3. Europe: an emerging power

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I. Introduction

Decisions taken in 2000 imparted a new quality to the process of shaping the European identity in matters of defence and security. Within the European Union (EU) these were the decisions on the common European Security and Defence Policy (ESDP), which followed the British–French Joint Declaration on European Defence (Saint Malo Declaration of 1998),[1] and those taken at the European Council meetings, under the Portuguese presidency in Santa Maria da Feira in June 2000 and under the French presidency in Nice in December 2000.[2]

The provisions of an operational nature that were agreed commonly within the existing institutions as well as those made by individual states were sustained by a serious political debate on a future European security system. In 2000 that debate comprised three elements: (*a*) the further transformation of the multilateral security structures and their accommodation to the new politico-military situation, including decision making; (*b*) the recognition of the need to enlarge the EU, extend it to the east and south of Europe, and forge mutual relations with the North Atlantic Treaty Organization (NATO), particularly with the United States, in the domain of security and defence; and (*c*) Europe's response to the conflict situations on the periphery of Europe—in the Balkans and the Caucasus.

This chapter analyses the new developments in the European security structures. Section II reviews the main premises, concepts and political philosophies as drawn up by prominent statesmen in Germany, France, the United Kingdom, Central and Northern Europe, and Russia as well as NATO and the EU. Section III examines the provisions made by the EU for its transformation and enlargement, mainly in the context of transatlantic relations. Section IV addresses the key issue of the relationship between NATO and the ESDP. Section V analyses the activities of and new decisions taken by the Organization for Security and Co-operation in Europe (OSCE), and section VI presents the conclusions.

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[1] For more detail see Rotfeld, A. D., 'Europe: the institutional security process', *SIPRI Yearbook 1999: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1999), pp. 250–56; and Rotfeld, A. D., 'Europe: the new transatlantic agenda', *SIPRI Yearbook 2000: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2000), pp. 195–201. The British–French Joint Declaration on European Defence is reproduced in *SIPRI Yearbook 1999*, p. 265.

[2] Excerpts from the Presidency Report to the European Council meeting in Nice, 7–9 Dec. 2000, are reproduced in appendix 3A. The ministerial documents of the Western European Union (Nov. 2000) and NATO (Dec. 2000) and the outcome of the 8th OSCE Ministerial Council (Nov. 2000) are discussed in sections III and V.
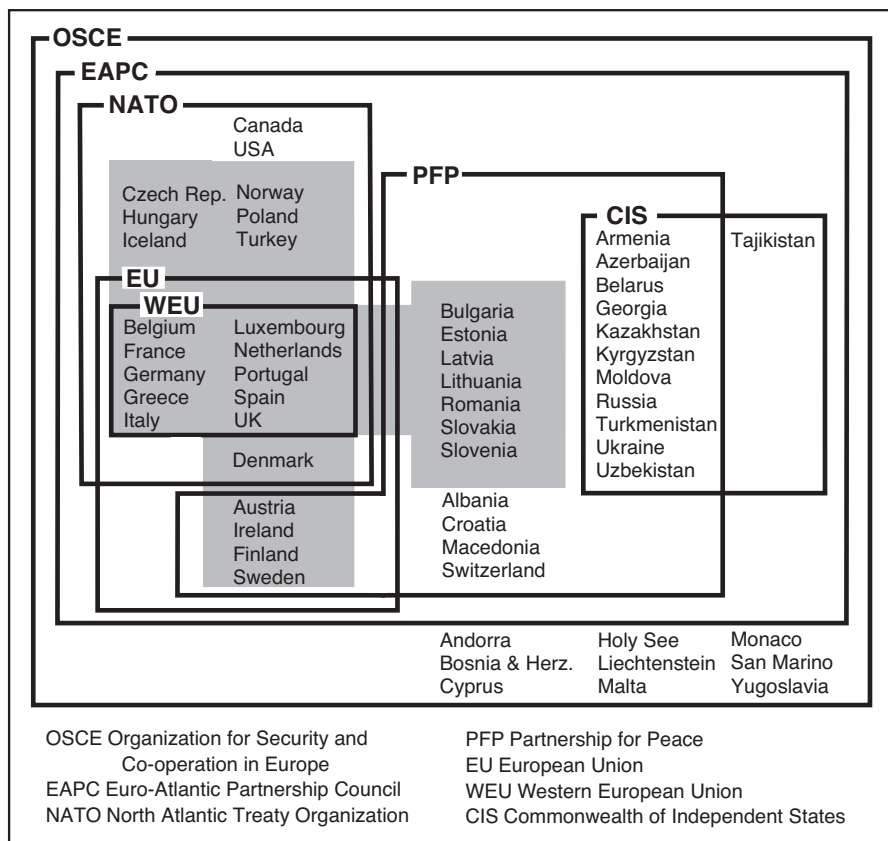
Figure 3.1. The interlocking membership of multilateral Euro-Atlantic security organizations, as of 1 January 2001

II. Europe: from confederacy to federation?

The Minister for Foreign Affairs of Germany, Joschka Fischer, gave this title to a lecture he delivered in May 2000 at the Humboldt University in Berlin.[3] The lecture launched a serious debate among leading politicians about the goal, prospects and political destiny of the EU. Its political philosophy was underpinned by concepts of the political scientist Karl Deutsch dating from the mid-1950s which propounded a pluralistic security community. According to Deutsch, the constituent elements of such a community are: the sovereignty and legal independence of states; the compatibility of core values derived from common institutions; mutual responsiveness, identity and loyalty; integration to the point that states entertain 'dependable expectations of peaceful change';

[3] Fischer, J., 'From confederacy to federation: thoughts on the finality of European integration', Speech by Joschka Fischer at the Humboldt University, Berlin, 12 May 2000, URL <http://www.auswaertiges-amt.de/www/en/infoservice/presse/index_html>.

and communication cementing political communities.[4] A similar philosophy guided French statesman Robert Schuman's vision of a 'European federation' for the preservation of peace.

The debate initiated by Fischer was focused mainly on Europe's future in the new security environment. The ideological oppositions and confrontations of the bipolar system do not correspond to the new situation. For the EU as an institution to succeed in foreign, security and defence policies, the common interests, goals and instruments must be defined.

The debate is timely. During the 1990s a serious crisis appeared of some institutions of the EU and recently the concept of building a European military crisis management capability has led to tensions in the EU's relations with NATO and the USA.[5] The European security institutions have turned out to be less effective than expected in solving crises in Europe, particularly in the Balkans and the Caucasus. It is generally accepted that a renationalization of security policies would risk a return to rivalry among the European neighbours and the reigniting of national conflicts.

The need to complete European integration is not challenged, but the question how to achieve it receives various answers. What is the goal of integration? How is the common Europe to be organized—through a federation, a kind of 'United States of Europe', or a union of sovereign states guided by common values and with a common security and defence policy? Ways and means of further integration, which have been the subject of joint concrete activities, have turned out to be easier to agree on than future aims, prospects and visions.

The European Council reached agreement on enlargement in Helsinki in December 1999. Europe is now confronted with two fundamental tasks: 'enlargement as quickly as possible' and 'capacity to act'.[6] These two tasks defined the debate, agenda and activities of the EU in 2000. One of the main dilemmas—whether to agree on internal reform and ensure the proper functioning of the Union or to admit new members—was settled at the Intergovernmental Conference (IGC) in Nice in December 2000: the two tasks will be carried out in parallel. However, much more important for the future is the general strategy. Where is the European integration process heading? Is the future Grand Union to be 'a United States of Europe' or 'a United Europe of States', a union of states with differing rights and obligations?

In 2000 two different visions were outlined in this respect: (*a*) a 'two-speed Europe' or a 'layered' Union with an 'avant-garde', 'federation' or 'pioneer group', on the one hand, and the rest of the members, on the other; and (*b*) a

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[4] Deutsch, K. W. *et al., Political Community and the North Atlantic Area* (Princeton University Press: Princeton, N.J., 1957), p. 172. See also Rotfeld, A. D., 'Towards a pluralistic security system', *SIPRI Yearbook 1996: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1996), pp. 1–12.

[5] US Defense Secretary William Cohen warned the European NATO members that Europe's defence plans threaten to make the alliance 'a relic'. Statement at the NATO Defence Planning Committee, Brussels, 5 Dec. 2000. See also Pfaff, W., 'NATO: obfuscation in Washington and hypocrisy in Europe', *International Herald Tribune*, 12 Dec. 2000, p. 6.

[6] Fischer (note 3).

looser union of states or enlarged European Economic Community (EEC). The first is the approach of politicians from the founding members of the EEC— Belgium, France, Germany, Italy, Luxembourg and the Netherlands—while Sweden, the UK and some of the countries aspiring to join the EU stand for the second vision.

It is important to note that an analogy cannot be made between the USA as it has developed and Europe at the start of the 21st century: the USA is a federation whose constituent parts (states) have relinquished their external sovereignty in foreign, security and defence policies to central power, while retaining broad autonomy in pursuing domestic solutions. In Europe, the development is different: the members of the EU consented to adjust their domestic law to the requirements of the Union and to standardize social policy and other rules of economic activity while retaining their external sovereignty, especially in matters of importance for their national security policies. In other words, the prerequisite for engaging in a common foreign and security policy is the political will of the member states.

The German perspective

In the German Foreign Minister's view, as presented in his May speech, the task Europe faces is comparable with the choice that had to be made after World War II. At that time Robert Schuman and Jean Monnet, the two French statesmen and thinkers who were the founding fathers of European integration, presented the vision of a new Europe built on new principles. The cornerstone of the new Europe was to be the commonality of interests of France and Germany.

European integration has proved very successful. In Maastricht in 1991 three essentials of a sovereign modern state to which the European Union should aspire were agreed: a currency, and responsibility for internal security and external security.[7] At the European Council meetings in Cologne and Helsinki in 1999 the concept and framework of a Common Security and Defence Policy (CSDP) were developed.[8]

In Fischer's understanding, 'the core of the concept of Europe after 1945 was and still is a rejection of the European balance-of-power principle and the hegemonic ambitions of individual states that had emerged following the Peace of Westphalia in 1648, a rejection which took the form of closer meshing of vital interests and the transfer of nation-state sovereign rights to supranational European institutions'.[9] Although Fischer made the reservation that he spoke neither as German Foreign Minister nor as a representative of the German Government, the message of his speech is characteristic of the main-

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[7] These were agreed in the 1992 Treaty on European Union (Maastricht Treaty). European Communities, *Treaty on European Union* (Office for Official Publications of the European Communities: Luxembourg, 1992).

[8] For more detail see Rotfeld, 'Europe: the new transatlantic agenda' (note 1), in particular p. 183, footnote 7, on the terminology of the CFSP and the ESDP.

[9] Fischer (note 3).

stream of thinking among the German political elites on the prospects for European integration. They go far beyond the horizon of operational decisions being prepared for the next IGC, to be held in 2004. The current negotiations on admission should result in membership for some applicants after 2003 and for most of them after 2005.[10]

One significant shortcoming, as Fischer rightly noted, was that integration has embraced only the Western part of Europe. A window of opportunity had opened with the end of the division of Europe and Germany in the late 1980s and the early 1990s. The decisions of the European Council meetings in Cologne and Helsinki in 1999 and in Feira and Nice in 2000 have opened up the Union to the east. In this way, Schuman's vision is being fulfilled more than 35 years after it was proffered.[11] The need to expand the Union to the east and south-east was made acute by the events in Yugoslavia in the late 1990s. Enlargement has been seen in Western Europe as something of a one-way street, with Western Europe conferring benefit on Central and South-Eastern Europe, rather than as being mutually beneficial. In 2000, however, the debates and documents highlighted the fact that enlargement is in the interest of the West as well. In contrast to the concept of inclusiveness, as presented by both the EU and NATO, the former balance-of-power system involved 'the permanent danger of nationalist ideologies and confrontations' and could 'in the long term make Europe a continent of uncertainty'; 'these traditional lines of conflict would shift from Eastern Europe back into the Union'.[12] In Fischer's view, there is no alternative to eastward enlargement of the European institutions.

