

CFSP Forum

Volume 3, Issue 4

July 2005

Note from the Editor

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This issue of the *CFSP Forum* begins with two articles on the implications of the double rejection of the draft constitutional treaty for the EU's international relations. Can the provisions for new institutions and procedures in the field of external relations be salvaged? What impact might the current 'crisis' have on the external dimension?

But most of the articles in this issue are based on papers presented at a FORNET workshop on EU crisis management in Stockholm in November 2004. The workshop was chaired by Udo Diedrichs and Gunilla Herolf, and it included in particular members of the FORNET working group on the European Security and Defence Policy. This issue contains five articles on EU crisis management, beginning with an overview, and including perspectives from several EU member states and non-member states.

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The Constitutional Debacle and External Relations

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In the aftermath of the French and Dutch referenda the Luxembourg Presidency called for 'Plan D' at the 16-17 June European Council or, in other words, a period of dialogue and debate. Although this is welcome, any ensuing debate may also be framed by Jean-Claude Juncker's insistence that 'Plan D' does *not* involve a renegotiation of the constitutional treaty.¹ In effect, the constitutional treaty is in suspended animation and, assuming that renegotiation is not an option, what might the external relations components of 'Plan D' include?

The invitation for dialogue and debate begs many questions, amongst them being: Who is to conduct this dialogue and debate? What if some of those involved insist on renegotiating aspects of the constitutional treaty? Presumably, since it is difficult to move ahead with the constitution *in toto*, might the dialogue also include specific proposals pertaining to parts of the document? If, however, there is to be no renegotiation, what adaptations might sensibly be made to the existing treaty (Nice)?

Dialogue and Debate

On the first issue, it is apparent that the dialogue and debate must be as broad as possible, especially bearing in mind the public criticism and even hostility towards the remote and undemocratic bureaucracy in Brussels. Although there is a certain irony, given that the Convention and the resulting constitutional treaty tried to address this very problem, any

attempt to fix the constitutional treaty behind closed doors would exacerbate existing public concerns regarding not only the constitution itself but the process by which it was drawn up.

The argument that the constitutional treaty needs 'renegotiation' depends of course on what exactly is understood by that term. It would however be a misnomer to argue that the constitutional treaty was the outcome solely of an elite-led attempt to foist a constitution (itself an unfortunate word) on unwitting European citizens. The Convention on the Future of Europe was exceptionally open and many types of groups, including national parliamentarians and civil society groups, had their say. The intergovernmental conferences that followed built upon the consensus formed in the Convention. The risk of going down the renegotiation road is apparent – it would lead to renewed and divisive debates amongst the member states and any resultant document may well fail to reach EU-wide consensus. So, what options are there?

Constitution Lite?

The Polish-backed idea of a 'constitution lite', whereby Part I of the constitutional treaty should be extricated and co-exist alongside the existing treaties (minus the Charter of Fundamental Rights and Part III which would be substituted for by the existing treaties), is a superficially attractive notion. In practice the co-existence arrangement would imply substantial adaptation and amendment to the existing treaties, which would also include resolving awkward contradictions between the respective documents (on, for example, the pillar structures). Presumably such an exercise would also cause a few conniptions in the European Courts.

... or Choice Morsels?

The next option is to adapt the existing treaties, not by merging as was suggested above, but by incorporating choice morsels from the constitutional treaty into the Nice treaty. This is also a risky strategy since there are already warnings about the 'secret cherry-pickers' and efforts to introduce the constitution, or at least parts of it, via the back door.² The prospective Union Minister for Foreign Affairs (UMFA) and the European External Action Service (EEAS) are often portrayed as one of the parts of the constitutional treaty that is ripe for picking. But, aside from the concerns about the political astuteness of going down this road, how feasible is it?

In the first place the UMFA is linked to a whole series of reforms in the external relations area

and not only to the 'double hatting' idea. The role of the UMFA is shaped in part by his relations with the President of the European Council who 'in his or her level and in that capacity' ensure the external representation of the Union in matters concerning CFSP, 'without prejudice to the powers of the Union Minister for Foreign Affairs' (Art.1-22 (2)). His role is also shaped by the Foreign Affairs Council, which he 'presides over' (Art. 1-28 (3)). The Foreign Affairs Council also implies major changes for the Presidency since the Presidency of Council configurations, 'other than that of Foreign Affairs' shall be held by the member state's representative in the Council (Art. I-24 (7)).

Perhaps the most difficult aspect of the UMFA's position is the 'double hatting' area (which risks leaving him 'double hated'). His duties on the Council side are relatively straight-forward since they reflect his current duties at High Representative for CFSP. The language of the constitutional treaty is a good deal vaguer when it comes to his potential duties as Vice-President of the Commission. On the Council side he 'conducts' CFSP but is 'responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action' (Art. I-28 (4)).

The appointment of Solana as the Union's UMFA would be difficult on an *ad hoc* or informal basis without raising considerable difficulties for the existing treaties. For instance, the Treaty on European Union (TEU) states quite clearly that it is 'the Presidency who shall represent the Union in matters coming within the common foreign and security policy' and that it is the Presidency who 'shall be responsible for the implementation of decisions taken under this capacity and it shall in principle express the position of the Union in international organisations and international conferences'. Furthermore, the Presidency 'shall be assisted by the Secretary-General of the Council [Solana]' (Art. 18 TEU). On the Commission side the members of the Commission shall 'be completely independent in the performance of their duties' and, with this in mind, they may not seek nor take instruction 'from any government or from any other body' (Art. 213 TEC). In short, the appointment of the UMFA would necessitate widespread amendment to the existing treaties that would have an impact on virtually every major institution. Although it may be possible to have a UMFA with some sort of EEAS, it is unlikely to be *the* UMFA and EEAS envisaged in the constitutional treaty.

The fate of the EEAS is intimately linked to that of the UMFA since, according to the constitutional treaty, 'the Union Minister for Foreign Affairs shall

be assisted by a European External Action Service' (Art. III-296 (3)). The absence of the UMFA would immediately call into question the logic of having an EEAS and, if it were instituted on an *ad hoc* basis, the same contentious issues encountered by the Council-Commission working group on the EEAS in just over a year's worth of discussions, would remain. Given these tensions, there may even be some interest in letting the EEAS quietly slip away (not the least from the Commission itself). This, though, would be a pity since the discussions of the working group will, at a minimum, facilitate dialogue and hopefully help to build consensus amongst the institutions and member states. It is for this reason that even if the EEAS does not come into existence in the foreseeable future, the wider discussions provoked by the notion of the EEAS (such as the nature of European-level diplomacy, the problems encountered by the division of responsibilities in external relations between the *communaux* aspects and the CFSP ones, the role of the delegations and the level and extent at which national diplomats should be involved) are of immense value and should continue. At a minimum, they may help to identify ways of working together more efficiently and to carry out structural improvements that do not necessitate changes to any legal texts.

A further casualty of the constitutional debacle will be the assumption by the EU of legal identity, rather than just the Community, and the metamorphosis of the Commission delegations into Union delegations. Again, it is quite possible to review seconding arrangements to and within the existing Commission delegations without treaty change but this would leave important issues, such as accountability and reporting, ambiguous in the absence of a central external relations coordinator such as the UMFA. It should though be observed that in practice the Commission delegations have long since afforded assistance to all EU institutions and not only to the Commission; this trend has become even more noticeable in the last few years since so many of the major challenges facing the EU (such as terrorism, organised crime, failing states or proliferation of WMD) are, by nature, inter-pillar.

The constitutional treaty also continued the theme of flexibility, present in renditions of the Treaty on European Union, by introducing new types of flexibility – those permitting groups of member states to be entrusted with a task to 'protect the Union's values and serve its interests' and permanent structured cooperation. The adoption of these forms of cooperation in practice is again not strictly necessary since it could be argued that

they are already present, albeit in a rather *ad hoc* form.

The current political climate makes it unlikely that the extensive changes in external relations envisaged in the constitutional treaty can be woven into the Nice treaty as a result of an intergovernmental conference. The question that obviously arises then is what precisely is 'Plan D' about? At its most basic it is about consensus-building which is a vital first step to any projected intergovernmental conference or convention.

