

1. What are the priorities for your government in CFSP in 2004? What are the key issues for your country in 2004 (after EU enlargement, after the Iraq conflict)?

According to the Austrian government, Austria's foreign and security policy² (in the context of CFSP/ESDP) should be shaped in accordance with the following principles:

- One of Austria's main goals is the achievement of common positions in order to make sure that the European Union is able to react effectively in emergency situations.
- Working effectively for Austria's interests at the bilateral and multilateral level as well as within the framework of the EU.
- Continuous co-ordination with Austria's EU partners as the best way to promote Austrian national interests within the EU. Development of a partnership with like-minded states holding similar views which are linked by common regional interests (Regional Partnership Concept).
- Active participation in the ESDP in the spirit of solidarity; since the ESDP is currently pursuing the aim of giving the EU the necessary means and capabilities as well as efficient decision-making structures for civil and military crisis management. Austria especially supports the GAERC (General Affairs and External Relations Council) decisions of 22/23 November 2004 endorsing the results of a Military Capabilities Commitment Conference (MCCC) and of a Civilian Capabilities Commitment Conference (CCCC). In this conference Austria has augmented its previous commitment to Civilian Crisis Management (presently 135 experts and 23 civil protection intervention teams) and pledged 200 soldiers for a Battle Group. In the field of civilian crisis management, Austria stresses the importance of allocating more funds (from the CFSP budget) and the willingness to engage in further missions.

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² The Austrian Parliament has adopted an Austrian Security and Defence Strategy in December 2001 which is still in force. This doctrine was supported by the political parties forming Austria's present government, the OeVP (Austrian People's Party) and the FPÖ (Freedom Party). It was rejected by the opposition, the Social Democrats (SPÖ) and the Green Party.

- Austria supports emphatically the Operational Plan for the EUFOR Operation 'Althea'. This largest European Union-led military operation so far will be part of the EU's comprehensive approach in Bosnia and Herzegovina. It shall sustain the EU's long term objective of a stable, viable, peaceful and multiethnic Bosnia and Herzegovina, irreversibly on track towards EU membership. Austria therefore welcomes the ongoing progress made in the planning and preparations for this operation, after transfer of authority from the NATO-led SFOR operation in Bosnia and Herzegovina to the EU-led operation 'Althea' on 2 December 2004.
- The Council is expected to adopt conclusions confirming the EU's support for UN actions as well as for the efforts of the African Union (AU) and African sub-regional organisations in promoting peace and security on the continent (see the decisions of the GAERC of 22/23 November 2004).
- Support to any future efforts to realise the possibility of a common European defence envisaged in Article 17 of the EU treaty.
- Consistent further development of Austria's relations with NATO within the framework of the tailored co-operation programme. Full usage of the possibilities for co-operation and dialogue offered within the framework of the Partnership for Peace program. Close co-operation between the EU and NATO in the spirit of a strategic partnership is regarded as a prerequisite for the success of the ESDP.
- NATO's enlargement process is welcomed as a contribution to the strengthening of security and stability in Europe and is thereby also in Austria's interest. In light of the development within the field of security policy, Austria will continuously assess the value of NATO membership for its security and defence policy and the option of joining NATO will be kept open. Accession to NATO would only take place after prior consent of the Austrian people.³

2. National Perceptions and Positions with regard to CFSP/ESDP issues in 2004

a) The perceived success and failure of CFSP/ESDP

³ See the Austrian government declaration of 28 February 2003.

Austria continues to favour the creation of a permanent seat for the European Union in the Security Council of the United Nations. Austria stresses the importance of comprehensive European positions and welcomes the fact that the candidates, the countries of the SAP (stabilization and association process, i.e. Albania, Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Montenegro) and the EES (European Economic Space) countries align themselves to many CFSP decisions (A growing number of statements of the EU Presidency are therefore made in the name of the 25 EU member states plus Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Macedonia, Norway, Romania, Serbia and Montenegro, Switzerland and Turkey; altogether 36 states).

With regard to the weaknesses of CFSP/ESDP, the disagreements among the EU member states over the war against Iraq have to be mentioned. However, Austria welcomes the adoption of resolution 1546 of 8 June 2004 by the Security Council and the common middle-term strategy on Iraq by the GAERC. They will be the basis for future activities of the EU in Iraq.

It must also be pointed out that the EU was sometimes not able to adopt common positions with regard to the Middle East peace process.

From the Austrian point of view, the following developments should be seen as major successes of the CFSP/ESDP:

1. The launching of the two military and two police missions in the Balkans, one military mission in Congo and one rule of law mission in Georgia has shown the ability of the EU to play an important role in crisis management.
2. The Belgrade agreement between Belgrade and Podgorica brokered by Mr Solana in 2002 and its implementation in the following years have been a major contribution to avoid a major crisis in Serbia and Montenegro, which might eventually even have led to civil war.
3. The same is true for the implementation of the Ohrid Framework Agreement for Macedonia/FYROM brokered by the EU and NATO.
4. The EU has agreed on an increasing number of common positions (CP) and joint actions during the last years. Those on arms embargos, visa bans and asset freezes deserve special mention. Some of them obviously have had an impact on

the political situation in the countries concerned (e.g. CP on conflict diamonds as a contribution to the Kimberley process; the agreement of 14 out of 15 EU member states in 2003 on a visa ban against leading figures in Belarus has probably had an impact on reopening the OSCE office in Belarus. The same might be true for the policy of the 25 on Burma).

