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European Security and Defence Policy: Nice and Beyond

The European Council held in Nice between 7-9 December 2000 unveiled the results of two years work on what is now termed the European Security and Defence Policy (ESDP). The key document produced at Nice was the “Presidency Report on European Security and Defence Policy” which formed part of Annex VI of the Presidency Conclusions.

This paper will provide an analysis of the key aspects of the ESDP, including the establishment of permanent EU military institutions, the progress of EU-NATO relations and reaction to the policy in the UK and the US.

For additional background to the steps taken in the development of the ESDP see Library Research Papers 00/20, *European Defence: From Pörtlach to Helsinki*, 21 February 2000 and 00/84, *Common European Security and Defence Policy: A Progress Report*, 31 October 2000.

Mark Oakes

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Summary of main points

The European Council held in Nice between 7-9 December 2000 represented the culmination of two years work on what is now termed the European Security and Defence Policy (ESDP). The Presidency Report on ESDP¹ published following the summit charted progress in the following areas:

- The development of the Headline Goal and other capability targets for military crisis management, resulting in the Military Capabilities Commitment Declaration.
- The strengthening of the EU's civil crisis management capabilities.
- The establishment of permanent political and military structures in the EU to enable the European Council to take decisions on military deployments. These comprise:
 - a Political and Security Committee (PSC);
 - a Military Committee (EUMC);
 - a Military Staff (EUMS).
- Permanent arrangements regarding the EU's relations with NATO and procedures for its use of Alliance assets.
- Arrangements for the involvement of non-EU European NATO members, candidate countries for accession to the EU and other partners in EU-led crisis management operations.

All significant aspects of ESDP were included in the Presidency Report. The only element of the ESDP to be included in the Treaty of Nice was the establishment of the Political and Security Committee (PSC) under amended Article 25. The Treaty of Nice is the subject of Research Paper 01/49, *The Treaty of Nice and the Future of Europe Debate*, 1 May 2001.

The UK Government has championed the ESDP as a means of improving European defence capabilities and therefore strengthening NATO. The Conservative Party has remained strongly opposed to the development of the policy, regarding it as a threat and potential rival to the Alliance. The approach of the new Bush administration to the ESDP has to some extent continued along similar lines to those set by the Clinton administration: it has offered qualified encouragement to the policy, while placing priority on maximising the involvement of NATO in its development and cautioning against the establishment of an EU force that could rival or undermine the Alliance.

¹ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, Dep 01/185

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I Background

The European Council at Helsinki on 10-11 December 1999 effectively launched what is now termed the European Security and Defence Policy (ESDP). The two main proposals made at Helsinki were the development of rapidly deployable European military capabilities (the 'Headline Goal') to undertake humanitarian and peacekeeping roles (also known as the Petersberg Tasks), and the establishment of new EU security institutions. The Headline Goal will be up to a corps sized force (around 60,000 persons) and will be militarily self-sustaining for at least one year.

The Portuguese and French Presidencies of the EU were tasked with turning the Helsinki proposals into reality. The key developments during 2000 included:

- The establishment of new interim political and military institutions comprising:
 - an interim Political and Security Committee (iPSC);
 - an interim Military Committee/Body (iMC);
 - a Military Staff (MS).
- The development of ties with NATO through:
 - the setting up of joint EU/NATO Committees;
 - meeting of the iPSC with the North Atlantic Committee;
 - meeting of the NATO Parliamentary Assembly and European Parliament (EP).
- Work towards identifying EU military capabilities through:
 - the formulation of a Collective Catalogue of Capabilities;
 - the establishment of a Capabilities Commitment Conference on 20 November 2000.
- Encouragement of the involvement of non-EU European countries in EU-led operations.
- Work towards the development of a civilian crisis-management force of 5,000 police.

For a detailed analysis of the steps taken in the development of the ESDP see Library Research Papers 00/20, *European Defence: From Pörtlach to Helsinki*, 21 February 2000 and 00/84, *Common European Security and Defence Policy: A Progress Report*, 31 October 2000.

II The Capability Commitment Conference

A major impetus behind the development of the ESDP has been the need to improve European defence capabilities. An initial step towards identifying forces that may be required for a future EU mission was taken by the Interim Military Body, which produced a preliminary catalogue of forces in July 2000. The 'Force Catalogue' comprises information on ground, air and sea forces to be committed for at least one year to an EU operation. The catalogue, which is classified, includes details of forces to deal with four basic scenarios. These scenarios include the separation by force of belligerent parties, peacekeeping, humanitarian aid and evacuation of nationals.

