

6. The military and security dimensions of the European Union

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I. Introduction

In 2002 the European Union (EU) continued to pursue its 1999 Helsinki Headline Goal of achieving full operationality of the European Security and Defence Policy (ESDP),¹ with the aim of starting crisis management missions in both the military and the civilian fields in the Balkans as soon as possible. The deadlock over EU access to North Atlantic Treaty Organization (NATO) assets persisted for most of the year and, although it was overcome at the end of 2002, the year did not see any EU forces deployed for crisis management tasks. In the civilian field the EU made remarkable progress, crowned with the launching of the European Union Police Mission (EUPM) in Bosnia and Herzegovina on 1 January 2003.

Rates of progress and policy development differed as between not only the military and civilian components of the ESDP but also sub-goals within each component. This is still an obstacle to the EU in turning the separate capabilities into a coherent, interoperable whole in either dimension, let alone perfecting the overall coordination of military–civilian crisis management.

The issue of defence also became part of the debates in the European Convention.²

This chapter analyses developments in 2002 and assesses the progress of the ESDP in its military and non-military dimensions. Section II examines the capabilities pursued by the EU in both dimensions. Section III considers the practical aspects of preparations for crisis management operations and section IV the steps taken to prepare the EU for a mission in the Former Yugoslav Republic of Macedonia (FYROM) and to launch the EUPM. Section V discusses EU access to NATO assets, and section VI analyses the debate on an EU defence policy. Section VII examines the ESDP in relation to terrorism, section VIII reviews developments in relations between the EU and Russia, and section IX summarizes the conclusions.

¹ On the Headline Goal and for background to the development of the ESDP, see Lachowski, Z., 'The military dimension of the European Union', *SIPRI Yearbook 2002: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2002), pp. 151–73. On the EU's military dimension since 1998 see also Rotfeld, A. D., 'Europe: the institutionalized security process', *SIPRI Yearbook 1999: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1999), pp. 250–54; Rotfeld, A. D., 'Europe: the new transatlantic agenda', *SIPRI Yearbook 2000: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2000), pp. 195–200; and Rotfeld, A. D., 'Europe: an emerging power', *SIPRI Yearbook 2001: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2001), pp. 186–95.

II. Crisis management capabilities

Military capabilities

It is commonly agreed that, for the EU to conduct a credible foreign, security and defence policy, it must be able to draw on credible capabilities. However, there is much less agreement on how to achieve this goal. The capability gap between the European allies and the United States has been widening dramatically for many years, leading to serious transatlantic controversies. As European defence expenditure will not rise enough to allow the EU to reduce the gap in the near future,³ the EU is discussing other methods of addressing the issue. Various ways of integrating existing assets, the development of multinational approaches, the pooling of EU resources, and joint operations and maintenance have been proposed in order to extract better value from the modest resources at the EU's disposal. This is a tall order, as defence and armaments remain a national domain and are often subject to protectionist thinking. Competition between national defence organizations and defence industries creates much duplication. In the run-up to making the ESDP fully operational, the debate is focusing on what kind of strategy to adopt in order to improve Europe's military capability and maintain a competitive industrial base.⁴ In 2002 some steps and initiatives were taken towards this goal.

Although the December 2001 Laeken meeting of the European Council adopted a Declaration on Operational Capability,⁵ 2002 witnessed no deployment of EU forces for Petersberg tasks.⁶ The Council meeting of 19 November 2002 in Brussels formally confirmed the commitment to and timetable for the establishment of the European Rapid Reaction Force and approved the Helsinki Headline Goal Catalogue 2002 (HHC 2002). On the basis of the new catalogue and with a view to a Conference on Military Capabilities in May 2003, member states were invited to offer more focused contributions or to refine existing ones in order to make up certain shortfalls.⁷

The European Capability Action Plan

In the light of the two capabilities commitment conferences of 2000 and 2001 on improving military capabilities, the EU states have set up a European Cap-

² For a general description of the European Convention, see section IV of chapter 1 in this volume. See also the European Convention Internet site at URL <<http://european-convention.eu.int>>.

³ See section IV of chapter 10 in this volume.

⁴ On EU policy in this area see section IV of chapter 11 in this volume.

⁵ Council of the European Union, Declaration on the Operational Capability of the Common European Security and Defence Policy, Annex II(A), Laeken, 14–15 Dec. 2001, URL <<http://ue.eu.int/pressData/en/ec/68827.pdf>>.

⁶ The Petersberg tasks, as agreed in 1992 to strengthen the operational role of the Western European Union (WEU) and later incorporated in the 1997 Treaty of Amsterdam, include humanitarian intervention and evacuation operations; peacekeeping; and crisis management, including peacemaking. They are discussed in Rotfeld, SIPRI Yearbook 2001 (note 1), pp. 190, 193–95.

⁷ General Affairs and External Relations Council of the European Union, '19 November 2002. ESDP (European Security and Defence Policy): Council conclusions', Brussels, 19 Nov. 2002, URL <http://europa.eu.int/comm/external_relations/cfsp/intro/gac.htm>.

ability Action Plan (ECAP).⁸ It aims to address capability deficiencies by steering member states' voluntary contributions and using flexible 'bottom-up' approaches to improve the synergy between their national defence planning and EU goals.

The plan was launched on 11 February 2002. Originally, 12 panels were set up, although eventually the number of these groups rose to 19,⁹ with the aim of making good 24 'significant' shortfalls (as against the original 42 identified at the November 2001 Capabilities Commitment Conference). The critical shortcomings concern command, control and communications; strategic intelligence and the surveillance and protection of troops in the field; strategic transport by air and sea; and effective engagement capacity. All the panels were to have submitted their reports by 1 March 2003, prior to the Conference on Military Capabilities on 1 May 2003. In November 2002 the General Affairs and External Relations Council (GAERC) considered the overall assessment, drawn from the intermediate reports of ECAP panels, 'encouraging'.¹⁰ In his report to the Council, Javier Solana, the High Representative for the Common Foreign and Security Policy (CFSP), stressed the positive aspects of the ECAP, such as effectiveness and the fact that it offered viable options for resolving shortfalls and cooperation with NATO but criticized the lack of progress in defence spending, pooling of resources and role specialization, and noted the need for better overall coordination of ECAP work.¹¹

Defence spending

The EU countries' defence expenditure declined throughout the 1990s to an average of less than 2 per cent of gross national product (GNP).¹² Today, all these governments have committed themselves to enhancing their military capabilities, but they have been slow to increase their defence spending and

⁸ Lachowski (note 1), pp. 162–63.

⁹ The ECAP panels are as follows: Attack Helicopters and Support Helicopters; NBC [nuclear, biological and chemical] Warfare; Unmanned Aerial Vehicles [UAVs] for Surveillance/Target Acquisition; Medical Role 3/Medical Collective Protection Role 3; Special Operation Forces; Carrier-Based Air Power; Suppression of Enemy Air Defence; Air to Air Refuelling; Combat Search and Rescue; Cruise Missile/Precision Guided Munitions; Theatre Ballistic Missile Defence; Deployable Communication Modules; Operational, Force and Component Command headquarters (OHQ, FHQ and CCHQ); Theatre Surveillance and Reconnaissance Air Picture; Strategic Intelligence, Surveillance, Reconnaissance and Image-Intelligence Collection; UAVs (high- and medium-altitude long-endurance and tactical); Early Warning and Distant Detection Strategic Level; Strategic Air Mobility Outsize Transport A/C; and Roll-on Roll-off/General Cargo Shipping.

¹⁰ '19 November 2002. ESDP . . . Council conclusions' (note 7).

¹¹ General Affairs and External Relations Council of the European Union, 'Summary of the intervention of Javier Solana, EU High Representative for the Common Foreign and Security Policy, defence ministers meeting', document S0216/02, Brussels, 19 Nov. 2002. See also *Atlantic News*, no. 3433 (22 Nov. 2002), pp. 3–4. Solana has stressed that NATO's Prague Capabilities Commitment (see section IV of chapter 1 in this volume) and the ECAP are not per se mutually reinforcing, although they are close, and has called for the consequences of the NATO capabilities programme to be taken fully into account. General Affairs and External Relations Council of the European Union, 'Summary of the intervention of Javier Solana, EU High Representative for the Common Foreign and Security Policy (CFSP) at the informal meeting of EU defence ministers', document S018/02, Rethymnon (Greece), 4–5 Oct. 2002. On the impact of capability goals see also Sköns, E. *et al.*, 'Military expenditure and arms production', *SIPRI Yearbook 2001* (note 1), pp. 243–45.

