In April 2001, it was reported that some countries were thinking of using national headquarters to plan for EURRF's operation. See: Nicoll, A. and J. Dempsey (30 April 01). "When push comes to shove." *Financial Times.*

[74] Other meetings include subsidiary groups (such as the PCG(6) and the PMG(7), or Military Committee working parties), in the form of ad hoc EU/NATO groups (for example on capabilities) or expert groups when there is a need for NATO expertise on specific subjects. When necessary the dialogue will be supplemented by inviting NATO representatives to meetings like, for example, that of Defence Ministers. There will be regular contacts between the Secretaries-General, Secretariats and Military Staffs of the EU and NATO and exchanges of information and documents are also envisaged see Presidency Report on ESDP (Annex VII, part II.). *op.cit.*

revealed by a public statement made by Richard Hatfield, the MoD Policy Director. As he explained:

> "The key thing that is autonomous is the ability to take political decisions. The only independent input that the EU will have in terms of machinery is a small-ish military staff, about the same size the WEU had which has been abolished, which can frame the questions that will be sent off to the NATO planning staffs for preparing options for them to consider. Beyond that, it will depend on drawing on capabilities either from NATO or from the EU nations, so there will not be anything else independent being created for the EU as such. "[75]

The general consensus in favour of the EU working closely together with NATO in the planning of military operations can be found in the level of detail provided in the annexes of the French Presidency Report on ESDP. The paper outlines the procedure to be followed when the PSC decides to call upon the EUMS to determine and prioritise military options and the latter chooses to call on NATO external planning capabilities. In such a circumstance, the following guiding principles will be followed:

> - on the basis of opinions and recommendations from the Military Committee assisted by the EUMS, the PSC will send the designated operation commander, via the Military Committee, strategic directives enabling him to draw up the necessary planning documents for the operation (CONOPS, OPLAN), making use of the guaranteed access to NATO planning capabilities; these planning documents will be submitted to the PSC for approval;
> - experts from the two organisations, in liaison with DSACEUR as strategic coordinator, will meet to specify the predetermined NATO assets and capabilities concerned with this option'.
> - once the assets and capabilities to be used in the operation are specified, the EU will forward a request to NATO.
> - the hand-over of the predetermined assets and capabilities used in the EU operation, together with the arrangements for making them available and any recall conditions, will be identified at a PSC/NAC meeting;
> - throughout the operation the Alliance will be kept informed of the use of NATO assets and capabilities, if necessary by convening a meeting of the PSC and the NAC;
> - the commander of the operation will be invited to EUMC meetings to report on the progress of the operation. The Presidency may invite him to attend meetings of the PSC and the GAC;
> - having first informed the NAC, the PSC will propose to the Council that the operation be terminated. The EU will terminate the use of NATO assets and capabilities."[76]

Significantly, the annexes do not mention the procedures that the EU would follow if it decided to undertake *its own operations* without making use of NATO resources. This implies that even if the EU were to want to conduct its own operation without requesting NATO troops and military assets, it would still have to rely on NATO military planning resources.

However, the hard won compromise outlined above was jeopardised because until late November 2001, Turkey vetoed EU access to NATO assets and planning capabilities. Officials in Ankara argued that the modalities of participation in EU-led missions did not allow third countries to take part in the decision to launch an operation. In other words, they discriminated against non-EU Member States, which are part of the Western Alliance. More specifically Turkish officials wanted the right to veto the deployment of an autonomous EU force in the Eastern Mediterranean area. Then in December 2001 the United States and Britain

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[75] Quoted in: Oakes, Mark (2 May 2001) *European security and Defence Policy: Nice and Beyond.* London: House of Commons Library: International Affairs and Defence Section. Research Paper 01/50. http://www.parliament.uk/commons/lib/research/rp2001/rp2001.htm
[76] *Ibid.*

concluded a deal with Turkey. Politicians in Ankara accepted that the EU would have assured access to NATO assets, not only on a case-by-case basis. In return Turkey was given some guarantees over the geographical scope of EU operation and consultation rights, though it will be up to the EU Council of Ministers to decide when and how an external military operation should be carried out. Yet the deal is still not finally sealed at the time of writing because Greece has raised objections.[77]

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[77] Chalmers, J. (15 December 2001) 'EU presses on with force despite NATO hitch', *Reuters.*

4. The rise of the military in the EU: winter 1998 - 2000

This section discusses the political and military nature of the decision-making process leading up to the Nice Summit. It argues that despite a number of very significant decisions regarding the merging of most of the functions of the WEU into the EU, the establishment of the new political and military structures under the EU and the creation of a European Rapid Reaction Force, EU Member States failed to agree on the *political doctrine* that should inform the tasks of the newly established bodies and military forces. Because of this failure, the Chiefs of Defence Staff and NATO/EU military staff, that is unelected officials, through 'technical' position papers, have played a disproportionate role in defining the political doctrine that should underpin ESDP. This is a reversal of normal policy-making procedures in that it should be up to political leaders to agree on *'where'* and *'how'* the RRF should be used. There should be an agreed political doctrine that informs military thinking and not the reverse.

During December 1998, in two separate initiatives, driven by Franco-German and Franco-British bilateral relations, efforts to improve the European Union's role in security and defence were undertaken. At Postdam, on 1st December 1998, France and Germany announced that they were in the process of defining CSFP and CDP. They reaffirmed their commitment to integrate the WEU into the EU and emphasised the importance of equipping the EU with military and operational means of its own. These means were to be developed from either the WEU, multinational forces, such as the Eurocorps, or via capabilities made available by NATO, as agreed at the North Atlantic Council at Berlin in June 1996. At the same time both countries urged the need for the mobilisation of conflict prevention measures.[78]

At the British-French summit at St. Malo, 3-4 December 1998, Tony Blair, Jacques Chirac and Lionel Jospin signalled a new direction in European defence. The St. Malo declaration said that the EU needed "the capacity for autonomous action, backed up by a credible military force, the means to decide to use them, and a readiness to do so, in order to respond to international crises". The aim was to ensure that the EU could "take decisions and approve military action where the Alliance as a whole is not engaged". To achieve this goal, the declaration stated that:

> " the Union must be given appropriate structures and a capacity for analysis of situations, sources of intelligence, and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU and the evolution of its relations with the EU. In this regard, the European Union will also need to have recourse to suitable military means (European capabilities pre-designated within NATO's European pillar or national or multinational European means outside the NATO framework)." [79]

In addition, it argued that " Europe needs strengthened armed forces that can react rapidly to the new risks, and which are supported by a strong and competitive European defence industry and technology."[80]

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[78] Franco-German summit' communiqué reproduced in Rutten, *op.cit*. page 4.
[79] British-French summit St-Malo, 3-4 December 1998 reproduced in Rutten, *op.cit.* page 8-9.
[80] *ibid*