The catalogue of forces fed into the Capability Commitment Conference, which was held on 20 November 2000 in Brussels. The conference allowed Member States voluntarily to pledge military assets to an EU force that would be established during a crisis. In addition the conference attempted to identify areas in which efforts would be made to upgrade or acquire certain capabilities. The main areas of focus included the fields of command and control, intelligence and strategic transport. The EU also welcomed additional contributions from NATO allies and non-EU states.

At the close of the conference, a 'Military Capabilities Commitment Declaration' was published (copy attached at Appendix I). With regard to force contributions the document states that the needs of the Headline Goal were met:

In quantitative terms, the voluntary contributions announced by Member States make it possible to achieve in full the headline goal established in Helsinki (60,000 persons available for deployment within 60 days for a mission of at least a year). These contributions, set out in the "Force Catalogue", constitute a pool of more than 100,000 persons and approximately 400 combat aircraft and 100 vessels, making it possible fully to satisfy the needs identified to carry out the different types of crisis management missions within the headline goal.²

The enlarged 'reservoir' of forces totalling around 100,000 personnel came as a result of additional contributions from NATO and non-EU members, but also reflected the range of possible intervention scenarios, including the possibility of simultaneous operations. The French Defence Minister, Alain Richard, pointed out that "thought will have to be given to acting far from our territories, often in a very degraded environment, should the defence of our security interests or support for United Nations decisions so demand".³ Indeed, no clear geographical limits to the deployment of an EU-led force were set down at the conference nor at the following Nice European Council. In theory at least, an EU force could act anywhere around the world. The Armed Forces Minister, John Spellar,

² "Military Capabilities Commitment Declaration", undated, from the EU web site at <http://www.ue.eu.int/pesc/military>

³ *Atlantic News*, 22 November 2000

provided a summary of the Government's view on potential military deployments under the ESDP:

Troops on EU-led operations could be deployed outside Europe. The European Union has resolved to establish the capability, where NATO as a whole is not engaged, to launch and conduct military operations in response to international crises. The United Kingdom is committed to support the development of this capability, and will offer British forces to such operations in the light of circumstances at the time, which may involve deployment outside Europe.⁴

The conference noted that improvements in areas of command, control and communications, strategic deployability and sustainability, operational intelligence and interoperability of forces were required in order to meet the most demanding Petersberg tasks. While it seems clear that these shortfalls will not be made good by 2003 and that in the meantime an EU force will be heavily reliant upon NATO assets, the on-going restructuring of the European defence industry was cited as a means of improving European military capabilities:

The restructuring of the European defence industries taking place in certain Member States was a positive factor in this. It encouraged the development of European capabilities. By way of example, the Member States concerned cited the work they are engaged in on a number of vital projects which would contribute to bolstering the capabilities at the Union's disposal: Future Large Aircraft (Airbus A 400M), maritime transport vessels, Troop Transport Helicopters (NH 90). Some Member States also announced their intention to continue their efforts to acquire equipment to improve the safety and efficiency of military action. Some undertook to improve the Union's guaranteed access to satellite imaging, thanks in particular to the development of new optical and radar satellite equipment (Helios II, SAR Lupe and Cosmos Skymed).⁵

With regard to developing a mechanism to evaluate future progress towards the development of EU defence capabilities, the conference agreed that existing NATO defence planning processes and data would be used:

In order to avoid unnecessary duplication, it will, for the Member States concerned, rely on technical data emanating from existing NATO mechanisms such as the Defence Planning Process and the Planning and Review Process (PARP). Recourse to these sources would be had, with the support of the EU Military Staff (EUMS), via consultations between experts in a working group set up on the same model as that which operated for the drawing up of the capabilities catalogue (HTF Plus).⁶

⁴ HC Deb 20 November 2000, c6w

⁵ "Military Capabilities Commitment Declaration", undated, EU web site <http://www.ue.eu.int/pesc/military>

⁶ "Military Capabilities Commitment Declaration", undated, EU web site <http://www.ue.eu.int/pesc/military>

The military contributions offered by countries applying for membership of the EU and the non-EU European NATO members were acknowledged and welcomed by the Member States. The EU members agreed that these contributions would be evaluated in liaison with the States concerned and according to the same criteria as those applied to Member States.