¹² See appendix 10A, table 10A.4, in this volume.

investment in military research to fill the gaps in hardware identified by the two EU capabilities conferences held in 2000 and 2001.¹³ European arsenals are now on the verge of technological incompatibility with those of Europe's main NATO ally, the USA.¹⁴ The budgetary challenge is further compounded by the stringent limits on government deficits set by the EU's Stability and Growth Pact. Some countries, such as France, Greece and the United Kingdom, have recently suggested that defence expenditure might be exempt from these constraints, but the idea has not found consensus among all EU members. Only two EU countries have recently planned to increase their military expenditure in real terms in the coming years—France and the UK. In most EU countries, military expenditure is still falling.¹⁵

During 2002, France and some others showed fresh interest in the idea (already debated in 1999) of a 'convergence pact' that would commit the EU states to some minimum level of defence spending as a proportion of their GNP, and/or more specific targets such as the percentage of defence funds to be spent on equipment. The idea was reiterated in the report of Working Group VIII to the European Convention (the Barnier Report), which suggested evaluation of the proportion of the defence budget in relation to GNP and in particular the proportion of equipment and research expenditure in the defence budget.¹⁶ The UK in its deposition to the group argued, however, that gross spending was not a sure guide to the effectiveness of outputs.¹⁷

At the end of the year, the EU was dealt a blow by the German Government's decision to cap its defence spending at €24.4 billion a year (c. \$24 billion), and the consequent reduction, *inter alia*, of its order for Airbus A400 transport aircraft—the flagship of EU military capabilities—to 60 from the initial 73.¹⁸

The preceding year's dispute over the financing of EU military and defence operations was resolved in mid-2002.¹⁹ On 14 June a general framework for such financing was agreed. The compromise established a list of three cate-

¹³ The EU invests c. €10 billion per year in research and development (R&D) as against the US investment worth c. €53 billion per year. European Convention, Secretariat, 'Final Report of Working Group VIII-Defence' (Barnier Report), Brussels, 16 Dec. 2002, document CONV 461/02, p. 23. Michel Barnier was chairman of the convention's Working Group on defence.

¹⁴ This led NATO Secretary General Lord Robertson to call on the USA to ease restrictions on technology transfer and industrial cooperation, and particularly to liberalize its export policies vis-à-vis the allies. North Atlantic Treaty Organization, 'Defence and security in an uncertain world', Secretary-General's keynote speech at the Forum Europe, Brussels, 17 May 2002, URL <<http://www.nato.int/docu/speech/2002/s020517a.htm>>.

¹⁵ See section IV of chapter 10 in this volume.

¹⁶ 'Final Report of Working Group VIII-Defence' (Barnier Report) (note 13), p. 23.

¹⁷ The British paper calls for coherence between the EU and NATO methodologies and a mechanism of auditing that compares capabilities to performance benchmarks (based on the EU model of economic coordination benchmarking) and seeks best practice in any given area. European Convention, Secretariat, 'Future of Europe Convention, UK contribution to the Defence Working Group', Paper by Gisela Stuart, Working Group VIII-Defence, Working Document 23, Brussels, 21 Nov. 2002, URL <<http://european-convention.eu.int/docs/wd8/5452.pdf>>.

¹⁸ On German military expenditure, see also section IV of chapter 10 in this volume.

¹⁹ Article 28(3) of the amended Treaty on European Union forbids the financing of military operations out of the Community budget. Therefore either member states taking part in an operation furnish financing ('costs lie where they fall') or other steps have to be taken. The amended text of the treaty is available at URL <http://europa.eu.int/eur-lex/en/treaties/dat/EC_consol.html#000501>.

gories of cost. The 'common costs', which will invariably be met from EU funds, will cover the costs of headquarters for EU-led operations (transport, administration, communication, public information, and so on) and services to be shared by the forces as a whole (medical costs, additional equipment and infrastructure). The Council, when launching an operation, will decide on a case-by-case basis whether a second category of costs, including transport, barracks and lodging of the forces, will be funded in common. The third category—individual costs—is to be borne individually by each state that takes part in military operations ('costs lie where they fall'). The agreement is an interim one and will be subject to review after the first operation has been conducted or in June 2004.²⁰

Armaments cooperation policy

While requirements for remedying capability shortfalls have been identified in the past few years, further steps are required. The ESDP lacks an armaments and defence industry policy, and EU efforts in the past to create such a policy have proved lame, although there is a widespread view that the EU needs equipment that is produced cooperatively and in a cost-effective way. However, there are several serious obstacles along the road towards a more ambitious common policy, including: (a) legal issues; (b) the concern among some member states that it will adversely affect their markets and export incomes, as well as their programmes of cooperation with partners outside Europe (the USA in particular); (c) the need to build support among the national defence industries themselves, the major European transnational defence companies; and so on.²¹

Mandated by its Belgian predecessor to enhance cooperation in the field of armaments, the Spanish Presidency declared a greater commitment to this aspect of improving European capabilities.²² Initiatives also came from the European parliamentary bodies which in early 2002 stressed the importance of defining an EU 'armaments policy'.²³

At an informal meeting of EU defence ministers in Zaragoza, Spain, on 23 March 2002, the Spanish Foreign Minister presented a document setting out possible guidelines for a 'European armaments policy'.²⁴ On 29 April an

²⁰ Council of the European Union, 'Presidency report on European Security and Defence Policy', document 10160/2/02, Brussels, 22 June 2002, Annex II: 'Financing of EU-led crisis management operations having military or defence implications'. The Barnier Report suggested that a 'relatively modest' fund be set up to finance the preparatory stages of a military crisis management operation. Since military operations may not be financed from the Community budget, a mechanism for bearing common costs is suggested as well. 'Final Report of Working Group VIII-Defence' (Barnier Report) (note 13), p. 18.

²¹ For a review of the existing issues see Latter, R., 'Europe's future security and defence', Wilton Park Papers, Wilton Park, Sussex, Nov. 2002, pp. 14–16.

²² See, e.g., 'Spain hopes to reshape EU's military mission. New presiding nation pushes for pan-European armament policies', *Defense News*, 11–17 Feb. 2002, p. 4.

²³ *Atlantic News*, nos 3356 (30 Jan. 2002); 3359 (8 Feb. 2002); and 3367 (8 Mar. 2002).

²⁴ *Atlantic News*, no. 3372 (28 Mar. 2002). An internal Council report reportedly concluded that the European armaments policy is largely in the realm of 'rhetoric, or of utopia'. Zecchini, L., 'La défense européenne ne parvient pas à se structurer' [European defence fails to take shape], *Le Monde*, 26 Mar. 2002, p. 7.

informal meeting of EU national armaments directors was held in Madrid, Spain, with the aim of enhancing cooperation in the armaments field in support of the ESDP. The discussion on strengthened cooperation in the field was continued at the first formal meeting of EU defence ministers in Zaragoza, on 13 May. A seminar on armaments cooperation also took place on 12 June in Madrid, gathering all relevant actors, including representatives of the European arms industries. The General Affairs Council meeting of 19 November acknowledged that further work in the field of armaments cooperation is needed.²⁵

The discussions at the European Convention in the Working Group on defence, headed by Michel Barnier, revealed fundamental differences in members' approaches to armaments cooperation policy. Both a Franco-German submission to the European Convention²⁶ and the Working Group's eventual report²⁷ proposed the development of a European armaments policy, including the creation of a European Armaments Agency. The UK criticized the idea of Europe-wide procurement as a step towards a 'fortress Europe' approach and as bound to have an adverse effect on the British defence industry. Instead, the UK proposed the establishment of an intergovernmental Defence Capability Development Agency designed to promote the strengthening of the defence industry and its competitiveness by coordinating national efforts over equipment, personnel and contracted service work, while not cutting it off from the USA.²⁸ The Franco-British summit declaration issued at Le Touquet on 4 February 2003 arrived at a compromise formula, calling for an 'intergovernmental capabilities development and acquisition agency'.²⁹

²⁵ '19 November 2002. ESDP . . . Council conclusions' (note 7).

²⁶ European Convention, Secretariat, 'Propositions conjointes franco-allemandes pour la Convention européenne dans la domaine de la politique européenne de sécurité et de défense' [Franco-German joint proposals in the area of the Common European Security and Defence Policy], document CONV 422/02, Brussels, 22 Nov. 2002.

²⁷ The Barnier Report proposed a European Armaments and Strategic Research Agency which would promote a policy of harmonized procurement and support research into defence technology, including military space systems. 'Final Report of Working Group VIII-Defence' (Barnier Report) (note 13), p. 22. Earlier that year, 2 senior European researchers called for a strategy to deal with the issues of systematic standardization of military equipment, industrial capabilities of strategic interest, and an institutional and regulatory framework with the aim of achieving the most cost-effective results. A harmonization of EU procurement policies and the eventual creation of a defence union were outlined, including: the introduction of common rules on issues such as arms exports and European-level procurement agencies throughout the procurement cycle; establishing common procedures for planning and procurement; pooling national maintenance and logistics operations to cut costs; creating common budget lines for certain strategic assets (satellite systems and in-flight refuelling); and preference for transnational defence companies over national suppliers to enhance cross-border consolidation. Maulny, J.-P. and Schmitt, B., 'Joining forces', *Financial Times*, 16 July 2002, p. 13.

