

# EUROPEAN SECURITY AND DEFENCE IDENTITY (ESDI) AND EUROPEAN SECURITY AND DEFENCE POLICY (ESDP) CONTRADICTIONS AND ACCOMMODATION

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## INTRODUCTION

After the end of the Cold War the security challenge in Europe has become one of integrating the East into the existing foreign and security structures of the West and at the same time of adapting them to this new international environment. This process has had two phases: the first phase was one of "exclusion", the second, and current phase is one of "inclusion".

"Pre-1989 defence meant that integration efforts were geographically limited to Western Europe and best served in practice by NATO, thanks to American leadership and capabilities. Post-1989, we are facing the prospect of a continent wide security and defence system that may or may not include the US. That is to say the security agenda in Europe is now one of creating an overarching architecture that would include all European states and all the many institutions on the continent dealing with international affairs (the EU, WEU, NATO, OSCE, and the Council of Europe)".<sup>1</sup>

In June 1996, NATO's foreign ministers decided to adopt ESDI, "within the Alliance" and to develop the Combined Joint Task Force concept (CJTF) and the notion of "separable but not separate" forces. In this project, NATO was committed to reinforcing its European pillar through the development of an effective ESDI, which could respond to European requirements and at the same time contribute to Alliance security. The rationale for this decision was as follows: by

assuming greater responsibility for their own security, the European member countries will help to create a stronger and more balanced transatlantic relationship which will strengthen the Alliance as a whole.<sup>2</sup>

The emergence of a more clearly identifiable and strengthened European role within NATO has both political and military significance. The process is a continuing one which has been influenced at different stages over the past decade by decisions taken by the European Union, by the Western European Union, and those taken by the Alliance itself. These decisions have been interlinked and form part of the adaptation of European and Euro-Atlantic institutions to the changed security environment brought about by the end of the Cold War.

On 4 December 1998, Prime Minister Tony Blair and President Jacques Chirac issued, at St. Malo, the Declaration on European defence. They stated that the Union has to be in the position "to play its full role on the international stage". As a part of this general aim the two leaders called for the Union "to have the capacity for autonomous actions, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises".

The capacity for "autonomous action" does not mean the creation of a European army.<sup>3</sup> For more explanations in this field, it is timely to mention an official point of view

stated inside a WEU Report; it mentions that since the fall of the Berlin Wall, "the challenge facing Europeans is no longer how to organise their collective defence, for which the Atlantic Alliance constitutes the essential reference, but to have the capability of dealing themselves with crises and factors of instability on their continent or on their borders". In this connection, the Kosovo crisis put added pressure on Europeans to play their full role in the security of the continent.<sup>4</sup>

At the Cologne European Council Summit of 3-4 June 1999 and the Helsinki Summit 10-11 December 1999, the European Union leadership decided to use the EU framework for joint management of crises arising in Europe or on its borders. As a significant fact, the Cologne Presidency Conclusions include the first official mention of the Common European Policy on Security and Defence (CESDP); its reference is made to strengthening the CFSP "by the development of an ESDP". "The latter is then presumably a sub-set of the former but their exact relationship is unclear."<sup>5</sup>

The North Atlantic Council's (NAC) Washington Summit Communiqué – 23-24 April 1999 – welcomed "the new impetus given to the strengthening of the European policy in security and defence", which was seen as contributing to the overall vitality of

the Alliance ... which is the foundation of the collective defence of its members". In order to guard against the potential for exclusionary practices owing to the asymmetrical membership of the EU and NATO, the Washington Communiqué attributed the "utmost importance to ensuring the fullest possible involvement of the non-EU European allies in EU-led crisis response operations, building on existing consultation arrangements within the WEU."<sup>6</sup>

The decisions taken in the Cologne and Helsinki European Councils set in train a process to provide the European Union with the necessary institutions and capabilities for crisis management. At Feira European Council – 19-20 June 2000 – the guiding principle underlying European endeavours since Cologne was vigorously reaffirmed: to ensure that the European Union has the capacity to act autonomously and take decisions in relation to crises management.

The Nice European Council meeting of 7-11 December 2000 confirmed that the Union has moved closer than ever towards its goal of a CESDP. Following the period between St. Malo and Nice there were opinions that "progress on a European Union security and defence policy has been achieved at a faster rate than at any time during the previous 50 years in the history of European integration."<sup>7</sup>

## CHAPTER I. THE EVOLUTION OF ESDI AND ESDP UNTIL THE NICE EUROPEAN COUNCIL

### *Subchapter A. The special connection NATO-WEU-EU*

The North Atlantic Treaty has been signed on 4 April 1949 as a result of the strong desire to link Europe and the US in response to the common Soviet threat; at the same time, NATO mollified European concerns about a German threat, the main reason for signing the Brussels Treaty between France, Great Britain and Benelux. During the Cold War period, NATO contributed to a greater sense of Western European unity and security.

The end of Cold War was seen by some analysts, as far as its consequences on NATO are concerned, being in the same

time the end of NATO itself. Taking into account that the core factors which contributed to NATO's creation were gone, they predicted "that absent the Soviet threat, NATO will cease to be an effective alliance"<sup>8</sup>.

The Alliance responded by attempting to adapt to the new security environment, stressing its political role and reorienting its approach to issues of military doctrine, sufficiency and readiness.<sup>9</sup> The process of change in the Alliance began in 1990 and one year later, the adoption of NATO's new Strategic Concept in Rome (in November

1991), marked NATO's transition to the new security environment in Europe. The revived WEU complemented NATO's institutional development in this period.

The WEU, like NATO, has undergone a major transformation in the new Europe. During the Cold War period, the WEU's military functions – as stated in 1954 within the modified Brussels Treaty – were eclipsed by NATO; in October 1984 the foreign and defence ministers of the WEU met in an extraordinary session in Rome; on this occasion was stated the common desire of member states to increase co-operation in the field of security policy. The belief was that a “better utilisation of the WEU would not only contribute to the security of Western Europe but also to an improvement in the common defence of all the countries of the Atlantic Alliance.”<sup>10</sup>

Three years later, in 1987, during the meetings in Luxembourg and Hague the potential role of the WEU in European integration was identified. In the Hague, the commitment “to build a European Union in accordance with the Single European Act”, was recalled and that “the construction of an integrated Europe will remain incomplete as long as it does not include security and defence” was declared.<sup>11</sup>

The WEU's commitment was very strong for NATO, bearing in mind that NATO has military responsibility for guaranteeing Europe's defence, not only on the basis of Article v of the Washington Treaty, but also on Article v of the modified Brussels Treaty (or Treaty of WEU).