Fischer presented a vision of the future two-speed Europe, consisting of the following elements. First, the historical and nation-specific features should be taken into account and the principle of subsidiarity observed. He proposed a division of sovereignty: a Europe of the nation states and a Europe of the citizens.[13] Second, the division of sovereignty between the Union and the nation states requires a European constitution, a constituent treaty that lays down what is to be regulated at the European level and what must be regulated at the national level. There should be a clear division of competences between the Union and the nation states. In short, Fischer's vision is 'a lean European

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[10] Apart from the 15 current members, 12 European states have entered negotiations on admission: Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia. See section IV below.

[11] Robert Schuman stated in 1963: 'We must build the united Europe not only in the interest of the free nations, but also in order to be able to admit the peoples of Eastern Europe into this community if, freed from the constraints under which they live, they want to join and seek our moral support. We owe them the example of a unified, fraternal Europe. Every step we take along this road will mean a new opportunity for them. They need our help with the transformation they have to achieve. It is our duty to be prepared'. Quoted from Fischer (note 3).

[12] Fischer (note 3).

[13] Fischer accordingly suggested 2 chambers of the European Parliament—1 for elected members who are also members of their national parliaments, and the other something intermediate between a senate with directly elected senators from the member states and a chamber of states along the lines of Germany's Bundesrat. In Fischer's concept, there are also 2 options for a European government—to form it from the national governments or, taking the existing Commission structure as the starting point, to opt for the direct election of a president with far-reaching executive competence.

Federation, but one capable of action, fully sovereign yet based on self-confident nation-states', one which 'would also be a Union which the citizens could understand, because it would have made good its shortfall on democracy'. The third element, as proposed in 1994 by Karl Lamers and Wolfgang Schäuble, two leading conservative members of the Bundestag, is the creation of a 'core Europe'. It would include the six founding states of the EEC, which would form 'a federation of nation-states' (the proposal of former President of the European Commission Jacques Delors) or the 12 countries that have joined the Economic and Monetary Union (EMU), which would develop between themselves more intensive cooperation than the other countries, as is already the case within the EMU and under the 1985 Schengen Agreement.[14] Such a core would constitute Europe's centre of gravity, would attract an increasing number of states and might lead in the future to a European federation.

The Nice decisions contain an outline for putting this idea into effect. The Charter of Fundamental Rights can be considered the first step on the path to a future constitution.[15] The text of the Treaty of Nice approved by the IGC on institutional reform, although intricate and lacking in clarity, is an essential stepping stone in the harmonizing of conflicting interests both between the European institutions and between them and the nation states and regions.[16]

The question what Europe is to become remains open. Is it to be a federation or a community of states? Is it to consist of a core group of states or of all states with equal rights? If not all states are to be embraced, then what criteria should the 'avant-garde' or 'pioneer' countries meet? Will the avant-garde be held together by common political aims and interests or will it be based on a separate administrative structure laid down in special treaty provisions? These are not abstract questions. The coming years will bring answers.

The French perspective

French President Jacques Chirac responded to Fischer's vision in a speech to the German Bundestag in Berlin on 27 June 2000, three days before France took over the EU presidency. He left no doubt that, as in the past, France and Germany should constitute the 'core' of the future united Europe. He presented three premises on which the development of the EU should be based: the Union should be enlarged but not diluted; the pace of European construction cannot be decreed; and it is necessary 'to provide an informed background

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[14] The Schengen Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, on the Gradual Abolition of Checks at their Common Borders.

[15] The Charter of Fundamental Rights of the European Union, a part of the Treaty of Nice, was signed by the presidents of the European Parliament, the Council of the EU and the Commission at Nice on 7 Dec. 2000, and welcomed by the European Council.

[16] 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*, C 80/1 (10 Mar. 2001), URL <http://europa.eu.int/eur-lex/en/treaties/dat/nice_treaty_en.pdf>. The treaty in its definitive form was signed on 26 Feb. 2001 in Nice after legal and linguistic editing.

to the debate on the nature of the Union'.[17] Chirac stressed: 'It is misrepresent-
ing the truth to say that, on one side, there are those who are defending
national sovereignty and, on the other, those who are selling it off. Neither you
nor we are envisaging the creation of a super European State which would
supplant our national States and mark the end of their existence as players in
international life'. In other words, nation states are and will remain the primary
international actors. A distinction should be made between such significant
factors as national identities, reflected in the diversity of political, cultural,
historical and linguistic traditions, on the one hand, and the joint exercise of
their sovereignty by the European nations, on the other. The common currency
(the euro), the European Central Bank, the Court of Justice and qualified
majority voting are considered by France as the 'elements of a common
sovereignty'.

In Berlin Chirac defined several principles of institutional reform. First,
Europe needs to become more democratic, particularly through the European
Parliament and the national parliaments. Second, there must be a division of
responsibilities between different levels of the European system ('at last apply
the principle of subsidiarity'). Third, there must constantly be the possibility
of opening up new avenues: the countries which wish to integrate further, on a
voluntary basis and on specific projects, must be able to do so ('without being
held up by those who, and it is their right, don't wish to go so fast'). Fourth,
Europe has to have strong institutions and an effective and legitimate decision-
making mechanism. Such a mechanism, in Chirac's view, should be based on
the majority voting rule, which reflects the relative weights of the member
states. In this context, Chirac stated that France and Germany together with
those countries which wish to go further and faster could form a 'pioneer
group'.[18] At the same time he was against the same states creating a separate
legal base and structure. In his understanding, the states should create a
flexible cooperation mechanism, a secretariat tasked with ensuring the consis-
tency of the positions and policies of the members of the 'pioneer group',
which should remain open to all those wishing to join it.

The French vision of Europe after the Nice meeting was to launch a process
which would go beyond the mandate of the IGC and enable the EU to address
the other institutional issues it faces. The concept, as defined by Chirac, is to
reorganize the EU treaties 'to make their presentation more coherent and eas-
ier for people to understand'.[19] The next step will be to define the division of
responsibilities between Europe's various levels. The French intention is to
consider, in the framework of the process, the issue of the Union's ultimate

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[17] Chirac, J., 'Our Europe', Speech to the Bundestag, Berlin, 27 June 2000, available at URL <http://
www.presidence-europe.fr/pfue/page-dossier5.htm?dossier=00383&nav=5&page=1&lang=5> and on
the Internet site of the German Bundestag, URL <http://www.bundestag.de/blickpkt/arch_bpk/chirac1.
html>.

[18] According to the French concept, the composition of the 'pioneer group' will emerge 'through the
will of the countries which decide to participate in all the spheres of enhanced cooperation'. Chirac
stated: 'This group would blaze the trail by making use of the new enhanced cooperation procedure
defined by the IGC and forging, if necessary, cooperation in spheres not covered by the Treaty, but with-
out ever undermining the Union's coherence and *acquis*'. Chirac (note 17).

[19] Chirac (note 17).

geographical limits and clarify the nature of the Charter of Fundamental Rights, which will initiate the first 'European Constitution'.[20] Close political cooperation between France and Germany, according to politicians in both countries, is the sine qua non of this, the cornerstone and core of the uniting Europe.[21]

The British perspective

In the presence of the heads of the Czech, Polish and Slovak governments and the Hungarian Minister of Foreign Affairs, British Prime Minister Tony Blair stated in Warsaw on 6 October 2000: 'The European Union is on the brink of one of the most important decisions in its history. Enlargement to the East may be the EU's greatest challenge, but I also believe it is its greatest opportunity'.[22] The strong British support for EU enlargement is motivated less by economic issues, such as enlarging the consumers' market, the common agricultural policy and the common labour market, than by its own political interest.

Blair said: 'Let me be frank. Without enlargement, Western Europe will always be faced with the threat of instability, conflict and mass migrations on its borders. Without enlargement, the political consensus behind economic and political reform in the weaker transition countries may splinter. Should that happen, we would all lose. That is why supporting enlargement in principle but delaying in practice is no longer good enough'.[23] Specifically, several weeks before the Nice IGC, Blair had stated that there should be a breakthrough on enlargement under the Swedish presidency in the first half of 2001 and that the decision to admit new countries should be taken then. Blair's intention was to let the new members participate in the elections to the European Parliament in 2004 and attend the next IGC. At the root of the British stand is the belief that expanding the Union would thin it out. A Union of 27 instead of 15 members would make more difficult the French vision of Europe based on 'common sovereignty' and the hard core comprising those who want to move further and faster towards a Europe united under French–German leadership. In his Warsaw lecture, Blair admitted: 'I could see clearly why our

[20] 'There are several possible ways of organizing, ranging from a Committee of Wise Men to an approach modelled on the Convention which is drafting our Charter of Fundamental Rights. And at the end of these discussions, which will very probably take some time, then the peoples would be called on to give their verdict on a text which we will then be able to establish as the first "European Constitution".' Chirac (note 17).

[21] The French and German foreign ministers, Hubert Védrine and Joschka Fischer, instructed their respective Analysis and Forecasting Centre and Plannungsstab to prepare a joint document on Europe's future. This resulted in a document of some 100 pages on the CFSP, Europe's borders, the role of France and Germany, and the institutions. The content of the document was presented by Daniel Vernet in *Le Monde*, 6 July 2000.

[22] 'Prime Minister's speech to the Polish Stock Exchange', Warsaw, 6 Oct. 2000, available on the Internet site of the British Prime Minister, URL <http://www.number-10.gov.UK/news.asp?Newsld=1341>.

[23] 'Prime Minister's speech to the Polish Stock Exchange' (note 22).

French friends hesitated over Britain'.[24] On the future, he had little new to say: 'Britain can be the bridge between the EU and the US'. In other words, the UK's role and position would continue to be to span Europe and the USA rather than integrating itself into the Union with its identity, sovereignty, and Common Foreign and Security Policy (CFSP).

In 1999–2000, while maintaining its specific position vis-à-vis the EU, the Blair Government sought to avoid being marginalized and isolated from the rest of Europe. It had developed a new policy which led to the British–French Joint Declaration of Saint Malo of December 1998. Unlike any other bilateral document, it has had a major bearing on the shaping of the common defence policy of the Union and its relations with NATO.[25] The UK decided not to join the EMU at its inception. From the UK's perspective, its political and military role is as important as, if not more important than, full economic integration.

Blair's main idea can be boiled down to the need to avoid the situation in which Europe plunges 'into the thicket of institutional change, without first asking the basic question of what direction Europe should take'. He stands for a strong European Commission able to act independently, with its power of initiative ('first because that protects smaller states; and also because it allows Europe to overcome purely sectional interests'); for the European Parliament's vital part in the checks and balances of the EU system; and for different but complementary roles for the Commission and the Council. The most important challenge for Europe is 'to wake up to the new reality: Europe is widening and deepening simultaneously'.