Details of the UK contribution were provided by the Secretary of State for Defence, Geoff Hoon, in a Written Answer on 20 November 2000:

Over the last six months, military experts of EU member states assisted by NATO planners, have carried out a detailed assessment of the forces and capabilities required by the EU to enable it to carry out by 2003 the full range of crisis management ("Petersberg") tasks envisaged in the Headline Goal set at Helsinki. The UK has identified a pool of forces and capabilities which would enable it to make a powerful contribution to such options in support of the Union's Common Foreign and Security Policy, where NATO as a whole is not engaged. UK participation in any particular operation, and the nature of our contribution, would be matters for decision by the UK Government in the light of circumstances at the time.

In the maximum scale operation envisaged at Helsinki--a corps level of deployment of up to 60,000 troops--the UK component could be around 12,500 strong. Maritime and air deployments of up to 18 warships and 72 combat aircraft could be made in addition.

The pool provides for an element of choice in order to cater for differing operational, political or geographical circumstances. The full details of the forces identified are confidential, but the major elements are as follows:

Land

Either an armoured or mechanised brigade, each of which could be sustained for at least a year; or an air assault brigade which would be deployed for up to six months. Combat support enabling capabilities such as artillery, and short range air defence, and attack helicopters could be deployed in addition, supported by the appropriate complement of logistic enablers and national support troops.

Maritime

Maritime forces comprising one aircraft carrier, two nuclear powered submarines, deployment of up to four destroyers/frigates, support vessels; and an amphibious task group, including one helicopter landing platform and an amphibious brigade. The aircraft carrier, helicopter landing platform and submarines could not necessarily be sustained continuously for a whole year.

Air

Up to 72 combat aircraft (including Sea Harriers), with associated support aircraft including strategic transport. This number would be available for six months to cover initial theatre entry. For a longer term commitment the total would reduce.

The development of the EU Headline Goal and the commitment of EU member states to delivering the capabilities required are important steps in a wider process of improving European defence capabilities. They will reinforce efforts being made nationally and multinationally, in particular, in response to NATO initiatives and in so doing strengthen the European contribution to the Alliance.⁷

The pledges from potential contributors to an EU military operation are as follows:

1. EU Member States

Country	Number of Troops
United Kingdom	12,500
France	12,000
Germany	12,000
Italy	12,000
Spain	6,000
Netherlands	5,000
Greece	3,500
Austria	2,000
Finland	1,500 ¹
Sweden	1,500
Portugal	1,059
Belgium	1,000
Ireland	850
Luxembourg	100
Denmark (opted out)	0

Sources: *Daily Telegraph* 21 November 2000, ¹*Helsingin Sanomat* 22 November 2000

2. Other Contributors

Country	Number of Troops
Turkey	4,000-5,000
Norway	3,000
Slovakia	450
Czech Republic	1,000 ¹
Hungary	350 ²
Poland	'Brigade' plus air & naval support ³

Sources: *Financial Times* 21 November 2000, ¹CTK news agency Prague, 21 November 2000, ²*Duna TV*, Budapest, 21 November 2000, ³*Polish Radio 1*, Warsaw, 21 November 2000.

⁷ HC Deb 20 November 2001, cc11-12w

The Declaration makes reference to the Working Group on Capabilities acting as the forum for the exchange of information between the EU and NATO “to ensure the coherent development of EU and NATO capabilities where they overlap (in particular those arising from the goals set out at the Helsinki European Council and from the NATO Defence Capabilities Initiative)”.⁸ Some background on the progress of the Working Group on Capabilities was provided to the House of Commons Defence Select Committee by the MOD’s Policy Director, Richard Hatfield, on 28 March 2001:

The Committee has been meeting two or three times already this year. It is only meant to be a temporary group until we get on to more permanent arrangements, but I suspect it will in fact be replaced by a somewhat similar group on a permanent basis to link the big NATO planning system with the EU Headline Goal process so that we make sure that the development for capabilities in the two organisations marches together, particularly of course for the 11 countries who are members of both organisations. At the moment it has only had two or three meetings. One of its early meetings will be about the linkage of the two planning systems in the way I have just described.⁹

The proposals contained in the Military Capabilities Commitment Declaration were approved by the European Council at its meeting in Nice.¹⁰