The WEU's relationship with the European Community emerged as an important policy issue in the context of 1990/1991 IGC when a number of different national positions regarding security policy were presented.<sup>12</sup> The WEU organisation could be called upon by EU member states to act on their behalf; according to the Title v (Common Foreign and Security Policy), Article J.4.2 of Maastricht Treaty (or Treaty on European Union – 7 February 1992); the European Council was accorded powers to “request the Western European Union ... to elaborate and implement discussions and actions of the Union which have defence

implications.” The WEU is described as “an integral part” of the European Union (EU).

Concomitantly, the nine members of the WEU in that time (all of whom were members of the UE), agreed an “Alliance Declaration on the role of the Western European Union and its Relations with the European Union and with the Atlantic Alliance”. Thus, the WEU Nine agreed to develop “a genuine European security and defence identity and a greater European responsibility on defence matters.” They noted that the WEU was integral to the development of European Union, but immediately linked this to the Union's contributions to enhancing the solidarity within the Atlantic Alliance. WEU states agreed with Article J.4 of the European Union Treaty, adding that such common defence was to be compatible with the Atlantic Alliance. Most importantly, the WEU Nine said that WEU was prepared, at the request of the European Union, to elaborate and implement decisions and actions of the Union which have defence implications.<sup>13</sup>

In a further Declaration, the WEU Nine invited the three European Union non-members of the WEU (Ireland, Greece and Denmark) either to join it or assume observer status. Norway, Turkey and Iceland, as European members of NATO but non-members of the European Union nor WEU members, were invited to become associate members of WEU. Each new European Union member state has the possibility to become WEU member in conformity with Maastricht Treaty; the new EU member has also the possibility to make its choice in order to become only an observer in WEU.

The outcome of the Maastricht Treaty was an effective compromise giving the WEU a pivotal role in the new European security architecture; the WEU saw itself as “the defence component of the European Union and as a means to strengthen the European pillar of the Atlantic Alliance.” In fact the WEU was an attempt to reconcile the contending perspectives of the major European powers.

Events such as the Petersberg Declaration (1992), NATO's Summits of Brussels (1994) and Berlin (1996), the

adoption of the Amsterdam Treaty (1997), described below, confirmed the dual nature of the WEU, and even more: the fact that the

EU-WEU-NATO relationship is one of "interlocking institutions".

### ***Subchapter B. The configuration of ESDI – The reasons of its birth and the main goals***

As we have mentioned before, the years 1990-1991 meant the start of the process of adapting NATO to the new security environment in Europe. In May 1990, NATO's Military Committee announced that it no longer considered the Warsaw Pact a threat to the Alliance, which looked to "seize the historic opportunities resulting from the profound changes in Europe to help build a new peaceful order in Europe". NATO is seen by its member states as one of the principal architects of change in the new Europe. The conclusion was that "although the prevention of war will always remain (NATO's) fundamental task, the changing European environment now requires ... a broader approach to security based as much on constructive peace building as on peace keeping."<sup>14</sup>

The London Declaration of the NATO heads of state and government in July 1990 confirmed that the Alliance "must and will adapt." The Declaration looked to NATO to continue to provide for common defence but recognised that "security and stability do not lie solely in the military dimension, and we intend to enhance the political component of our Alliance". Member states sought a new relationship with the Countries of Central and Eastern Europe, inviting them to establish regular diplomatic liaison with NATO.<sup>15</sup>

In June 1991, NATO began to define its Partnership with the Countries of Central and Eastern Europe. NATO declared that it did "not wish to isolate any country, nor to see a new division on the Continent", but to seek "an architecture for the new Europe that is firmly based on the principles and promises of the Helsinki Final Act and the Charter of Paris."<sup>16</sup> The North Atlantic Council accepted that security in the new Europe had various dimensions – economic, political, ecological and defence – and found out that together with NATO, key institutions in this endeavour are EC, WEU, CSCE and the Council of Europe.

At the same time the NAC looked to the development of a European security identity to strengthen the European pillar within the Alliance. This process would "underline the preparedness of the Europeans to take a greater share of responsibility for their security and will help to reinforce transatlantic solidarity."<sup>17</sup>

NATO's Strategic Concept – November 1991 – stated that risks to Allied security were less likely to result from calculated aggression against the territory of the Allies than from "the adverse consequences of instabilities that may arise from the serious economic, social, and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in Central and Eastern Europe."<sup>18</sup>

The Alliance recognised that the prevention of war in the new Europe "depends more than in the past on the effectiveness of preventive diplomacy and the successful management of crises".

The Brussels NATO Summit – January 1994 – welcomed the Maastricht Treaty; a similar position with WEU's-one mentioned in the previous subchapter was adopted. The main idea was that the emergence of a *European security and defence identity* would "strengthen the European pillar of the Alliance while reinforcing the transatlantic link and will enable European Allies to take greater responsibility for their common security and defence."<sup>19</sup>

In addition, the NATO Declaration went further and proclaimed that the "Alliance and the European Union share common strategic" interests, and in the same time welcomed the co-operation and consultation with the WEU. On this occasion the decision to make "collective assets of the Alliance available on the basis of consultations in the North Atlantic Council, for WEU operations undertaken by the European Allies in pursuit of their Common Foreign and Security Policy". With American support, the Alliance

envisaged the development of "separable but not separate capabilities which could respond to European requirements and contribute to Alliance Security." As a part of the process the NATO Summit endorsed the concept of CJTFs as a means to facilitate contingency operations.<sup>20</sup>

On the occasion of North Atlantic Council ministerial meeting in Berlin – June 1996 – the idea of establishing ESDI within NATO was accepted and the CJTFs concept introduced at Brussels was authorised. A strong impact on this meeting had events such as: the experience of the Bosnian crisis, the forceful US commitment to the Dayton process and the subsequent performance of IFOR; the work undertaken within the framework of Partnership for Peace was evidence of the Alliance's ability to deal with present day challenges and thus contribute to the political stability of Europe.