From the British point of view, there are two opposite models of the new Europe. One is a free trade area, similar to the North American Free Trade Agreement (NAFTA); this model is preferred by a majority of British public opinion. The other is the classic federalist model, in which Europe would elect its Commission President and the European Parliament would become the true legislative European body and principal democratic check. Considering this dilemma, Blair stated: 'Europe's citizens need Europe to be strong and united. They need it to be a power in the world . . . The difficulty, however, with a view of Europe as a superstate, subsuming nations into a politics dominated by supranational institutions, is that it too fails the test of the people'. Turning to the Polish audience, he went on: 'And let no one be in any doubt: nations like Poland, who struggled so hard to achieve statehood, whose citizens shed their blood in that cause, are not going to give it up lightly. We should celebrate our diverse cultures and identities, our distinctive attributes as nations'. The essence of that vision is a Europe of free, independent sovereign nations that

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[24] It is worth quoting in this context Blair's assessment of Gen. Charles de Gaulle's critical view of the British policy: 'There is a perception in Britain that [de Gaulle's hesitation about British membership of the EEC] was because de Gaulle was anti-British. Nothing could be more misguided. He was an admirer of Britain and grateful for our support in WW II. But he had painstakingly given France back her dignity and self-esteem. He mistrusted American intentions and saw Britain as both a Trojan Horse for the United States and a brake on the necessary strengthening of Europe. So, even though, ironically, he was closer to Britain in his conception of what Europe should be than to virtually anyone else, he blocked Britain'. 'Prime Minister's speech to the Polish Stock Exchange' (note 22).

[25] For more detail see Rotfeld, 'Europe: the institutional security process' (note 1), pp. 251ff.

'choose to pool that sovereignty in pursuit of their own interests and the common good, achieving more together than we can achieve alone'. On this view the EU will remain a unique combination of the intergovernmental and the supranational. Political and institutional reform will make it a superpower, not a superstate.

The Central and East European perspective

All the new democracies in Central and Eastern Europe perceive the EU and more broadly institutionalized European integration as the centre of gravity. They see admission to the EU and its enlargement eastward and southward as the historic chance to leave the periphery and join the political, civilizational and economic mainstream. For instance, the Estonian National Security Concept announced in 2000 states: 'For Estonia, the most significant development in the international environment is the process of Euro-Atlantic integration: the continued enlargement of the European Union and NATO . . . For Estonia, membership offers a realistic and historically unique opportunity to secure its democracy and sovereignty'.[26] This line of reasoning is prevalent in all the countries aspiring to join the EU. The decisive motive is not economic (a common currency, a common market and so on) but the fundamental maintenance and strengthening of the domestic democratic order, and the defence of sovereignty and independence from external threats.

In a speech in Brussels on 25 July 2000, Polish Foreign Minister Wladyslaw Bartoszewski referred to the concepts of Fischer and Chirac that are discussed above, calling into question their rush towards a fundamentally rebuilt Union: 'The next institutional reform should take place after the enlargement of the European Union'.[27] His point was that the countries which were to become EU members in the foreseeable future should not be refused influence on its future shape. If basic institutional decisions and changes concerning decision making were to precede enlargement, this would amount to a democratic deficit of the Union.

From the Central European states' perspective, the adoption of a system of values—pluralistic democracy, the rule of law, respect for fundamental rights and freedoms, and a market economy—is much more important for Europe's stability and security than a common European defence framework; an effective shield against external aggression is already provided by NATO.

The Northern perspective

Although geographically the EU's northern members—Denmark, Finland and Sweden—are on Europe's periphery, in their political commitment they

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[26] Estonian Foreign Ministry, 'National security concept of the Republic of Estonia', Approved by the Riigikogu (the Estonian Parliament) on 6 Mar. 2001, URL <http://www.vm.ee/eng/policy/Security/>.

[27] Bartoszewski, Wl. (Polish Minister for Foreign Affairs), 'Vision and potential: for a new direction in European integration', Speech at the Centre for European Policy Studies, Brussels, 25 July 2000, URL <http://www.msz.gov.pl/english/polzagr/bruksela.html>.

belong to the core. The prime ministers of Finland and Sweden have outlined their views on the Union's future. Three common elements in their attitudes are noteworthy.

First, they acknowledge the need for radical changes in the EU's functioning. Finnish Prime Minister Paavo Lipponen proposed a two-stage approach: (*a*) to implement the 1999 and 2000 decisions from the Tampere, Helsinki and Lisbon European Councils, conclude the IGC and pave the way for enlargement; and (*b*) to 'set in motion a constitutional process, together with the candidate states, involving governments, EU institutions, national parliaments and the civil society'.[28]

Second, they see EU enlargement as essential for the stability of Europe.[29] New members should participate in the next IGC, which should not be organized until the first new members have joined. After the Treaty of Nice of 2000 has been ratified by the national parliaments and entered into force, the Union will be ready for enlargement. One of the main aims of the IGC was to make the necessary institutional changes to prepare the EU for that purpose. In presenting the programme for Sweden's presidency of the EU to the Swedish Parliament on 14 December 2000, after the Nice meeting, Prime Minister Göran Persson declared: 'We now have an agreement on a new treaty. This is a necessary condition for the accession of new members from the end of 2002. The Union is now strengthened in preparation for enlargement'.[30]

The third common element is the strong view that rights and obligations within the EU are indivisible and should not be differentiated between the 'core' or 'pioneer' group and the rest. Persson said: 'The common foreign policy is in all essentials to remain common to the entire Union, which has been the Swedish position all along. Division into groups in this area would weaken the Union'.[31]

The Northern Dimension of the EU links countries and issues in the north of Europe and exemplifies the need for a horizontal approach in external policy. It also offers a framework for long-term cooperation with Russia, which the Swedish presidency considers a priority of 'fundamental significance for the security and development of Europe'.[32]

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[28] In his lecture delivered on 10 Nov. 2000 at the College of Europe, Lipponen appealed: 'We need a change from a bureaucratic top-down approach to a bottom-up philosophy of direct public involvement'. The lecture is available on the Internet site of the Union of European Federalists, URL <www.geocities.com/europafederalisterna/lipponen.htm>.

[29] The period for the entry of new members, as envisaged by Lipponen, is to be 1 Jan. 2003–1 Jan. 2005. Lipponen (note 28).

[30] Information from the Nice summit meeting and presentation of the presidency programme, Swedish Riksdag, Stockholm, 14 Dec. 2000, available on the Internet site of the Swedish EU presidency, URL <http://eu2001.se/eu2001/news/news_read.asp?iInformationID=10484>.

[31] Information from the Nice summit meeting (note 30).

[32] Information from the Nice summit meeting (note 30). On the Northern Dimension see, e.g., European Commission, 'The Northern Dimension', URL <http://europa.eu.int/comm/external_relations/north_dim/>.

The Russian perspective

After his election as President of Russia on 26 March 2000, Vladimir Putin initiated a rethinking of the strategy of Russia's foreign and security policy. As acting president, calling Boris Yeltsin's period 'transitional' (representing a transition from the Soviet Union's ideologically motivated global strategy to a national interest-oriented policy), he had issued a decree on the National Security Concept on 10 January 2000.[33] On 28 June he issued a new Foreign Policy Concept of the Russian Federation.[34] Under the heading 'Regional priorities', it states: 'Relations with the European Union (EU) are of key importance . . . The Russian Federation views the EU as one of its main political and economic partners and will strive to develop intensive, sustainable and long-term cooperation with it, cooperation that would be free from any opportunistic fluctuations. . . . The EU's emerging military and political dimension should become a matter of particular attention'.[35]

In this context it is worth noting that Russian Foreign Minister Igor Ivanov in a commentary on the new foreign policy concept stressed that 'Europe is a traditional priority of [Russian] foreign policy'.[36] For most of the 1990s the USA was the main partner of the Soviet Union and Russia. After Yevgeniy Primakov took over as Russian Foreign Minister in 1996, and following the NATO enlargement of 1999, the Euro-Asian character of Russia was stressed and relations with Asian countries, particularly China and India, became the priority. In 2000, under Putin, a notable change took place: Russia embarked on a more active course towards Europe in general and the EU in particular. Addressing the Federal Assembly of the Russian Federation on 3 April 2001, Putin noted the increased importance of further efforts to develop relations with the EU: 'The course of integration with Europe is becoming one of the key directions of our foreign policy'.[37]

III. The European Union: towards a stronger security role

The most important event in the EU in 2000 was the endorsement at Nice of the outcome of the IGC—the Treaty of Nice.[38] The Cologne meeting of the European Council on 3–4 June 1999 had reaffirmed the intention to convene an IGC in early 2000 and determined its mandate—to resolve the institutional problems which were left open in Amsterdam in 1997. That mandate was fulfilled. The Nice decisions of 7–10 December 2000 adopted a new strategy

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[33] The full text is published in *Krasnaya Zvezda*, 20 Jan. 2000.
[34] Published as an annex to Ivanov, I., *Russia's Foreign Policy Today* (Russian Ministry of Foreign Affairs: Moscow, 2000), pp. 26–64.
[35] Ivanov (note 34).
[36] Ivanov (note 34), p. 21.
[37] President Vladimir Putin's annual address to the Federal Assembly of the Russian Federation, Moscow, 3 Apr. 2001, available on the Internet site of the Russian Ministry of Foreign Affairs, URL <http://www.ln.mid.ru/website/bl/nsf/8bc3c105f5dlc4484325a14004cad37/87213f1dd23eb1bd43256a25 003d7908?OpenDocument> (in English).
[38] Treaty of Nice (note 16).

on enlargement of the Union and institutional reform. A mechanism was approved for decision making after the current group of 15 countries increases to 27.[39]

The European Council meeting in Helsinki in December 1999 had decided that the IGC should concentrate on three basic problems: (*a*) the shape and composition of the European Commission; (*b*) a new division of weighted votes in the Council of the European Union; and (*c*) expansion of the scope of qualified majority voting. Essential decisions on the CFSP and the ESDP were also adopted at Helsinki.[40] Accordingly, the IGC faced the task of introducing appropriate changes to the treaties establishing the EU.

The Treaty of Nice

Approved in Nice on the night of 10/11 December 2000 by the IGC on institutional reform, the Treaty of Nice was signed on 26 February 2001. It has already been analysed and commented on, particularly as regards internal reform and enlargement. Of key importance for the EU common foreign, security and defence policy are the provisions of Article 1:

1. The common foreign and security policy should include all questions relating to the security of the Union, including the progressive framing of a common defence policy, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realized in the North Atlantic Treaty Organization (NATO), under the North Atlantic treaty and be compatible with the common security and defence policy established within that framework.

The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.

2. Questions referred to in this Article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.

3. Decisions having defence implications dealt with under this Article shall be taken without prejudice to the policies and obligations referred to in paragraph 1, second subparagraph.

4. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the Western European Union (WEU) and NATO, provided such operation does not run counter to or impede that provided for in this Title.[41]

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[39] See note 10.

[40] For more detail see Rotfeld, 'Europe: the new transatlantic agenda' (note 1).

[41] Article 1 amends Article 17 of the 1997 Amsterdam Treaty. In addition, the last paragraph of Article 17 states: '5. With a view to furthering the objectives of this Article, the provisions of this Article will be reviewed in accordance with Article 48'. Treaty of Nice (note 16).

The essence of the new provisions is as follows: first, the phrases in the Amsterdam Treaty regulating the EU's relations with the WEU were removed from the Treaty of Nice; second, the progressive framing of a common defence policy is now part of the treaty regulation; third, the states that have a treaty status of permanent neutrality (Austria) or are non-aligned (Finland and Sweden) are allowed, 'in accordance with their respective constitutional requirements', the necessary flexibility and room for freedom in matters of the common defence policy; and, fourth, the Treaty of Nice defined the mutual relations in the defence obligations stemming from the North Atlantic Treaty and the Treaty on European Union. Other provisions of the Treaty of Nice (Articles 23 and 24) determine the procedures of decision making, including the appointment of special representatives in CFSP matters and conclusion of agreements with states and international organizations in the sphere subject to CFSP understandings. The ESDP is to 'become operational quickly'.[42]

EU enlargement

The Nice meeting decided that if the aspirant countries satisfy the relevant criteria they can look forward to membership in the next three years, and their citizens will be able to participate in the next European Parliament election, in 2004. The Treaty of Nice opened up the road to enlargement of the EU. Its ratification will finalize the institutional reform which is a prerequisite of the admission of new states. The Declaration on Enlargement included in the Treaty of Nice defined the distribution of seats at the European Parliament, the weighting of votes in the Council, the composition of the Economic and Social Committee and the composition of the Committee of the Regions for a Union of 27 member states.[43] Both the decision on admission of new members and putting the 12 aspirant countries on the candidate list are seen as factors promoting stability and strengthening security in Europe.