²⁸ 'Future of Europe Convention, UK contribution to the Defence Working Group' (note 17). The UK fears that switching to a more protectionist Europe-wide system might cause retaliation from the USA, which would bar European companies from its defence contracts. For the UK, the USA is the most important market and offers the best access to advanced technology. Eaglesham, J., 'UK set to spurn plan for EU defence procurement', *Financial Times*, 9 Dec. 2002, p. 2.

²⁹ Declaration on Strengthening European Cooperation in Security and Defence, Franco-British Summit, Le Touquet, 4 Feb. 2003, URL <http://www.fco.gov.uk/Files/kfile/CFSDP_LeTouquetDeclaration_February2003,0.doc>.

Civilian crisis management capabilities

In 2002, the targets the EU had set itself in the field of civilian crisis management capabilities were declared to be met.³⁰ These capabilities are intended to be usable either within the context of an autonomous EU operation or as part of an EU contribution to a crisis management operation undertaken by the United Nations or regional organizations. The year also saw the decision to launch the first operation under the ESDP—the EUPM.

Civilian crisis management has been an important, if neglected, part of the development of the ESDP since 1999. The Cologne European Council meeting of June 1999, in committing EU member states to strengthening the ESDP, emphasized the need for capacity in the full range of conflict prevention and crisis management tasks.³¹ This reflected the position established already in the 1997 Amsterdam Treaty that the Petersberg tasks should be the core of an ESDP,³² but also underscored the widely held view that it was in precisely in the non-military areas and in civil–military coordination that the EU could bring ‘added value’ to international crisis management. The Union has substantial experience in providing humanitarian and rescue assistance, institutional capacity building, post-conflict reconstruction and development aid. For some member states, civilian capabilities were also seen as an important counterbalance to the commitment to develop an EU military capacity.³³

The Helsinki European Council meeting of December 1999 established civilian crisis management as a parallel to the development of military capacity by deciding to create a non-military crisis management mechanism ‘to coordinate and make more effective the various civilian means and resources at the disposal of the Union and the Member States’.³⁴ The mechanism was intended to function as an inventory of national and EU non-military resources which member states and the European Commission might be prepared to volunteer at short notice. Alongside this, however, there was a commitment to increase the resources available for non-military crisis management.

In the civilian field this ambition presented, first and foremost, a problem of definition. What was to be defined as non-military crisis management and how

³⁰ ‘19 November 2002. ESDP . . . Council conclusions’ (note 7), Annex, ‘Military capabilities–civilian capabilities: ministerial declaration adopted by the Civilian Crisis Management Capability Conference on 19 November 2002’, reproduced in Haine, J.-Y. (ed.), *From Laeken to Copenhagen. European Defence: Core Documents*, vol. 3, Chaillot Papers no. 57 (European Union Institute for Security Studies: Paris, Feb. 2003), available at URL <<http://www.iss-eu.org/chaillot/chai57e.pdf>>

³¹ European Council, ‘Presidency conclusions: Cologne European Council, 3 and 4 June 1999’, Annex III, ‘European Council Declaration on strengthening the common European policy on security and defence’, URL <<http://ue.eu.int/Newsroom/LoadDoc.asp?BID=76&DID=57886&from=&LANG=1>>.

³² Treaty of Amsterdam amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, 2 Oct. 1997, Article J.7(2), URL <<http://europa.eu.int/eurlex/en/treaties/dat/amsterdam.html>>.

³³ Dwan, R., ‘EU policing for peace operations: what does it mean?’, St Antony’s College, Oxford, European Interdependence Research Unit, Discussion Paper 023, July 2002, pp. 6–8.

³⁴ European Council, ‘Presidency conclusions, Helsinki European Council, 10 and 11 December 2001’, Annex IV, ‘Presidency reports to the Helsinki European Council on “strengthening the common European policy on security and defence” and on “non-military crisis management of the European Union”’, URL <<http://ue.eu.int/Newsroom/LoadDoc.asp?BID=76&DID=59750&from=&LANG=1>>.

should it be differentiated from ongoing humanitarian and development assistance? At the Feira European Council meeting in June 2000, the EU identified four initial priority areas for development—police, rule of law, civilian administration and civil protection. The focus of each, it was stressed, was to be on developing a rapid reaction capability for short-term crisis interventions. This could be called into play within the context of an EU operation or as part of an EU contribution to an operation led by international or regional organizations. The method by which these capabilities were to be developed was identical to that adopted in the military sphere, namely, identifying concrete targets in each area (headline goals) to be met by 2003 and inviting member states to commit resources voluntarily in each area. To mirror the military structures established six months earlier,³⁵ a committee for civilian aspects of crisis management (CIVCOM), reporting to the EU's Political and Security Committee, was set up to assist in the elaboration of civilian headline goals.³⁶ CIVCOM is also working on the development of concept and planning guidelines in the four priority areas.

Targets in the first of these priority areas, *police*, were also set at Feira. The member states agreed to provide 5000 police officers to cover the range of crisis operations and, in addition, to commit themselves to a rapid reaction capability of 1000 police within 30 days. This was achieved at a Police Commitment Conference in November 2001.³⁷ At this conference France and Italy also offered the possibility of providing four headquarters for a police mission, including two for rapid deployment operations.

In parallel to these headline goals, the EU has elaborated a substantial number of concept documents defining the types of police operation in which the EU could be engaged ('substitution' and 'strengthening' missions); guidelines for the planning and establishment of police missions; command and control in EU police operations; and training and equipment requirements. Some of these documents were used as a basis in the planning of the EU's first crisis management operation, the EUPM.

That the area of police has been the most rapid development in civilian crisis management is due in part to the backdrop of UN operations in Kosovo and Timor-Leste (East Timor), where the shortage of international police for these missions created substantial problems for UN administrators.³⁸ The potential of added value from an EU police capability is clear. It also has the attraction of minimizing intra-EU institutional problems since it overlaps less than the other three target areas with EU humanitarian and development assistance—an

³⁵ Lachowski (note 1), pp. 156–60.

³⁶ European Council, 'Presidency conclusions, Santa Maria da Feira European Council, 19 and 20 June 2000', Annex I, 'Presidency report on strengthening the common European security and defence policy' URL <<http://ue.eu.int/Newsroom/LoadDoc.asp?BID=76&DID=62050&from=&LANG=1>>.

³⁷ The targets were exceeded, with 1400 police committed to rapid deployment. Police Capabilities Commitment Conference, 'Declaration', Brussels, 19 Nov. 2001, reproduced in Rutten, M. (ed.), *From Nice to Laeken. European Defence: Core Documents*, vol. 2, Chaillot Papers no. 51 (European Union Institute for Security Studies: Paris, Apr. 2002), pp. 92–94, available at URL <<http://www.iss-eu.org/chaillot/chaill51e.pdf>>.

³⁸ Dwan, R. (ed.), *Executive Policing: Enforcing the Law in Peace Operations*, SIPRI Research Report no. 16 (Oxford University Press: Oxford, 2002).

area defined as falling within Community competence and thus one where the Commission, rather than member states, has the lead.³⁹

Progress in the remaining priority areas for civilian crisis management has been slower than that made in the police domain. Nevertheless, by the end of 2002 the concrete targets in each priority area had been met. At the European Council meeting in Gothenburg in June 2001, member states agreed on a target of 200 experts capable of deployment for crisis management operations in the field of *rule of law*.⁴⁰ This target was exceeded at a Rule of Law Capabilities Commitment Conference held in Brussels on 16 May 2002, where the 15 EU states committed up to 282 officials (including 72 judges, 48 prosecutors, 38 administrative personnel and 72 penitentiary personnel) by 2003. Of these, 60 could be available for rapid deployment within 30 days.⁴¹ A comprehensive EU concept for missions in the field of rule of law in crisis management, setting out the types of mission for which a rule of law component might be envisaged and the practical tasks involved, was elaborated during the year.⁴²

Targets set in the priority area of *civilian administration* at the Gothenburg Council meeting were not as precise as those in other areas. Member states committed themselves instead to voluntarily providing a pool of experts, covering a broad spectrum of experts capable of deploying quickly to crisis management operations. In November 2002, the Danish Presidency launched a call for contributions for this pool and, by early 2003, 8 of the 15 member states had responded. A start has been made in developing guidelines for crisis management in the field of civilian administration.⁴³

Civil protection has been the most contested area of civilian crisis management in the ESDP. This is not because of conceptual or operational difficulties: indeed, civil protection is the one area of crisis management in which the EU has experience, such as responding to natural disasters, most recently after the earthquakes in Turkey in 1999. Moreover, targets set at Gothenburg for civil protection are precise. A call for contributions launched in June 2002 produced responses from all but one member state by early 2003 and enabled these targets to be met.⁴⁴ Rather, the reason for the relative lack of progress in civil protection planning and development reflects the controversy within the EU on what constitutes security and defence policy matters (falling within the

³⁹ On the distinction between the European Union and the European Community and their respective competences see Davis, I., SIPRI, *The Regulation of Arms and Dual-Use Exports: Germany, Sweden and the UK* (Oxford University Press: Oxford, 2002), pp. 46–47.