The adoption of a CP on visa bans for ICTY indictees and a CP and Regulation on freezing accounts of ICTY indictees has shown the commitment of the EU, the candidates, the EES states and also the SAP countries to full co-operation with this tribunal.

Finally the Common Strategy on Nonproliferation, adopted by the European Council in December 2003 and its implementation should be mentioned.

b) The position of Austria towards NATO after enlargement

Today, NATO constitutes not just a classical military alliance but a comprehensive security community which is based on democratic values and which makes crucial contributions to peace and security world-wide through its stability-oriented policies. Austria advocates close and trustful co-operation between EU and NATO. Europe's security primarily depends on the effective functioning of the EU and of NATO. As mentioned above, close co-operation between the EU and NATO in the spirit of a strategic partnership is regarded as a prerequisite for the success of the ESDP. In a framework document signed in February 1995, Austria has expressed its intention to work for the achievement of the aims underlying the Partnership for Peace. From 1995 to 2001, Austria took part in the NATO-led multinational peace operation in Bosnia-Herzegovina (IFOR/SFOR) as a PfP partner and re-engaged in 2003. Since the autumn of 1999, Austria has been participating in the Kosovo operation (KFOR). Since 1997, the framework of "Enhanced PfP" has helped all partners to achieve interoperability for the whole spectrum of peace support operations – i.e., including peace enforcement through combat missions.

Austria is also actively involved in the work of the European Partnership Council (EAPC), PfP's political consultation forum.

c) The role of the EU in crisis management e.g. in Europe and Africa

Austria considers it very important that the EU is in a position to carry out civilian and military crisis management operations. Therefore Austria welcomes the conclusion of the so called Berlin Plus Agreement between the EU and NATO which considerably buttressed the strategic partnership between the two organisations in the field of crisis management. It is furthermore of utmost importance that the Member States improve their military and civilian capabilities to carry out crisis management. Austria is trying to make an appropriate contribution to the capability goals of the EU and is participating/ has participated with personnel in all EU crisis management operations (EUPM in Bosnia and Herzegovina, CONCORDIA in FYROM and ARTEMIS in Congo, EUPOL in FYROM, EUFOR in Bosnia, the only exception is the small Rule of law mission in Georgia).

d) The perceived impact of EU enlargement on CFSP/ESDP (old versus new Europe ?)

Austria is happy to note that the tensions within the European Union have decreased since the official end of war against Iraq. In this context, Austria emphasizes that the shaping of common positions of 36 European states was possible. This should provide an indication that the internal disputes have been surmounted.

e) The Austrian view of the European Security Strategy (ESS) as an instrument for enhancing coherence in the EU's security policy

With regard to the ESS, the Austrian government focuses on the following aspects:

- The ESS should be seen as a valuable instrument offering new possibilities. In the negotiations for the preparation of this document, Austria has supported the view that EU action has to be taken in strict accordance with international law. The final version of this document takes the Austrian position into account.
- Austria has stressed the importance of resolving regional problems in Europe (Western Balkans, Ukraine, Moldavia, Caucasus ...) as a contribution to stability and the struggle against terrorism.

3. The Results of the Intergovernmental Conference (IGC) 2003/2004 on the Constitutional Treaty

a) Official Austrian contributions or proposals brought to the IGC with regard to External relations, CFSP and ESDP

The results of the IGC regarding the Constitutional Treaty are supported by the Austrian government. Austria had argued in favour of the introduction of the community method in all areas of the CFSP and ESDP. Austria has called for the possibility to appeal against all CFSP decisions before the European Court of Justice.

b) External Representation

Austria supported the creation of a strong Union Minister for Foreign Affairs, who is responsible to the Council and at the same time Vice-President of the Commission, and is almost satisfied with the solution found. The “double hatting” principle is seen as the best possible solution. Austria has accepted the concept of a President of the European Council for a term of two and a half years. Austria has supported the creation of a common foreign service and emphatically endorses all planning and preparation efforts to this end.

c) Decision-making

Austria is disappointed that the European Convention did not recommend more majority voting in the field of CFSP. Austria welcomes the permanent structured co-operation in the European Constitution. Austria supported the Italian Presidency proposal for qualified majority voting when a proposal is submitted in CFSP by the Foreign Minister.

d) Crisis management

It was Austria's position that permanent structured co-operation in the field of crisis management shall be open to all EU member states, a position which fortunately prevailed. Austria is particularly satisfied with the wording of Article III-312. With regard to the Petersberg tasks, Austria welcomes the content of Article 309-III. The