Analysts consider the declaration a turning point in the British position toward European defence. For the first time, the British government agreed to the integration of the WEU and the EU. Three factors have been put forward to explain this change. First, the decision was part of the coming into power of the Labour Party. Tony Blair believed that the country had to show leadership in Europe and since it had opted out of the Euro project and of the Schengen agreement, it chose defence as the area in which it could demonstrate its 'European credentials'. Second, there were officials in the Foreign Office who were concerned about the United States' commitment to European defence. They argued that to maintain the USA engaged in Europe, Britain had to persuade European allies to build up their own military capabilities to have a better 'burden sharing'. Third, the negotiations took place at a time when the Blair government was urging for military action in Kosovo. The French and British military were collaborating closely in the build up of the Kosovo 'extraction force'. The positive experience fuelled enthusiasm within the MoD for European defence.[81] Charles Grant, the Director of the Centre for European Reform, publicly expressed the type of thinking current at the time within the lower echelons of government and amongst Tony Blair's advisers. He proposed that Britain should take a lead in negotiating a compromise between France and the United States and by so doing lead on this issue in Europe. In Grant's view Britain had to contribute to the restructuring of the European defence industry and proposed that the WEU be abolished, its political functions would be merged with the EU, becoming a 'fourth pillar', and its military functions would be subsumed into NATO.[82]

Nevertheless, it should be stressed that at this stage, there were no talks of developing a European Rapid Reaction Force. Rather, the negotiations were confined to discussion on already existing capabilities either under NATO, national or multinational forces. It also remained unclear what was meant by 'autonomous' capabilities.

The German Presidency and the impact of the Kosovo war

From mid December 1998 to March 1999, Germany used its EU Presidency to push forward work on ESDP. It clearly framed some of the key areas that had to be addressed to put flesh on the bones of the Franco-British proposals at St. Malo. The German Presidency outlined some guiding principles that included the statement that for CFSP to be a credible policy, the EU should not just be endowed with military capabilities but also with appropriate decision-making bodies.[83]

The negotiations for ESDP were shaped by the outbreak of the Kosovo war. There are different types of analysis of the impact. Most interestingly, Alyson Bailes, former Political Director at the WEU, argued that the Kosovo war played a key factor in galvanising support for some of the key decisions taken at the European Council on 4 June 1999. She maintained that Britain and France were frustrated by Europe's inability to get its political act together and that the two countries agreed that not having military capabilities directly at its disposal was a key factor in the EU's weak performance in the crisis. She admitted that although

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[81] Andreani, G., Bertram, C; Grant, C. (March 2001). *Europe's military revolution*. London, Centre for European Reform. Page 8 to 11.

[82] Grant, C. (1998). "Can Britain lead". London: Centre for European Reform. Schake, K., A. Block-Laine, Bloch-Laine, A; Grant, C.. (Spring 1999). "Building a European Defence Capability." *Survival* Vol 41, No 1. pages 20-40.

[83] See German Presidency paper, Bonn, 24 February 1999 and Informal meeting of EU foreign ministers Eltville, 13-14 March 1999, German proposal, reprinted in Maartje, *op.cit.* pages 14 and 19.

NATO's bombing campaign had loyal support, there were some countries that thought that there could have been a more truly European way of making peace on the continent. In other words, some officials in European national capitals believed that the EU could have intervened and resolved the crisis differently from NATO. Driven by these diverging perspectives, an agreement was established that military capabilities had to be put at the EU's disposal.[84]

Thus, although the Kosovo war acted as a catalyst for the debate on the nature of the EU's role in defence, there remained a variety of views present on how military means should be developed and what the relationship between military and political tools should be. It appears that different lessons were drawn by EU Member States. Some countries simply agreed that the use of force was the only way to resolve the Kosovo crisis and that force was used in a commensurate way. Others, such as French and Italian officials, resented the Anglo-American leadership in the handling of the Kosovo crisis and thought that the Alliance was saved from a disaster because of extensive diplomatic efforts undertaken after the air bombing campaign had begun.[85]

Steps to give the EU a military capability and appropriate military structures during the first six months of 1999 were undertaken by France and Germany in close co-operation with NATO. At Toulouse, on 29 March 1999, they pledged to turn the Eurocorps into a rapid reaction force that would be tailored for use outside the NATO area and whose headquarters would be available to command international peacekeeping operations.[86] Spain, Belgium and Luxembourg also agreed to participate in restructuring their forces to make them more mobile. At the NATO Summit in April 1999, the Allies announced the formal linkage between the military initiatives undertaken by the European allies and NATO internal military restructuring process. This was formalised in the Defence Capabilities Initiative (DCI). DCI involved the modernisation of the Alliance's military forces for 'out-of-area' and 'peace-enforcement' tasks.[87] As US Undersecretary of State Strobe Talbott admitted, DCI was mostly about "transport and logistics, about getting forces to the area of operation and keeping them fed and equipped".[88]

At the NATO Summit in April 1999, a compromise was also achieved on the political side. For sometime, the Clinton Administration had lobbied to give NATO a stronger role in crisis management outside its zone, the so-called 'out-of-area' and 'peace-enforcement' tasks. US officials were keen to ensure that conflict management and 'peace-enforcement', without necessarily a UN mandate, became one of the primary activities of the Alliance. However, although the Kosovo war was launched with a dubious UN mandate, European Allies refused to officially underwrite, in the drafting of the new Strategic Concept, the practice of undertaking NATO's 'peace-enforcement' operations without a UN mandate. Thus, the official communiqué reaffirmed both the importance of the defence aspect of the alliance and new conflict management tasks. At the same time, NATO's Allies acknowledged the developments toward ESDP, particularly the resolve of the EU to have the capacity for

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[84] Bailes, A. (2000). *Op.cit.*
[85] Personal conversation with officials from MFAs.
[86] Franco-German Defence and Security Council, Toulouse, 29 May 1999, Declaration, reprinted in Rutten, M. *op.cit.* page 40.
[87] See North Atlantic Council Summit, Washington, DC 24 April 1999 and The Alliance's Strategic Concept, reproduced in Maartje, R, *op.cit.* pages 20 to 39.
[88] Talbott, S. (7 October 1999) 'America's stake in a strong Europe' reprinted in Rutten, M. *op.cit.* pages 54 - 59.

autonomous action.[89] Most importantly, those actors pushing for ESDP won a number of key concessions from the United States. As the communiqué stated, NATO capabilities were to be put at the disposal of the EU:

> "a. assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations.
> b. The presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations;
> c. Identification of a range of European command options for EU-led operations, further developing the role of DSACEUR in order for him to assume fully and effectively his European responsibilities;
> d. The further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations".[90]