The Nice Declaration states that the continued debate on the future of the EU and the next IGC should not obstruct enlargement. Presenting the agenda for its presidency of the EU to the Swedish Parliament, Prime Minister Persson declared: 'Enlargement is one of the most important processes that our generation will have to deal with. We are on the way to concluding this historic process of finally preventing the division of Europe into East and West and creating peace on the continent'.[44] Thus Union enlargement is intended to overcome the old divisions imposed on Europe by the Yalta and

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[42] The Declaration on the European Security and Defence Policy adopted at the Nice IGC envisages that a decision to that end will be taken by the European Council in 2001 and no later than at its meeting in Laeken (Brussels) in Dec. 2001. European Union, Declaration on the European Security and Defence Policy, Declaration 20 annexed to the Treaty of Nice, AF/TN/D/EN1. See also European Union, Presidency Conclusions, Nice European Council Meeting, 7, 8 and 9 Dec. 2000, section IV, paras. 13–14, URL <http://europa.eu.int/council/off/conclu/dec2000/dec2000_en.htm>.

[43] The Declaration on Enlargement is published as Annex II to the Treaty of Nice (note 16).

[44] See note 30. See also the speeches by Göran Persson to the European Parliament on 17 Jan. 2001, and by Swedish Foreign Minister Anna Lindh in Moscow on 15 Feb. 2001, both available on the Swedish Government Internet site at URL <http://www.regeringen.se/english/pressinfo/speeches.htm>.

Potsdam agreements of 1945 and to prevent new divisions. None of the Union documents delineates the borders of the new expanding Europe. Its dimensions are determined by common history, culture and values supported by economic, political and military integration rather than by geography.[45]

The CFSP: a new stage

The creation of the post of High Representative for the CFSP demonstrated in itself the willingness of the EU members to make the CFSP work. As Javier Solana, appointed High Representative for the CFSP in October 1999, rightly noted, all the European Council meetings in 2000 proved to be new 'high-water marks' in extending the range of instruments available under the CFSP and moving towards 'a more effective, more coherent and more visible foreign policy'.[46] Summit meetings and European institutions determine common goals and norms; however, shaping a common foreign and security policy of the EU states is a process. It is a project under way. In its implementation, convergence has always been the goal and divergence too often the reality. Solana stated that this was changing: 'There is now a serious commitment to presenting a single political will to the rest of the world, a commitment to match Europe's economic power with political influence'.[47]

The joint priorities identified by Solana for 2000 gave three directions of action: (*a*) EU enlargement and relations with immediate neighbours; (*b*) relations with international organizations and institutions dealing with security issues—the UN system, the OSCE and NATO; and (*c*) relations with states outside Europe—the USA, Japan, China, India and other actors on the international scene.[48] In this context, a question arises whether the EU has adequate capabilities and instruments of action.

The ESDP: tasks and structures

The European Council meeting in Santa Maria da Feira on 19–20 June 2000 reaffirmed the Council's commitment to building an ESDP 'capable of reinforcing the Union's external action through the development of a military crisis management capability as well as a civilian one'.[49] The meeting approved the Presidency Report on Strengthening the Common European

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[45] The first ambassador of the European Union to the Soviet Union and subsequently to Russia, Michael Emerson, recommended envisaging for the first decades of the 21st century 'both a widening of the deep Europe and a deepening of the wide Europe, with the two processes deliberately converging. Whether the two would ultimately merge together into one would remain a mystery for the future to reveal'. Emerson, M., *Redrawing the Map of Europe* (Macmillan: London, 1998), p. xxi.

[46] 'Where does the EU stand on Common Foreign and Security Policy?', Speech by Javier Solana at the Forschungsinstitut der deutschen Gesellschaft für auswärtige Politik, Berlin, 14 Nov. 2000, available on the Internet site of the Deutsche Gesellschaft für Auswärtige Politik, URL <http://www.dgap.org/texte/solana.html>.

[47] 'Where does the EU stand on Common Foreign and Security Policy?' (note 46).

[48] 'Where does the EU stand on Common Foreign and Security Policy?' (note 46).

[49] European Union, Presidency Conclusions, Santa Maria da Feira European Council, 19–20 June 2000, SN 200/00, URL <http://europa.eu.int/council/off/conclu/june2000/index.htm>.

Policy on Security and Defence.[50] The report noted progress in the implementation of the Cologne decisions aimed at building the necessary means and capabilities to carry out the full range of conflict prevention and crisis management tasks—the Petersberg tasks.[51] The key question here is what steps will give practical meaning and value to the ESDP. The first step is to put into effect the decision adopted in 1999 at Helsinki to be able by 2003 to deploy within 60 days a rapid reaction force of 60 000 troops for crisis management operations.

The necessary structures for a military crisis management capability are already in place. As an interim measure, as of March 2000, a body of military representatives of member states' chiefs of defence staffs was set up within the European Council to provide military advice as required to the interim Political and Security Committee (PSC), and the Council Secretariat was strengthened by the secondment of military experts from member states to an Interim Military Staff to assist in the work of the ESDP. The following new permanent political and military bodies were approved by the European Council at the Nice meeting and are gradually being established within the Council: (*a*) a standing PSC; (*b*) a Military Committee (MC); and (*c*) the Military Staff.[52] The Council of the European Union also approved a catalogue of capabilities necessary to fulfil the Petersberg tasks.[53] The EU Capabilities Commitment Conference, convened in November 2000 in Brussels, is considered 'a milestone in the development of the ESDP'.[54]

At Feira the European Council also identified the principles on the basis of which consultation and cooperation with NATO should be developed. It recommended that the EU should propose to NATO the creation of four joint ad hoc working groups: on security issues, capabilities goals, modalities enabling EU access to NATO assets and capabilities, and the definition of permanent arrangements for consultations between the EU and NATO. A report on the implementation of the Feira decisions in all security-related matters, particularly the development of the arrangements for consultation and cooperation with NATO in crisis management, was to be submitted by the French presidency to the European Council in Nice. The crux of the matter was how to involve the United States and those members of NATO which are not members of the EU in crisis management.[55] The relationship between the EU rapid reaction force and NATO is discussed further below.

[50] Presidency Conclusions, Santa Maria da Feira European Council (note 49), annex I.

[51] The Petersberg tasks include: humanitarian intervention and evacuation operations; peacekeeping; and crisis management, including peacemaking. See the glossary in this volume.

[52] See the annexes to the Presidency Report presented at Nice in appendix 3A.

[53] Council of the European Union–General Affairs/Defense, 'Military Capabilities Commitment Declaration', Press release no. 13427/2/00, Brussels, 20 Nov. 2000, URL <http://ue.eu.int/newsroom/LoadDoc.cfm?MAX=1&DOC=!!!&BID=75&DID=63995&GRP=2957&LANG=1>.

[54] 'Where does the EU stand on Common Foreign and Security Policy?' (note 46).

[55] At the first Interim PSC/NATO Joint Meeting, Javier Solana announced that the 6 European NATO allies which are not EU members would be involved in a special session on EU capabilities. 'Intervention of the High Representative of the European Union for the Common Foreign and Security Policy, Dr Javier Solana at the COPSi/NAC First Joint Meeting, Brussels, 19 September 2000', available on the WEU Internet site, URL <http://www.weu.int/eng/speeches/s000919a.htm>. Six European NATO states are not EU members: the Czech Republic, Hungary, Iceland, Norway, Poland and Turkey.

The WEU: the legal foundation for the ESDP

The decisions of the WEU Council of Ministers in Marseille on 13 November 2000 almost concluded the activity of the WEU.[56] In this way the EU obtained for its members the status of the sole legitimate European organization for security and defence.

However, because of the complex positions of the neutral and non-aligned EU member states, the creation of an EU force calls for the retention in some limited form of the legal foundation of the WEU. The formal legal basis for the EU's operation in the field of security is the 1948 Brussels Treaty and the 1954 Modified Brussels Treaty, which created the WEU.[57] The provisions agreed at the Marseille meeting are of key importance. The ministers approved the WEU residual functions and structures which will be in place by 1 July 2001—before the EU rapid reaction force becomes operational. The WEU's operational functions are being absorbed by the EU but its legal foundations will enable the WEU members to fulfil the commitments of the Modified Brussels Treaty.[58] The EU will also take over the work of the WEU Transatlantic Forum and some other bodies. The WEU Military Staff should be prepared to cease its activities in accordance with the transition plan approved on 17 October 2000 by the chiefs of defence staffs. Similarly, the WEU and NATO routine consultation mechanisms will be suspended.

The WEU's subsidiary bodies, such as the Satellite Centre in Torrejón and the Institute for Security Studies in Paris, will be incorporated in the form of agencies in the EU. A residual WEU, in charge of Article V of the Modified Brussels Treaty, and the Western European Armaments Group (WEAG) will continue to exist. Concerning the European Armaments Partnership, the WEU countries' defence ministers agreed at a meeting in Luxembourg in November 1999 on a procedure to allow Austria, the Czech Republic, Finland, Hungary, Poland and Sweden to become full members of the WEAG.[59] They joined in November 2000 and the WEAG now numbers 19 full members (13 + 6).

[56] WEU Ministerial Council, Marseille Declaration, Marseille, 13 Nov. 2000, URL <http://www.weu.int/eng/comm/00-marseille.htm>.

[57] The Protocols modifying and completing the Brussels Treaty and the Modified Brussels Treaty were signed in Paris on 23 Oct. 1954. The texts are published as Annex 1 in van Eekelen, W., *Debating European Security 1948–1998* (Centre for European Policy Studies and Sdu Publishers: The Hague, 1998).

[58] Article V of the Modified Brussels Treaty states: 'If any of the High Contracting Parties should be the object of an armed attack. In Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other assistance in their power'. Article IX reads: 'The Council of Western European Union shall make an annual report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe'. At the Marseille meeting the member states of the WEU confirmed their adherence to Articles V and IX.

[59] On the European Armaments Partnership, see Western European Union, Assembly, Armaments cooperation in the future construction of defence in Europe: reply to the annual report of the Council, Document 1671, 10 Nov. 1999.

EU military capabilities

The Military Capabilities Commitment Declaration, issued in Brussels on 20 November 2000, highlighted the Union's determination to develop 'an autonomous capability to decide on and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crisis'.[60] It confirmed that the forces up to corps level should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support units and, as required, air and naval elements.

In Brussels the EU member states identified areas in which efforts will be made to upgrade existing assets, investment, development and coordination in order to acquire the capabilities for autonomous EU actions. They committed themselves, on a voluntary basis, to making the contributions required for the rapid reaction capabilities.[61] With reference to strategic capabilities (command, control and communications) they offered a satisfactory number of national headquarters at the strategic, operational, force and component levels.[62] The Military Capabilities Commitment Declaration also envisaged providing the EU with an assessment and follow-up mechanism. The EU also pointed out the importance it attaches to the speedy conclusion of ongoing talks on access to NATO capabilities and assets.[63] It was decided that arrangements will be made concerning transparency, cooperation and dialogue between the EU and NATO in a special document. Earlier, at the Feira European Council meeting, the non-European NATO members had been invited to make their contribution in the form of complementary commitments to improving European capabilities. A few months later, at the Brussels ministerial meeting, the states which are applying for EU membership and NATO members which are not in the EU expressed their intention to extend the range of capabilities available for EU-led operations. The main opponent of the proposed solution is Turkey.[64]

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[60] 'Military capabilities commitment declaration' (note 53).