Back to the Future

A useful starting point in this process might be, ironically, to go back to the Convention on the Future of Europe and consider what the challenges were that led to the multifarious suggestions for improvement in the first place and then to consider how they have changed. Many of the original concerns about ineffectiveness, the lack of coherence in EU external relations, the growing artificiality of the divide between the *communaux* and intergovernmental aspects of external relations, the cacophony in external representation of the Union and the growing importance of European-level diplomacy, not only still apply but do so with more, not less, vigour. This, along with record highs in public support for a European role in foreign and security issues, points to a way ahead.³

It is essential that the road ahead should be built on public involvement and consensus and this should involve the active involvement of national parliaments, of civil rights groups, of MEPs, of academics and of the media, at the local, national and European levels. Clumsy back-door attempts to salvage parts of the constitutional treaty risk not only provoking strong negative reactions within the EU, but may quite possibly weaken the EU as an actor on the international scene.

Any emerging public debate should focus squarely on the EEAS for a number of inter-related reasons. First, many of the potential improvements to European-level diplomacy that were attributed to the creation of a EEAS can be introduced without treaty amendment, so there is no need to open up old constitutional wounds. The second reason, as noted, is that there is strong public support for a more coherent EU voice on the international stage. Third, many in the Convention, including the European Parliament, were enthusiastic advocates of the Service. Fourth, the national diplomatic services of the member states, both large and small, are under financial pressure. The EEAS, which would

presumably incorporate the existing delegations, offers the possibility of greater use of Commission delegations which could obviate the need for some national embassy or consular facilities (as in the existing cases of Sierra Leone by Germany, or in Burundi by Austria).

An internal debate within the EU institutions on how the Union can best meet the challenges of diplomacy, especially with the growth of European-level diplomacy, has been underway for a decade or more. Nevertheless, it is the Galeote report that is often seen as seminal in the evolution of thinking towards that led to proposals for the EEAS.⁴ The report made a variety of recommendations, many of which have been acted upon by the Commission, including those on training. Although further progress may be desirable in training, the more systematic attempt to think through training needs, as well as the growing involvement of national diplomats in various aspects of EU external relations, means that the very idea of a European *corps diplomatique* is no longer as outlandish as it once sounded.

It is unclear how much of the constitution could be salvaged or, to some, whether it should be salvaged. There is though plenty that could be done to enhance the external relations of the EU that does not necessitate treaty change given that there is public will for the EU to assume more foreign and security roles, the European Parliament agrees upon the importance of greater efficiency and coherence in the external relations of the Union, there is agreement on the fundamentals of a EEAS (but not the details) amongst the EU institutions and, finally, there is a solid platform of reforms in the external relations area to build upon. All of this sounds like a good reason to try and continue efforts to introduce some form of EEAS with public support and which, while weaker than envisaged by the constitutional treaty due to the absence of the UMFA, may nevertheless be a critical step in the further development of European-level diplomacy. This will not be an easy discussion, since it will inevitably engender a far wider debate, but it is a necessary one. ♦

¹ See comments by Jean-Claude Juncker at the Luxembourg Presidency official website, <http://www.eu2005.lu/fr/actualites/communiqués/2005/06/16jc-lj-ratif/index.html>

² Liam Fox, 'Beware the secret cherry-pickers', *The Times*, 10 June 2005.

³ See *Eurobarometer* 62, Autumn 2004. 78% of those polled supporting a common security and defence policy, represents a ten year high; 69% of those polled supported a common foreign policy), pp. 116-7.

⁴ *Report on a common Community diplomacy*, Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, Rapporteur: Gerardo Galeote Quecedo, A5-0201/2000 (Final), 24 July 2000.

The Domestic/ International Interface in the Current European Crisis*

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The European Union and its member states have a strong sense of being plunged into crisis after the negative verdicts in the French and Dutch referenda on the constitutional treaty, and the subsequent deadlock at the Brussels summit on the budgetary issue. It is indeed true that these events represent serious problems, from which much ingenuity and political flexibility will be required to emerge. Yet we can easily be too preoccupied with our own internal disputes, and forget the external dimension. This involves both how the Union is viewed from the outside (often more positively) and the interplay between the two chess-boards which are in play simultaneously, namely external relations and intra-Union decision-making. In what follows, this interplay will be analysed more closely, if still more briefly than it deserves.

It should be understood that our 'domestic' problems (and 'domestic' is an ambiguous term in a Union of sovereign states) do not always or necessarily impede our performance in international relations. This is for four reasons:

- (1) solipsism: outsiders are always less bothered by the things which insiders get perturbed about;
- (2) the EU is still far from having the capacity to act in a consistently unitary manner abroad; divisions and setbacks are therefore not exceptional, but the norm;
- (3) the EU nonetheless has an extensive and structural 'presence' across the world, through its economic relations, delegations and cultural profile, which will not disappear simply because of the failure to agree a new constitution – that is, the existing pattern of external relations will continue on the basis of past treaties and commitments, just as internal business will;
- (4) outsiders have high hopes and expectations of the EU which are based on their own needs and normative outlooks. It would take a virtual implosion of the EU to disrupt this strong tendency, evident now over three

decades or more.

The current difficulties should, therefore, be placed firmly in context. The passage of time will soon make them seem less dramatic, *even if* the issue of the treaty's ratification is not resolved. For example the model of integration provided by the EU is still seen as formidable in the rest of the world. No other regional venture comes close in either depth or breadth. This is as true in the area of political union, including the effort to construct a common foreign policy, as it is in that of the more obvious economic area, of the customs union, the single market and the new currency. Furthermore, although many of the attempts from the 1960s to emulate the EU soon foundered, there have recently been signs of a renewed interest, for instance in East Africa, East Asia and South America. It is as if there is general acceptance that regional integration is an inevitable historical process, whatever the obstacles, and that the Europeans have set a strong pace.

In the meantime, of waiting for these new ventures (and indeed the processes of 'democratisation') to catch up, it may be that there is something of a tension between the values and interests of post-modern Europe and those of the outside world, still mired in anarchic *realpolitik*. Robert Cooper, Javier Solana's adviser, has pointed out how this tension might require us to accept the inevitability of 'double standards'; that is, behaving towards the world in the way which is necessary to protect our way of life, even if it means breaching the standards of behaviour which we employ internally, and which we take to define that very way of life. This is an ancient set of dilemmas familiar to the student of international relations, and it is one which is almost impossible to resolve satisfactorily. Furthermore it raises the question of whether there exists a clear dividing-line between 'us' and 'them', both morally and empirically. The former is a philosophical problem, which cannot be tackled in this brief discussion. The latter raises almost equally difficult questions relating to enlargement, neighbourhood policy, and the nature of our obligations to possible future members and/or permanent neighbours. Do they deserve special treatment, in relation to the demands which might be made of us by more distant states and groupings, with whom the domestic/international divide is more clear-cut?

Although the interface between Europe and the outside world is complex and ambiguous, one should not overstate the ultimate differences. Despite its rather saintly self-image the Union itself behaves reprehensibly on occasions (even more so individual member states), with egoistical goals and coercive means. Moreover the rest of the world is not always so barbaric in its own approach to international affairs. China, for example, is restrained in its external behaviour by the historical standards of great powers; the United States does not always comport itself with the high-handed insensitivity of the current administration; many smaller states have accepted the futility of endless war over borders and territory. Even if the international system, therefore, does not yet resemble the semi-domesticated state which western Europe has finally reached after centuries of bloodshed, nor is it in a condition of Thomas Hobbes's 'war of all against all'.

Unless the current crisis leads the EU to fall apart completely (against which I should offer odds of 1000-1), it will continue to engage in systematic multilateralism at home and abroad. The Union embodies both the principle and practice of multilateralism in its internal affairs, and generally (if not necessarily) favours them externally. In relations with major single states it engages in what might be termed 'multi-bilateralism', meaning that an entity like the EU is involved in a process of constant collective decision-making even in a bilateral relationship. It also has to merge its own multilateralism with the higher version practised by the universal institutions of the UN, whose principles the Europeans enthusiastically support. The EU cannot, therefore, even if it would wish to do so, rely on the world emulating Europe and thereby creating a system made up of bloc to bloc relations. The reality will be much more mixed for the foreseeable future.