⁴⁰ Council of the European Union, 'Presidency report to the Göteborg European Council on European security and defence policy', document 9526/1/01, 11 June 2001, URL <<http://ue.eu.int/Newsroom/LoadDoc.asp?BID=75&DID=66829&from=&LANG=1>>.

⁴¹ European Council (Seville, 21–22 June 2002), 'Presidency report on ESDP', Annex I: Rule of Law Capabilities Commitment Conference Declaration.

⁴² Council of the European Union, 'Comprehensive EU concept for missions in the field of Rule of Law in crisis management, including annexes', document 141513/02, [Brussels], 19 Nov. 2002.

⁴³ Council of the European Union, 'Basic guidelines for crisis management missions in the field of civilian administration', document 9369/02, [Brussels], 30 May 2002.

⁴⁴ General Secretariat of the Council of the European Union, DGE IX, Civilian Crisis Management, Private communication, Mar. 2003.

second 'pillar' of the EU) and what belongs within humanitarian assistance matters managed by the European Commission (the first pillar).⁴⁵

Within this latter area of activity a Community civil protection mechanism was established in October 2001, bringing together the civil protection services of the member states under Commission coordination.⁴⁶ Although this mechanism is meant primarily for action within the EU, it can be used in third countries. The risk of duplication between this separate effort and actions within the ESDP is clear, and has led some to conclude that civil protection should not remain a priority area for the non-military development of the ESDP.⁴⁷ This does not mean that civil protection activities would not be part of an EU crisis response but rather that they would be incorporated as instruments of the Community which can be used for crisis management. This issue illustrates the challenges of intra-EU coordination for effective action.

With the EU's civilian crisis management goals formally met in the four priority areas, the challenge now is to make these separate capabilities into a coherent, interoperable whole. An important element here is the need for adequate operational planning and mission support. Despite the hesitation of many member states towards the development of a common EU planning capacity in Brussels, there was general recognition by the end of 2002 that the operationalization of civilian commitments requires, in effect, a civilian mission headquarters capacity. At the Civilian Crisis Management Capability Conference of 19 November 2002, EU ministers tasked Javier Solana with taking forward work on the establishment of an EU mission planning and support capability within the General Secretariat of the Council.⁴⁸ Among the primary tasks for any planning capability in civilian crisis management will be: (a) establishing strategies for coordination between the different priority areas so as to ensure that civilian crisis management is a coherent element of the ESDP rather than a collection of disparate capabilities, and (b) developing modalities for the contribution of an EU civilian component to a UN or regional organization operation.⁴⁹

⁴⁵ The three 'pillars' of the EU, under the 1993 Maastricht Treaty, are: (a) the European Community (formerly the European Economic Community, EEC) dimension, (b) the common foreign and security policy, and (c) cooperation in the fields of justice and home affairs.

⁴⁶ 'Council decision of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions', document 2001/792/EC, Euratom, *Official Journal of the European Communities*, L297 (15 Nov. 2001), URL <http://europa.eu.int/eurlex/pri/en/oj/dat/2001/l_297/l_29720011115en00070011.pdf>, pp. 7–11. Modalities for the use of the Community mechanism in crisis management were adopted by the Council on 17 June 2002 and included as an annex to 'Presidency report on the European Security and Defence Policy' (note 20).

⁴⁷ See, e.g., British House of Lords, Select Committee on the European Union, *EU: Effective in a Crisis? Session 2002/03, 7th Report*, HL Paper 2002/03 53 (Stationery Office Ltd: London, 11 Feb. 2003).

⁴⁸ 'Military capabilities—civilian capabilities: Ministerial declaration' (note 30).

⁴⁹ At the June 2001 Gothenburg European Council meeting, the EU formally noted its willingness in principle to continue to cooperate with the UN in conflict prevention and crisis management.

III. Crisis management development

Military-related structures and procedures

The main work of building ESDP structures was successfully completed in 2001. The Belgian Presidency recommended in Laeken in December 2001 that the member states examine the proposal to establish formal meetings of EU defence ministers during the presidency of its successor, Spain. On 18 February 2002, the GAERC gave its go-ahead to a first formal meeting of EU defence ministers in the General Affairs Council, without the Union's foreign ministers. It took place on 13 May.

On 1 January 2002, the EU Satellite Centre and the EU Institute for Security Studies came into operation. In the field of intelligence and information, the Council Secretariat made a number of structural and procedural changes, including the further development of the Joint Situation Centre.

Further work has been done to establish internal procedures in the military field. Special importance was attached to the development of the procedures and concepts concerning rapid response elements of the 1999 Helsinki Headline Goal⁵⁰ as well as the improvement of command and control arrangements for national and multinational headquarters. These issues were reviewed at the first defence ministers' meeting in May 2002. Work to develop the procedures and concepts of the rapid response elements and command and control arrangements continued during the year. On 19 November, in the wake of the announcement of a NATO Response Force (NRF),⁵¹ the GAERC stressed the need for the EU Military Rapid Response Force to be finalized and the way ahead to be defined. The Council tasked the Political and Security Committee and the EU Military Committee to finalize the work on the following general principles: (a) reaction within 5–30 days; (b) streamlining of crisis management procedures according to the operational requirements of rapid response; (c) advance planning based on illustrative scenarios; (d) specific identification of rapid response elements in the Headline Force Catalogue; and (e) modalities for the use of the agreed framework nation concept and other concepts as may be agreed.⁵²

Training for civilian crisis management

An integral aspect of the commitments made by member states is an assurance that seconded personnel are adequately trained for crisis management operations. However, until recently, UN and national training for crisis management has focused principally on military and, to a lesser extent, police personnel in peace operations. Coordination among EU states on police training in general has been under way since December 2000, when the virtual European Police

⁵⁰ Apart from the corps-size European Rapid Reaction Force, the member states are to be able to deploy smaller rapid response elements at very high readiness.

⁵¹ On the NRF see section IV of chapter 1 in this volume.

⁵² '19 November 2002. ESDP . . . Council conclusions' (note 7).

College (CEPOL) was created.⁵³ This is a network of national training institutes aimed at helping the development of a European approach to common police issues and focused on senior police training. CEPOL provided a framework for the introduction of training courses for non-military crisis management for police from EU member states as well as applicant countries, Iceland and Norway.

The EU's attempts to develop civilian crisis management have brought the question of civilian expert training to the fore among member states for the first time. Many are responding to this lacuna by establishing training institutes or expanding existing ones to run programmes in rule of law and civilian administration in crisis management for diverse civilian experts from within and outside government.⁵⁴ While responsibility for civilian training rests with nation states, some effort to coordinate newly launched programmes took place during 2002. The European Commission launched a pilot project to establish training curricula and courses in rule of law and civilian administration.⁵⁵ The curricula have been established by a core group of national training institutes which also run them. Although it is too early to assess the success of these courses, training in this area is one way for the EU to make a significant contribution to international crisis management. This may have been a reason behind the provision in the European Commission training project for the participation of non-EU personnel, including personnel from conflict areas.

Civil–military coordination

As noted above, a strong part of the case for an EU crisis management capability is the wide range of instruments the EU can bring to bear in a crisis, both military and non-military. The parallel, separate development of military and civilian capabilities within the ESDP has, however, done little to encourage close or innovative cooperation between these elements. Shortcomings in civil–military cooperation at all phases of crisis management were identified in the EU's first crisis management exercise, 'CME 02', held between 22 and 28 May 2002. The incoming Danish Presidency responded by launching an Action Plan to strengthen civil–military coordination,⁵⁶ but the thrust of this effort is on improving formal coordination mechanisms and developing guidelines for internal coordination at every phase of the crisis mechanism rather than on developing integrated planning and operational capacities. The

⁵³ 'Council decision of 22 December 2000 establishing a European Police College (CEPOL)', document 2000/820/JHA', *Official Journal of the European Communities*, L336 (30 Dec. 2000), pp. 1–3, URL <http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/l_336/l_33620001230en00010003.pdf>.

⁵⁴ Examples of new, specially dedicated institutes are the Folke Bernadotte Training Centre in Sandöverken, Sweden and the Centre for International Peace Operations in Berlin, Germany.

⁵⁵ European Union, 'Report by the Commission and the Presidency on the EC project on training for civilian aspects of crisis management', Madrid, 27–28 May 2002.

⁵⁶ European Council (Copenhagen, 12–13 December 2002), 'ESDP Presidency report: Action plan for the further strengthening of civil military coordination in EU crisis management', document 13480/1/02, 29 Oct. 2002.

Action Plan is to be completed by the end of the Greek Presidency in June 2003.