[61] These commitments have been set out in the 'Force Catalogue'. 'Military Capabilities Commitment Declaration' (note 53). The ministers stated: 'Analysis of this catalogue confirms that by 2003, in keeping with the "headline goal" established in Helsinki, the European Union will be able to carry out the full range of Petersberg tasks, but that certain capabilities need to be improved both in quantitative and qualitative terms in order to maximize the capabilities available to the Union'. These voluntary contributions constitute a pool of more than 100 000 persons, *c*. 400 combat aircraft and 100 vessels, making it possible to satisfy needs identified to carry out the different types of crisis management missions 'within the headline goal'.

[62] In regard to intelligence, apart from the image interpretation capabilities of the Torrejón Satellite Centre, member states offered a number of resources which can contribute to the analysis and situation monitoring capabilities of the EU.

[63] 'Military Capabilities Commitment Declaration' (note 53).

[64] The Turkish Government argued strongly against the ESDP concept and institutional links between NATO and the EU in the area of defence planning, in the conviction that it will eventually marginalize the role of Turkey and other non-EU members in European security. The Turkish position generated a political debate about 2 different, though interrelated, institutions: the European Security and Defence Identity (ESDI) within NATO and the ESDP within the EU. See also 'Turkey and a European Security and Defence Identity', Speech by NATO Secretary General Lord Robertson, delivered in Istanbul, Turkey, 23 Nov. 2000, URL <http://www.nato.int/docu/speech/2000/s001123a.htm>.

In order to cover the full range of the Petersberg tasks, a mechanism to ensure synergy between the civilian and military aspects of crisis management was also developed.[65]

Specific matters such as costs, organization, and command, control and communications are not so controversial as the political implications of the ESDP for relations between Europe and the USA. One of the most difficult issues to resolve in a satisfactory way is how to reconcile the European political will to possess autonomous capabilities with the USA's insistence that unnecessary duplication of military structures and capabilities and of effort must be avoided. Two other (mutually contradictory) US concerns are also at work—concern that Europe could engage in a military operation without the participation or consent of the USA; and deep-rooted scepticism about Europe's ability to make its plans work.[66]

European defence and the Petersberg tasks

The purpose of the rapid reaction force is defined by Solana as 'to provide the Union with sufficient military and non-military capabilities to enable [the EU] to intervene when appropriate in humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking (Petersberg tasks)'.[67] The main aim of all the EU meetings in 2000—in Brussels, Feira, Marseille and Nice—striving to improve Europe's capabilities was to respond to crises and not to create a European army—to create a pool of military resources ready and able to undertake EU-led crisis management operations while not undermining the Atlantic alliance.[68] The report submitted by the French presidency in Nice states unambiguously that the decisions adopted are intended to enable the EU to carry out the Petersberg tasks.[69]

This does not involve the establishment of a European army. One leading French security analyst has rightly noted that 'European defence policy is not

[65] In 2000 the EU continued to develop civilian capabilities in 4 priority areas: police, strengthening the rule of law, strengthening civilian administration and civil protection. For this, the EU states committed themselves to provide 5000 officers by 2003 for international missions, 100 of whom could be deployed within less than a month. At a seminar organized in Brussels on 25 Oct. 2000, it was possible to determine initial views and guidelines for further work within the Committee for Civilian Aspects of Crisis Management. 'French presidency of the European Union: presidency report', Brussels, 4 Dec. 2000, available on the Internet site of the French EU presidency, URL <http://www.info-france-usa.org/EU2000/defenrep.htm>. See also chapter 2, section III in this volume.

[66] Ambassador Alexander Vershbow, head of the US mission to NATO, has expressed the fear that implementation of the Cologne and Helsinki decisions could lead to 'a two-tier alliance in which the Europeans only focus on low-intensity situations such as peacekeeping while leaving NATO to do the dirty work at the high end of the spectrum. That would not be healthy for the transatlantic relationship'. Quoted in Drozdiak, W., 'US tepid on European defense plan', *Washington Post*, 7 Mar. 2000. See also Groves, D. M., Berlin Information Center for Transatlantic Security, 'The European Union's common foreign, security and defense policy', BITS Research Report, Nov. 2000, URL <http://www.bits.de/public/researchreport/rr00-3-1.htm>.

[67] 'Where does the EU stand on Common Foreign and Security Policy?' (note 46).

[68] 'Effective EU–NATO consultations and cooperation will be a vital component of successful crisis management in the future', stated Solana. Address by Javier Solana, Secretary-General of the WEU, to the second part of the 46th Session of the WEU Assembly, Paris, 5 Dec. 2000, URL <http://www.weu.int/eng/speeches/s001205a.htm>.

[69] 'French presidency of the European Union: presidency report' (note 65), Annex VI, section 2.

about defence'.[70] It is, however, an open question whether the creation of this collective European force is the final goal or the first stage in shaping joint armed forces for the homeland defence of the EU members. This is, for instance, the view of France.

The decision to endow the EU with the capability to carry out the Petersberg tasks is most controversial. In particular there is concern in the United States that the creation of such a force will inevitably lead to the weakening and gradual dismembering of NATO and the 'decoupling' of Europe and the USA. The USA's European partners have assured the USA that the ESDP is in fact a response to US insistence that NATO's 'European pillar' be strengthened.[71] This was the state of the debate on future EU armed forces and military capabilities at the time of the 1999 Helsinki and 2000 Feira European Council meetings. The forces are to be limited to corps level with limited equipment and earmarked for the Petersberg tasks only.

It was agreed that they will be autonomous forces, not operating within NATO, to be used where the alliance as a whole is not engaged. It is not clear, however, whether and to what extent they are to be linked to NATO. Key decisions of the 1999 Helsinki meeting concerned cooperation with and transparency in relations with NATO. One of the essential understandings reached at Nice was the need for 'permanent arrangements' between the EU and NATO based on transparency, cooperation and dialogue. More specific principles concerning the evaluation mechanism were addressed to two major questions: (*a*) the compatibility of the commitments taken on in the framework of the NATO Defence Planning Process; and (*b*) reconciling mutual reinforcement of the Union's capability goals with those arising from the NATO Defence Capabilities Initiative (DCI).[72] This is discussed further in section IV.

Nor has the area of operation of the European rapid reaction force been designated. Is it to be the EU area plus the territories adjacent to it? Or is it also to embrace, at the request of the OSCE, the territories of the OSCE states? Or, finally, might it cover, by order of the UN Security Council, an unlimited space for global missions aimed at the maintenance of international peace and security? The use of troops for interventions would require a Security Council mandate. There is a distinction between peacekeeping, which can be mandated by the EU, and peace enforcement, which must be mandated by the Security Council. This, however, would not be not tantamount to the EU's rapid reaction force being at the disposal of the Security Council at any time or place.

The principles and regulations within the permanent arrangements have to be agreed by the Union and NATO; this was not done in 2000. NATO does

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[70] Heisbourg, F., 'European security: the impact of the EU's security and defence policy', Paper presented at the Fourth International Security Forum in Geneva on 15–17 Nov. 2000.

[71] In his speech delivered at the 37th Munich Conference on Security Policy on 3 Feb. 2001, German Foreign Minister Fischer stated: 'This is precisely the goal of the ESDP. It has been conceived to complement rather than to rival NATO. It is intended to make the Alliance more balanced and thus even stronger'. Available on the German Government internet site, URL <http://eng.bundesregierung.de/dokumente/Artikel/ix_30653.htm> (in English) and <http://www.bundesregierung.de/top/liste/Dokumentationen/Reden/ix436_reden.htm?language=de&categoryVariant=reden> (in German).

[72] The Defence Capabilities Initiative was launched at the NATO summit meeting in Washington, DC, in Apr. 1999. For more detail see Rotfeld, 'Europe: the new transatlantic agenda' (note 1).

not yet consider the Nice decisions an acceptable foundation for the trans-atlantic relationship. However, the two organizations took identical positions in one matter: unnecessary duplication of procedures and of information should be avoided.[73] On the other hand, the permanent arrangements do not concern only detailed technical issues. It is natural that the Union is interested, when necessary, in using NATO assets, because it lacks resources of its own and needs close cooperation with NATO in operational planning. An impor-tant determinant will be the system solutions arrived at—providing the Union with assured access to NATO assets and defence planning. Neither the politi-cal debate nor the decisions taken in Nice (by the EU) and Brussels (by NATO) in December 2000 brought answers to the basic questions. It is still not known whether a common defence planning system will emerge; on what principles the collaboration between NATO and the ESDP is to be established; or, most importantly, how the realization of the ESDP will affect the trans-atlantic relationship. The answer to these questions will determine the future role of NATO and the USA in Europe's defence and security.

IV. NATO and Europe: the need for a new concept

Two years after the offer of membership to three Central European post-communist countries (the Czech Republic, Hungary and Poland) at the 1999 Washington summit meeting and the allied military operation in the Federal Republic of Yugoslavia (FRY), the new NATO agenda was focused on the redefinition of the transatlantic relationship. For the first time since 1989, in December 2000 NATO adopted a detailed report on confidence-building measures (CSBMs), verification, non-proliferation, arms control and disarma-ment.[74]

The NATO–EU relationship

In the decisions adopted by NATO in April 1999 at the Washington summit meeting and reaffirmed at later meetings, including the alliance's ministerial meeting in Brussels on 14–15 December 2000, it was assumed that the frame-work and scope of NATO–EU cooperation had been defined in NATO docu-ments.[75] The implementation of NATO decisions and of the DCI 'will also strengthen the European pillars of the Alliance and improve the capability of

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[73] In order to avoid unnecessary duplication, the mechanism approved at the Nice European Council meeting will rely on technical data from existing NATO mechanisms such as the Defence Planning Pro-cess and the Planning and Review Process (PARP). In addition, exchange of information and trans-parency would be ensured by the Working Group on Capabilities set up between the EU and NATO. 'French presidency of the European Union: presidency report' (note 65), Annex I, para. 6.

[74] NATO, 'Report on options for confidence and security building measures (CSBMs), verification, non-proliferation, arms control and disarmament', Press communiqué M-NAC-2(2000)121, 14 Dec. 2000, URL <http://www.nato.int/docu/pr/2000/p00-121e/home.htm>. Excerpts from the report are reproduced in appendix 3A.

[75] This concerns in particular the decisions taken in Washington in Apr. 1999, including that on the DCI. For more detail see Rotfeld, 'Europe: the new transatlantic agenda' (note 1), pp. 181–208 and appendix 4A, pp. 209–12.

European Allies to undertake EU-led operations where the Alliance as a whole is not engaged'.[76]

This wording underlines a view of the EU's activities in the military security sphere as subsidiary rather than autonomous or independent. It is worth noting here that the European Security and Defence Identity (ESDI) within NATO, although close to the ESDP within the EU, is not identical with it. Although NATO and the EU, both Brussels-based, have for many years been engaged in solving numerous problems of the same kind, they have had no institutional relationship. The North Atlantic Council (NAC) has held periodic meetings with Russia since 1997, but not until 2000 with the EU.

The general goal endorsed by the EU member states at Nice of a genuine strategic partnership in crisis management between NATO and the EU is shared and supported by the USA and the alliance. However, the concept of a strategic partnership is understood differently by the United States (and, supporting it, Turkey), on the one hand, and by the European allies which are members of both the EU and NATO, on the other.