After winning major concessions at the NATO Summit in April 1999, EU Member States focused their efforts on defining the nature of ESDP more precisely. The efforts resulted in the Cologne Summit (3-4 June 1999). The summit, whilst reaffirming the agreement that the EU be given the capacity for autonomous action, backed by credible military forces, set up a precise time-table for action. EU leaders decided that by the end of 2000, the WEU as an organisation would have completed its purpose. The Summit approved the German Presidency' proposal for a number of steps to be taken. These included: the establishment of regular (or ad hoc) meetings of the General Affairs Council, including Defence Ministers as appropriate; the PSC and the EU Military Staff committees, a Situation Centre and the transfer of the Satellite Centre and the Institute for Security Studies over to the EU. The importance of strengthening the industrial and technological base of defence was also mentioned.[91]

Whilst in EU capitals a debate emerged about the exact tasks of the political structures and their relationship with NATO, in November 1999 France and Germany proposed the establishment of a Rapid Reaction Force (RRF) of up to 50,000 to 60,000 men able to be deployed at 60 days notice. One French and one British Headquarters were to be made available as an option for commanding EU-led operations.[92] At this stage, the exact relationship between the RRF and NATO was not clarified.

The Franco-British initiative was quickly approved at the EU Helsinki Council on 10-11 December 1999. A Common Headline Goal involving the development by the year 2003 of RRF was announced. On the political front, it was agreed that political and military bodies would be established as of March 2000. As a response to these efforts, and partly to counteract the emphasis placed upon the development of RRF, 'neutral' EU Member States, particularly the Nordic EU Member States, insisted on the introduction of measures to strengthen the 'non-military crisis management of the European Union'.[93]

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[89] see North Atlantic Council Summit, Washington, DC 24 April 1999 and The Alliance's Strategic Concept, reproduced in Maartje, R, *op.cit*. paragraph 9 page 22.

[90] *Ibid*, paragraph 10, pages 22-23.

[91] European Council, Cologne, 3-4 June 1999, reprinted in Rutten, M. op.cit. page 40 to 45.

[92] *Ibid*, Franco-British summit communiqué reprinted at pages 77-79.

[93] The EU Council resolution called upon the establishment of an Action Plan which included "strengthening the synergy and responsiveness of national, collective and NGO resources…. enhancing and facilitating the EU's contribution to, and activities within, other organisations, such as the UN and the OSCE whenever one of them is the lead organisation in a particular crisis, as well as EU autonomous actions" and ensuring coherence among the EU's pillar structures. Concrete steps involved, the development of a rapid reaction capability, what later came to known as the Rapid Reaction Facility; an inventory of national and collective resources; a database to be set

Despite the ambitious timetable agreed upon, the precise work of the Military Committee and the steps to be taken to develop military capabilities were not defined. There was also no mention of the political and military doctrine that would drive the establishment and objectives of the new military and political committees. It was left to the Ministries of Defence (MoDs), NATO/EU Chiefs of Defence Staff and their military experts to refine the proposals announced at Cologne.

In fact, two months later, at the EU defence ministers meeting at Sintra important decisions were taken to define the exact nature of military doctrine underpinning ESDP. A 'Food for Thought Paper' was presented. It declared that the Headline Goal expressed at Helsinki represents a political commitment by Member States but that "it includes insufficient detail for the purposes of military planning, raising questions such as where EU-led task forces might be expected to operate, with whom, and how often." To remedy this lack, the paper set out a number of assumptions for the planning of the Headline Goal. In the section entitled: "Articulation of key planning assumptions" it argued that EU Member States "will carry out tasks in and around Europe but have to be able to respond to crisis world-wide". It also affirms that EU Member States would be involved in undertaking "complex peace enforcement tasks in a joint environment in or around Europe". The paper also set a timetable leading to a Capabilities Pledging Conference, to be convened by the end of 2000.[94]

The importance of this paper is that it turns the normal policy-making process on its head. Normally, it should be up to the Heads of State and national parliaments to define what the political framework for planning forces should be. The assumptions mentioned in the 'Food for Thought' paper are *political in nature* and should have been elaborated in the EU Council Meetings in collaboration with national parliaments. It seems that the EU Ministries of Defence were trying to patch up a compromise on issues upon which the Heads of State and the EU Foreign Ministries could not agree.

From the end of 1999 until the spring of 2000, there was, in fact, an intense transatlantic debate about the exact relationship between ESDP and NATO. There were two opposite views. On the one hand, Britain and the United States insisted that NATO started discussions with the EU over their military relationship. On the other, French officials opposed the establishment of formal contacts between the two organisations until the EU had its military and political committees in place. The French position expressed in unambiguous terms a sentiment, present in some other European capitals, that the strength of NATO would jostle the emerging ESDP into adopting structures, procedures and policies replicating the US vision of the world. In other words, the Europeans would be unable to think through independently the nature of ESDP. On the other side of the Atlantic, the French objections were interpreted as another attempt to 'decouple' ESDP from NATO structures.

Since the beginning of negotiations on ESDP in late 1998, the US administration had three main concerns, which were captured by US Secretary of State Madeleine Albright in a speech mentioning the '3 Ds': no decoupling, no duplication and no discrimination. Decoupling

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up to maintain and share information on the pre-identified assets, capabilities and expertise within all areas for non-military crisis management; study of the lessons learnt to define concrete targets for EU Member States' collective non-military response to international crises; the creation of a rapid financing mechanism such as the creation by the European Commission of a Rapid Reaction Fund.

[94] See Meeting of European Union defence ministers , Sintra 28 February 2000, Military bodies in the European Union (the 'toolbox Paper') in Rutten, M. (2001). *Op.cit.* pages 94 –111.

referred to the fear that Europeans would develop their security and defence policies within the EU only, thus leaving NATO. Duplication expressed the American worry that the EU would start duplicating NATO tasks, structures and military capabilities. Discrimination referred to policies that the EU might adopt that would discriminate against non-EU NATO Member States, particularly Turkey.[95]

To try to reassure the US on some of the military aspects, the 'Food for thought paper' suggested that DSACEUR would normally participate as appropriate in the EUMC, although not as a member. It was also proposed that the EUMS would not itself act as operation headquarters. The roles of the EUMS were to "co-ordinate and stimulate the development of European military capabilities, developing an appropriate relationship with NATO's force planning process."; "organise and co-ordinate operating procedures with national, multination and NATO HQs available to the EU; liaise with national HQs, European multinational force HQs and NATO".[96]

All of these measures were proposed to shape a close relationship with NATO in which the EU would not seek to be 'autonomous' in its decision-making process. Most significantly, the paper implied that the EU would not have its own operational and military capabilities with which to undertake military operations. The type of new co-operation envisaged was also highlighted by the decision in early January 2000 to allow the Eurocorps to take over the command of NATO peacekeeping efforts in Kosovo.[97]

The intense negotiations and discussions among the EU Ministers of Defence led to a compromise on the NATO-EU relationship at Santa Mara de Feira, 19-20 June 2000. At the Summit it was announced that four ad-hoc working groups were to be set up on the capabilities goals and to prepare the ground for permanent arrangements between the two organisations. The ad-hoc working groups were to cover security issues, capability goals, the modalities for EU access to NATO assets, and the definition of permanent consultation arrangements.[98]

Despite the fact that at the European Council at Santa Maria de Feira important steps were taken to strengthen the 'civilian aspects' of crisis management (to include the establishment of a committee for civilian aspects of crisis management, a co-ordination mechanism - full interaction with the Commission services - a database on civilian police capabilities and the concrete targets for civilian police: 5 000 police officers for international missions)[99], from July - December 2000, it was the definition of Military Capabilities that progressed the fastest.