The EU's first crisis management exercise

'CME 02' was held with the aim of proving that the EU has acquired the necessary structure to integrate military and civil aspects in crisis management situations. In the opinion of Javier Solana, the exercise 'largely' achieved its goals.⁵⁷ The EU states, along with the EU institutions, evaluated a series of procedures and structures of crisis management in the phase before action. In addition to the lessons learned regarding collective mechanisms, the exercise also assessed how the civil and military instruments available in the EU are coordinated between the Union and the member states. In 2003, the EU will hold its next crisis management exercise ('CME 03'), which will be on a more advanced level and carried out in cooperation with NATO.⁵⁸ The urgent challenge, however, is to gain direct experience from crisis management operations with military–civilian assets in order to shift the focus from structure and procedure to action.

IV. EU crisis management missions

The FYROM mission

In early February 2002, prompted by Javier Solana and the Spanish Presidency, the EU announced its intention to carry out in the spring its first military crisis management mission in the Former Yugoslav Republic of Macedonia. The takeover depended on a deal being reached on permanent arrangements between the EU and NATO, and seemed a simple proposition—all the more so in that most of the 700-strong NATO contingent participating in Operation Amber Fox were European troops.⁵⁹ However, several EU states, including Germany, Spain and the UK, and NATO expressed reservations about the EU's launching an operation before getting access to NATO's planning and capabilities.⁶⁰ In addition, both the Macedonian Slav and the Albanian communities in the FYROM distrusted the EU's military capability

⁵⁷ Spiteri, S., 'EU prepared to act in crisis management situations', *EU Observer*, 30 May 2002, URL <<http://euobserver.com/index.phtml?print=true&sid=13&aid=6461>>.

⁵⁸ Gourlay, C., 'Putting ESDP to the test: the first crisis management exercise', *European Security Review*, no. 13 (July 2002), pp. 1–3.

⁵⁹ Operation Amber Fox (also known as Task Force Fox) was the NATO operation in the FYROM, launched on 27 Sep. 2001 to succeed Operation Essential Harvest (also known as Task Force Harvest). See also Dwan, R., Papworth, T. and Wiharta, S., 'Multilateral peace missions, 2001', *SIPRI Yearbook 2002* (note 1), p. 127; and chapter 3 in this volume. On the issue of EU access to NATO capabilities and planning see section V below.

⁶⁰ On the verge of the EU taking over in the FYROM from Operation Amber Fox, the British press reported disagreement over the issue between the British Ministry of Defence and the Foreign and Commonwealth Office, with the former fearing the failure of an EU mission before it was fully operational, lacking sufficient NATO back-up and involving potentially disastrous political consequences. Watt, N. and Norton-Taylor, R., 'Leaked papers reveal split over Macedonia troops', *The Guardian* (Internet edn), 4 Mar. 2002, URL <http://www.guardian.co.uk/uk_news/story/0,3604,661256,00.html>.

(although the EU had been providing economic and financial aid). The Barcelona European Council meeting in March 2002 reaffirmed that the planned EU mission in the FYROM could be launched on the condition that permanent arrangements between the EU and NATO were in place by then.⁶¹ The EU Political and Security Committee and the EU Military Committee began work in preparation for possible action.

As the Greek–Turkish/EU–NATO deadlock continued through the early autumn,⁶² it became clear that NATO might have to continue its mission in the FYROM after its planned completion date of 26 October. In mid-September NATO agreed to continue its mission in the FYROM until 15 December in the hope that the EU would manage to clinch a deal between Greece and Turkey. At this point, Belgium, France and several other EU countries suggested that the EU could run the operation in the FYROM outside the ‘Berlin Plus’ framework,⁶³ without waiting for the Greek–Turkish dispute to be resolved. However, Germany, the Netherlands and the UK objected strongly to the idea of leaving NATO out of the FYROM crisis management enterprise. This led the USA to agree to NATO extending its mission in the FYROM after 15 December.⁶⁴ In mid-December, NATO proceeded with a new mission called Allied Harmony, reduced to some 450 men, which was to follow up Amber Fox. On 20 January 2003 the FYROM formally invited the EU to replace the NATO mission, and in mid-March 2003 the North Atlantic Council decided to terminate Operation Allied Harmony as of 31 March with a view to the EU taking over the mission.⁶⁵

In December 2002, the EU indicated its ‘willingness’ to lead (probably in early 2004) a bigger military operation which would take over from the NATO Stabilization Force in Bosnia and Herzegovina (SFOR), within the ESDP framework.⁶⁶

The EU police operation in Bosnia and Herzegovina

The strongest indication that progress has been made in EU civilian crisis management capabilities was the establishment of the EUPM on 1 January 2003, the first operation carried out under the ESDP. It was conceived as a follow-on mission to the UN International Police Task Force (IPTF), which

⁶¹ European Council, ‘Presidency conclusions, Barcelona European Council, 14 and 15 March 2002’, document SN100/1/02 REV 1, URL <<http://ue.eu.int/pressData/en/ec/71025.pdf>>.

⁶² On the dispute between Greece and Turkey see also section IV of chapter 1 in this volume, and section V below.

⁶³ On the Berlin Plus framework, see section V below.

⁶⁴ Dempsey, J. and Boulton, L., ‘US rethinks Nato Macedonia mission’, *Financial Times*, 15 Nov. 2002, p. 2.

⁶⁵ North Atlantic Treaty Organization, ‘Statement by NATO Secretary General, Lord Robertson’, Press Release (2003)025, 17 Mar. 2003, URL <<http://www.nato.int/docu/pr/2003/p03-025e.htm>>.

⁶⁶ European Council, ‘Presidency conclusions, Copenhagen European Council, 12 and 13 December 2002’, URL <<http://europa.eu.int/council/off/conclu/>>, section III: ‘European Security and Defence Policy’. See also Dempsey, J., ‘Nato presses Europe to take lead in the Balkans’, *Financial Times*, 11 Jan. 2003, p. 2. Replacing SFOR is bound to call for a change to the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Agreement), which provides for NATO’s role in providing security in Bosnia and Herzegovina.

had been in Bosnia and Herzegovina (BiH) since December 1995 to assist in the selection, recruitment and training of BiH police forces. The mandate of the EUPM is to assist BiH in establishing 'sustainable policing arrangements under BiH ownership' and thereby raise current police standards. To do this, it has the authority to monitor, mentor and inspect BiH police. It is scheduled to achieve its tasks by the end of 2005.⁶⁷ The EUPM's strategy is based on the collocation of its police personnel with middle-level and senior police in all state, entity and local police institutions throughout BiH.

A number of features of the EU's first foray into crisis management operations are worth identifying. First, the EUPM is the successor to a UN mission, which underscores the EU's commitment to assist UN and international crisis efforts, not compete with them. Considerable stress was put on achieving a smooth transition from the UN to the EU mission—indeed, the planning team for the EUPM was collocated with the UN at its Sarajevo headquarters. A second noteworthy feature of the mission is its wide participation. It includes over 500 police officers and 50 international civilian experts from over 30 countries.⁶⁸ That this is an EU-led rather than an 'EU only' mission reflects member states' view that the EU's crisis management actions must be transparent and open if they are to win the support of the international community.

A third interesting aspect of the EUPM is the emphasis placed on it as part of the EU's overall strategy in the western Balkans. The EUPM, it is stressed, is part of the EU's broad approach towards rule-of-law reform as part of its Stabilisation and Association Process (SAP) in the region. The SAP is intended to be a first step for countries of the region towards eventual integration into Europe. The EUPM is backed up in concrete terms by institution-building programmes and the European Commission has launched a specific project intended to fund strategic reform projects as identified by the EUPM.⁶⁹ This overall approach is designed to show the EU's ability to mobilize a wide range of instruments, including financial support. Coordination of all EU instruments is assisted by the dual appointment of the High Representative in BiH, Lord Ashdown, as EU Special Representative (EUSR) to BiH.⁷⁰

The fourth notable feature of the EUPM is its recruitment procedure, which differs from that of the UN. UN peacekeeping has often been criticized for a lack of sufficient skilled and experienced personnel, and in this area the EU has implicitly claimed its potential to 'add value'. Detailed job descriptions

⁶⁷ 'Council Joint Action of 11 Mar. 2002 on the European Union Police Mission', document 2002/210/CFSP, *Official Journal of the European Communities*, L70/I (13 Mar. 2002), URL <http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_070/l_07020020313en00010006.pdf>.

⁶⁸ Information on the mission can be found on the EUPM Internet site at URL <<http://www.eupm.org>>. The EU invited 20 non-EU states to take part—applicant countries, non-EU NATO members, and Organization for Security and Co-operation in Europe (OSCE) states participating in the IPTF. Of the 20, only Malta and the USA declined the invitation to participate.

⁶⁹ This is to be done through the EU Community Assistance for Reconstruction, Development and Stabilization (CARDS) programme.

⁷⁰ 'Council Joint Action of 11 March 2002 on the appointment of the EU Special Representative in Bosnia and Herzegovina', document 2002/211/CFSP, *Official Journal of the European Communities*, L70 (13 Mar. 2002), pp. 7–8, URL <http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_070/l_07020020313en00070007.pdf>.

were developed for each type of EUPM position, including the skills and experiences required.⁷¹ Candidates for secondment were required to complete detailed application forms, which were pre-screened in Brussels before being forwarded to the Police Head of Mission. Participating states are expected to provide basic training to deploying personnel but all incoming staff receive induction training in the mission area.