Nor is there any question that NATO will remain the foundation for the collective defence of its members; it will also continue to play a significant and often decisive role in crisis management, as set out in the new Strategic Concept.[77] However, ideas differ about the role of Europe and about relations between the ESDI and the ESDP. From the US perspective, it would be advisable for the ESDI and the ESDP to develop into one and the same thing. The Democratic and and the new Republican US Administrations fear that the new EU institution is intended chiefly to fulfil a political role and consolidate Europe's independence in security and defence matters. Ambassador Alexander Vershbow, head of the US mission to NATO, asks, 'Is ESDP primarily a political exercise, the latest stage in the process of European construction, or is ESDP's main goal to solve real-world security problems in Europe?'[78] The latter interpretation would inevitably lead to the weakening of transatlantic links. In this context Vershbow describes five areas of 'unfinished business' left over from 1999: (*a*) committing the resources needed to increase the mobility and sustainability of European forces;[79] (*b*) building NATO and EU forces to the same standards so as to avoid the dangers of a two-tiered alliance; (*c*) developing mechanisms for political consultation and practical cooperation between NATO and the EU; (*d*) involving the six NATO non-EU European states in the political decision making on, military planning for and actual EU-led operations; and (*e*) working out arrangements that will permit NATO planning, capabilities and assets to be provided to the EU when needed. A year later, Vershbow was more precise:

[76] NATO, 'Final communiqué, Ministerial Meeting of the NAC held at NATO Headquarters, Brussels', on 14 and 15 Dec. 2000, Press release, M-NAC-2(2000)124, 15 Dec. 2000, para. 27.

[77] 'The Alliance Strategic Concept approved by the Washington Summit on 23 and 24 April 1999', *NATO Review*, no. 2 (summer 1999), pp. D7–D13, paras 31–32.

[78] Vershbow, A. (Amb.), Speech delivered to the Transatlantic Forum, WEU Institute for Security Studies, in Paris, 18 May 2000, URL <http://www.nato.int/usa/ambassador/s20000518a.htm>.

[79] 'France, UK, Italy and some of the smaller EU members are doing their part', added Vershbow, 'but the big question is: Whither Germany?'. Vershbow (note 78).

'First, ESDP must result in increased capabilities. And that means Europeans must spend more on defense'.[80]

A new stage in the dialogue between NATO and the EU was reached at the NAC ministerial meeting in Florence on 24 May 2000.[81] The meeting decided, taking into account the evolution of relevant arrangements in the EU, to ensure: the development of mutual consultation, cooperation and transparency; participation of non-EU allies; and practical arrangements for both assured EU access to NATO planning capabilities and ready EU access to NATO collective assets and capabilities 'on a case-by-case basis and by consensus'.[82] In other words, it will be a relationship similar to that established between NATO and the WEU. All these elements were included in the agenda of common work for NATO and the EU proposed in Florence by the NAC. In the context of arrangements for the exchange of information a security agreement was seen as a matter of priority. Specific forms and ways in which the non-EU European NATO members could be involved and participate in possible operations with the use of NATO assets and capabilities were also recommended.

The first-ever meeting of NATO and the EU at ambassador level took place at the EU headquarters in Brussels on 19 September 2000. It demonstrated a new type of relationship between the two European security organizations.[83]

The Petersberg tasks are not the same as defending the independence and territorial integrity of states against external threats, nor do they meet the needs relating to collective defence under Article 5 of the 1949 North Atlantic Treaty (Washington Treaty)[84] or the 1954 Modified Brussels Treaty.[85] If the ESDI is to be understood as a European pillar of NATO, the ESDP is to perform external tasks of a limited nature—those of a European rapid reaction force. However, that which in the eyes of some countries, such as Austria, Finland, Germany and Sweden is the ultimate task and mandate is for others

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[80] 'US NATO representative Vershbow on transatlantic relationship', Paper presented at the Netherlands Institute of International Relations, Clingendael, on 23 Mar. 2001, in US Department of State, *Washington File*, 28 Mar. 2001, URL <http://usinfo.state.gov/cgi-bin/washfile>.

[81] NATO, 'Final communiqué, Ministerial Meeting of the North Atlantic Council held in Florence on 24 May 2000', Press release M-NAC-1(2000)52, 24 May 2000.

[82] 'Final communiqué' (note 81).

[83] 'Two strategic players are now getting together', said NATO Secretary General Lord Robertson at the press conference. He stressed that this 'significant' and 'historic' meeting was only the beginning of a process. *Atlantic News,* no. 3232 (22 Sep. 2000), p. 3. Ambassadors assessed the progress made by NATO and the EU in the context of the expert contacts on headline goal implementation and the first meeting of the joint NATO–EU Ad Hoc Working Groups in the areas of security issues, capabilities goals, EU access to NATO assets and permanent consultation arrangements, and discussed the way ahead in NATO–EU relations. NATO Update, 13–19 Sep. 2000, URL <http://www.nato.int/docu/update/2000/0913/e.htm>.

[84] Under Article 5 of the North Atlantic Treaty, '[t]he Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area'. For the North Atlantic Treaty, see *NATO Handbook*, 50th Anniversary edn (NATO: Brussels, 1998), p. 396.

[85] See note 56.

(mainly France) a starting point towards a more independent European defensive force.

One open question here is the interpretation of the scope of the Petersberg tasks. The use of troops for interventions would require a UN Security Council mandate. There is a distinction between peacekeeping, which can be mandated by the EU, and peace enforcement, which must be mandated by the Security Council.[86]

The 'headline goal' adopted at Helsinki in December 1999 may be interpreted as meaning that the EU armed force that is being formed would have autonomous tasks, albeit fulfilled in cooperation with NATO and the USA, and cover areas in the immediate vicinity of the member states of the EU. They could therefore be used in the Balkans in operations of the Kosovo kind or in staving off a spillover of the conflict to the Former Yugoslav Republic of Macedonia (FYROM) but could not be earmarked for a Gulf War type of operation within a coalition under US leadership.[87] Politically, it is certain that the EU rapid reaction force would underscore the EU's capability to act in crisis situations without requesting US assistance in every case. However, it is not certain how actions of the force would be agreed.[88]

The task of creating an EU rapid reaction force, limited in scope and potential, is not conceived by most of the member states, except France, as the first phase of a European defence system which would be independent and competitive vis-à-vis the transatlantic defence community. On the other hand the EU states do aim to make their political and military position more credible in relations with the outside world. In particular, they want to shape up their partnership relations with the USA not only through declarations but also in the politico-military realm. Thus the ESDP would play the role of a *sui generis* insurance policy for Europe if the United States were to change its security priorities and loosen its ties with the European allies. However, if the ESDP is 'poorly done', Ambassador Vershbow warned, 'this new venture could divide the transatlantic Alliance, diminish European capacity to manage crises, and possibly weaken the US commitment to European security'.[89]

All in all, the ESDP is to be an institution whose capabilities would, on the one hand, help shape common European defence goals and aims, and, on the other hand, force the USA to treat the EU as a political and military partner, not a subcontractor subordinated in all key issues to decisions taken within NATO. This goes beyond the Petersberg tasks. However, the implementation of such a concept would call for several basic conditions to be met: (*a*) cooperation must be developed on the basis of partnership in, not the EU's

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[86] 'It is important, in order to limit future misunderstandings (for instance in the event of a serious war in the Gulf), that we are clear as to what is, at least potentially, the scope of the European Union's self-proclaimed tasks.' Heisbourg (note 70).

[87] 'Current European Union language (e.g., Petersberg) does not provide even the roughest guideline as to our vision of the world in which we need to be able to operate militarily.' Heisbourg (note 70).

[88] Heisbourg (note 70). See also Yost, D. S., 'The NATO capabilities gap and the European Union', *Survival,* vol. 42, no. 4 (winter 2000/2001), pp. 97–128.

[89] Vershbow (note 80).

subordination to, the NATO politico-military decision-making;[90] (*b*) there must be complete transparency, consultation and cooperation between NATO and the EU; and (*c*) the costs of new tasks must be covered and, as a result, military expenditures restructured.

Transatlantic security and US leadership

The US Government's visions of US policy goals in strengthening transatlantic security are identified with the role played by the United States in NATO and its relations with the partner states. The basis on which the transatlantic community should rest in the future includes the following tenets: (*a*) transatlantic security is indivisible; (*b*) it should include all of Europe; (*c*) the USA will support 'European efforts to increase their contribution to collective defence and crisis response operations within NATO and to build a capability to act militarily under the EU where NATO as a whole is not engaged'; (*d*) the European countries' defence capabilities must be improved in the fields most relevant to modern warfare; and (*e*) the USA and Europe have common interests in dealing with security challenges on the periphery of the European continent and beyond 'that can have important ramifications for democracy and prosperity within our transatlantic community'.[91]

The debate and controversy about the future of the transatlantic community concern not so much these principles as the place and role of the United States in the security system. This is developing into a dispute over military strategy, command structures and 'burden-sharing'. What is at stake is both the leadership of the alliance and more broadly within the global security system, and the possibility of the USA making unilateral decisions.[92] From the US point of view, five key challenges which face NATO are crucial with regard to the future of the transatlantic relationship: (*a*) the Balkans; (*b*) the ESDP; (*c*) NATO enlargement; (*d*) relations with Russia; and (*e*) missile defence.[93]

Maintaining leadership is the USA's priority. This is connected with the costs and burdens it bears. 'The United States, which has contributed far more

[90] This means (*a*) that there must be a general agreement between the EU and NATO, or (*b*) that the 2 organizations' interests must be reconciled and they must respect each other's interests within the framework of permanent arrangements that would take into account the positions of both; and (*c*) that the roles and tasks of the ESDI and the ESDP must be harmonized, and the EU and NATO must perceive them in the same way. In practice, the EU believes that the criteria for permanent arrangements as defined in Nice are obligatory for both organizations. In turn, NATO claims that the basis of such mutually satisfactory arrangements should be 'the principles enunciated in Washington and at subsequent ministerial meetings, which will be taken into account in the framework agreement establishing these arrangements'. 'Final communiqué' (note 76), para 31.

[91] US Department of Defense, 'Strengthening transatlantic security: a US strategy for the 21st century', Washington, DC, Dec. 2000, URL <http://www.defenselink.mil/pubs/eurostrategy2000.pdf>. See also Clinton, W., 'A national security strategy for a global age', The White House, Washington, DC, Dec. 2000.

[92] 'We must be straightforward in acknowledging that the United States—*like every other country*— reserves a right to act alone, or within a coalition of the willing, when our vital interests are at stake and an Alliance-wide consensus for action simply does not exist. We will do what we must to defend these interests, including, when necessary, using our military might unilaterally.' 'Strengthening transatlantic security' (note 92), pp. 62–63.

[93] Vershbow (note 80).

resources and capabilities to NATO than any other single ally, cannot be expected to act as if these differences did not exist and did not influence our policies.'[94] This explanation is offered as self-evident in the US Defense Department report cited above. Other justifications for the role and place of the USA in the transatlantic community are less obvious. They stem from the different perceptions of the USA and the European allies of alliance leadership.[95] In this context, two aspects are of essential importance—the new security dimension of the EU and the processes of enlarging the EU and NATO to the east and the south-east. They are two separate, autonomous and independent but mutually reinforcing processes and are of major significance for stability and security in Europe.