On 22 September 2000, an informal meeting of EU Defence Ministers took place at Ecouen in which a precise Catalogue of Forces was discussed. The EU's interim military had drafted on 28 July a preliminary version of the catalogue of forces and precise capacities. The day

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[95] For an excellent overview of the US position on ESDP see: Sloan, S. R. (April 2000). The United States and European Defence. Paris, WEU Institute for Security Studies.

[96] Meeting of EU defence ministers, Sintra 28 February 2000, The 'Food for Thought' paper on headline and capabilities goal. Rutten, M. *op.cit.* pages 102-106. especially paragraphs 8 to 15

[97] (29/30 January 2000) "Eurocorps to command peacekeepers in Kosovo." *International Herald and Tribune*. (30/31 January 2000) "L'OTAN decide de confier à l' Eurocorps le commandement de la force de paix au Kosovo*" Le Monde*.

[98] European Council, Santa da Feira, 19 – 20 June 2000, reprinted in *ibid* , pages 120 to 139.

[99] *Ibid.* On the civilian aspects of crisis management see section III; For the concrete targets for police see Presidency Report on ESDP. *op.cit.* appendix 4.

before the meeting of the Defence Ministers EU chiefs of staff drafted a more complete version of the catalogue. The document included four basic hypotheses or scenarios, which allowed the EU MoDs to cover *all* the 'Petersberg missions' as ranging from peace-enforcement to low level intensity rescue operations. The hypotheses were:

- Separation by force of the belligerent parties
- Prevention of conflicts
- Humanitarian aid
- Evacuation of nationals.[100]

This was a *redefinition* of the planning for the 'Petersberg tasks' because, although the 1992 WEU Petersberg declaration described such tasks as including 'tasks of combat forces in crisis management, including peacemaking', in reality the planning undertaken by WEU military staff had been limited to low-level military operations – that is *not* involving the separation by force of the belligerent parties. In fact, by the summer of 1999, the WEU had been engaged militarily only in mine-sweeping operations (Gulf wars), monitoring and enforcement of UN sanctions at sea (Adriatic and Danube in former Yugoslavia) and in managing low level policing operations in Mostar (Bosnia-Herzegovina).[101]

At the meeting EU Defence Ministers' meeting it was also agreed that a Conference on Capacity Commitment would take place on November 20, 2000. A few months later, at that conference, EU Member States committed themselves, on a voluntary basis, to making national contributions correspond to the rapid reaction capabilities identified to attain the Headline Goal. EU Member States explained that they would to be able to meet the Headline Goal that they had assigned to themselves. And in one aspect, the agreement even exceeded expectations. In fact, they engaged to constitute a pool of more than 100 000 persons and approximately 400 combat aircraft and 100 vessels. (The 100 000 persons exceeded the 60,000 originally mentioned in the previous communiqués)[102]

From this brief overview of decisions taken from St. Malo to Nice, it can be observed that the EU Council at Cologne (3-4 June 1999) decided to give the EU a military force but it failed to define the political and military doctrine that should guide it. It appears that the failure to do so was the result of the existence of divergent agendas behind the development of the force. Hence, during the second half of 1999 and the early part of 2000, a row erupted between France and the United States. Because of this, the EU/NATO Military Chiefs of Staff and planners, with the support of some EU Defence Ministries, were able to set the agenda about the political doctrine shaping the establishment of the RRF.

The guidelines of this political doctrine were presented at the EU Defence Ministers' meetings in February 2000 as the 'Food for Thought' Paper. The paper identified the *type* and *scope* of the RRF operations. It stated that the EU should plan for operations for "complex

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[100] 22 September 2000: Informal meeting of EU defence ministers Ecouen, quoted in Rutten, M. *op.cit.* pages 143-146

[101] For the original definition of the 'Petersberg Tasks' see: WEU Council of Ministers. (19 June 1992) 'Western European Union Council of Ministers Petersberg Declaration.' WEU Documents. For how each EU capital interprets the 'Petersberg Tasks' see: Centre for Defence Studies (November 2001). *op.cit.* For an overview of the WEU's military operations see: Bloed, A. and R. A. Wessels, (Ed), (1997), *The changing functions of the Western European Union*, Dordrecht: Martinus Nijhoff Publishers. And Deighton, A. *op.cit.* Jopp, M. (1997). *op.cit.*

[102] Capabilities Commitment Conference, Brussels 20-21 November 2000. *Ibid*, pages 158 –163.

peace enforcement tasks" in and around Europe. In other words, it went beyond the simple "Petersberg Tasks" that the WEU had traditionally planned and made clear that they could be deployed beyond European borders. These views were then included in the hypotheses and scenarios underlying the planning for the catalogues of forces discussed at Ecouen by EU Defence Ministers in September 2000.

These preliminary findings indicate that the political and military decision-making processes are not running in parallel. There is the danger that the piece-meal approach adopted to achieve ESDP is preventing a full and open discussion about the political aims of ESDP. The 'technical proposals' developed by Chiefs of Defence Staff and military experts to define the tasks of the European Rapid Reaction Force are playing a disproportionate role in shaping the definition of the political goals of ESDP.

5. Hot Issues

This section will review some of the hot issues that are likely to remain central to the future evolution of ESDP.

5.1 ESDP: Military and Political Doctrines

Many experts on European security issues are aware that there are incongruities in the political and military process driving ESDP, though opinions differ from that mentioned above as to why this is the case. There are currently some voices, from different ends of the political spectrum, calling for a European Strategic Concept, and a White Paper on Defence.[103] Some believe that it is only through such an exercise that EU Member States can find a 'middle ground' on how to establish a political doctrine for ESDP and prevent ad-hoc reactions to events from becoming the norm in shaping EU policy-making. In contrast, other analysts argue that such an attempt would be "premature and potentially counterproductive".[104] From their perspectives, countries should be allowed time to develop their positions. Germany and the 'neutrals' would be especially reluctant to formalise their stance on such sensitive issues.