It is too early to assess the success of the EU's first crisis management operation. It is important to place any emerging lessons in proper context: the EUPM is a relatively small operation which has had just over eight months in which to plan and establish itself in a country of which the EU has detailed knowledge. Its applicability for other potential scenarios may therefore be limited. Moreover, a number of issues, most notably the financing and equipping of EU civilian crisis management operations, remain to be addressed comprehensively.⁷² Nevertheless, it marks the first demonstration of the commitment to operationalizing a common European security and defence policy.

V. Pursuing the EU–NATO arrangement

In 2002 the mutual suspicions and disagreements between the EU and the USA concerning the ESDP concept, although not wholly removed, became less acute than they were in 2001. This was largely due to the USA's growing preoccupation with 'new threats' lying outside the NATO area,⁷³ which led many US policy formers to welcome the idea of the EU's playing a greater role in conflict prevention and crisis management, especially in the Balkans, whether or not NATO was involved. These global concerns also, however, led the USA to propose to its European allies the creation of a highly specialized NATO Response Force for tasks in high-intensity conflicts, and this raised concern among some European states about possible rivalry with the European Rapid Reaction Force.⁷⁴

EU access to NATO capabilities

For practical reasons of insufficient capability, but also given many Europeans' concern to maintain NATO's primary role and avoid an eventual weakening of the transatlantic link, the EU is compelled for the time being to rely on NATO planning and assets. Following the decisions of the Cologne European Council meeting in June 1999, the EU and NATO worked on permanent

⁷¹ General Secretariat of the European Union Police Unit, Private communication, July 2002.

⁷² The EUPM is financed through 2 channels. The greater part of its costs is covered by participating states' payment of all costs related to their seconded personnel. Mission running costs (including procurement of equipment) are paid out of the common CFSP budget, as well as a small contribution from participating non-EU states. The EUPM is not necessarily a precedent for other operations. General Affairs Council of the European Union, Brussels, 18–19 February 2002, 'Council Conclusions: International Police Task Force (IPTF) follow-on', Annex IV, 'EUPM in BiH: financial aspects'; and Council Joint Action of 11 Mar. 2002 on the European Union Police Mission (note 67).

⁷³ See sections I and II of chapter 1 in this volume.

⁷⁴ See section IV of chapter 1 in this volume.

cooperation arrangements that would enable EU access to NATO's military assets and planning capabilities (the 'Berlin Plus' accord).⁷⁵ For two years, Turkey, a non-EU NATO member, had blocked this arrangement.⁷⁶ In early December 2001, a carefully drafted Istanbul Document (soon renamed the Ankara Document) was agreed by Turkey, the UK and the USA.⁷⁷

Greece promptly declared it unacceptable, objecting to a non-EU member having an influence on ESDP matters. The consequent deadlock affected the content of the declaration of the Laeken European Council meeting regarding the operationality of the ESDP.⁷⁸

Upon taking over the EU Presidency in the first half of 2002, Spain hoped that Greece's objections would take only a 'matter of weeks' to overcome.⁷⁹ One major reason for the Greek foot-dragging was apparently government infighting.⁸⁰ Greece's obstinacy led to growing irritation among its EU partners and suspicions that it was procrastinating.⁸¹ By the time of the European Council meeting in Seville in June, Greece's position had softened and it agreed to treat the Istanbul/Ankara Document as a 'working base'. Thus the Ankara text became the 'European' basis for negotiation. The suggestions made by Greek officials were, however, firmly rejected by Turkey, which wanted the compromise to be as close to the Ankara text as possible. In September Greece signalled its wish to give new impetus to the process of making the ESDP operational by the end of 2002. Several major factors had apparently influenced the change in its position—the continuous criticism and pressure exerted by its EU and NATO partners in the context of the planned takeover of NATO's FYROM mission; EU and NATO diplomatic assurances that neither would envisage using its military assets to undermine the security of either Greece or Turkey; an imminent military intervention against Iraq, which might upgrade Turkey's negotiating position; and the initiative to create the NRF, which would potentially strengthen the NATO posture vis-à-vis EU defence plans. Finally, at its Brussels meeting on 25 October, the European Council reached agreement on the mechanisms of participation by non-EU European NATO states in ESDP operations, thus enabling the use of NATO assets in EU operations.

In effect, the compromise formula comprised three successive texts. The first was the Brussels Document of 25 October (the 'communitarized' Ankara Document, modified by an addendum to paragraph 2 referring to the reci-

⁷⁵ This accord builds on a NATO accord concerning the use of alliance 'separable but not separate' military assets and capabilities in WEU-led operations. NATO, 'Final Communiqué', Ministerial Meeting of the North Atlantic Council, Berlin, 3 June 1996, NATO Press Communiqué M-NAC-1(96)63, URL <<http://www.nato.int/docu/pr/1996/p96-063e.htm>>.

⁷⁶ On the EU–Turkish dispute in 2001 see Lachowski (note 1), pp. 166–70.

⁷⁷ Lachowski (note 1), pp. 169–70.

⁷⁸ See note 5.

⁷⁹ *Atlantic News*, no. 3358 (6 Feb. 2002), p. 3.

⁸⁰ Black, I., 'Greek row stalls launch of EU force', *The Guardian* (Internet edn), 19 June 2002, URL <<http://www.guardian.co.uk/international/story/0,3604,739785,00.html>>..

⁸¹ 'Alliances search for common ground', *Defense News*, 6–12 May 2002, pp. 23, 25. On 1 July 2002 Greece would take over the ESDP chairmanship for the next 12 months. (As Denmark had opted out of EU defence matters at the time of the 1993 Maastricht Treaty, Greece was to run the ESDP in its stead until the end of the year and continue during its own presidency in the first half of 2003.)

procuity of relations between NATO and the EU).⁸² The second was the Declaration of the Copenhagen Council meeting of 12 December 2002 containing the principles of the Berlin Plus arrangements and implementation, where Turkey obtained a guarantee that the European Rapid Reaction Force would not act against its interests with regard to Cyprus.⁸³ The third was the EU–NATO Declaration on ESDP, signed at NATO headquarters in Brussels on 16 December between the EU Political and Security Committee and the North Atlantic Council.⁸⁴ The detailed arrangements for implementing the Berlin Plus accord between the two organizations were scheduled to be concluded by March 2003.⁸⁵

VI. Towards an EU defence policy

The events of 2002—more evident global threats and new unease over the USA's intentions—in one sense underscored the need for a stronger and more comprehensive EU defence policy, but at the same time reopened rifts among the European states over both the rationale and the ultimate goals of the ESDP. While practical progress towards the EU's first operations continued in the Brussels organs, member states set out their conflicting philosophies mainly in the framework of the European Convention.

In this context, on 22 July Belgian Prime Minister Guy Verhofstadt came up with an initiative addressed to British Prime Minister Tony Blair and French President Jacques Chirac and designed to counter what he called 'a risk of renationalization of defence policies'. Verhofstadt's letter called for the inser-

⁸² The relevant text reads: '[U]nder no circumstances, not in any crisis, will ESDP be used against an Ally, in the understanding, *reciprocally*, [emphasis added] that NATO military crisis management will not undertake an action against the EU or its member States. It is also understood that no action will be undertaken that would violate the principles of the Charter of the United Nations'. Council of the European Union, 'Brussels European Council, 24 and 25 October 2002: Presidency conclusions', document 14702/02, Brussels, 26 Nov. 2002, Annex II: 'ESDP: Implementation of the Nice provisions on the involvement of the non-European allies', URL <<http://ue.eu.int/pressData/en/ec/72968.pdf>>.

⁸³ The setting of a date (Dec. 2004) for Turkey's candidacy for EU membership to be examined by the Copenhagen European Council meeting helped to overcome the deadlock. European Council, 'Presidency conclusions, Copenhagen European Council, 12–13 December 2002' (note 66), Annex II, 'Declaration of the Council Meeting in Copenhagen on 12 December 2002'. It affirms, *inter alia*, that Cyprus and Malta will not take part in EU military operations conducted using NATO assets once they have become members of the EU.

⁸⁴ NATO, 'EU–NATO Declaration on ESDP: Communiqué', Press release (2002)142, 16 Dec. 2002, URL <<http://www.nato.int/docu/pr/2002/p02-142e.htm>>.