NATO enlargement

The principle of inclusiveness is common to both EU and NATO enlargement. From the US perspective, as part of a broader strategy to enhance and sustain reform throughout Europe, the 1999 Strategic Concept reaffirmed NATO's 'open door' philosophy. The intention was to adapt the alliance to deal with new threats on Europe's periphery and beyond its borders.[96]

No new decisions were taken regarding NATO enlargement in 2000, but debate on it continued and arrangements were being made for the review to be carried out at the summit meeting in 2002.[97] The formulations NATO used with regard to further enlargement express the general philosophy of inclusiveness but are cautious and balanced, and make no specific commitments. In 2000 NATO reaffirmed its commitments to remain open to new members; however, it put stronger emphasis on the Membership Action Plan (MAP) process. The MAP helps the nine aspirant countries in their efforts to prepare for possible future membership.[98]

In line with its policy of inclusiveness NATO has focused more on its practical activities in strengthening the Euro-Atlantic community through the Euro-Atlantic Partnership Council (EAPC) and the Partnership for Peace (PFP) than on determining who will be invited to joint the alliance and when. In 2000 EAPC/PFP activities concentrated on practical regional cooperation in

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[94] 'Strengthening transatlantic security' (note 92), p. 61.

[95] The concluding part of the US Department of Defense report entitled 'Leadership for the 21st century' reads: '[t]he *substance* of our transatlantic cooperation is overshadowed or even impeded by differences in *tone*. Americans, for example, frequently refer to their 'leadership' of the Alliance. For many Americans, this concept is essentially an accurate reflection of objective facts—in particular, the real disparities in military capabilities between the United States and our Allies. But for many Europeans . . . "American leadership" has come to be understood at best a somewhat outdated notion from the Cold War era or, at worst, a grating expression of a "dominating" or "overbearing" superpower'. 'Strengthening transatlantic security' (note 92), p. 62.

[96] Binnendijk, H. and Kugler, R. L., 'Open NATO's door carefully', *Washington Quarterly*, vol. 22, no. 2 (spring 1999), p. 126. See also 'Strengthening transatlantic security' (note 92); and Rotfeld, 'Europe: the institutional security process' (note 1), pp. 247–50.

[97] The review was announced in the documents of the NAC adopted at Washington in Apr. 1999. NATO, Washington Summit Communiqué of 24 Apr. 1999, 'An alliance for the 21st century', Press release NAC-S(99)64, 24 Apr. 1999, para. 7. Excerpts from the communiqué are published in *SIPRI Yearbook 2000* (note 1), pp. 209–12.

[98] Albania, Bulgaria, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia and Slovenia.

South-Eastern Europe, the Caucasus and Central Asia. In this regard, a particular role was played by the Regional Ad Hoc Working Group on South-East Europe and the Caucasus.

In 2000 two main reasons lay behind NATO's self-restraint as regards enlargement.

First, it is an evolutionary process intended to stabilize security in Europe rather than lead to tensions and increased confrontation, particularly in relations with Russia. On the issue of enlargement, Russia applies the oft-proven tactic of not giving approval but maintaining dialogue. Russia remains intransigent, as epitomized in the words of Sergey Ivanov, then Secretary of the Russian Security Council: 'We oppose strongly the plans of NATO's expansion to the East'.[99] Its opposition is related in particular to the former Soviet Baltic republics. Russia's views on that are not ignored, although its position cannot determine whether these or other states are or are not to be admitted to NATO. Concerns that Russia may perceive the enlargement of NATO as a threat and that this will increase nationalist sentiment, and consequently strengthen the hand of the anti-Western and non-democratic opposition, have not materialized. Nationalism and anti-democratic attitudes among Russians are confined only to attempts to rebuild an imperial Russia and recover lost spheres of influence. The dramatic increase of anti-Western rhetoric in Russian politicians' pronouncements and the suspension of relations with NATO in 1999–2000 stem more from the NATO intervention in Kosovo than from the admission of new members. Russia's relations with the new NATO member states have in fact improved. This was confirmed by the visits of Russian Foreign Minister Igor Ivanov and Sergey Ivanov to Poland in March 2001, and of Polish politicians to Moscow. When Putin met the President of Lithuania, Valdas Adamkus, in Moscow on 30 March 2001, he stated that: 'Each country is free to be or not to be a party to a treaty of alliance. Such a decision should not, however, be detrimental to the security of a neighbouring country'.[100] Since Putin was elected president, relations between NATO and Russia have been characterized by pragmatism and NATO is seen as a major element, although not the only one, of the new security architecture.[101]

Second, the next round of enlargement will depend far more on the applicant states' readiness, the extent to which they satisfy the criteria for NATO membership, and the situation in the particular region (for example, the Balkans) than on Russia's reaction.[102] With respect to a second round, three options

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[99] Speech delivered by S. B. Ivanov, Secretary of the Security Council of the Russian Federation, at the 37th Munich Security Policy Conference, Munich, 4 Feb. 2001. Ivanov was appointed Russian Minister of Defence on 29 Mar. 2001.

[100] Falkov, V., 'Putin soglasilsya poyekhat v Litvu' [Putin agrees to go to Lithuania], *Nezavisimaya Gazeta*, 31 Mar. 2001, p. 1.

[101] S. B. Ivanov stated: 'We do not regard NATO as the sole decisive factor in setting up [a] European security system, which is to be based on [the] OSCE. But at the same time, we do not deny that in this system NATO should occupy a fitting place'. Ivanov (note 99).

[102] 'Less than two years ago after the Washington Summit, it is already clear that enlargement has been demoted from NATO's agenda and overwhelmed by other events.' Hendrickson, R. C., 'NATO's open door policy and the next round of enlargement', *Parameters* (US Arms War College Quarterly), vol. 30, no. 4 (winter 1999/2000), p. 57.

have been outlined within NATO: (*a*) to postpone it, under various pretexts, because of lack of enthusiasm on the part of the major European allies (Germany and the UK); (*b*) to admit some countries (Romania, Slovakia, Slovenia and possibly Lithuania) and thus make the NATO Washington promise credible (this is supported by France and Italy); and, least likely, (*c*) to invite simultaneously all applicant states to join the alliance (the 'Big Bang' option). The decisive factor, however, will be not so much theoretical considerations as the concrete politico-military situation in Europe, in general, and in South-Eastern Europe, in particular.[103] For this reason, in the political deliberations on the future of NATO, an ever-growing role is being ascribed to such institutions as the EAPC and the PFP, designed to address political cooperation and identified with the concept of inclusiveness, and to the relationship with institutions outside the NATO structures.[104]

V. The OSCE: failure or success?

The 1975 Helsinki Final Act was signed 25 years ago by the Conference on Security and Co-operation in Europe (the CSCE).[105] Never in its history has the OSCE had such extensive operational activity in the fields of international security, democratization and human rights or so much cooperation in many other spheres as it had in 2000. The paradox is that, although over a relatively short period the OSCE took a durable and important place in the structure of European security institutions,[106] for the first time in 2000 an OSCE Ministerial Council was unable to reach consensus on a concluding document.

The 8th OSCE Ministerial Council ended on 28 November 2000 in Vienna. Despite many efforts, no consensus was reached on a joint declaration covering the whole range of issues of concern to the OSCE.[107] Among the main obstacles mentioned by the Chairperson-in-Office, Benita Ferrero-Waldner, Austrian Foreign Minister, the most controversial were the unsettled disputes in Chechnya, Georgia and Moldova.[108] Her statement was in fact a full presentation of the draft declaration which, although not adopted, reflected a previously agreed joint position. The most critical areas of OSCE activity in 2000 were South-Eastern Europe and the Caucasus (the conflict between Armenia and Azerbaijan over Nagorno-Karabakh, subject to negotiation by the Minsk

[103] Rauchhaus, R. W. (ed.), 'Explaining NATO enlargement', *Contemporary Security Policy*, vol. 21, no. 2, special issue (Aug. 2000).

[104] For more detail see Mattox, G. A., 'NATO enlargement: a step in the process of alliance reform'; and Kupchan, C. A., 'The origins and future of NATO enlargement' , ed. Rauchhaus (note 103).

[105] The CSCE became the OSCE in 1995. See also the glossary in this volume.

[106] For a review of OSCE activities, see *OSCE Handbook 1975–2000* (OSCE Secretariat: Vienna, 2000), available at URL <http://www.ose.at>.

[107] Only 2 documents were adopted: on the role of the OSCE in South-Eastern Europe, and on enhancing the OSCE's effort to combat trafficking in human beings.

[108] Statement by Benita Ferrero-Waldner, Chairperson-in-Office of the OSCE, at the closing plenary session of the 8th Meeting of the OSCE Ministerial Council, Vienna, 28 Nov. 2000, MC/DEL/149/00, 29 Nov. 2000. See also the draft Vienna Final Declaration, OSCE document MC/GAL/1/00 Rev. 3, 24 Nov. 2000.

Group[109]); the conflict in Chechnya (Russia) and reactivation of the OSCE Assistance Group there; the unresolved conflicts in Georgia (the separatist regions of South Ossetia and Abkhazia); the conflict in Moldova (over the self-proclaimed Trans-Dniester republic); and the broad OSCE activities in the five Central Asian countries—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.[110]

Principal accomplishments

In 2000 the OSCE strengthened its role as a primary instrument for early warning, conflict prevention, conflict management and post-conflict rehabilitation.[111] The Mission in Kosovo, in cooperation with other security-related institutions (the UN, the EU and the Council of Europe), played a leading role in areas of human rights, democracy, the rule of law and institution building. The OSCE was also assigned the lead on particular task forces of the working tables of the Stability Pact for South Eastern Europe[112] with the aim of enhancing cross-border cooperation in this region. On 16 March 2000 the OSCE Permanent Council adopted a Regional Strategy for South Eastern Europe. The positive change towards democratization in Croatia in early 2000 and in Serbia with the election of Vojislav Kostunica as President of Yugoslavia on 24 September 2000 marked a reorientation for the OSCE activities in these two countries.

Following the 1999 Istanbul Summit Declaration[113] the member states committed themselves to developing Rapid Expert Assistance and Co-operation Teams (REACT) which will enable the OSCE to respond quickly to requests for assistance in conflict prevention, conflict management and post-conflict rehabilitation. In September 2000 an Operations Centre was established within the OSCE Conflict Prevention Centre in Vienna.[114]

The main OSCE activities in 2000 were developed in the field. One may ask what the OSCE really achieves. The answer is that it works above all in the background.[115] In 2000 there were 21 missions and centres of various kinds operating on the territories of the former Yugoslavia and the former Soviet Union[116] as well as the OSCE Assistance in the Implementation of Bilateral

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[109] On the Minsk Group, see the glossary in this volume.

[110] In 2001 the OSCE added permanent centres in Bishkek (Kyrgyzstan), Almaty (Kazakhstan) and Ashkhabad (Turkmenistan) to the Central Asia Liaison Office in Tashkent (Uzbekistan) and the OSCE Mission in Dushanbe (Tajikistan). In Apr. 2000 the OSCE Field Office in Osh (Kyrgyzstan) was opened. A sign of OSCE engagement in the region was the appointment on 15 Jan. 2000 of the OSCE Secretary General Jan Kubis as Personal Representative of the Chairperson-in-Office for Central Asia.

[111] See Rotfeld, 'Europe: the new transatlantic agenda' (note 1), pp. 201–207. See also chapter 2, section III in this volume.

[112] On the Stability Pact for South Eastern Europe, see the glossary in this volume.

[113] 'Europe: the new transatlantic agenda' (note 1), pp. 204–205.

[114] The decision was taken by the OSCE Permanent Council, Decision no. 364, 29 June 2000.

[115] Statement by Benita Ferrero-Waldner (note 108).