"The Berlin outcome was the major turning point in the post Cold War European security issue, for it settled (at least for the foreseeable future) the fundamental issues affecting transatlantic bargaining: the primacy of NATO, US leadership of NATO, the contribution of Europeans to the Alliance, and, as a result, the short- and medium-term prospects of self-contained *European security and defence identity*."<sup>21</sup>

The Berlin Communiqué defined the CJTF concept as being "central to our approach for assembling forces for contingency operations", as well as for "operations led by the WEU"<sup>22</sup>. It would be a vital tool, leading to the "creation of military coherent and effective forces capable of operating under the political control and strategic direction of the WEU."

The whole adaptation process of NATO would be "consistent with the goal of building ESDI within NATO", enabling "all European Allies to play a larger role in NATO's military and command structures and, as appropriate, in contingency operations undertaken by the Alliance."<sup>23</sup>

Accordingly, at their meeting in Washington in April 1999, Alliance Heads of State and Government set in train work on the further development of the ESDI "within Alliance". An essential part of the development of ESDI is the improvement of

European military capabilities. The Alliance's Defence Capabilities Initiative (DCI)<sup>24</sup>, launched in Washington, is designed to ensure the effectiveness of future multinational operations across the full range of NATO missions and will play a crucial role in this process.

The principles which form the basis for future work on ESDI, set out at the Washington Summit as well as in the subsequent meetings, are as follows: the Alliance's acknowledges resolve of the EU to have the capacity for autonomous action so that it can take decisions and approve military actions where the Alliance as a whole is not engaged; as this process goes forward, NATO and the EU should ensure the development of effective mutual consultation, co-operation and transparency, building on the mechanisms existing between NATO and WEU; Alliance leaders applaud the determination of both EU members and other European Allies to take the necessary steps to strengthen their defence capabilities, especially for new missions, a voiding unnecessary duplication. NATO attached the utmost importance to ensuring the fullest possible involvement of non-EU European Allies in EU-led crisis response operations, building on existing consultation arrangements within WEU.<sup>25</sup>

Work on these arrangements, which will respect the requirements of NATO operations and the coherence of its command structure, deals with questions such as: assured EU access to NATO planning capabilities able to contribute to military planning EU-led operations; the presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations; identification of a range of European command options for EU-led operations and further developing the role of the Deputy Supreme Allied Commander Europe, in order to assume fully and effectively his European responsibilities; further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations.<sup>26</sup> We can distinguish two important factors in ESDI NATO's formulation: on the one hand we have the political factor – the

development of ESDI is aimed at strengthening the European pillar of the Alliance while reinforcing the transatlantic link. It is designed to enable European Allies to assume greater responsibility for their common security and defence and to enable a more coherent contribution to be made by the European Allies to the security of the Alliance as a whole. On the other hand it is the military one – the development of ESDI calls for assets of the Alliance together with the forces of non-NATO countries, in agreed circumstances, to be placed under the

authority of the WEU for operations in which the Alliance itself may not be directly involved. One of the central requirements of ESDI is accordingly for arrangements which enable the necessary elements of the NATO command structure to be used to assist in the conduct of operations led by WEU; these elements have been described as “separable, but not separate”, since they could be placed under the authority of the WEU while remaining integral parts of NATO’s own military structure.

### *Subchapter C. The place of ESDP in the EU integration and its relation with ESDI*

The Common Foreign and Security Policy (CFSP) was established and is governed by Title V of the EU Treaty. It replaced European Political Cooperation (EPC)<sup>27</sup> and it was to be one of the pillars of the EU—the second one.<sup>28</sup> Thus in the Article J.4 it was agreed that a CFSP “shall include all questions related to the security of the Union, including the eventual framing of a common defence policy which might in time lead to a common defence.”<sup>29</sup>

At Maastricht it was not possible to resolve the debates about a *European security identity* or CFSP. There is no resolution of the definitive role of EU, WEU and NATO; Maastricht left as an open question what the role of the EU was to be. “The real issue, perhaps, is not institutional, whether to have joint integrated commands or corps, the lead play by NATO, WEU or EU, but whether there is an emergent identification of common political and security interests that guarantees unity. Effective institutions, alliances and policies in CFSP area required potent military capability, a working consensus on the conditions under which the capabilities should be used, and a credible willingness to act when agreed conditions exist.”<sup>30</sup> In fact this conclusion surprises what will happen in the future – the emergence of the ESDP and its evolution.

The unresolved business at Maastricht, notably in the field of CFSP, were the reasons for holding the 1996-1997 IGC. A constant topic of the IGC was the need to

make improvements in the CFSP in order to defend the interests of the member states. Although there were new proposals for CFSP and a number of changes, at Amsterdam, the procession from the CFSP to Common Defence Policy seems to remain a long-term aspiration. As a significant fact, Amsterdam recognised the WEU as “an integral part of the development of the Union”; WEU will support the EU “in framing the defence aspects of the common foreign security policy”. The European Council should decide “the possibility of the integration of the WEU into the Union.” As a result of the Amsterdam IGC, *the Petersberg tasks*, originally adopted by WEU in 1992, were added on the Treaty on European Union; they are listed in Article 17(2) as including “*humanitarian and rescue tasks peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking*”.<sup>31</sup>

We have mentioned in Introduction the starting point represented by the Saint Malo Declaration in 1998 related ESDP. The joint Franco-British Declaration – December 1998 –, a direct result of a new policy adopted by the British government in summer 1998, stated: “The Union must have the capacity for autonomous action backed up by credible military forces [...] The Union must be given a capacity for analysis of situations, sources of intelligence and a capability for relevant strategic planning, without unnecessary duplication [...] The European Union will 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) ...<sup>32</sup>