Western Balkans as well as the African continent (in co-operation with the African Union) are considered as particularly promising for EU crisis management.

e) Defense

With regard to the establishment of the civilian-military cell within the EUMS (Military Staff of the European Union), Austria considers the decisions of the European Council in this context as an acceptable compromise. Austria did not take part in the discussion on full-fledged operational EU headquarters.

f) Permanent structured co-operation

Austria supports the new provisions on permanent structured co-operation, the mutual defence clause as well as the role and tasks of the defence agency. The idea that the defence agency should become the institutional nucleus for European procurement and a single budget for defence seems an unrealistic expectation.

4. Mapping of Activities in CFSP-related research

Major experts, universities and research institutions working in the CFSP field in Austria:

- ***Diplomatische Akademie Wien (Diplomatic Academy)***, Favoritenstraße 15 a, 1040 Wien; <http://www.da-vienna.ac.at>;
- ***Universität Wien, Institut für Völkerrecht und Internationale Beziehungen*** (Department of International Law)
Head: Prof. Dr. Hanspeter Neuhold, Universitätsstraße 2, A- 1090 Wien;
<http://www.univie.ac.at/intlaw>;
- ***Bundesministerium für Landesverteidigung***, Direktion für Sicherheitspolitik, Stiftgasse 2 a, 1070 Wien (Federal Ministry of Defence);
<http://www.bundesheer.at/wissen-forschung/bsp/publikationen.shtml>;
- ***Österreichische Offiziersgesellschaft*** (Society of Austrian Officers).
Schwarzenbergplatz 1 A-1010 Wien
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<http://members.magnet.at/sich.politik/>
- ***AUSTRIAN STUDY CENTER FOR PEACE AND CONFLICT RESOLUTION*** (ASPR) – European University Center for Peace Studies (EPU); Rochusplatz 1,

A-7461 Stadtschlaining/ Austria, Tel.: ++43-(0) 3355 2498, Fax: ++43-(0) 3355 2381, E-mail: epu@epu.ac.at;

- **ÖIES** – Österreichisches Institut für Europäische Sicherheitspolitik (Austrian Institute for European Security Policy – AIES)
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5. Specific remarks on the relation between Austria's national foreign and security policy and CFSP

In Austria, the public as well as the government agree that the possibilities to contribute to a solution of burning problems in Austria's neighbourhood have considerably increased since Austria fully participates in CFSP/ESDP. The general public especially supports the EU's engagement in the Western Balkans (e.g. the Ohrid agreement of August 2001 or the "Solana agreement" of March 2002), the establishment of effective civilian crisis management and operations like Concordia or Artemis. Austria's contribution to all these efforts would not have been feasible without Austria's full participation in the CFSP/ESDP.

However, discussions on Austria's status as a neutral state still make waves:

Austria joined the EU without a reservation regarding its neutrality. Upon joining the European Union in 1995, Austria adopted the Union's entire legal and political "acquis", which then already comprised the Maastricht Treaty and its provisions on

the CFSP. Article III-294 of the Constitution opened the perspective of a common defence policy which in due time could lead to a common defence.

A special provision (Article 23 f) was added to the Austrian Federal Constitution to ensure that participation in the CFSP would not be restricted by the Neutrality Act of 1955. The Neutrality Act of 1955 was thereby further limited in its effect.

After ratification of the Amsterdam Treaty, the Austrian National Council in 1998 adopted another constitutional amendment, under which Austria may take part in the whole spectrum of what is known as the Petersberg tasks, which include combat missions in the context of crisis management, including peace-making missions. Such participation is possible under a EU decision.

When the EU defence ministers agreed in November 2004 to create battle-groups, the Austrian government also decided to pledge troops. Whereas Austrian President Heinz Fischer demanded that the Austrian participation should depend on an authorization by the Security Council of the United Nations, the Austrian government disagreed. Politicians from the opposition parties, the Greens and the Social Democrats, insisted that the participation in the battle groups shall not affect Austria's status as a neutral country.

On the one hand, this development demonstrates that Austria – at the latest by its unlimited participation in the CFSP – has radically changed its status of permanent neutrality in international law. Hence, on an international comparison, Austria's status in international law still corresponds to that of a non-allied state rather than a neutral state. On the other hand, recent opinion polls indicate that more than 70 percent of the Austrians approve the creation of a European army. But the principle of neutrality is still supported by the same number of Austrians.

Sources:

- Austrian Security and Defence Doctrine 2002.
- Report issued by Hannes Farnleitner and Reinhard E. Bösch (Austrian members of the European Convention), CONV 437/02.
- Press release, 2621st Council Meeting – General Affairs and External Relations Brussels, 22 November 2004, 14723/04 (Presse 324).
- Austrian government declaration of 28 February 2003, available at <http://www.bka.gv.at>.

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