It is also true, therefore, that multilateralism does *not* equate to multipolarity. The meaning of the latter is imprecise, and does not have to involve relations between blocs or other clear-cut big actors. But it must imply a small number of points of attraction, or reference points of power in the world system. That does not then have to mean multilateralism, and it might indeed imply a significant reducing of complex inter-relationships in favour of a small number of dyads. Conversely, multilateralism might grow into a form of complex political interdependence which inhibited the emergence of a new, rather crude balance of power implied by the notion of multipolarity. And

if the latter really refers only to the idea of co-existing models of society, or principles of politics (not so far from the 'clash of civilisations', after all) this is also something that Europeans might wish to avoid. The last element of this series of paradoxes is that the EU will continue to need to enmesh the US and other great powers in the processes of multilateralism – yet the more they make a fetish of multilateralism, the more the US will suspect a trap to rob it of its independence and influence. This has been evident under the recent Bush administrations.

The recent referenda are first and foremost a rare case of the public making a major difference to the development of the European Union. It is clear that many people, in many countries, feel that they have been presented with *faits accomplis* on a range of important issues and that they will therefore take any chance they have to kick back against the political class which they deem responsible. This is the result of decades of political neglect and over-optimism about being able to proceed blithely on all fronts without incurring serious costs – in particular, in the widening and deepening debate. On the particular subject of the public dimension of European foreign policy, big claims are often made on the basis of thin evidence. It is all very well Eurobarometer reporting that Europeans want more common foreign and defence policy; people may say many things when there is no evident cost to so doing, or as a way of expressing a longing that the world was not quite so dominated by the United States. But when it comes to harder questions to do with (say) a European army, or the costs of increasing European military options, or even the use of force *per se*, the answers will be very different. Furthermore, they are inevitably also tied up with the issues of sovereignty and federalism, if the Union is really to become a major power, and it seems clear that there is no mass support at present for the dreams of the federalists. The public(s) do not want to die for anyone, after centuries of strife, and not enough of them yet trust the EU with their security to envisage abandoning the central functions of the nation-state.

One inescapable conclusion of the current troubles within the Union is that we badly need a better-informed, more honest and more robust debate across Europe on key issues like our world role, enlargement and the final border of the EU, beside which the budgetary, and even the constitutional issues pale into relative insignificance. This debate should not just be restricted to parliamentarians, pressure-groups

and elite think-tanks, as at present. It should involve the universities – and thus students, not just specialist staff – the more serious of the mass newspapers, television and radio and any parties affected concretely by the policies being discussed. This may take some time, but it will be an investment which will bear fruit. To put it another way, if we go down the same road of insouciant disregard of the public as in the path, another unfortunate accident will be inevitable.◇

* This piece was written for a roundtable discussion in Lisbon, and will appear shortly in *Round Table Report – Global Europe, Citizen Europe: The Networks' Agenda*, IEEI/BEPA, September 2005

The European Union as an Actor in Crisis Management: Actions, Aspirations, Ambiguities

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The European Union has become an increasingly important actor in the sphere of international crisis management over the last few years. The missions in Bosnia, Macedonia, Congo, and Georgia underpin the EU's ambition to be an active player on the international scene.¹ However, some crucial questions are still waiting for answers, and need to be urgently addressed. Besides an apparent 'rhetoric-resources-gap'² in EU crisis management, hinting at the still lacking capabilities for carrying out the full range of missions, it is even more a conceptual problem which hinders the Union from fully developing and optimising its set of instruments designed to solve international conflicts. In particular after enlargement, it remains to be seen in which way the old and new member states within the EU will be able to find a common approach to crisis management and thus to build a more effective and efficient ESDP, which can deliver a substantial and reliable contribution to international security.

There is still a lack of consensus as to the exact definition of the Union's role in the international system, so there should be little surprise that the idea of 'European crisis management' is neither unambiguous nor fully elaborated.³ The classical notion of a 'civilian power'⁴ has come under considerable pressure with the development of ESDP and the acquisition of military means by the Union. However, no alternative role model – be it a 'military' or a 'normative' power⁵ – has been successfully established or broadly accepted in the academic or political community. It is rather the combination of 'hard' military power with civilian 'soft' power which characterizes the EU's specific contribution to conflict management.⁶ So far however, in formal terms no real 'combined' mission has been put into place. Officially, EU operations undertaken until now have been labelled as either military or civilian missions, being placed into one or the other category. Thus, there is a considerable

need for more substantially defining combined actions by the European Union. An appropriate field of exercise could be Bosnia, where the EU Police Mission (EUPM) is now accompanied by the Eufor Althea military mission; here, common structures for operational coordination could be established.

This 'civilian-military'-issue also touches upon the level of intensity of crisis-management operations. The EU so far is not ready to develop expeditionary warfare capabilities in order to intervene in high-intensity conflicts, both for political and military reasons. Some countries are not eager to do so, and the lack of military capabilities also imposes strict limits to the EU's radius of action. Does this mean it would be wiser to concentrate on humanitarian and peacekeeping tasks? This will have a considerable impact upon the profile of capabilities which the EU is going to develop. According to a recent report by the EU Institute for Security Studies, different categories of operations will require different capabilities: 'there is a growing tension between two types of military requirements: on the one hand, the ability to provide very mobile, flexible and rapid forces for expeditionary intervention; on the other the necessity to deploy and sustain for a very long period substantial peacekeeping forces for crisis management. Both are equally demanding and risky tasks, and could even be two complementary phases of a single military operation, but they call for different types of forces, organisation, doctrine and training among European forces.'⁷

Besides the 'civilian versus military power dichotomy', there is the no less important question about the geographical scope of the Union's crisis management activities and its level of ambition. Should the EU focus on stabilising and supporting its regional environment, setting priorities on the Balkans and in the European neighbourhood area, instead of trying to play a global role? An easy answer could be that it needs to do both, and be prepared to serve different strategic objectives, but this will meet with the sober reality of scarce military resources and limited defence budgets in the member states.

Finally, the discussion on the EU as an actor in crisis management not only concerns the 'club' of member countries, but reaches out to the broader transatlantic sphere and needs to be addressed in relation to the US and NATO. The EU's role in crisis management cannot be fully

understood without taking into account the Atlantic Alliance. Conceptual divergences between Europe and the United States therefore acquire a key importance and may paralyse the EU's efforts in playing its role in international crisis management. The Iraq crisis has underlined not only a political dispute between parts of the EU and the US, there seems to be a fundamentally divergent understanding of actual security needs and the strategies to address them.

The EU's Security Strategy: An End to Conceptual Ambiguity?

While it is true that the EU is still lacking a full-fledged strategic concept for crisis management and that there is no final and definite consensus on the objectives of military or civilian missions,⁸ this does not mean that we are starting from zero. Crisis management and conflict resolution have been part of the traditional set of activities undertaken by military forces in a number of EU member states for decades, in particular within the UN context; furthermore, the operations carried out so far in the Balkans, Africa and the Caucasus, seem to prove that the Union does have an ability to implement successfully civilian and military missions in different world regions. And there are signs of growing coherence in the shape of the European Security Strategy.

The European Security Strategy (ESS) from December 2003 makes an important step in this direction by providing a conceptual framework which can serve as a common point of reference for crisis management.⁹ The ambition is high, as spelt out by the ESS: 'We need to develop a strategic culture that fosters early, rapid and when necessary, robust intervention.'¹⁰

Among the key threats listed in the ESS, terrorism appears alongside weapons of mass destruction, regional conflicts, state failure and organised crime.¹¹ There is a reference to the discourse on 'global challenges', hinting at the changed composition of risks and threats, at the interdependent nature of international problems and the insufficient capacities of nation-states to address them. But at the same time the ESS tries to reconcile different arguments with regard to security threats. In the first place, the analysis of the 'post-1989' security situation is regarded as relevant, which was highly influenced by the threat perceptions that prevailed immediately after the end of the Cold War. It is the emergence of regional conflicts and crises which could cause chain reactions or a spill-over to the EU. In this respect, a secure geographical environment is

considered as essential for the Union. On the other hand, the 'post-9/11' set of arguments with its key focus on terrorism, adds some more peculiar elements. Here, an attack directed at states – from outside or from within – becomes the most sensitive scenario. Thus, a strategy is required that is more closely linked to the issue of intervention and preventive or even pre-emptive action, discussed intensively in the transatlantic arena, and implies the re-emergence of certain threats in a new perspective, like weapons of mass destruction, which do constitute a menace to the territorial integrity of states. Crisis management acquires an instrumental character in this context, regarded as a tool for stabilising regions to avoid terrorist activities from being built up. It is less a contribution to a new world order and more of a policy instrument for serving the purpose of reducing the terrorist threat. The ESS tries to bridge these tensions by introducing and emphasising the concept of multilateralism, into which the EU's activities EU should be embedded, in particular within the UN context. Still, it is obvious that different means of action are needed when seeking to counter distant global threats related to weapons of mass destruction as compared to regional conflicts in Europe.