⁸⁵ In Feb. 2003, the GAERC found that the 3 main elements of the Berlin Plus permanent arrangements between the EU and NATO—assured access to NATO planning; presumption of availability of pre-identified NATO common assets and capabilities; and European command options including the role of the NATO Deputy Supreme Allied Commander, Europe (DSACEUR)—had been concluded. General Affairs and External Relations Council of the European Union, 'Extracts from successive General Affairs and External Relations councils', 24 Feb. 2003, URL <http://europa.eu.int/comm/external_relations/cfsp/intro/gac.htm> On 14 Mar. 2003, the 4th element—a NATO–EU Security of Information Agreement—was reached and signed in Athens, allowing the exchange of classified information and related material between the 2 organizations, and paving the way for the EU to take over the FYROM operation. North Atlantic Treaty Organization, 'NATO–EU security of information agreement signed today', Press Release (2003)022, 14 Mar. 2003, URL <<http://www.nato.int/docu/pr/2003/p03-022e.htm>>.

tion in the EU Treaty of a 'mutual security guarantee in the event of an attack calling for a collective response, such as a large-scale attack',⁸⁶ and the creation of an EU military headquarters with personnel and budgets in common. The headquarters would be in charge of all multinational forces within the 15-nation organization. Verhofstadt also encouraged the European Commission to resume the initiative in the arms industry field with a view to creating a homogenous economic area for defence.⁸⁷ The British and French addressees' reply of 26 July was a snub, practically ignoring the substance of Verhofstadt's letter and urging instead 'greater efforts' in defence spending and better adaptation of the ESDP in combating the proliferation of weapons of mass destruction and terrorism.⁸⁸

During the autumn, however, this Franco-British common front came under strain both from the two countries' diverging reactions to US calls for military action against Iraq and from their disagreements on intra-EU issues such as the reform of the Common Agricultural Policy. The result was widely perceived as a flagging of the British–French dynamism (the 'spirit of St Malo') responsible for the original creation of a common European Security and Defence Policy (CESDP). The revival which many hoped for did not come until as late as February 2003, with the Le Touquet Declaration itself—largely overshadowed at the time by the clouds of war gathering over Iraq.⁸⁹ The latter part of 2002 was therefore characterized both by British–French tension⁹⁰ and by a growing rapprochement between France and Germany, under the leadership of the former.⁹¹ This rapprochement was echoed in the proposal on security and defence presented to the European Convention by their foreign ministers, Dominique de Villepin and Joschka Fischer,⁹² on 22 November 2002, which in turn strongly influenced the Report of Working Group VIII.⁹³

The Barnier Report supported the general contention that an ESDP conceived in the 1990s needed to be reviewed in the light of new global threats, which demanded broader responses than traditional crisis management. After the terrorist attacks of 11 September 2001, attention should focus not only on the projection of stability outside the EU but also on the need to ensure security within it. The report therefore proposed that the description of the Peters-

⁸⁶ A similar clause exists in the Modified Brussels Treaty of 1954, available at URL <<http://www.weu.int/Treaty.htm>>.

⁸⁷ *Atlantic News*, no. 3405 (26 July 2002). The letter, having been addressed only to 2 big countries instead of to the EU as a whole, was criticized as a very unfortunate step.

⁸⁸ 'Belgian defence call rebuffed', *Financial Times*, 9 Aug. 2002, p. 6.

⁸⁹ To demonstrate their commitment and give a boost to the ESDP, while disagreeing strongly on policy towards Iraq, France and the UK presented a new initiative at a summit meeting in Le Touquet, France, in Feb. 2003. It promoted the principle of solidarity and mutual assistance in the face of terrorist threats and called for new quantitative and qualitative capabilities objectives and the creation of a 'defence capabilities agency'. See note 27. They also agreed to intensify the cooperation between their national planning and operations staffs in order to enhance their interoperability and to step up their aircraft carrier programmes. Propositions conjointes franco-allemandes' (note 26).

⁹⁰ 'London and Paris compete to shape future of new armed force', *Financial Times*, 7 Nov. 2002, p. 8.

⁹¹ Vinocur, J., 'In EU, France now leads and Germany follows', *International Herald Tribune*, 18 Dec. 2002, pp. 1, 6.

⁹² 'Propositions conjointes franco-allemandes' (note 26).

⁹³ 'Final Report of Working Group VIII-Defence' (Barnier Report) (note 13).

berg tasks be expanded to include other tasks involving the use of military resources.⁹⁴

France and Germany proposed a clause on ‘common solidarity and security’, to be incorporated into the new constitutional treaty following the convention, with the aim of identifying all the risks facing the EU, including terrorism, and ways of confronting them. Such a provision would in time lead to a European Union of Security and Defence, which—both states affirmed—would ‘contribute to the strengthening of the European pillar of the Alliance’. The Barnier Report noted that there was broad support for a solidarity clause in the new treaty which would apply to threats stemming from non-state entities, especially the threat of terrorism. The clause would, however, fall short of a collective defence pledge, which was considered unacceptable by both the non-allied and neutral EU members and those who considered that collective defence is adequately covered by NATO.

Another suggestion contained in the Franco-German document concerned ‘reinforced cooperation’ in the fields of multinational forces, armaments and capabilities, the management of human resources and the development of common doctrines. This cooperation would be based on qualified majority voting and the guarantee of ‘rapid decision processes’ among members willing to launch an EU operation, with the other members abstaining but extending political support and solidarity. A similar idea was also contained in the Barnier Report, promoting adaptation to the sphere of military and defence matters of the provisions of the Nice Treaty on ‘enhanced cooperation’ among EU member states.⁹⁵

Many EU states supported the creation of a Council of Defence Ministers to play a role with regard to capabilities, monitor implementation in this sphere and adapt the EU capability objectives to developments. However, this idea met with British scepticism: the UK advocated the maintenance of the existing arrangements (i.e., meetings of defence ministers within the GAERC framework).⁹⁶ The British paper to the Convention Working Group on defence opposed in general any extension of EU activity to a common defence commitment: an extension would be divisive and militarily unworkable, given the existence of NATO common defence guarantees, and would introduce unrec-

⁹⁴ The updating of the Petersberg tasks could involve: conflict prevention (early warning, confidence- and security-building measures, and so on); joint disarmament operations (weapons destruction and arms control programmes); military advice and assistance (‘defence outreach’ to military forces in third countries or other regional organizations aimed at developing democratically accountable armed forces); post-conflict stabilization (moving from a conflict prevention phase to a return to civilian rule with minimal dependence on external military or political support); and support for a third country’s authorities in combating terrorism. ‘Final Report of Working Group VIII-Defence’ (Barnier Report) (note 13), p. 16.

⁹⁵ Treaty of Nice Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, *Official Journal of the European Communities*, C80/1 (10 Mar. 2001), URL <<http://europa.eu.int/eur-lex/en/treaties/dat/nice.html>>. The definitive text of the treaty was signed on 26 Feb. 2001 after legal and linguistic editing. Under enhanced cooperation, a number of member states may cooperate more closely in certain areas of activity on the basis of rules laid down in the treaties. The Nice Treaty gives no indication of where enhanced cooperation might apply in practice. However, enhanced cooperation on issues with defence and military implications is excluded.

⁹⁶ On the debates in the Convention Working Group on defence see Piana, C., ‘The European Convention and defence’, *European Security Review*, no. 15 (Dec. 2002), pp. 1–3.

essary duplication between EU and NATO efforts. Instead, the UK argued that the real threats faced by EU member states included terrorism, proliferation of weapons of mass destruction, and instability in neighbouring countries, and that these should be tackled most appropriately in a comprehensive EU approach (the CFSP, the ESDP, and work in the first and third pillars).⁹⁷

VII. The ESDP and terrorism

Following the 11 September 2001 attacks, the extraordinary European Council meeting of 21 September 2001 decided to step up EU action against terrorism. Against the background of the EU's sweeping actions under its Plan of Action of 21 September 2001 in the fight against terrorism (covering the areas of police and judicial cooperation, diplomatic efforts supported by the mobilization of trade and aid, all aspects of the Union's external relations, air transport security, economic and financial policy, and emergency preparedness to protect public health and civilian protection), it was felt that the Petersberg tasks might also be redefined to adapt them to the new threats of global terrorism.⁹⁸ However, no such extension was mentioned in the December 2001 Laeken Presidency Conclusions,⁹⁹ and the question of the extent to which the ESDP should include the issue of terrorism on its agenda has remained open because of the lack of consensus as to the suitability of the ESDP in this regard. In the meantime, common measures and military preparations in the field of counter-terrorism are being pursued mainly in the framework of NATO and the Euro-Atlantic Partnership Council (EAPC).¹⁰⁰

Following a pledge by Spanish Prime Minister José Maria Aznar, Defence Minister Federico Trillo proposed in his programme of EU security and defence activities, delivered at the start of the Spanish Presidency, that the fight against terrorism should be an ESDP objective, although at the time the means, scope and purpose of such an endeavour were not clear.¹⁰¹ The main concern of other EU partners was the possible duplication of expenditure and material resources. At Spain's insistence, the informal meeting of defence ministers in Zaragoza in March 2002 agreed to formalize the fight against terrorism in the Seville Presidency Conclusions in June. Spain proposed that the EU Institute for Security Studies be entrusted with developing the basic conceptual features of European defence in this regard and making proposals to the European Convention to expand the Petersberg tasks appropriately. Four practical measures were proposed in the meantime: (a) cooperation between the EU states' military intelligence services; (b) cooperation and coordination

⁹⁷ 'Future of Europe Convention, UK contribution to the Defence Working Group' (note 17). See also Dempsey, J., 'EU's big three struggle to agree on defence', *Financial Times*, 30 Nov.–1 Dec. 2002, p. 2.