It might however be that there are totally different reasons why, in some circles, there is a rejection of open discussion on a potential EU White Paper on Defence. Some of the key military aspects of ESDP have been developed through a step-by-step, and mainly secret process. If there were to be detailed official political guidelines, they would place restrictions on the ambitions of those forces that are currently shaping the exact nature of the RRF. It might also be argued that EU Member States would never agree on the exact nature of the missions. As in other areas of EU policy-making, new policy areas are shaped by agreements taken *outside* the normal policy-making proceedings and then institutionalised and legalised at a later stage.[105]

The problem with applying this type of policy-making to the emerging ESDP is that there is clearly a new set of actors in operation in ESDP. These actors are the powerful Ministries of Defence of both EU and NATO countries and transnational industrial groups in the high technological sectors (EADS etc). An alliance between these minority interest groups and some Member States could try to by-pass open consultations with the EU Council, the EP and national parliaments. This would create considerable difficulties for democratic accountability. If a step-by step approach is allowed to continue, parliamentary scrutiny will be avoided and opposition from 'neutral' countries, which might be more in favour of putting conflict prevention and low-level peacekeeping activities at the forefront of the military doctrine, would be circumvented. It could also mean that sufficient measures might not be introduced to ensure that systems of democratic accountability are introduced during the

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[103] The current EU Belgian Presidency organised meetings on the subject. A similar position is outlined in Bertelsmann Foundation (Ed). (2000). *Enhancing the European Union as the International Security Actor.* Guetershloh: Bertelsmann Foundation Publishers. Van Staden, Alfred et al (November 2000) *Toward a European Strategic Concept.* Netherland Institute of International Relations 'Clingendael. (available via the internet at http://www.clingendael.nl/. See also Heisbourg, F. (Summer 2000). "Europe's Strategic Ambitions: the limits of ambiguity." *Survival,* vol 42, No 2. pages 5 15.

[104] Andréani, G, Bertram, C and Grant, C. *op.cit.* page 68.

[105] Smith, M. E. (March 2001). "Diplomacy by Decree: the Legalization of EU Foreign Policy." *Journal of Common Market Studies* Vol 39, No 1, pages 79-104.

different stages of policy formulation (launch of a military operations, control of the operation etc).

Despite the lack of a clearly stated political doctrine shaping military thinking, a number of commentators point to the distinctive nature of a *potential* EU doctrine. J. Howorth, for example, argues that the EU could make a contribution to crisis management distinct from that of the USA in a number of ways: through its geographical scope; through an inherent preference for humanitarian intervention over military action; by taking a pre-emptive rather than reactive approach; and by conducting operations under the rule of law and with a clear mandate.[106] Bailes, maintains that it is likely that the EU will develop a distinct military doctrine from that of the United States because Europeans have learnt through many centuries of painful history the errors inherent in the use of force, and have strong contacts with many neighbouring countries and a wide range of non-violent levers at their disposal.[107]

The EU Commission has also been at the forefront clarifying its own conflict resolution policy and the newly established Rapid Reaction Facility, (not to be confused with the Rapid Reaction Force), and have urged the Council to do the same.[108]

5.2 The 'Consistency/coherence' debate and its impact on ESDP

Recently, there has been the re-emergence of the debate about 'consistency/coherence' in the EU's external policy. The debate has a long history.[109] Simplifying greatly, this debate has centred on the dynamics of inter-institutional relationships across the EU's three pillars. Different decision-making rules and procedures are in operation not only between different pillars but also between different policy areas within each pillar. This creates problems for the effectiveness and impact of EU policies. Moreover, historically, the Commission has played a primary role in shaping EU foreign policy, through its economic, aid and accessions/enlargement policies and it has a vast amount of resources at its disposal. Although the Maastricht and Amsterdam Treaties included measures to secure co-operation among the pillars in CFSP, the reality was that a certain level of competition and lack of co-ordination remained. As the result of the decisions taken at Nice, the EU now has at its disposal a new gamut of policy instruments.[110] This has not only intensified the problem underlying interpillar co-operation but also transformed the debate about coherence/consistency.

At present, the debate encompasses two closely interrelated aspects: on the one hand the issue involves the relationship to be worked out between pillar one and pillar two in the evolution of responsibilities and resources for running CFSP/ESDP operations, on the other it is about the *political definition* of ESDP.

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[106] Howorth, J. *op.cit.* page 52.

[107] Bailes, A. *op.cit.*

[108] European Commission. (11 April 2001). Communication from the Commission: on Conflict Prevention. Brussels: European Commission.

[109] For an overview see*:* Allen, D. (1998). "Who speaks for Europe? The search for an effective and coherent external policy." In J. Peterson and H. Sursen. (Ed) *Op.cit.* page 41- 58. Krenzler, H.-G. and Schneider, H. C. (1997). In E. Regelsberger, P. de Schoutheete de Tervarent and W. Wessels 'The Question of Consistency'. *Foreign Policy of the European Union: from EPC to CFSP and Beyond.* Boulder, London, Lynne Rienner Publishers. pages 133-152.

[110] Missiroli, A. E. (May 2001). *Coherence for European security policy: debates, cases and assessments.* Occasional Paper 27 London, WEU Institute for Security Studies.: page 4

In a speech at IFRI in Paris, in late spring 2000, Chris Patten, the European Commissioner for External Relations, argued that the separation between the first and second pillars was impossible to maintain in the longer run. [111] In a similar tone, Prodi in a speech to the European Parliament in October 2000, criticised the model of policy-making that was adopted in the Amsterdam Treaty and called for the function of the High Representative to be integrated in the Commission whilst allowing the HR to have 'a special status tailored to the needs of security and defence'.[112] Although the press interpreted these remarks as a struggle for power between different bureaucratic structures, behind the debate there are vital issues for the future of ESDP.

The speeches by Patten and Prodi need to be situated in the broader context of the desire to give the EU a more coherent role as an international actor. Although Solana was appointed HR and new interim structures were created underneath him, the reality is that most of the resources for implementing foreign policy decisions remain with the Commission. At the same time, there are divergent visions within the Commission and the Council about the balance to be struck between providing resources for conflict prevention and for crisis management activities. This issue often goes under the banner of 'civil-military' relations in that the Commission controls most of the 'civilian' capabilities, whereas the new ESDP structures control the military ones.