Also the constitutional treaty would have marked an important step forward as it devoted a number of passages to the EU's responsibility in solving international crises. However, the outcome of the referendums in France and the Netherlands has dealt a serious blow to its ratification. It remains to be seen if the ratification process will be re-launched after the break agreed by the European Council in June 2005. At the moment it seems rather dubious, but conditions might change over the next years, opening new windows of opportunity.

Among the objectives of the Union's external action, Art. III-292 (2) in particular underlined the intention to 'preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders.' The constitutional treaty also spelled out in more detail what missions the EU should be prepared for. Art.I-41 (1) mentioned 'peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter', while Art. III-309 expanded the list of the Petersberg tasks by listing a broad range of activities: 'joint disarmament operations, humanitarian and rescue

tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation'. It also stipulated that 'these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories'.

While the fate of the various proposed suggestions for the constitution is still to be seen, there is in sum at least reason to assume that the ESS will enhance the Union's capacity for crisis management and that it will reduce the ambiguity still visible. The link to multilateralism seems to be a paradigm for crisis management, which could develop into a 'golden rule' for all planning and implementation activities of the Union. However, there is still a long way to go. What is needed is a more operational concept below the levels of the ESS which would define for a middle range perspective the priorities and strategic choices of the Union in the sense of a 'white book' or a 'security agenda 2010', similar to the medium-term financial perspective of the Union.

The Enlarged Union in the Transatlantic Context: Problems for Crisis Management

The accession of new member states has cast new light on the debate about crisis management in the EU.¹² The new members bring in different foreign policy traditions, security perceptions and international preferences. It is not only – and often superficially – their pronounced Atlanticism, but in a more fundamental sense the very logic of ESDP which causes concern in Central and Eastern Europe. For many among the new member states, EU crisis management is linked to questions of their national independence and their self-protection to a much higher degree than the old member states might be aware of. The 'newcomers' tend to regard the threats addressed by ESDP as too small, the targets as too diverse, and the Atlantic link as too weak. For them it is rather hard to understand why the EU sends troops to Congo and not to Iraq, why scarce resources should be spent for missions in distant world regions, while they perceive their own security as highly precarious, due to subjacent threat perceptions rooted in their historical experience and their geo-strategic location. Russia is a factor of much more importance in strict military security terms than for the rest of the EU – except some Nordic countries. Thus, it remains highly difficult to define common ground.

Demands in military transformation for meeting

NATO standards are particularly high, so that ESDP appears as an additional set of requirements and burdens which strains their more than limited budgets and frail military structures.

But as said before, the strategic and conceptual challenges seem to be much more striking. The new EU members feel torn between their allegiance to NATO and their membership of the EU, where ESDP is of rather recent birth and regarded as a kind of 'luxury', in particular when it comes to solving crises in remote world regions.

The distinction between 'old' and 'new' Europe is pretty provocative, but what remains real is that any split within the EU must be avoided. The US as the most important partner of the EU in economic, political and military terms, plays an eminent role in this regard. But strategies and priorities differ on both sides of the Atlantic.

Since September 11, the fight against terrorism has become the major focus for the US, leading to a new formulation of the national security strategy and stressing new kinds of threats.¹³ There can be no doubt that Europe has also taken the terrorist menace into account, but apparently in a different way. While both share the view that the distinction between internal and external forms of security is rather outdated, that transnational actors have acquired a major role in the international interplay of threat emergence and security production, and that a wide range of instruments needs to be applied to face the new challenges to security, there is also divergence, in particular regarding the use of civilian and military instruments for addressing security threats, on the legitimacy for action and on the method of international conflict management. The US view has focused upon a paradoxically diffuse, but concrete enemy – terrorism – and tries to subordinate all efforts in international conflict resolution to this priority. It deals with the phenomenon by particularly stressing the importance of certain states for the emergence and success of terrorism.

Thus, the agenda of the US administration, for the time to come will mainly focus on Iraq, Afghanistan and Iran; it will also address the Middle East peace process. All these countries cannot be expected to be appropriate 'locations' for crisis management by the EU. A careful reading of the US security strategy reveals that Washington is not interested in getting engaged too much in the imbroglios of African crises, but will in this respect rather rely upon multilateral

organisations and coalitions of the willing, while choosing regional champions like South Africa, Nigeria, Kenya and Ethiopia as preferred partners. This could mean the EU could assume more responsibility in getting engaged as a crisis manager, but caution should prevail. If the EU should find a transatlantic division of labour with the US and focus a substantial part of its activities on Africa, this would require a systematic strategic approach and also a respective planning process regarding the military capabilities required. Strategic transport, logistics and sustainability of forces acquire an increasingly important role.

The case of Darfour has shed light on the potential for crisis management, but also on the political restrictions and obstacles. On the other hand, the decision on the launch of EU Police Mission Eupol Kinshasa in December 2004 has underlined the Union's intention to go beyond sporadic activities on the continent and to contribute substantially to the stabilisation of key countries like the Democratic Republic of Congo.

The EU's Role as a Crisis Manager: Regional Pacifier or a Global Player?

At an impressive speed, the Union is developing a concept aimed at stabilising its immediate geographical neighbourhood. The Balkans, the Mediterranean and Eastern Europe are preferred zones where the Union's efforts have become most visible.

The EU is present as a 'pacifier', mainly in the context of its European Neighbourhood Policy. The case of Georgia is a telling example; after the decision by the European Council from 17/18 June 2004, to include the Southern Caucasus (Armenia, Azerbaijan and Georgia) in the European Neighbourhood Policy, the civilian ESDP Mission 'EUJUST Themis' was launched, adopted by the Council in a Joint Action on 28 June 2004.¹⁴ However, there is so far no clear picture of the general approach by the EU and the particular relationship between the ESDP and European neighbourhood policy. In the Mediterranean e.g., ESDP is sometimes 'misunderstood' as a defensive approach which treats the neighbouring countries primarily as sources of threats; therefore, a better communication about the objectives of ESDP is needed. The neighbourhood policy could enter into a friction with ESDP, as ESDP could be considered as 'interventionist'. The case of Ukraine has recently put ENP under pressure, as it has been put aside quite swiftly by President Yushenko who clearly favours EU membership. The failure of the whole concept of ENP cannot be excluded if more countries behave in similar ways. The Ukrainian

response also points to a crucial and almost unavoidable problem which comes up for the EU when seeking to find a natural border or at least a temporary pause in the enlargement process.

Furthermore, what has to be specified is the relationship between crisis management in ESDP and the European Neighbourhood Policy. Is the Union's neighbourhood receptive to crisis-management efforts, seeing them as a step on the road to membership or at least a temporary support to address deficits in democracy, or will they resist such efforts because it might make them seem in need of help and therefore less mature as soon-to-be members? The launch of a military operation in one of these countries would mean the failure of the neighbourhood policy, which builds upon the traditional instruments of financial support, free trade and dialogue; in provocative terms: a new label with old methods, while ESDP would be a strange label with new methods.

The Balkans as the 'densest' region in EU crisis management have been put on the track of accession. Although in the foreseeable future it will probably be only Croatia to join the Union, the perspective of EU membership might contribute to stabilising South Eastern Europe. This however, does not mean that crisis management is outdated. Tensions could re-emerge at any point, and NATO is still needed, since the EU has to be prepared for escalation. Also needed are the OSCE, to monitor cease-fires, minority rights, elections and other forms of transition to democracy, and the UN for providing legitimacy which is regarded as indispensable for a number of EU members' engagement. Good cooperation between all these organisations, focusing on the conflict prevention aspect and the long-term solution to the underlying conflict is therefore crucial.