The next step in this field was the Cologne European Council – 3-4 June 1999. The third Annex attached to the Cologne Presidency Conclusions – “Declaration of the European Council and Presidency report on strengthening the European Common Policy on Security and Defence” – outlines an ambitious agenda. The Declaration of European Council states that “the Council should have the ability to take decisions on a full range of conflict prevention and crisis management tasks defined in the Treaty on European Union”.<sup>33</sup> Despite the fact that conflict prevention is not actually mentioned in Article 17(2) TEU there is certainly a purpose to suggest that it could be covered by the more general stipulations of Title v.<sup>34</sup>

The European Council Declaration also calls for the Union to have at its disposal “the appropriate capabilities and instruments” for conflict prevention and crisis management tasks. Areas that would require particular attention are intelligence, strategic transport, command and control. An important issue discussed at Cologne was the EU's association with the WEU. The European Council tasked the General Affairs Council with responsibility for defining “the modalities for the inclusion of those functions of the WEU which will be necessary for the EU to fulfil its new responsibilities in the area of the Petersberg tasks ... In that event, the WEU as an organisation would have completed its purpose”.<sup>35</sup>

The second part of Annex III of the Cologne Presidency Conclusions – “*Presidency Report on the strengthening of the common European policy on security and defence*” – recommended that the focus should be on assuring the situation in which “the European Union has at its disposal the necessary capabilities (including military capabilities) and appropriate structures for effective EU decision making in crisis management within the scope of the Petersberg tasks.” The Report noted that this may necessitate regular or ad-hoc meetings of the General Affairs Council (including

Defence Ministers); a permanent body in Brussels – Political and Security Committee – consisting of representatives with political/military expertise; an EU Military Committee consisting of Military Representatives making recommendation to the Political and Security Committee; an EU Military Staff including a situation Centre.<sup>36</sup>

In addition to the concerns emanating from the NAC Washington Summit, this annex noted that any ESDP should include: the possibility for the Member States, and even for non-allied members, to participate fully and on an equal footing in EU operations; satisfactory arrangements for European NATO members to ensure their fullest possible involvement in EU-led operations, building on existing consultation arrangements within the WEU; arrangements to ensure that all participants in an EU-led operation will have equal rights in respect of the conduct of the operation, without prejudice to the principle of the EU's decision making autonomy, notably the right of the Council to discuss and to decide matters of principle and policy; the need to ensure the development of effective mutual consultation, cooperation and transparency between NATO and the EU; the consideration of ways to ensure the possibility for WEU Associate partners to be involved.<sup>37</sup>

The Kosovo crisis strengthened the conviction that European states need to increase their defence capabilities. A new Anglo-French summit took place on 25 November 1999; both governments called upon the European Council in Helsinki to take a decisive step forward for the development of the political and military instruments necessary for the use of autonomous military capabilities.<sup>38</sup>

The Helsinki European Council re-emphasised its determination to develop an “autonomous” capacity and, when NATO “as a whole is not engaged”, “to launch and conduct EU-led military operations in response to international crises.” (Presidency Conclusions, positions 25-29). The fourth Annex to the Presidency Conclusions contains the Presidency Reports on strengthening the Common European Policy on Security and

Defence, and on non-military crisis management of the EU.<sup>39</sup>

In order to summarise, the European Council agreed in Helsinki on the following: cooperating voluntarily in EU-led operations, member states must be able by 2003 to deploy within 60 days, and sustain for at least one year, military forces of up to 50,000-60,000 persons capable of the full range of Petersberg tasks; new political and military bodies and structures will be established within the Council to enable the Union to ensure the necessary political and strategic direction to such operations, while respecting the single institutional framework; modalities will be developed for full consultation, cooperation and transparency between the EU and NATO taking into account the needs of all Member States; appropriate arrangements will be defined that will allow, while respecting the Union's decision making autonomy, non-EU NATO members and other interested states to contribute to EU military crisis management; a non-military crisis management mechanism will be established to coordinate and make more effective the various civilian means and resources, in parallel with the military ones, at the disposal of the Union and the Member States.<sup>40</sup>

The most important development in 2000, before Nice, in the field of ESDP, was the Feira European Council – 19-20 June 2000.<sup>41</sup> The European Council expressed its determination to increase and improve the Union's capacity to respond to crises, including actions in civilian areas. This increased effectiveness could be used both in response to the request of a lead agency like the UN or the OSCE, or where appropriate, in autonomous EU actions.

The Union should seek to enhance its capability in civilian aspects of crises management in all relevant areas, with the objective of improving its potential for saving human lives in crises situations, for maintaining basic public order, preventing further escalation, facilitating the return to a peaceful, stable and self-sustainable situation, for managing adverse effects on EU countries and for addressing relevant problems of coordination.<sup>42</sup>

A particular attention could be paid to those areas where the international community so far has demonstrated weaknesses. The reinforcement of the Union's capabilities in civilian aspects of crises management should, above all, provide it with adequate means to face complex political crises by: acting to prevent the eruption or escalation of conflicts; consolidating peace and internal stability in period of transition; ensuring complementarity between the military and civilian aspects of crises management covering the full range of Petersberg tasks.<sup>43</sup>

The position of NATO, and especially of US, which sustained the creation of ESDI within the Alliance evolved after 1999 Washington Summit and received some nuances in relation with European developments. A strong position was presented by Deputy Secretary of State Strobe Talbott, two months before Nice European Council, in October 1999: "We would not want to see an ESDI that comes into being first within NATO but then grows out of NATO and finally grows away from NATO".<sup>44</sup> This is the only qualification of US in sustaining the ESDI – European project in the military sphere. He added also that US has a policy of support for ESDI: "It's in our interest for Europe to be able to deal effectively with challenges to European security before they reach the threshold of triggering US combat involvement. As ESDI goes from being a concept to a reality, our support will be guided by the answers to two questions: first, will it work? Will it be able to do what is supposed to do? Second, will it help keep the Alliance together and that means the whole Alliance, European and non-European, EU and non-EU?"<sup>45</sup>

We can easily remark that started with this period, the contradiction in using the terms occurs; ESDI is used by the US and NATO when they refer to European developments relating ESDP, despite the fact that as we just have seen, the initial ESDI project evaluated from "within NATO" to an EU-integration problem; constantly, UE uses the ESDP term.