[116] These are: (*a*) the missions in Albania, Bosnia and Herzegovina, Croatia, Kosovo (Yugoslavia), the FYROM, Estonia and Latvia; (*b*) the special groups in Belarus and Chechnya (Russia); (*c*) the Permanent Representative of the Chairperson-in-Office on the Nagorno-Karabakh conflict dealt with by the Minsk Conference; (*d*) the High-Level Planning Group; (*e*) the offices in Armenia (Yerevan) and Azer-

and Multilateral Agreements (such as the OSCE representative to the Estonian Government Commission on Military Pensioners, and assistance in implementation of Articles II, IV and V of the 1995 Dayton Agreement) and the OSCE Strategy relating to the Stability Pact for South Eastern Europe.

Two OSCE institutions—the Office for Democratic Institutions and Human Rights (ODIHR) and the High Commissioner on National Minorities (HCNM)—concentrated increasingly on democratization, including early resolution of tensions involving minority issues and election observation programmes. The ODIHR in 2000 developed over 80 projects in the fields of the rule of law, prevention of torture, assistance to ombudsman institutions, migration and freedom of movement, gender equality, trafficking in human beings, freedom of conscience and assistance for civil society. The HCNM, Max van der Stoel, continued his active engagement in Croatia, Estonia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Macedonia, Moldova, Romania, Russia, Slovakia, Turkey, Ukraine and the FRY, and in March 2000 issued the *Report on the Roma and Sinti in the OSCE Area*.[117] The Lund Recommendations on the effective participation of national minorities in public life, elaborated by a group of experts in September 1999, were the subject of a conference organized by the HCNM in May 2000.[118]

Interlocking security institutions

In 2000 new channels for operational communication were established between the OSCE and other intergovernmental organizations, including the UN and its agencies, the Council of Europe, the EU and the WEU, NATO and the Commonwealth of Independent States (CIS). A tripartite high-level meeting of the UN, the Council of Europe and the OSCE took place in Geneva on 25 February 2000. It focused on progress on stability in South-Eastern Europe, with a special emphasis on law enforcement and the police. In April 2000 the Common Catalogue of Cooperation Modalities between the Council of Europe and the OSCE was signed by their respective secretaries general.[119] The document reflects the commitment of the two organizations to mutual reinforcement in action, and is also an attempt to guarantee institutional memory.

Close cooperation was developed on the working and operational levels between the OSCE, on the one hand, and the EU, NATO and the CIS, on the other.[120] Relations with the Mediterranean and other Partners for Co-operation covered different types of activities, including meetings, workshops and semi-

baijan (Baku); (*f*) the missions to Georgia and Moldova; (*g*) the Project Coordinator in Ukraine; (*h*) the Mission to Tajikistan; (*i*) the Liaison Office in Central Asia (Tashkent, Uzbekistan); and (*j*) the centres in Kazakhstan (Almaty), Kyrgyzstan (Bishkek) and Turkmenistan (Ashkhabad).

[117] Available on the OSCE Internet site at URL <http://www.osce.org/hcnm/documents/index.htm>.

[118] 'Lund Recommendations on the effective participation of national minorities in public life and explanatory note', published by the Foundation for Inter-Ethnic Relations, Sep. 1999, URL <http://www.osce.org/hcnm/documents/lund.htm>.

[119] Within the OSCE Secretariat the Section for External Cooperation published its first annual report on interaction between the organization and institutions in the OSCE area. *Annual Report 2000 on OSCE Activities (1 Nov. 1999–31 Oct. 2000)* (OSCE Secretary General: Vienna, 24 Nov. 2000), section 4.1.2.1.

[120] See note 119.

nars. The annual OSCE Mediterranean Seminar, held in Portoroz, Slovenia on 30–31 October 2000, focused on CSBMs and their relevance for the Mediterranean.[121]

The OSCE and Russia's new posture

It is worth considering why, given its undeniable accomplishments and the new role which has been welcomed by other major organizations, the OSCE was not able to adopt the agreed text of a concluding document at the November 2000 Ministerial Council. This stemmed from the controversies over Russia's implementation of the obligations adopted one year earlier at the summit meeting in Istanbul. It seemed that a statement issued by the Russian President on 19 November 2000, a week before the Ministerial Council meeting in Vienna, should have removed all disputed matters from the agenda and opened the way to agreement.[122]

This did not happen. The Chairperson-in-Office found it difficult to understand the resistance of Russia to a joint final document.[123] The position presented by Russian Foreign Minister Igor Ivanov evoked widespread surprise, as Russia had for 25 years declared its unswerving support for the process initiated at Helsinki and continued by the OSCE. All the former ministerial meetings and those of heads of state and government have ended with agreed joint documents, although in the cold war period they were sometimes empty declarations[124] or commitments with numerous reservations attached that effectively deprived them of any significant substance.[125] Since the end of the cold war and the adoption of the 1990 Charter of Paris for a New Europe,[126] OSCE documents have gained in importance, being considered politically binding agreements.

The year 2000 brought an essential change in Russia's foreign and security policy. With the departure of President Yeltsin, a reassessment of many estab

[121] See Lachowski, Z. and Rotfeld, A. D., 'Success or Failure?: The History of CBMs/CSBMs within the Helsinki Process (1973–2000)', Paper prepared for the OSCE Mediterranean Seminar, Portoroz, 30–31 Oct. 2000, Document no. 004, prepared by SIPRI at the request of the OSCE Chairperson-in-Office.

[122] Putin declared that Russia 'thinks highly of the understanding shown for our forced measures to counter the large-scale terrorist aggression that caused a temporary heightening of flank limitations. Unfortunately, the situation in the Northern Caucasus remains tense. In these circumstances and with due regard for the obligations assumed a year ago, we are doing everything possible to ensure the maximum transparency of our actions in the defence of Russia's state interests. . . . We reaffirm Russia's commitment to all the Treaty obligations, including the flank limitations, to which we will return by all means after the completion of the counter-terrorist operation. Problems of the withdrawal of Russian troops from the territory of Georgia and Transdniestria are being resolved in accordance with the bilateral agreements reached in Istanbul and with interested support from our CFE Treaty partners'. Statement by the President of the Russian Federation (unofficial translation), Moscow, 19 Nov. 2000, JCG.DEL/34/00, Vienna, 21 Nov. 2000.

[123] OSCE, 'Eighth OSCE Ministerial Council ends in Vienna', Press release, 30 Nov. 2000.

[124] E.g., the Concluding Document of the Belgrade Meeting 1977 in ed. A. Bloed, *The CSCE: Analysis and Basic Documents, 1972–1993* (Nijhoff: Dordrecht, 1993), pp. 219–21.

[125] E.g., the Concluding Document of the Madrid Meeting 1983 in ed. Bloed (note 124), pp. 257–87.

[126] The Charter of Paris for a New Europe is reproduced in *SIPRI Yearbook 1991: World Armaments and Disarmament* (Oxford University Press: Oxford, 1991), pp. 603–10.

lished premises and priorities took place. The basic documents on Russian foreign and defence policy signed by President Putin in 2000 are of a pragmatic nature and define new assumptions of the national security concept. The evolution of Russia's position vis-à-vis the OSCE is significant here. In the mid-1990s Russia saw the OSCE as the main European security institution and at the same time a potential instrument for staving off NATO enlargement eastward. The OSCE failed to fulfil this role. Neither did it become a centre of gravity for the newly formed states, reduce the role of NATO or subordinate NATO to itself. What is more, the OSCE's activity is confined geographically to South-Eastern Europe and the former Soviet republics, while in substantial terms it is limited to shaping the system of common values—human rights, democracy, political pluralism and the rule of law. In Russia's view a new agenda for the OSCE should focus on combating international terrorism, aggressive nationalism, separatism, organized crime and arms proliferation. Also in the field of military security—CSBMs and the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty)—the OSCE fell short of Russian expectations that it would limit the US presence in Europe. In effect, the Russian foreign policy concept is shifting its focus more to partnership with the EU and cooperation with NATO than to further enhancing the OSCE's role in the future security order in Europe.[127]

VI. Conclusions

A decade after the end of the cold war and the fall of the bipolar system, the European Union faces the challenge of determining its role in the security sphere. This calls for both deeper institutionalization of its relationship with NATO and redefinition of its relations with the United States. The decisions adopted in 2000 by the Nice European Council meeting effectively undid the political division of Europe established at Yalta. The reform launched by the most recent Intergovernmental Conference opened up the way to further expansion of the European Union. The new European economic space has been supplemented with new institutions in the security sphere—the CFSP and the common ESDP. It remains an open question whether, and if so to what extent, the new institutional solutions will shape the new political and military reality within the Union and outside it—in transatlantic relations.[128] Taking the matter to extremes, perhaps it is doomed to continue in another form the marginal role the WEU played for over half a century?

Two factors are of key importance for Europe's security in the military field: the US presence in Europe and its commitment to the defence of the European continent; and the place and role of the North Atlantic alliance. Both assume cooperation and relations of partnership with other security-related institu-

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[127] 'Russia will strongly oppose any narrowing of the OSCE functions, in particular, any attempt to redirect its activities towards the post-Soviet space and the Balkans.' Ivanov (note 34).

[128] Kirchner, S. and Sperling, J., 'Will form lead to function? Institutional enlargement and the creation of a European Security and Defence Identity', *Contemporary Security Policy* (formerly *Arms Control*), vol. 21, no. 1 (Apr. 2000), pp. 23–45.

tions, both within the EU (the ESDP) and within the OSCE. Because of the nature of the organizations, both the EU and the OSCE are irreplaceable in conflict prevention, crisis management and resolution, including peacemaking and peacekeeping missions. Their significance becomes more critical in promoting democratic change, market reform and the rule of law. At the same time, however, they cannot substitute in the foreseeable future for either NATO's infrastructure or its military capabilities. Both present and aspirant NATO members see the alliance as the cornerstone of an evolving security order in Europe. This is warranted by NATO's transformation and the role that it played both in the cold war period and in stabilizing the politico-military situation on the continent after it, as well as in cooperation with partner countries within the EAPC and the PFP.[129] In the wake of its internal reform, its enlargement and the development of a new type of cooperation with Russia and other states of the Central and East European region, NATO today not only discharges defence functions but is also developing an inclusive and cooperative security culture. This concerns particularly the states cooperating with it within the frameworks of the PFP and the EAPC as well as in conjunction with the OSCE.

Today the security of European states is based more on cooperation than on military build-ups. The steady improvement of the relationships between Russia and the USA and between Russia and the EU, and close cooperation of the European community of democratic nations are crucial for stability and security in the region as a whole. This requires not only encouragement and initiative on the part of NATO and the Union, but also the readiness of Russia for security cooperation, departure from the old thinking in terms of a besieged fortress, and the elaboration of a partnership strategy in its relations with the main European actors.

The broadly conceived transatlantic relationship covers three parallel processes: the emergence of Europe as a quasi-power; the shaping of a new type of relationship between the EU and the United States within NATO as one of the significant security factors and certainties in the new security environment; and the firm anchoring of democratic values and interlinking of vital interests which have enabled Europe to become a community of democracies.[130] However, nothing is predetermined: the European participants need to go beyond their national particular interests in shaping their common future. An enlarged, integrated and self-assured Europe is becoming a significant actor in the search for a common security strategy. The initial steps on the road from the community of values towards a more balanced transatlantic security partnership have already been taken.

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[129] Wallander, C. A., 'Institutional assets and adaptability: NATO after the cold war', *International Organization*, vol. 54, no. 4 (autumn 2000), pp. 705–36.
[130] Speech by Joschka Fischer, German Minister for Foreign Affairs, at the Conference 'Towards a Community of Democracies', Warsaw, 26–27 June 2000, *Polish Quarterly of International Affairs*, vol. 9, no. 2, supplement (2000), p. 42.