So, there are signs of a certain regional focus of the European Union on the Balkans, but also of a global aspiration, visible in Africa. A full range of capabilities therefore seems to be needed in order to fulfil these different tasks. Still, there is no clear political will within the EU to intervene and to do nation-building *anywhere* in the world; questions of legitimacy and political support play an eminent role in this regard. Enlargement has made a global intervention force named EU rather hard to achieve. The ten new member countries have made the EU even more heterogeneous than previously. The task of agreeing on a global strategy for the Union, while daunting already before, is now even more difficult. While some might rally behind the idea

of a global intervention force, the interested public might accept and support such activities only to a limited extent. Here as always the visibility of crisis management is a core problem. The more effective it is, meeting problems at an early stage and thus avoiding further escalation, the less visible it becomes and thereby less likely to acquire widespread support.

If the tension between a regional pacifier and a global actor is to be eased, the outcome could be an EU primarily engaged in its regional environment, and committed to global responsibilities in specific areas, to which certain parts of Africa (Great Lakes, DRC) might belong. What is needed in any case is a focused and targeted actor in crisis management named European Union.◊

¹ See Dov Lynch and Antonio Missiroli, ESDP Operations, Fact Sheet, available at: <http://www.iss-eu.org/esdp/09-dvl-am.pdf>.

² Simon Duke, 'The Rhetoric-Resources Gap in EU Crisis Management', in *EIPASCOPE*, no. 3, 2002, pp. 2-8.

³ See Hans-Georg Ehrhart, *What Model for CFSP?*, Chaillot Paper, No. 55, Paris: EU Institute for Security Studies, October 2002, pp. 10ff.

⁴ François Duchêne, 'The European Community and the Uncertainties of Interdependence', in Max Kohnstamm and Wolfgang Hager (eds.), *A Nation Writ Large?, Foreign Policy Problems before the European Community*, London 1971, pp.1-21.

⁵ See Ehrhart, *What Model for CFSP*, op.cit.

⁶ See Esther Brimmer, 'ESDP and International Peacekeeping', in Esther Brimmer (ed.), *The EU's search for a Strategic Role, ESDP and its Implications for Transatlantic Relations*, Washington, D.C.: Center for Transatlantic Relations 2002, p. 103.

⁷ Nicole Gnesotto, 'Preface', in *European Defence, A Proposal for a White Paper*, Report by an Independent Task Force, EU Institute for Security Studies, Paris, May 2004, p. 7.

⁸ 'A Secure Europe in a Better World, European Security Strategy', Brussels, 12 December 2003.

⁹ Communication from the European Commission on Conflict Prevention, Brussels, 11 April 2001, COM (2001) 211 final.

¹⁰ 'A Secure Europe in a Better World, European Security Strategy', Brussels, 12 December 2003, p. 11.

¹¹ See 'A Secure Europe in a Better World, European Security Strategy', Brussels, 12 December 2003, pp. 3ff.

¹² See Judy Batt, Dov Lynch et al., *Partners and Neighbours: a CFSP for a Wider Europe*, Chaillot Paper, No. 64, Paris: EU ISS, September 2003.

¹³ See the National Security Strategy of the United States of America, September 2002, available at: <http://www.whitehouse.gov/nsc/nss.pdf>.

¹⁴ See Annalisa Monaco, 'Another first for ESDP: The Rule of Law Mission to Georgia', *European Security Review*, no. 23, July 2004.

From Mars to Venus: Spanish Expectations and Concepts of EU Crisis Management*

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In the past year we have witnessed an about-face in Spain's position on the role that the European Union aspires to play in international crisis management. Although the Spanish government never formally stopped supporting the Union's efforts to strengthen its capabilities, both civil and military, and its autonomy in this field, Prime Minister Aznar's second term of office (2000-2004) was characterised by an ever more perceptible and unconditional alignment with the United States in this matter. This inclination towards 'extreme Atlanticism', heretofore unknown in Spain's recent democratic history and which in part is explained by coinciding interests concerning the fight against international terrorism after 11 September, reached its zenith with the crisis in Iraq.

As is well known, the handling of this crisis caused an unprecedented break within the EU,¹ as well as a spectacular protest movement, which was especially noticeable in those states that supported the military operation of the so-called 'coalition' in Iraq. In particular, in the case of Spain, this issue provoked a profound political debate which continued until the campaign for the general elections of 14 March 2004. Indeed, matters relating to foreign and security policy were unusually present and important in this campaign. The tragic terrorist attacks on 11 March in Madrid exacerbated the perception of wide sectors of public opinion of the terrible consequences that unconditional alignment with the US in the crisis of Iraq had had for Spain, thus generating additional pressure on the new government which, in any case, had already promised to change the course of Spanish policy in this field.

This accumulation of circumstances has been at the source of a period of complex and profound changes in Spain's position with respect to international crisis management, on passing brusquely from one extreme to the other of the spectrum of European attitudes in this matter. This operation, in itself difficult and delicate, has been complicated even more by certain errors that have negatively affected the bilateral relationship with the United States. In this sense

I am not referring so much to the immediate withdrawal of the Spanish troops from Iraq – a decision made a few hours after the new Minister of Defence took office in April 2004, and which responded to an explicit electoral promise – as to other subsequent incidents that could have easily been avoided² and which can only be explained by the socialist government's desire to move away from US policy in Iraq at all costs.

However it came about, and apart from the obligatory and urgent repairing of the bilateral relationship with the United States, these changes are leading Spanish security policy back towards what the basic coordinates had been in recent decades. But, the new government's aspirations do not end here, rather, the same as is occurring in other spheres, it aims at introducing reforms in greater depth that will consolidate these changes for the future and preserve them as far as possible in the face of different political situations. A result of this logic is, for example, the Basic Law for National Defence that the government is trying to achieve a consensus on with the main opposition party; some of the fundamental new features of this law are already included in the new Directive on National Defence, signed by Prime Minister Rodríguez Zapatero on 30 December 2004.³ Whereas the latter is a document that is up to the government to adopt at the beginning of each legislature, the other instrument would replace the Law of Basic Criteria for National Defence in force since 1980 and which only underwent partial reform in 1984.

However, in the light of all these developments, what are the basic coordinates of the new Spanish policy in crisis management and what, therefore, is its perception of the role that the EU must play in this field?

Instead of 'Clash', an 'Alliance of Civilizations'

Beyond the rhetorical, and for many somewhat ingenuous, nature of this concept, the proposal made by Prime Minister Rodríguez Zapatero in his speech before the United Nations General Assembly on 21 September 2004 clearly illustrates the approach with which the Spanish government seeks to contribute from now on to international crisis management and, in particular to the fight against international terrorism.⁴ The ultimate objective would be to avoid, once ideological confrontation has disappeared, hatred and lack of understanding between the western world and the Arab and Muslim world becoming the main cause of international crises. For this, it is proposed to give much more attention to the causes, the roots of the conflicts, including international terrorism, whose knowledge is essential for managing them

rationally and not only by military means.

Although this strategy does not seem destined to cause great changes in the current international panorama, the Spanish government insists on it whenever it has the opportunity and has even adopted some specific initiatives to show its small scale viability. Without doubt this logic has led to the decision, which could well be described as historic, of contributing a joint Spanish-Moroccan force to the United Nations Stabilisation Mission in Haiti.⁵ This decision was especially important and symbolic in the light of the deterioration that the bilateral relations between the two countries had undergone in previous years and which had reached its most serious moment with the crisis of the Island of Perejil in 2002.

Effective Multilateralism

As expressly stated in the new Directive on National Defence, the action of the Spanish Armed Forces abroad will from now on be set within the context of effective multilateralism. Thus, the government has made this concept, taken from the European Security Strategy, the main axis of its crisis management policy. And that is not all; it is also absolutely committed to it. In this sense, the resolution of conflicts should be channelled through an effective multilateral system based on the scrupulous respect of international legality and, in particular, through the decisions of the UN Security Council. Therefore, the participation of Spanish troops in crisis management missions will only be possible under express mandate of the UN or, if it is the case, of any other multinational organization of which Spain forms part.⁶ Thus, support for operations such as the one in Iraq is categorically ruled out, but not for ones like that in Kosovo.