In this light, before the Nice European Council, the WEU Assembly takes this



position: "Recalling that ESDI is not the same project as ESDP and deploring that neither the annual report nor the Marseilles Declaration make any reference to the future of ESDI even though there is uncertainty as to whether the European Union is able and willing to take over WEU's role in this context".<sup>46</sup> The Assembly recommends that the EU Council "informs the Assembly as to what remains of the concept of ESDI and how and by whom this concept is to be implemented in future".

If we take a look on the main principles promoted by NATO and its "ESDI within Alliance" and by EU and its ESDP, quickly developed between 1998-2000, most of them mentioned in these last two subchapters, we can identify which were the points in question before Nice.

First of all, despite the progress achieved, there are still doubts as to whether all member countries are in agreement over when and where the EU may or may not act in an emergent crisis. No attempt has been made until Nice to compute the financial implications of Europe's ambitions in this sphere and discussion of other fundamental problems was at a very incipient stage in the same period. Such a problem is how the EU

and NATO are to cooperate in the future and the manner in which non-EU allied countries and candidates for EU accession can participate in the ESDP without the decision-making autonomy of the EU, being called into question.

The question of whether Treaty changes are necessary in order to implement the ESDP was a matter of controversy as is the problem of whether to open up the Title vii of the TEU – provisions on closer cooperation to areas such as CFSP and ESDP; or questions such as the parliamentary scrutiny of the ESDP.<sup>47</sup>

An important number of questions is related to WEU; there is no intention on the part of the signatories to denounce the modified Brussels Treaty as well as the collective defence commitment provided for under Article v, mentioned an WEU Report, one month before Nice. "Furthermore, WEU and the EU must reach agreement over how they are to cooperate during the transitional period until the time when the EU's crisis management structures become fully operational."<sup>48</sup> The role of WEU's Council and Assembly and the fate of a number of WEU subsidiary bodies have also to be addressed.

## **CHAPTER II. THE NICE EUROPEAN COUNCIL AND THE EVOLUTION OF ESDI/ESDP AFTER NICE – THE DEBATE: AN ANSWER OR MANY MORE QUESTIONS?**

### ***Subchapter D. The decisions taken by the European Council at Nice and Laeken***

The opinions concerning the Nice European Council – 7-8 December 2000 – are quite different in the evaluation of its impact on CESDP field. There are positions, as we have mentioned in Introduction<sup>49</sup>, which presented this event as a real turning point. Other opinions considered that "defence was emphatically not the major achievement of the European Council in Nice."<sup>50</sup>

The Presidency Conclusions of the Nice European Council are dealing with the CESDP.<sup>51</sup> The new Treaty has simplified the ICG by basically doing away with the WEU (Article 17 TEU) and by giving the COPS the key role in crisis management (Article 25 TEU). The WEU will therefore no longer be

"an integral part of the development of the Union", nor will it assist the EU in "framing the defence aspects" of CFSP or provide access to "an operational capability" for Petersberg tasks; EU became directly responsible for framing the defence aspects of the CFSP and providing access to an operational capability – "which is not the same as having an operational capability".<sup>52</sup>

At the same time, the continuation of the WEU still leaves Article V of the modified Brussels Treaty intact, which may also seem to make the defence issue in the EU context rather peripheral.

Regarding the Article 25 TEU, Member States were at odds over the opportunity to "legalise" ESDP and only the tenacity of a

few of them made it possible to at least insert the PSC in the Treaty.<sup>53</sup> The PSC replaces the Political Committee; it 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. Furthermore the Committee shall exercise, under the responsibility of the Council "political control and strategic direction of crisis management operations", it is described in Annex III of the Presidency Report.<sup>54</sup>

This is of enormous importance, in institutional terms, since it provides the underpinnings for the political-military dialogue in the EU as well as for the support structures. The new Article 25 creates the legal basis for crisis management by also including the term itself in the TEU for the first time.

The Nice Treaty addresses the issue of CFSP coherence in a more direct fashion, namely in the new provisions on "enhanced cooperation under Title V of TEU" – due to be included in the new Article 27 – that did not exist in the Amsterdam Treaty. The main bodies are the Council and SG/HR for triggering, implementing and widening enhanced cooperation. The clause J explicitly limits enhanced cooperation in CFSP to the implementation of a joint action or a common position thus excluding the common strategies and rules out "matters having military or defence implications, thus excluding ESDP proper. There is here a potential device for incoherence in that ESDP is set apart from the rest of CFSP "as a no-go-area". On the one hand, it has made it impossible to apply any form of enhanced cooperation to the crucial domain of defence industry and procurement as well as to all matters having operational implications. On the other it makes impossible to apply enhanced cooperation to crisis management proper as its military component cannot be incorporated. By contrast, the Presidency Report on the ESDP and its Annexes represent the most serious effort made so far by the EU to outline a crisis management policy.<sup>56</sup>

The Nice Presidency Report describes in detail both the general goal and the specific instruments for what it calls "an overall crisis management and conflict prevention capability in support of the objectives of the CFSP." The Report mentions that the EU is set to assume "the crisis management function of the WEU", as well as its own "responsibilities in the sphere of conflict prevention". It also stresses the need to "respond more effectively and more coherently to requests from leading organisations such as the UN, or the OSCE ... without any unnecessary duplication", to "ensure synergy between the civilian and military aspects of crisis management" and "in a crisis situation" to maintain effective permanent coordination between CFSP discussions and those conducted in other pillars. In its last part, the Report tries to envisage some ad-hoc procedures and institutional short-cuts "in the event of a crisis", namely, if and when the Council decides to give the CPS (COPS) and the SG/HR the necessary clout and direct access to the Council.<sup>57</sup>