Civil-military relations and the EU political and military doctrine
There are some 'neutral' countries that are unhappy with the stress currently being placed upon 'peace-enforcement/peace-making' operations as laid down in the 'Headline Goal'. They would prefer politicians to put their efforts into finding resources for strengthening crisis prevention measures and the role of the EU police force.[113] In other words, underlying the 'consistency/coherence' issue at present, there is a struggle between those forces that would prefer if ESDP merely borrows the civilian and economic resources under pillar one to boost the preparation for 'peace-enforcement' operations. There are others who, whilst accepting that there should be a closer working relationship between the civilian and military aspects, would prefer if more of an emphasis would be placed on developing conflict prevention measures. This was apparent in the focus of the Swedish Presidency's work priorities (first six months 2001) and the outcome of the Götenborg summit where a number of decisions on programmes for conflict prevention were taken.

It could also be argued that whilst more efficiency is required to ensure that resources under pillar one are synchronised with those developed under pillar two to meet the agreed objective, there might be a fundamental problem in conceptualising the civilian aspects on a continuum with defence planning for 'peace-enforcement' operations.

This is an important issue. We need to take into account that most of NATO's peace-enforcement operations from 1992 onwards have been undertaken under the banner of 'humanitarian intervention'. During these operations, NATO's planning came to rely on the use of civilian capabilities, involving close collaboration with aid agencies and civilian personnel involved in political and legal administration. The incorporation of these elements in military planning for so-called 'complex emergencies' is part of a new conceptualisation of military missions in which there no longer exists a separation between the 'soft' and 'hard'

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[111] Patten's speech can be found on www.europa.eu.int/comm/external-relations. An adapted version is available at C. Patten, "Projecting Stability", *The World Today*, vol. 56, no 7, July 2000, pages 17-19.
[112] Speech is reproduced in Annexe C of Missiroli. *op.cit.* Page 68
[113] *Ibid*, page 8

ends of security.[114] The EU seems to be adopting this new way of thinking. Since the EU Commission has at its disposal a great variety of civilian tools, it might well be that NATO and the new military structures under the Council, or a military 'coalition of the willing', are trying to borrow the resources available. This will not only reinforce existing practices within SHAPE but could also provide a new legitimacy for the involvement of EU/NATO forces in military operations.[115]

The current inability of the Nice Treaty to clearly resolve the relationship across the three EU pillars poses serious problems for democratic accountability. There is currently more scope for manoeuvre on the part of officials and politicians to introduce policies with important security and defence implications because of the fluidity of the rules and lack of clarified procedures regarding 'soft' and 'hard' type security issues. The linkage that has come to be established between civilian capabilities and military capabilities has also been undertaken without modifying the rules of consultation with the European Parliament. This means that the EP could soon find itself in a situation of supporting the deployment for civilian forces under Pillar I but be totally left out of the picture when these forces are then linked to preparing the way for troops involved in both the delivery of humanitarian aid <u>and</u> peace-enforcement operations.

5.3 ESDP and EU/NATO Enlargements

The Enlargement of the EU as defined in the Nice Treaty will have an impact on all EU policies, including CFSP/ESDP at both geographical and functional levels. At present reflections on the impact are largely speculative in nature. However, although it is impossible to know what kind of positions the candidate countries will take on a number of ESDP/CFSP issues, their full inclusion in ESDP/CFSP deliberations will certainly lead to a reconfiguration and rebalancing of majority and minority views within the Council. It is also apparent that some eastern European candidate countries see the EU enlargement mainly as economic, and tend to look to NATO for security. This could imply that in the future ESDP might be watered down by an alliance between 'Atlanticists' and new candidates. For these reasons, some current EU Member States have been keen to introduce 'flexibility' and 'enhanced co-operation' clauses in the IGC 2006 so as to reach a variable geometry in CFSP and ESDP issues.

It is likely that under the current provisions for new Member States membership in the EU, the opportunity for democratic accountability will diminish. The 'enhanced co-operation' clauses currently envisaged by the Nice Treaty have not fulfilled the dreams of those who hoped that the EU would be able to use QMV in ESDP. However, dominant EU Member States have already shown signs during a number of events – Operation Essential Harvest (Macedonia) and the war in Afghanistan - towards a preference for 'ad-hoc' groupings rather than full consultations. With Enlargement this trend might be strengthened in that dominant Member States might prefer not to discuss defence/security issues within the Council for fear that it would further complicate the bargaining process. Conversely, if new Member States were to water down ESDP by taking side with 'Atlanticists', the problem of accountability

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[114] This new way of thinking is present in the Brahimi Report that provides a new military doctrine for UN peacekeeping operations. See United Nations. (2000) *Report of the panel on United Nations Peace Operations*. Document A 55/305 – S/2000/809. At http://www.un.org/peace/reports/.
[115] For a fascinating analysis of civil-military relations see: Pugh, M. (2000). "Civil-Military relations in the Kosovo crisis: an emerging hegemony?" *Security Dialogue* Vol 31, No 2. pages 229-242.

will remain because there are no bodies envisaged that will supervise the working groups currently being set up between NATO and the EU.

There is also the problem that NATO and EU enlargements do not follow the same logics and procedures, though they do overlap. (An example of the differences in the two processes is that whilst the EU is giving money to eastern European countries to restructure, NATO is requesting eastern European Member States to increase their defence spending). It might also be that the EU will expand more easily to the North-Eastern Rim (and to Slovenia), whilst NATO will move to South-Eastern Europe. Lacking a clear and agreed division of labour, such geographical divergence may render the transition more complicated, externally as well as domestically. This has led some commentators to call for a 'linkage' between the two Enlargement processes.[116]

At present the mismatch between the EU and NATO memberships has meant that the Baltic Republics are considered potential candidates for quick EU accession whereas reservations still exist on both sides of the Atlantic about their admission to NATO. It seems therefore inevitable that their adhesion to the EU will entail some 'backdoor' security guarantees. Moreover, many western European policy-makers perceive the present negotiations between the EU and the 13 candidates as having security implications. The Schengen Agreement is already included in the *acquis communautaire*, and its extension to the candidate countries is considered as posing problems. It seems in fact unlikely that all CEEC will joint the EU at the same time. This means that the Schengen provisions will soon affect Hungary, the Czech Republic and Poland, but not Romania and the Ukraine. To deal with this situation, new policies are being drafted. Some EU Member States are proposing the creation of police forces to control external borders.[117] Other EU experts have called for a relaxation of the rigid implementation of Schengen rules and standards at the future external borders of the EU and called for a more coherent approach, reaching across the Union's three pillars, to manage the borders.[118]

The new security dimensions created by the enlargement process could add to the problem of accountability in that it will involve both Pillar I and Pillar III having more of a say in decisions having security and defence implications without clear political guidelines at their disposal to judge the impact of their decisions on developments under Pillar II. If the blurring of responsibilities continues unchecked, the EP and national parliaments will find themselves even more marginalised.