It is worth recalling in this respect that, according to previous Spanish doctrine concerning this kind of intervention, actions similar to the one in Kosovo might be legitimate even without the consensus of the NATO allies.⁷ In this connection too and as far as new developments in the European Security and Defence Policy framework are concerned, active support from Spain is to be expected for all measures which aim at improving coordination between the EU and UN in the field of both civil and military crisis management, like those foreseen in the document adopted by the European Council in June 2004.⁸

Back to Europe

The return to what the government considers the 'heart of Europe' has become one of the basic marks of identity of the new Spanish foreign

policy. In the specific area of crisis management this means considering the strengthening of European autonomy and capabilities a priority objective, in the conviction that, far from weakening NATO, this would contribute to consolidating the transatlantic link. Thus, Spain seems to situate itself among those European states which favour redefining relations with the United States in this framework, taking as a basis the fact that the Atlantic alliance is losing importance as a military and defensive organisation to become a forum of mainly political association in which greater balance between the parts should reign.⁹

As regards the development of European Security and Defence Policy, the Spanish government's commitment to the new initiatives that have arisen around the negotiation of the Constitutional Treaty, and in particular to Headline Goal 2010, is absolute, and will to a great extent guide the internal reforms it intends to undertake in the near future. Together with participation in the European Capabilities Action Plan and in the recently created European Defence Agency, there is the offer of a Spanish battle group and contribution to another multi-national one based on the already existing Spanish-Italian Amphibious Force, to which Portugal and Greece will contribute further capabilities.¹⁰ In the same way, the Spanish government has favourably responded to the French proposal to establish a European Gendarmerie Force among those member states that have military-type security forces as a complementary instrument for crisis management,¹¹ and has again taken up bilateral cooperation projects in matters of armament with European partners, which had been paralysed in recent years.¹²

Enhanced Democratic Control

From an internal point of view, this is undoubtedly the change in Spanish policy on crisis management that has been most quickly put into practice and which has turned out to be most noticeable for public opinion: the parliament is expected to play a more active role in any decision to send troops abroad within the framework of this type of operations. The new Basic Law for National Defence will determine how this prior pronouncement of the legislature will occur, which in any case will mean progress with respect to the current situation in which the government merely informs *a posteriori* of its decisions in the matter, sometimes controversial and with a high degree of opposition from the people. At present, this procedure has already been applied with regard to the increase in

Spanish military presence in Afghanistan to reinforce security during the presidential elections and the sending of a new contingent to Haiti within the UN mission in the area.

In short, although most of these changes in Spanish foreign policy are fully consistent with its traditional pattern and enjoy considerable support from public opinion, the government should close this stage as soon as possible and shed the excessive conditioning that the crisis in Iraq and the events prior to the March 2004 elections seems to have exerted on all its actions in this field. Without renouncing the principles that have inspired this journey from 'Mars to Venus', it is urgent to re-establish normalcy by rebuilding a minimum political consensus on the domestic scene and the bilateral relationship with the United States on the foreign scene. ♦

* This contribution is part of a research project (SEC 2002-0071) funded by the Spanish Ministry of Science and Technology.

¹ E. Barbé, 'Las primeras víctimas de la crisis irakí: el prestigio de Europa como actor internacional y la capacidad negociadora de España en el marco de la UE', *Revista General de Derecho Europeo* (www.iustel.com), nº 1, 2003.

² Thus, for example, the call that Prime Minister Rodríguez Zapatero made in a press conference during an official visit to Tunisia, inviting all the countries that had troops in Iraq in the framework of the coalition to withdraw them.

³ Text available at www.mde.es.

⁴ Statement by the Prime Minister of the Government of Spain at the Fifty-Ninth Session of the United Nations General Assembly, New York, 21 September 2004 (www.un.org/webcast/ga/59/statements/spaeng040921.pdf).

⁵ A decision made by the Council of Ministers on 10 September 2004. The joint contingent, formed by 200 Spanish soldiers and 160 Moroccan soldiers, began its deployment in the area of Fort Liberté, near the border with the Dominican Republic, on 20 October.

⁶ The incorporation of this commitment to the new National Defence Law would bring in its wake, as is obvious, specific internal legal consequences.

⁷ In this respect, see comments by E. Barbé; A. Herranz and L. Mestres, 'National Report Spain', *CFSP Watch 2003*, pp. 4-5 (www.fornet.info/CFSPwatch.html).

⁸ *EU-UN co-operation in Military Crisis Management Operations. Elements of Implementation of the EU-UN Declaration*, adopted by the European Council (17-18 June 2004).

⁹ About this process from a Spanish perspective, see P. Méndez de Vigo, 'Una política española de defensa para Europa', Real Instituto Elcano de Estudios Internacionales y Estratégicos, *Working Paper* nº 48, 2004, p. 17 (www.realinstitutoelcano.org).

¹⁰ *Declaration on European Military Capabilities*, Military Capability Commitment Conference, Brussels, 22 November 2004.

¹¹ Declaration of Intent signed by France, Spain, Italy, Portugal and the Netherlands at the informal Meeting of EU Defence Ministers, Noordwijk, 17 September 2004.

¹² For example, with Germany concerning the development of the new 'Leopard 2A5E' after decisions taken at the Bilateral Summit held in León in November 2004.

A Comment on European and US Perspectives on Crisis Management: Expectations and Concepts

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These comments will turn partly on the continuing discrepancies between US and European conceptions of crisis management, partly on the recent agreement of the Norwegians to participate in a Nordic battle group within the EU crisis management setup.

On the transatlantic divide I am among those who even after a long, tiring and acrimonious debate cannot see the Atlantic growing much narrower. The re-election of George Bush was not what most of Europe had hoped for, so there will have to be some adjustments made in our thinking on this side. What this means for the US leadership remains to be seen. The poisoning effect of the Iraqi war may be beginning to fade and we are all eagerly looking for an improvement of relations.

Nevertheless, the weak position of the US in European public estimation is only one part of the problem. Equally serious is the need for a frank assessment among EU members of where the EU stands in the estimation of the American public and the US political system. Until now, as far as I can see, such an assessment is absent in European public discourse. The reason may be that the situation for the EU in US public eyes is worse than we like to admit. Indeed, our pride may have kept us from understanding the fundamental weakness of the EU's image in the United States. Point one: The EU is nearly invisible in US media and in the conscience of ordinary US citizens. This is much more than just a media problem. Point two: To the extent the EU is visible, the general tone is highly negative: the EU is portrayed as bureaucratic, static, protectionist, unable to get its act together. This is not just (neo-)conservative US rhetoric; it is widespread. The fact that the EU holds a given policy position is not normally seen as an argument in favour of that position but rather the opposite. As such things go in US public consciousness, the EU is just a notch better than the United Nations. This is serious for both the EU and the UN, because it tends to carry over to the conduct of actual business in dealings between US and EU officials and in policymaking generally.

On the European side Berlin Plus has made practical life in crisis management much better between NATO and the EU. Experience until now has been mostly positive, but notes of dissatisfaction have also appeared. This is not simply a transatlantic matter; it is very much also an intra-European affair of identity splits, between some European military personnel identifying with NATO and others identifying with the EU. This is not primarily about official policy positions; practice in the chain of command is a matter of everyday operations in EU-led missions. Coordination with NATO is a concurrent obligation that depends on the smooth participation of large numbers of individuals, some of whom have strongly held convictions. We know from experience that clashes caused by divergent perspectives are always solvable, but they are a short-term irritant. In the longer term, Berlin Plus will be transformed into stable, low-friction practice, but there is no quick route to get there.

Regarding the second item on my list, the Nordic battle group now seems to be shaping up. The snag has been the question of Norwegian participation. In December 2004 the Norwegian Defence Minister and parliament finalised its handling of the matter, which has been highly controversial in Norwegian domestic politics.¹ Last spring, when the question of Norwegian participation first came up, Conservative Defence Minister Kristin Krohn Devold made it clear that it would not happen. This stance was on the one hand in line with long-term Norwegian policy of reserving its military resources for NATO and not getting it mixed up with the EU where Norway is not a member. On the other hand it was also in line with a strong opposition in the Prime Minister's Christian People's Party and the left-leaning part of the country's population and political spectrum, which prefers on principle to keep Norway out of every military engagement abroad that is not pure peacekeeping.

It is part of the story that in Norwegian minority governments a system of sharing power has emerged over the years that gives individual party positions considerable weight in determining the policy of a given ministry. Hence, the Conservative Party position close to NATO tradition has been a strong element in this case. However, as the summer turned into fall, the debate on the issue turned around to the point where the Defence Minister and the Government in September reversed their position. The increasing political weight of the EU and the disenchantment with US leadership may have been key factors in this turnaround.