As for ESDP, the Nice Presidency Report envisaged a series of ad-hoc mechanisms to carry out EU-led military and police operations that took into account the peculiarities of the policy. The coherence and the effectiveness of European security policy had to be declined with the foreseeable actors involved. As a result, such operations could be undertaken without the participation of all EU members and with the participation of non-EU members: candidates for admission, other European NATO members or "third" countries (Ukraine, Russia). While preliminary consultations on a possible joint military action would take place in a format including all EU members the non EU members, but NATO members and the candidate countries, the key political decisions would be taken only by the EU, and the operational-ones by a so-called "Committee of Contributors" open to all countries engaging significant forces in a giving operation. In the event of use of NATO assets for EU-led operations "when NATO as such is not involved "European NATO members are set to have a special say."<sup>57</sup>

The sum of the last developments in the ESDP field is presented in the Presidency Conclusions of Laeken European Council 14-15 December 2001. The new element is the fact that "...the Union is now capable of conducting some crisis – management operations."<sup>58</sup> An important place is given to the EU-NATO arrangements; these "will enhance the EU's capabilities to carry out crisis- management operations over the whole range of Petersberg tasks". The implementation of the Nice arrangements with the EU' partners "will augment its means of conducting crisis-management operations."

More details contains the second Annex to the Presidency Conclusions: "Declaration on the operational capability of the Common European Security and Defence Policy". It is estimated that "The Union will be in a position to take on progressively more demanding operations, as the assets and capabilities at its disposal continue to develop. The assets and capabilities available are seen as "a determining factor", the decisions to make use of them "will be taken in the light of the circumstances of each particular situation."<sup>59</sup>

The Capabilities Improvement Conferences held in Brussels on 19 November 2001 have enabled "progress to be made towards the achievement of the capabilities objectives. The Member States have made voluntary contributions on the basis of national decision. *The development of military capabilities does not imply the creation of a European army.*"

The EU has established crisis-management structures and procedures which "enable it to analyse and plan, to take decisions and, when NATO as such is not involved, to launch and carry out military crisis management operations..." For an effective crisis management by the Union there is necessary a close coordination between all the resources and instruments both civilian and military available to the Union.

An important role in strengthening of military capabilities plays the European Action Plan, while in their development the role is played by the adopting of planned mechanism in order" to avoid all unnecessary duplication and, for the Member States concerned, to take into account NATO's defence planning process and the planning and review process of the Partnership for Peace."<sup>60</sup>

The agreements with NATO are seen as "essential for the ESDP" and it is considered that they "will substantially increase the Union's available capabilities". In this light the EU intends to finalise the security arrangements with NATO and conclude the agreements on guaranteed access to the Alliance's operational planning, presumption of availability of pre-identified assets and capabilities of NATO and identification of a series of command options made available to the EU. The implementation of the arrangements with EU partners, their additional contribution to the civilian and military capabilities and their participation in a crisis management operation are also taking into account.

### ***Subchapter E. Opinions and positions related to ESDI/ESDP:***

#### ***What has been achieved as accommodation? What has still remained contradiction?***

One month after Nice, NATO Secretary General Lord Robertson recognised the progress made by Europeans in defence - security field: "More progress has been made in the past 2 years than in the previous 20".<sup>61</sup> He evaluated the present situation as follows: "Today we find ourselves at a crossroads-because a major evolution is taking place in Euro-Atlantic security. A new player is moving onto the field, alongside,

and with NATO. As a result, we are in the process of rebalancing some major elements of the transatlantic security relationship with burdens being shared more equally and new roles and responsibilities for Europe."

Lord Robertson himself recognises that the theory "NATO or nothing 'is not at all valid nowadays. Kosovo showed the fact that Europe must play a greater role in preserving Euro-Atlantic security: "We now

need a stronger contribution from European nations to NATO operations, if we are to avoid transatlantic resentment about burden sharing."

US Secretary of State, Colin Powell, on 6 February 2001, expresses his opinion concerning the creation of the European rapid reaction force planned and its impact on NATO: "... there's no reason to see this as destabilizing NATO in any way. In fact, I think it is our common belief that it will strengthen NATO". He has mentioned some conditions in order to achieve this; first of all, the avoidance of planning capabilities duplication, then it should have the capacity of both NATO and EU members; "working together ... we can strengthen NATO and not weaken NATO".<sup>62</sup>

The British Foreign Minister, Robin Cook, shared a similar opinion and he stressed: "... the agreement that we've reached at Nice on European security clearly sets out, first of all, a European operation will only occur where NATO as a whole has decided not to act. Secondly, it will be limited to peacekeeping and humanitarian intervention. The text clearly says that territorial defence is a matter for NATO for those countries that are members of NATO. Thirdly, all the NATO members in Europe who are not in the European Union would have the right to participate in such an operation. And fourthly, we want any European led-operation to draw on the operational planning capacity of NATO in order to make sure we're fully anchored in NATO. Now, if we both work on those objectives we can produce an increased capacity which will strengthen NATO and make for fairer burden-sharing".<sup>63</sup>

These opinions seem to offer an image of a full accommodation. But not all the issues related to ESDI/ESDP, and especially the last decisions taken by the EU and the reaction of US/NATO, are clear and there

still are many open questions, even contradictions.

In this light, the position taken by the US-NATO Permanent Representative, Alexander Vershbow on 23 March 2001, is more detailed. He considers ESDI, ESDP ("as it is called in the EU") as "a key challenge" for NATO. The American position of Bush administration is that the transatlantic link is vital and must be preserved because it is the best guarantee of security for all. US support for NATO's ESDI and the EU's ESDP is "conditioned on ESDI or ESDP being done right".<sup>65</sup> In his opinion an ESDP "done right" means first of all "the EU's creation of a military crisis management capability for situation where NATO chooses not to engage. Done right, ESDP could expand our pool of forces and rectify some Europe's capabilities gaps." He also stresses the need for increased European defence capability (and that means Europeans must spend more on defence); coordination of NATO and EU defence planning to avoid wasteful, unnecessary duplication, strengthening NATO-EU cooperation and consultation, guaranteed EU access to NATO operational planning ("We need to show that EU can rely on NATO. But the EU also has to show that NATO – all 19 Allies – can rely on it."), the sharing of NATO assets and capabilities and the regular involvement of non-EU Allies.