⁹⁸ Lachowski (note 1), p. 163.

⁹⁹ European Council, 'Presidency conclusions, European Council in Laeken, 14 and 15 December 2001', URL <<http://ue.eu.int/pressData/en/ec/68827.pdf>>.

¹⁰⁰ See section IV of chapter 1 in this volume. For a list of EAPC members see the glossary.

¹⁰¹ *Atlantic News*, no. 3352 (16 Jan. 2002), pp. 1–2. 'We want to initiate the debate, but to be honest, we do not know where this might lead', a Spanish official remarked. 'Spain hopes to initiate EU's military mission', *Defense News*, 11–17 Feb. 2002, p. 4.

on systems to protect against weapons of mass destruction; (c) the use of the new regulation on the 'single European sky' in order to enhance aviation security; and (d) an analysis of how to provide better protection of forces.¹⁰²

In the view of Javier Solana, the response to terrorism in the military field should focus on adequate capabilities, so there was no need to change the ESDP fundamentally in that context.¹⁰³

In June 2002 the EU Presidency adopted a declaration designed 'to take greater account' of the capabilities required to combat terrorism. It set out some general priorities for the CFSP and the ESDP with regard to pursuing this end. On the military–civilian ESDP side, the declaration called for: (a) the sharing of intelligence and the development of situation assessments and early warning; (b) a common evaluation of the terrorist threats against member states or forces deployed under the ESDP in crisis management operations, including threats of the use of weapons of mass destruction; (c) identification of the military capabilities required to protect forces deployed in EU-led operations against terrorist attack; and (d) examination of the ways in which military and civilian capabilities could be used to protect civilian populations against the effects of such attacks.¹⁰⁴

VIII. Russia and the ESDP

One of the major goals of Russian foreign and security policy is enhanced relations with the EU. In its 1999 Common Strategy on Russia, the EU recognized that this 'essential' partner's future is 'a strategic interest' for it.¹⁰⁵ Following the agreement reached with Russia soon after 11 September 2001, the EU has had a more advanced political and security dialogue with Russia than with any other partner,¹⁰⁶ although tensions in other areas of policy (including security-related ones such as the assessment of the conflict in Chechnya) remain.

In 2002 Russia sought to further strengthen the cooperative platform, proposing the establishment of a 'common security space'.¹⁰⁷ Consequently, it presented to the EU a Russia–EU Action Plan in the field of European Secur-

¹⁰² Council of the European Union, 'EU mobilized in fight against terrorism', 22 Mar. 2002 (Spanish Presidency document), available at URL <<http://www.arena.uio.no/PDF/sevilleconclusions.pdf>>.

¹⁰³ European Union, Secretary General/High Representative for the CFSP, 'Summary of the interventions by Javier Solana, EU High Representative for the Common Foreign and Security Policy (CFSP) at the informal meeting of defence ministers in Zaragoza, 22–23 Mar. 2002', document S0048/02, Zaragoza, URL <<http://ue.eu.int/pressdata/EN/discours/69913.pdf>>.

¹⁰⁴ European Council, 'Presidency conclusions, Seville European Council, 21 and 22 June 2002', Annex V, 'Draft Declaration of the European Council on the contribution of CFSP, including ESDP, in the fight against terrorism', pp. 31–34, URL <<http://europa.eu.int/council/off/conclu>>.

¹⁰⁵ 'Common Strategy of the European Union of 4 June 1999 on Russia', document 1999/414/CFSP, *Official Journal of the European Communities*, L157 (24 June 1999), pp. 1–9.

¹⁰⁶ At the Oct. 2001 summit meeting both sides agreed an exceptional consultation mechanism of holding monthly meetings between the EU Political and Security Committee, the troika (political directors of the foreign ministries of the preceding, current and succeeding presidencies) and the Russian Ambassador in Brussels, focusing on crisis management and conflict resolution.

¹⁰⁷ Rontoyanni, C., 'So far, so good? Russia and the ESDP', *International Affairs*, vol. 78, no. 4 (Oct. 2002), pp. 813–30.

ity and Defence Policy.¹⁰⁸ The EU played down Russian overtures regarding a legally binding institutional arrangement for bilateral cooperation in the field of the ESDP and offered instead ‘arrangements for consultation and cooperation’ on crisis management. Similar arrangements for non-crisis and crisis periods were reached with Canada and Ukraine.¹⁰⁹

The ninth EU–Russia summit meeting, on 29 May 2002, resulted in a joint declaration on developing political cooperation on crisis management and security matters, which reflected the modest scope of the EU–Russia political rapprochement.¹¹⁰ The two sides agreed to carry out a comparative analysis of their respective crisis response concepts with the aim of ‘developing common approaches to new political and strategic realities’. They also agreed that a Russian contact officer would be assigned to the EU Military Staff.¹¹¹ Several issues were identified for regular review between the partners—conflict prevention; mine clearance; possible use by the EU of Russian long-haul air transport (as the EU lacks strategic transport aviation); and the modalities for possible Russian participation in the EUPM. Russia and the EU also intend to discuss specific aspects of their cooperation in conducting emergency search and rescue operations in response to natural disasters and delivering humanitarian aid in crisis management situations.

IX. Conclusions

During 2002 the EU member states made progress towards enabling the EU to carry out its Petersberg tasks by 2003. However, institutional and technical accomplishments notwithstanding, progress in improving the EU’s military capabilities has been only moderate. It is impeded by, among other things, the lack of strategic answers to the questions of what the rationale for the ESDP is and what the real needs of the Union in the security field are.

One major political achievement in 2002 was the overcoming of the prolonged deadlock over the issue of EU access to NATO assets.

As the prospects for significantly increased military expenditure are poor (except in France and the UK), other solutions, national and multinational, to the problem of shortfalls in capacity and ways of using existing resources better are being considered and pursued. The launching of the ECAP gave a boost to rationalization, flexibility and coordination in the capabilities-oriented efforts of the member states in the run-up to the EU Conference on Military Capabilities in May 2003. One prominent idea that is increasingly gaining support from the ‘big three’—France, Germany and the UK—is that of creating an intergovernmental defence capability development body, which may

¹⁰⁸ European Commission, ‘Ninth EU–Russia summit’, Moscow, 29 May 2002, Annex 1, ‘Joint Declaration on further practical steps in developing political dialogue and cooperation on crisis management and security matters’, URL <http://europa.eu.int/comm/external_relations/russia/summit_05_02/state.htm>.

¹⁰⁹ For the texts see ‘Presidency report on European Security and Defence Policy’ (note 20).

¹¹⁰ ‘Ninth EU–Russia summit’ (note 106).

¹¹¹ During the EU–Russia summit meeting, the chairman of the EU Military Committee met the Russian military leadership for the first time.

eventually lead to a common procurement programme. This would make it easier to depart gradually from the long-standing EU ban on using EU budgetary resources for defence purposes.

The EU effort in the civilian area proved to be most successful in the police field, where it attained its objectives ahead of time. The other priority areas—rule of law, civilian administration and civil protection—had met their specific targets by the end of 2002 as well, although progress was slower. The main challenges for civilian capabilities are: (a) the coordination of disparate capabilities, and (b) common EU planning and mission support capacities.

More worrying is the fact that the two ESDP tracks—military and civilian—seemed to be taking separate courses rather than pursuing increased compatibility. Agreement on a comprehensive concept of coordination between the military and the civil dimensions of the ESDP is necessary if the EU's potential is to be used to the full. Lack of agreement may also adversely affect the suggested adaptation of the Petersberg tasks to include combating terrorism.

The European Convention encouraged the EU members to start a debate and produce innovative ideas on security and defence issues which go beyond the original Helsinki Headline Goal. Two initiatives seemed especially pertinent to the consolidation of the ESDP in a new strategic environment—the principle of 'solidarity', and the invoking of the 'enhanced cooperation' clause to allow more ambitious material or doctrinal advances by groups of like-minded states. The latter initiative, aimed at getting away from the requirement for unanimity in security and defence matters, would help to make EU responses technically more flexible and efficient but would run the risk of political divisions within the Union. All this requires a clear definition of interests in the sphere of EU foreign, security and defence policy.

At the end of 2002 the major obstacles to launching a first crisis management operation had been overcome. However, unlike the EU Police Mission, the military crisis management operation in the FYROM will not be fully 'European' since it remains dependent on NATO assets and planning.

Quite apart from the current problems, in preparing for its next major enlargement in May 2004 the European Union is likely to face both a weakening of its political capacity and an even further deepening of its diversity. These challenges will need careful examination and appropriate decisions where the CFSP and the ESDP are concerned, both during the run-up to and after completion of enlargement.