Since this is a minority government, however, a change of position also needed the support of the opposition Labour Party. When this was recently secured, the road was opened to the parliamentary decision now being taken. Live items in the debate have been not merely defence policy, but also such issues as the sovereignty barrier in the constitution and the possible breach of the spirit of the 1994 referendum on EU membership.

The consent of the parliament was obtained over the opposition of the Center Party and the Socialist Left Party, which both consider the constitutional foundation of this policy dubious. Here, as many times before, we see Norwegian domestic politics spilling over into international affairs.◇

¹ See, Stortinget, møte fredag den 3. desember kl 10 2004, sak nr.3. Debatt om forsvarsministerens redegørelse om eventuell norsk deltakelse i EUs innsatsstyrker og rammeavtale om Norges deltakelse i EUs sivile og militære krisehåndteringsoperasjoner [See Norwegian Parliament debate on the report of the Defence Minister on possible Norwegian participation in EU crisis management forces and framework agreement on Norwegian participation in EU civilian and military crisis management operations], <http://www.stortinget.no/stdid/2004/si041203.html>.

France, ESDP and Transatlantic Relations

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For the French government, the EU must have the capacity to defend positions which can be different from those of the United States and a capacity to act alone whenever military intervention proves to be necessary. This does not mean building the European defence policy in opposition to the United States and NATO, but making it capable of pursuing its own choices in world politics. Why should the European countries build an ESDP outside NATO if it is not to be independent?¹

Is the EU making progress in that direction? Are the member states making the necessary efforts to achieve the goals which were defined in 1998-99 during the Franco-British Saint-Malo summit and the European Council summits of Cologne and Helsinki? Talk of an ESDP 'spill-over effect' may be exaggerated, but no one can deny that a developing ESDP process is at work.² The ESDP operations in the Balkans and Congo can be considered as a first step towards the creation of a strong European defence policy. The problem is that the pace is very slow and may not allow the EU to be independent in international security matters and to bring a major contribution to crisis management. And the Iraq crisis has shown that EU autonomy may be a priority for France and a few European countries, but is far from being a priority for every member state.

The French Perspective on ESDP³

The French perspective on ESDP is aimed at:

1. Strengthening the European identity in the field of security and defence

The European security strategy, set up by Javier Solana and adopted by the European Council in December 2003, has given the EU the theoretical basis which had been lacking until now. This security strategy, as well as the Petersberg tasks (art. 17 of the EU treaty) and the Headline Goal (the first Headline goal and the HG 2010), contributes to the building of a European identity in security matters. While the EU is in line with the US national security strategy of 2002 on some crucial issues like the struggle against terrorism and non- proliferation, the Europeans put the emphasis on crisis prevention instead of pre-emptive war, multilateralism instead of unilateralism, and argued that the UN has to

bring legitimacy when dealing with crisis management and conflict resolution. The use of force must remain a solution of last resort and cannot be decided without a UN Security Council resolution. The core elements of the strategy are in line with the position defended by the French government during the Iraq crisis.⁴ Now the security strategy must be implemented and completed by a defence strategy.

2. Strengthening EU military capacities

Whatever institutional and operational arrangements between the EU and NATO may be, it will not make the EU autonomous if the success of ESDP operations depends highly upon military support given by the United States. Some duplication of NATO assets is necessary (intelligence, command and communication systems, strategic lift) if the EU wants to assume an operation like EUFOR-Althea without using NATO resources. This is certainly a French viewpoint which is not popular among European governments.

3. Strengthening the ESDP mechanism and political will

As far as decision-making and institutions are concerned, the EU member states have chosen a realistic and pragmatic approach. The priority is to ensure that the ESDP is capable of acting in crisis management, not to build sophisticated institutional mechanisms. This capacity of action should be provided by cooperation of the willing or by – as termed in the draft constitutional treaty – ‘permanent structured cooperation’, that is, a core group of states assuming more responsibilities than the others in military matters. This idea has been defended by France together with Germany, Belgium and Luxembourg. From a French viewpoint, flexibility is a good solution because it allows the EU to act while avoiding supranational mechanisms (a major role for the Commission, qualified majority voting at the Council...). Only a very slow evolution towards integration in the security field can be accepted. But the main driver of CFSP/ESDP remains political will, not procedures and institutions. This also means that even under the present situation, when it is far from sure that the constitutional treaty will enter into force, there will be progress if the member states are sufficiently interested in moving ahead. The tendency for forming flexible groups might even be supported under these conditions.

France in the European Union: The Need for Partners

Do the European governments have the political will to strengthen ESDP? The Iraq crisis reminded us that the member states do not hesitate to play their own cards when their relationship with the US is at stake.⁵ The most recent enlargement is certainly a chance for Europe, but it may also be seen as a risk for the development of an autonomous ESDP. Are the new member states likely to participate in the building of a European defence policy? This question was asked in a quite undiplomatic manner in February 2003 by President Chirac when responding to the letter of the ‘Vilnius countries’.

Which member states are ready to strengthen ESDP and make it more effective? France certainly has the political will to achieve the ultimate goal of making a great power out of the European Union. After the entry into force of the military reform agreed in 1996-97, the French army is better equipped to project forces out of the territory and to contribute to ESDP operations. This should be even truer at the end of the current military programme (2003-2008) launched on 27 January 2003. The French authorities have worked hard to make ESDP operational and have provided for a lot of ideas – such as the framework nation and battle group concepts – which aim to facilitate the deployment of troops for a European operation.⁶

But the French position may also be a problem. The French contribution to the catalogue of forces and to ESDP operations may be important, but it does not give enough capabilities to allow the European Union to act alone – i.e. without the support of the United States – for most crisis management operations. Moreover, European countries doubt the sincerity of French officials when they talk about ESDP. France is perceived as a country using European political unification to pursue its own ambition of power, and is often accused of being arrogant and selfish. The French policymakers have to convince every member state, first that they are sincere when they talk about European defence, second that ESDP will profit everybody not only France, and third that NATO and EU/US relations will not be affected by the building of ESDP.

The French priority is to find a common position with Germany and the United Kingdom, because of their political weight within the European Union. Franco-British relations may be the key element. France needs to bring the UK closer to

its own understanding of ESDP. For France, any form of a permanent structure for cooperation with or without the constitutional treaty will not be of any help for the development of ESDP if the UK is not part of it. The battle group concept will give the opportunity to the British to be highly involved in these 'permanent structures for cooperation'. This must be a sign that the spirit of Saint-Malo has not disappeared.

Does ESDP Need US Support?

Can the French perspective on ESDP and transatlantic relations be shared by a majority of European governments if the United States is strongly disapproving of a stronger European security and defence identity?

On the one hand, one can say that it will be even more difficult for EU member states to reach a consensus on ESDP if the US does not facilitate the development of a European crisis management capacity within and outside NATO. The US only sees a subsidiary role for the EU in crisis management: ESDP operations should be useful to the United States because US troops cannot be sent everywhere in the world. But one of the main US national interests is to avoid the emergence of another great power in world politics, even if this power is built in Europe. Can we imagine an evolution of American foreign policy, at least in the medium and long term? The results of the US elections and the nomination of Condoleezza Rice as Secretary of State are not good signs. The recent declarations made by Dr. Rice and President Bush, when they travelled in Europe in February, are positive steps towards 'reconciliation'. No doubt that the Bush administration has not got rid of its neo-conservative strategy of permanent war and unilateralism. But there may be a slow evolution if the US government admits that it can be counter-productive to create resentment all over the world and especially in Europe.⁷

The problems that the US army is facing in dealing with post-war Iraq may lead the United States to a more multilateral approach of foreign relations. Generally speaking, even a country as powerful as the United States cannot continue to take decisions without having or searching for a minimum level of legitimacy and consent. If the US wants to keep its hegemonic position in world affairs, the Bush administration should lessen the military dimension of its security strategy and give more importance to soft power instruments like political dialogue, negotiation and alliances.⁸

On the other hand, the fact that the United States does not favour the ESDP, combined with the

reluctance of the Bush administration to be committed with Europe, could be a good incentive. It may convince EU member states that Europe is no longer a priority for the US and consequently that the ESDP is not an option but an obligation for Europeans. Finally, a strong common position of the EU countries in favour of the ESDP, by creating a kind of virtuous circle, could also lead the United States to give more credit to the Atlantic Alliance and to a more balanced EU-US relationship within NATO. If the EU has any chance to become an equal partner of the United States within NATO, it will result both from an evolution of the EU towards military power⁹ and from a complementary evolution of the US foreign policy towards soft power and multilateralism.