There still is, of course, the possibility of an ESDP "done poorly" and "this new venture could devalue the transatlantic Alliance, diminish European capacity to manage crisis, and possibly weaken the US commitment to European security."<sup>65</sup> In addition he mentioned that ESDP cannot be viewed primarily as a political exercise in European institutions building. Rather it should be seen as an opportunity to harness, NATO and EU comparative advantages to solve security problems. Otherwise, ESDP will fail in its essential purpose.

## CONCLUSIONS

There is a very difficult job to try finding conclusions for an issue, which is still in debate. We can try to present only some

personal opinions, to stress what this work-paper wanted to show.

First of all, there is the problem of vocabulary: ESDI, ESDP, CESDP, ESDI/ESDP.

We have seen how these concepts appeared, as two different things, but taking into account their principles and purposes and the developments in international (and especially European) security, they became almost only one concept.

There are still many contradictions; we can start with the problem of speeches, above mentioned – as we had the opportunity to see in this work paper, NATO/US opinions are still talking about ESDI, since inside European documents there is only the ESDP/CESDP term. An important contradiction is “the issue of participation”; NATO sustains a full involvement of non-EU NATO members (in this group Turkey has a special position); at the same time the situation of non-EU, non-NATO members but countries which have been involved in the security architecture of Europe by WEU and PfP (especially SEE countries) is not solved any more. As Lord Robertson has mentioned in his speech, “if

ESDI is to work, it needs the support of all European countries, not just some – and the NATO members most of all.” Of course, there are special opinions even within EU, or NATO members concerning this issue.

Other open question is that of European capabilities, the financial problem and its impact on the European budgets. “If we do not resolve the challenge of capabilities, we are simply talking about paper armies and empty structures.” (Robertson)

On the other side, the progress made by EU and its determination for a full involvement in security and defence problems are generally recognised. As far as the common points sustained by both NATO and EU (the accommodation) are concerned, we can mention: no duplication between the EU and NATO in defence planning (the work for adapting them just started) and their full coherence, as well as the cooperation and consultation between these two organisations on the basis of transparency, autonomy of decision and equal footing.

<sup>1</sup> Dimitris N. Chrysochoou, Michael J. Tsinisizelis, Stelios Stavridis & Kostas Ifantis, *Theory and Reform in the European Union*, Manchester University Press, Manchester and New York, 1999, p. 111.

<sup>2</sup> “NATO Handbook”, NATO Publications, (updated: 03-May-2001), at <http://www.nato.int/docu/handbook/2001/hbo4.htm>

<sup>3</sup> Simon Duke, “Parallel Equations: Does CFSP+CDP=ESDP?” in Edward Best, Mark Gray, Alexander Stubb (editors), “Rethinking the European Union IGC 2000 and beyond”, European Institute of Public Administration, Maastricht, 2000, p. 161.

<sup>4</sup> WEU Report “Building the means and capabilities for crisis management under the CESDP – Reply to the annual report of the Council” (Rapporteur Rapson), Document C/1712 I 14 November 2000, p. 4.

<sup>5</sup> S. Duke, “Parallel Equations...”, p. 163. He also considers that ESDP implies a level of optimism since, in reality, there is not yet a common European policy on security – St. Malo is just a move in this direction – and certainly not one on defence.

<sup>6</sup> North Atlantic Council, “Washington Summit Communiqué”, NATO Press Release NAC-S (99) 65 at <http://www.nato.int/home.htm>

<sup>7</sup> Stelios Stavridis, “European Security and Defence after Nice”, in *The European Union Review*, Vol. 6, No. 3, 2001, p. 97.

<sup>8</sup> D.N. Chrysochoou, M.J. Tsinisizelis, S. Stavridis & K. Ifantis, *op. cit.*, p. 124, *apud* John J. Mearsheimer, “Back to the Future: Instability in Europe after the Cold War”, in *International Security*, 15:1, Summer 1990, p. 52.

<sup>9</sup> *Ibidem*.

<sup>10</sup> *Ibid.*, pp. 129-130, *apud* WEU, “The Reactivation of WEU Statements and Communiqués, 1984 to 1987”, WEU Press and Information Service, 1988.

<sup>11</sup> *Ibid.*, p. 130, *apud* Fergus Carr and Kostas Ifantis, *NATO in the New European Order*, London: Macmillan / St. Martin’s Press, 1996, p. 70.