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[116] Brzezinski, Z (17 May 2001) NATO and EU need to grow together. *International Herald and Tribune.* For recent writings on the EU and NATO enlargements see: Blank, S. J. (March 1999). "NATO enlargement between rhetoric and realism." *International Politics* Vol 36 pp 67-88. Smith, M. A. and G. Timmins (July 1999). "The European Union and NATO Enlargement Debates in comparative perspective: a case of incremental linkage." *West European Politics* Vol 22, no 3**.** Hyde-Price, A. (December 2000). "The antinomies of European security: dual enlargement and the reshaping of European order." *Contemporary security policy* Vol 21, no 3 pages 193 - 167. Fierke, K. M. and A. Wiener (1999). "Constructing institutional interests: EU and NATO Enlargement." *Journal of European Public Policy* Vol 6, No pages 721 - 742.; Sperling, J., Ed. (1999). *Two tiers or two speeds?: the European security order and the enlargement of the European Union and NATO*. Manchester, Manchester University Press. Kirchner, E. and Sperling, J. (April 2000). "Will form lead to function? Institutional Enlargement and the creation of a European Security and Defence Identity." *Contemporary Security Policy* Vol 21, No 1. pages 23-45

[117] (19 November 2001). 'Plans for EU border police' *Reuters*

[118] Amato, G and Batt, J. (April 1999) *The long-term implications of EU Enlargement: the nature of the new border.* Final report of a Reflection Group set up jointly by the Robert Schuman Centre of the European University in Florence and the Forward Studies Unit of the European Commission. Firenze: EUI.

5.4 ESDP and IGC 2004

After the Nice Summit there were many unhappy voices that spanned from legal critics to Irish voters who went out of their way to vote no to the ratification of the new Treaty.[119] Although most probably, the impact of the Irish no vote and criticisms from legal experts will be contained, a sense of unease about the results and methods adopted was felt amongst the EU political élites. This is why as soon as the ink on the Nice Summit was dry, a new IGC round was announced.

The evolution of ESDP will be shaped by the extent to which the next round of negotiations considers some of the bolder reform initiatives that have been advanced from a variety of quarters - from German Foreign Minister J. Fischer's new federal vision of Europe to the EU Commission's proposal for a restructuring of the Treaties - [120] or whether a limited set of reforms will be endorsed on the model of intergovernmentalism, as sketched out by President Chirac's intervention in the current debate.[121] In the new round of talks, it will be likely that a number of unresolved issues will be raised. Apart from the EU-NATO relationships, there could be attempts to introduce Article 5 of the Brussels Treaty into the EU Treaty and QMV in decision-making related to ESDP.[122]

5.5 Transatlantic Relationship and ESDP

The nature of the transatlantic Relationship lies behind the debate about EUMC and NATO outlined in section three. The advent of the Bush administration in January 2001 brought into power a new administration that was more eager to shift its focus of attention to East Asia and was less sympathetic than the Clinton administration to supporting ESDP, especially in its institutional features. Moreover, Washington officials distrusted multilateralism, as their stance on NMD and the Kyoto Protocol demonstrated. Rather than devising a long-term

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[119] For a review of the Irish no vote see: Miller, V (21 June 2001) *The Irish Referendum on the Treaty of Nice*. House of Commons Library. International Affairs and Defence Section. Research Paper 01/57. Legal experts maintain that the way in which the ESDP has been introduced in the Nice Treaty has not followed agreed legal procedures. ESDP decisions were taken on a step-by-step basis and sanctioned by the EU Council and then introduced in the Nice Treaty mainly in the form of an annex. Normally Treaty revisions have to follow a procedure laid down in Article 48 of the Treaty. The EU Council has the task of taking important political decisions but not of changing the Treaty, a task that is usually left to the IG. Moreover, despite the fact that the French Presidency Report was included as an annex to the Nice Treaty it was not signed. Despite the lack of ratification of the Treaty, the EU has already established the PSC and EUMS. It did so by arguing that the EU had to be operational by 2001 and it could not make the ratification of the Nice Treaty a precondition of the establishment of new institutions for ESDP. For legal experts' criticisms of ESDP's incorporation in the Nice Treaty see Pnevmaticou, L. *Les aspects juridiques de la PESD*. Unpublished paper presented at the WEU-ISS editorial board in July 2001. (Lydia N. Pnevmaticou is a member of the juridical services of the Greek Ministry of Foreign Affairs); Baudin, P. (December 2000) "Les aspects institutionnels de l'Europe de la défense" Défense Nationale, pages 5-21, see page 18.

[120] Fischer, J. (12 May 2000). *From Confederacy to Federation - Thoughts on the finality of European integration.* Berlin: German Foreign Office; Prodi, R. (21 February 2001). "Speech by Romano Prodi on 'State of the Union in 2001"." *Bulletin Quotidien Europe* 2230. For an overview of the debate see: Riccardi, F. (9 and 10 April 2001). "Brief account of the debate on the Future of Europe." *Bulletin Quotidien Europe* No 7942.;

[121] For Chirac's speech see: (31 May 2000). "M. Chirac oppose l'Europe forte à la construction abstraite de l'Union. *Le Monde.* Vinocur, J. (28 June 2000). "Chirac offers just a sketch of new Europe." *International Herald and Tribune*

[122] For attempts made during the negotiations on the Nice Treaty to introduce Article 5 see: Blanc, E and Fennebresque, M. (February 2001) 'La défense europénne après le conseil européen de Nice'. *Défense Nationale*, No 2, page 23-34. see page 32. An attempt to introduce QMV in ESDP was made by a joint Italo-German in December 2000.

strategy, Washington reacted pragmatically to new European challenges and thus allowed the deployment of US troops in Operation Essential Harvest in Macedonia. However, US officials retained a reserved attitude towards the EU's newly created security structures and continued to stress that Europeans had to demonstrate their credential in managing European security by advancing money and resources. Hence, no substantial progress was made on the EUMC and NATO relationship at the *political* level during the first six months of 2001.[123]

The attack of September 11 changed US foreign policy and its attitude to aspects of ESDP. The Bush administration resuscitated the UN and NATO's political roles, thus endorsing a revised version of multilateralism as an essential tool for its 'war on terrorism' campaign. It also came to appreciate the attempts by European allies to establish 'ad hoc coalitions' of the willing to deal with security threats. The United States, in fact, whilst making use of NATO's military infrastructure to send equipment and forces to the Middle East and Afghanistan, welcomed bi-lateral initiatives, such as those with Britain, France, Germany, Italy and Turkey. By so doing, it indirectly gave a new legitimacy to the role of the RRF. In fact, the German and Italian governments have used the US led 'war on terrorism' to break new grounds in obtaining domestic political backing for the use of their troops in 'out-of-area' operations. At the same time, it is evident that countries such as Germany, France, Italy and Britain are testing out their ability to engage militarily in operations outside the European borders using new forms of co-ordination, command and control.