From a French viewpoint, the search for a new equilibrium between the allies must be a permanent concern for the Europeans. EU member states, especially those which are very close to the US, must try to convince the Bush administration that the development of a credible ESDP is the best option for the future of transatlantic relations. In addition, France should play a role in making clear that its main goal is not to build a European power in opposition to the US.♦

¹ Alexandre Vulic, L'Europe sous protectorat en termes de sécurité, *Questions internationales*, n°9, septembre-octobre 2004, p.73.

² Trevor C. Salmon and Alistair J. K. Shepherd, *Toward A European Army, A Military Power In The Making ?*, Lynne Rienner Publisher, 2003; Fabien Terpan, 'La dimension politique de la sécurité européenne au premier semestre 2004', *Défense nationale et sécurité collective*, août-septembre 2004, p. 99 ; Fabien Terpan, 'L'Europe de la défense : la dimension politique au second semestre 2004', *Défense nationale et sécurité collective*, Février 2005, p. 83.

³ Fabien Terpan, 'La France et la PESD', in Fabien Terpan (ed.), *La politique européenne de sécurité et de défense, L'UE peut-elle gérer les crises ?*, Presses de l'Institut d'études politiques de Toulouse, 2004, p. 251.

⁴ Pascal Boniface, *La France contre l'empire*, Robert Laffond, 2003.

⁵ Philip H. Gordon, Jeremy Shapiro (ed.), *Allies at War, America, Europe and the Crisis Over Iraq*, MacGraw Hill, 2004.

⁶ However, it is often argued that the French defence policy is in a very bad situation in terms of equipment, resources and strategy. See, for instance, Nicolas Bavarez, 'La stratégie du zero concept', *Le Monde*, 5 juillet 2001.

⁷ Jean-Yves Haine, *Les Etats-Unis ont-ils besoin d'alliés ?*, Payot, 2004.

⁸ Joseph Nye, *The Paradox Of American Power*, Oxford University Press, 2002; Charles A. Kupchan, *The End of The American Era : U.S. Foreign Policy and The Geopolitics of The Twenty-First Century*, Alfred A. Knopf, 2003.

⁹ Hubert Védrine, 'L'Europe-puissance face à l'unilatéralisme américain', in Arthur Paecht (ed.), *Les relations transatlantiques, de la tourmente à l'apaisement*, IRIS, PUF, 2004.

The Military Dimension of Crisis Management: Implications for the European Union

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Since 1998, ESDP has gone from dream to reality. Then nothing but ideas existed. Now, ESDP is operational with several missions ongoing. The development has happened with 'the speed of light', as Dr Solana likes to point out. However, a lot of issues still need to be addressed.

Internal and External Security: Challenges for EU Crisis Management

Until now, the EU has, for legal and institutional reasons, made a strict difference between internal and external security. In external security, it has striven for synergy between military and civilian instruments for crisis management while military instruments have been excluded for internal security issues. In a situation where military instruments, in accordance with the Petersberg tasks, were exclusively meant for 'crisis management', this approach was reasonably relevant. However, new threats stemming from *inter alia* international terrorism and trans-national crime make this approach increasingly irrelevant. Furthermore, EU citizens demand that the EU and its member states can protect them from consequences of catastrophes both within and outside the EU.

Consequently, the EU needs to go from a security perspective focussed on states to one which also encompasses its citizens. In such an approach, the sharp divide between external and internal security, as well as between civilian and military instruments, becomes less relevant. For obvious reasons, military instruments will still be used and, in particular, be conceived for fighting external threats.

However, to make such a broad understanding of EU security a reality, the replacement of the present treaties by the constitutional treaty, would have been an important step. The actual ratification crisis makes it rather improbable that this will happen in the short term, but it is still too early for final assumptions. Until then,

efforts are needed to increase synergy between various instruments. This entails structures like the new civil-military cell, procedures, and, perhaps above all, willingness to cooperate.

The Military Dimension of Crisis Management: Three Kinds of Operations Under Review

Against this background, from a military perspective, one might differentiate between three categories of operations. In the first case, there are operations where EU security interests are at stake: Operation Althea in Bosnia is an example. But one could easily imagine much more robust operations. Common defence in accordance with art 41 of the constitutional treaty would have fallen into this category. The second category is operations to protect common values: Operation Artemis in the Democratic Republic of Congo aimed at stopping genocide is a good example. The third category encompasses internal operations in the context of civil protection or protection against terrorism in accordance with the solidarity clause or civil protection mechanism.

To be able to conduct such operations, the EU needs a capacity for robust rapid reaction as well as for long-term stability operations including capability for escalation control. The battle group concept gives a basic capability for rapid reaction and the headline force (often called the EU Rapid Reaction Force), in accordance with Headline Goal 2003 answers to the second requirement. But there is a need for an enlightened debate about EU long-term ambitions in this field; should the EU be able to wage real wars in the defence of its interests? If not, who should do that? Maritime security is another issue, which needs to be addressed. In fact, our ability to trade, in a secure and safe way, is a prerequisite for prosperity and democracy. As this issue regards both military and civilian instruments both within and outside the territorial waters of EU member states, it fits well into the broader view of security needed today.

Obviously, the issue of the EU's future ambitions in the military field is linked to the larger issues of relations between the EU and NATO as well as between the EU and US. Regarding the first issue, one must note that nearly all European NATO nations are also member states of the EU. Neither NATO nor the EU has any military resources of their own, except for NATO Headquarters and C³ assets. The EU, on the other hand, still lacks its own operational chain

of command. Otherwise, military resources are national. In theory, it should be rather easy to see the two organisations as complementary. For the time being, NATO is more apt to handle robust military operations while the comparative advantage of EU lies in its broad range of instruments. In reality, this is more complicated because of issues like the unsolved conflict in Cyprus and the fact that a couple of EU member states are still not prepared to exchange security guarantees and, hence, remain outside of NATO.

Regarding European ambitions, whether in NATO or in the EU, as well as regarding transatlantic relations, the low capability of European militaries is a major problem. It has been assessed that only some 5% of European forces are able to deploy outside its borders. Hence, there is a need both for major transformation and increased budgets. The EU Headline Goal 2010, as approved in the summer of 2004, will be, if implemented, a major step forward. HG 2010 concentrates more on quality – interoperability, readiness, deployability etc – than HG 2003. Furthermore, HG 2010 also is intended to handle the shortfalls of its predecessor: air-to-air refuelling, suppression of air defence, strategic transport to name some of the most important. Evidently, this will take some time to achieve. It is sometimes not fully understood that big-ticket items like strategic transport aircraft cannot be bought and made operational within a couple of years.

Tasks for the EU: Closing the Capabilities Gap

There has been a lot of talk about the importance of closing the transatlantic gap in military capabilities. This does not mean, however, that Europeans should try to mirror the US armed

forces. The US dependence on high-tech forces is, as Iraq has shown, not necessarily the best answer to present dangers. Furthermore, Europeans have another, broader and less military view on security and diplomacy. The fact that the EU and its member states are much more active in humanitarian aid is a case in point. The new *European Gendarmerie Force* (EGF), offered by five states, will be particularly well suited to the EU's security needs. However, if the EU, or the Europeans within NATO, want to be able to influence the USA, they must get a credible military capacity.

For these reasons, it is crucial that EU member states get serious about defence and faithfully implement their commitments. In this regard, Sweden regrettably constitutes a very bad example. Yes, it transforms its military and puts participation in international crisis management as the number one priority. However, in clear contrast to Swedish commitments to the EU Security Strategy, it sharply reduces its budget. The result, no doubt, will be reduced operational capabilities.

To conclude, two issues seem particularly important. First, in order to fulfil its potential for crisis management, the constitutional treaty should come into force. Whether it will be possible to continue the ratification process after the 'reflection period' imposed by the European Council in June 2005, remains an open question. If not, the present synthetic division between external and internal, military and civilian, security cannot be overcome. Second, EU member states must faithfully implement their commitments. How can we avoid that some countries just pay lip-service to their duties in the military field?◇

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