- <sup>12</sup> *Ibid.* Thus France and Germany envisaged the WEU as an integral part of the EU and identified for common defence a joint military force; Britain and Italy supported a WEU which acts as both the defence component of the EU and the European pillar of NATO.
- <sup>13</sup> William Nicoll, Trevor C. Salmon, "Understanding the New European Community", Prentice Hall, Harvester Wheatsheaf, London, New York ..., 1994, p. 209.
- <sup>14</sup> D.N. Chrysochoou, M.J. Tsinisizelis, S. Stavridis & K. Ifantis, *op. cit.*, p. 125, *apud* North Atlantic Council "Ministerial Meeting at Turnberry, 1990", NATO Review, 38: 3, 1990.
- <sup>15</sup> *Ibidem*, *apud* NATO, "The London Declaration on a Transformed North Atlantic Alliance", Brussels: NATO Information Service, 1990.
- <sup>16</sup> *Ibid.*, p. 126, *apud* North Atlantic Council, "Partnership with the Countries of Central and Eastern Europe", NATO Press Communiqué, M-1(91)44, 1991.
- <sup>17</sup> *Ibid.*, *apud* North Atlantic Council, "Ministerial Meeting, Danmark", Nato Review, 39:3, 1991.
- <sup>18</sup> *Ibid.*, p. 126, *apud* NATO "The Alliance New Strategic Concept", NATO Review, 39:1, 1991.
- <sup>19</sup> North Atlantic Council, "Declaration of Heads of State and Government", Brussels, 10-11 January 1994, NATO Press Communiqué M-1(94)3, 1994, at [http://www.nato.int/docu/comm/comm\\_94.htm](http://www.nato.int/docu/comm/comm_94.htm)
- <sup>20</sup> *Ibidem*.
- <sup>21</sup> D.N. Chrysochoou, M.J. Tsinisizelis, S. Stavridis & K. Ifantis, *op. cit.*, pp. 133-134.
- <sup>22</sup> North Atlantic Council, "Berlin Communiqué", Berlin 3 June 1996, NATO Press Communiqué, M-NAC-1(96)63, at <http://www.nato.int/docu/pr/1996> (the 6-th position).
- <sup>23</sup> *Ibidem*.
- <sup>24</sup> S. Duke, "Parallel Equations ...", p. 166. The Anglo-Italian Summit of 20 July 1999 lanced the European Defence Capabilities Initiative (EDCI), as a complement to NATO's DCI.
- <sup>25</sup> NATO Handbook, NATO Publications, Updated: 27 August 2001 at <http://www.nato.int/docu/handbook/2001/hb04.htm>
- <sup>26</sup> *Ibidem*.
- <sup>27</sup> Louis Carton, "L'Union européenne. Traités de Paris-Rome-Maastricht", Paris, Dalloz, 1996, pp. 625-626. The initial EPC system, which had begun in 1969, was to operate separately from the Community system and was outside any treaty framework.
- <sup>28</sup> See Martin Holland (editor), "Common Foreign and Security Policy. The Record and Reforms", London and Washington, Pinter, 1997. A serious problem is mentioned here: the lack of coordination between TEU pillars; for ex. CFSP decisions made under one pillar (TEU requires funding from another EC), p. 9.
- <sup>29</sup> *Ibidem*, pp. 628-631.
- <sup>30</sup> W. Nicoll, T.C. Salmon, *op. cit.*, p. 212.
- <sup>31</sup> Treaty of Amsterdam... at <http://ue.eu.int/newsroom/load>
- <sup>32</sup> WEU Report "Building the means and capabilities ..."
- <sup>33</sup> Cologne European Council, 3-4 June 1999, at <http://ue.eu.int/newsroom/load>
- <sup>34</sup> S. Duke, "Parallel Equations ...", p. 163.
- <sup>35</sup> Cologne European Council ... at <http://ue.eu.int/newsroom/load>
- <sup>36</sup> *Ibidem*.
- <sup>37</sup> *Ibid.*
- <sup>38</sup> S. Duke, "Parallel Equations ...", p. 166.
- <sup>39</sup> Helsinki European Council, 10-11 December 1999, at <http://ue.eu.int/newsroom/load>
- <sup>40</sup> *Ibidem*.
- <sup>41</sup> Feira European Council, 19-20 June 2000, at <http://ue.eu.int/newsroom/load>; see the positions 6-12 of the Presidency Conclusions and the Annex I – Presidency Report on strengthening CESDP.
- <sup>42</sup> WEU Report, "The implementation of the Common European Security and Defence Policy and WEU's future role – Reply to the annual report of the Council", Document C/1720 I 15 November 2000 I.
- <sup>43</sup> *Ibidem*.
- <sup>44</sup> US Department of State, Washington File 08 October 1999, US Deputy Secretary of State, Strobe Talbott, "Remarks at the conference on the future of NATO", The Royal Institute on International Affairs, London, U.K., October, 7, 1999.
- <sup>45</sup> *Ibidem*.
- <sup>46</sup> WEU Report "The implementation of the CESDP and the WEU's future role ...".
- <sup>47</sup> *Ibidem*.
- <sup>48</sup> *Ibid.* For more details related to this problem see the third and the fourth sections of the Report – "WEU in transitional period" and "The future tasks of WEU".
- <sup>49</sup> S. Stavridis, *op. cit.*, p. 98.

<sup>50</sup> S. Duke, "CESDP: Nice's Overtrumped Success?", in *European Foreign Affairs Review* 6: 155-175, 2001, p. 159.

<sup>51</sup> Nice European Council, 7-8 December 2000, "Presidency Conclusions" (positions 11-12), at <http://europa.eu.int/council/off/conclu/dec2000>

<sup>52</sup> S. Duke, "CESDP: Nice's Overtrumped Success?" ... p. 159.

<sup>53</sup> Antonino Missiroli, "European Security Policy: The Challenge of Coherence" in *European Foreign Affairs Review* 6:177-196, 2001, p. 192.

<sup>54</sup> Nice European Council ... at <http://europa.eu.int/council/off/conclu/dec2000>

<sup>55</sup> A. Missiroli, *op. cit.*, p. 192.

<sup>56</sup> Nice European Council, Presidency Conclusions ...

<sup>57</sup> A. Missiroli, *op. cit.*, pp. 193-194.

<sup>58</sup> European Council of Laeken, Presidency Conclusions, Press Releases by the Belgian EU Presidency, position 6.

<sup>59</sup> *Ibidem*. Annexes to the Presidency Conclusions, Annex II, para. A.

<sup>60</sup> *Ibid.* para. C.

<sup>61</sup> Washington File, NATO Headquarters, Brussels, NATO Secretary General Lord Robertson, "ESDI and Transatlantic Defence Cooperation", Speech at the Conference on "The Globalisation of Defence Industry: Policy Implications for NATO and ESDI", London, Chatham House, January 29, 2001(3030).

<sup>62</sup> Washington File, US Department of State, Office of Spokesman, February 6, 2001, Joint Press availability with British Foreign Minister Robin Cook and Secretary of State Colin L. Powell, Benjamin Franklin Room, Washington, D.C.

<sup>63</sup> *Ibidem*.

<sup>64</sup> Washington File, Office of International Programs, Institute of International Relations, Netherlands, Clingendael, March 23 2001, US – NATO Permanent Representative, Alexander Vershbow, "The transatlantic relationship at the crossroads? Meeting NATO's five challenges", at <http://usinfo.state.gov>

<sup>65</sup> D.N. Chrysoschoou, M.J. Tsinisizelis, S. Stavridis & K. Ifantis, *Theory and Reform in the European Union*, Manchester University Press, Manchester and New York, 1999, p. 111.