In the short-term, the impact of September 11 on the NATO/ESDP relationship is thus to reinforce the use of 'ad-hoc coalitions' and provide legitimacy to the development of the RRF. However, it has not removed tensions in the transatlantic relationship. The US made full use of NATO's political role whilst refusing to discuss its own military plans in NATO structures. This was like saying to Europeans: "we welcome your military and political support but we do not trust all of you". By so doing officials in Washington are undermining the *political* existence of NATO. Those Europeans that have for sometime argued that military structures should be set up under the EU have therefore a new set of arguments at their potential disposal.

It is also evident that Washington is not engaging itself in a simple 'military adventure' against Afghanistan but rather it is redirecting its mighty military power against new identified 'threats' in the Middle East and Asia. To achieve this aim, the United States will invest additional resources in infiltrating political organisations all over the Arab world and arrange a diplomatic offensive to try to bolster those governments that are perceived as contributing to the US overall goal of eliminating terrorism. This re-evaluation of global and regional commitments is most likely to result in the US asking the Europeans to take up even more of their 'burden sharing', especially in the Balkans, so that it can free up resources for other operations in Asia and the Middle East.

However, this does not mean that the United States will simply accept a division of labour on regional versus global grounds, as some commentators have argued. This is because the

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[123] For an excellent overview of US attitudes towards ESDP under the Clinton administration see: Sloan, S. R. (April 2000). *The United States and European Defence*. Chaillot Paper. Paris, WEU Institute for Security Studies. For the Bush administration see: Sokolsky, R (Autumn 2001) "Imagining European missile defence", *Survival*, Vol.43, No.3, pp.111-128; Bowen, WQ (July 2001) "Missile defence and the transatlantic security relationship, *International affairs* [London], Jul 2001, Vol.77, No.3, pp.485-507; Layne, C. (4 April 2001). "Death knell for NATO? The Bush Administration confronts the European Security and Defence Policy." *Policy Analysis* (No 394). http://www.cato.org/pubs/pas/pa-394es.html. (3) Janes, J. (June 2001) "Bush und die Europäer. Ein schwieriges Kennenlernen, *Internationale Politik*, Jun 2001, Vol.56, No.6, pp.10-18.

United States needs NATO both politically and militarily, especially if it is to launch large-scale military operations in the Middle East and in the Far East. The political aspects of the Alliance are also essential to its hegemonic role internationally. Nevertheless, the signs are that such a revision of US foreign policy strategies is not resulting in an understanding that the EU should have a stronger political role in the conduct of military operations. In fact, in a recent speech, US Permanent Representative to NATO Nicholas Burns argued that cooperation in NATO-EU relations must be resolved without 'theological debate'. In his view pragmatism is needed, 'not slavish devotion to institutional theology'.[124] (What could be translated as, 'let us get on with collaborating in fighting common enemies and modernising our forces, but let's not talk about the future political role of ESDP'). The current differential approaches pursued by European states and Washington towards the Israeli-Palestinian conflict, the treatment of Afghan fighters and the debate on whether to include Iraq in the list of targets for the 'war on terrorism' are signs that politicians working on the ESDP and the transatlantic relationship have a bumpy road ahead of them.

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[124] Burns, Nicholas (12 November 2001) *NATO: now more than ever.* Speech given at Aspen Institute, Berlin.

6. Conclusion

What is the significance of the decisions taken on ESDP during 1999-2000 for the future of European security? The long-standing aim of the Franco-German relationship and of other 'integrationists' to merge the WEU into the EU has been fulfilled. To the already existing 'Brusselsisation' of foreign policy issues, there is now the added dimension of defence. It is in fact apparent that the Military Committee and Military Staff, together with the establishment of the Rapid Reaction Force, have the *potential* of giving the EU a military muscle in the near future.

However, there are some contradictory trends in operation. Despite the fact that the 15 EU Member States agreed to the establishment of military structure and forces, there is no common political doctrine on how these tools should be used in periods of crisis. There are divergent opinions on the relationship to be established between the new military and political structures and NATO. Although the Rapid Reaction Force was created in order to strengthen the EU, it might well end up contributing more to the reorganisation of NATO and the creation of 'ad-hoc coalitions of the willing' rather than giving the EU an 'autonomous' capability.

These contradictory trends are the result of the nature of the consensus achieved among the 15 EU Member States and the non-EU NATO Member States. The proposal put forward by Britain in late 1998, the St. Malo Declaration, was aimed to ensure that the EU Member States put more effort into building military forces capable of 'out-of-area' operations. However, the UK government and its Prime Minister did not appear to fully envisage the possibility that the EU would create a series of new political and military structures under the Second Pillar. The impetus for such steps was prompted by the impact of the Kosovo war on the attitudes of EU Member States. The Kosovo war raised the stakes in the transatlantic relationship and Franco-German views on defense gained wider support amongst not only Italian and Spanish politicians but also among the 'neutrals' (Austria, Finland, Ireland, Sweden). This is the reason why from late 1999 onwards, the political and military aspects of ESDP have not proceeded in parallel. As argued previously, the NATO/EU Chiefs of Defence and their military staff have been able to play a disproportionate role in the definition of the *political doctrine* that is shaping the role of the new EU structures and forces.

The long-list of unresolved issues raised by the inclusion of ESDP in the Nice Treaty indicates that its specific nature is still in the process of being forged. Its successful implementation will depend on many factors: the willingness of the 15 to support the new military and political structure set up in Pillar II by agreeing on a common political and military doctrine; the impact of the current 'war on terrorism' on the transatlantic relationship; the domestic debate in EU countries on the restructuring of military forces; the nature of the proposal tabled for the overall reform of the EU and the success of the Euro.

Is the birth of ESDP a long-standing Federal European dream for a Europe acting as a military actor on the world stage? Yes and No. European leaders have taken significant steps in a new direction but they have as yet failed to persuade all European citizens of their project and have not as yet agreed on their long-term strategic aims. Moreover, it should be stressed that ESDP is as much about strengthening the EU's role in defence as saving NATO by providing it with new civil-military EU capabilities.

The development of ESDP over the past two years poses great challenges for democratic accountability. The 'Brusselsisation' of EU Member States' foreign, security and defence policies, will undermine the already rather limited primacy of national parliaments in such areas.

The failure at Nice to come up with a radical change in the working of the EU has meant that the EP and national parliaments have been further marginalized in their scrutiny of decisions taken under Pillar II. The opacity of relations across the three Pillars will provide scope for a redefinition of both CFSP and ESDP beyond official guidelines and accountability frameworks. Already between 1998 and 2000, key political and military decisions have been taken in a piece-meal manner and subsequently incorporated into an annex of the Nice Treaty despite the fact that they have not been ratified by a majority of the national parliaments. If this method of EU policy-making continues, ESDP will escape democratic scrutiny for the foreseeable future.

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