A. Reaction to the Capabilities Declaration

On his return from Brussels, Mr Hoon set out the Government’s view of what had been achieved at the Capabilities Commitment Conference:

Over the past two days, European partners--both in the European Union and outside it--have been identifying the type and level of forces that they may be able to make available for Petersberg-type operations. It would not be a standing European army. It would be a pool of potentially available national forces. It is envisaged that there would be full transparency and consultation with NATO as a potential crisis develops. It would then be for contributing countries to decide whether, when and how to deploy their armed forces. No country would have to take part. A British Prime Minister, answerable to this House, will always have the final say over the use and deployment of British armed forces.¹¹

He claimed that the conference reflected a general move towards improving European defence capabilities:

⁸ “Military Capabilities Commitment Declaration”, undated, EU web site <http://www.ue.eu.int/pesc/military>

⁹ Defence Committee, *European Security and Defence*, 28 March 2001, HC 390-i, 2000-2001, para 19.

¹⁰ Annex I to Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, - Dep 01/185

¹¹ HC Deb 22 November 2000, c311

The effort now being put into developing better European capabilities – an effort led by Britain – is beginning to have an effect. For years, defence budgets throughout Europe have been falling. Next year, according to figures given to NATO by its member states, defence spending will rise in real terms in 11 of the 16 European states of NATO. The restructuring of armed forces to make them better equipped to face today's challenges is taking place in a number of European Union countries.¹²

He added:

The capability commitments conference earlier this week is neither something to fear nor something to scaremonger about. On the contrary, we as a nation should be delighted to see our European partners making a serious commitment to improving their capability to be able to respond to crisis management situations. It strengthens the military capability and resolve of the European Union, and strengthens the capability within the NATO alliance.¹³

He insisted that the ESDP would not represent an additional burden to UK forces:

... it is not a commitment to undertake operations that we would not previously have wished to take part in. It is not, therefore, a new burden on our armed forces. Those who have said that either do not understand what is happening, or deliberately seek to mislead for reasons of political opportunism.¹⁴

The shadow Secretary of State for Defence, Iain Duncan Smith, questioned the level of forces agreed at the conference:

What is this all for? The right hon. Gentleman says that it is for low-level peacekeeping tasks, as envisaged by my right hon. Friend the Member for Kensington and Chelsea (Mr. Portillo) at Petersberg. But what do the others say? The French do not see it like that at all. Alain Richard says:

We could increase the strength of the deployable forces. The land component should allow us to deal with two simultaneous crises, including a high intensity one with a long term requirement for forces. The ability of the sea and airlift components to project forces and carry out deep strikes would be significantly increased. Here we could envisage an army corps supplemented by 6 to 7 brigades and 600 to 700 aircraft including 400 to 450 combat aircraft.

So that is to aid the civil power--a Petersberg task, just to help the police to get on with their operations in a difficult area? I think not.¹⁵

¹² HC Deb 22 November 2000, cc312-313

¹³ HC Deb 22 November 2000, c313

¹⁴ *ibid*, c314

¹⁵ HC Deb 22 November 2000, c314

Mr Duncan Smith was also reported to have stated that, “If on returning to power we find our armed forces are involved in any European initiative that is not completely under the NATO umbrella we will withdraw.”¹⁶

The Liberal Democrat Defence Spokesman, Menzies Campbell, welcomed the Government’s statement but requested that the Defence Secretary:

... use his every endeavour to ensure that the United Kingdom and all others who have pledged forces on paper during the past two or three days meet those commitments in reality?¹⁷

The *Financial Times* provided a positive assessment of the conference:

No European army is being created, nor even a standing force. The EU’s decision on an operation does not bind any member to take part... What Europe is doing is setting up a mechanism enabling it to respond more effectively to crises. Troops, equipment and planning processes that might be mobilised for the EU’s rapid reaction force are the same as might be used if Nato or the United Nations were the organising body. The speed and unity with which EU members are striving to deliver their “headline goals” offers hope that, in a crisis the EU force might be generated more quickly than it would through the slow processes of the other two institutions.¹⁸

The *Daily Telegraph* was much more critical of developments in European defence:

... today the Defence Secretary, Geoff Hoon, is to announce a vast British contribution to the new rapid reaction force – a quarter of the Army and RAF and more than half of the Royal Navy. Mr Blair is expected to try to sell this to the public as an attempt to curb the political ambitions of the French. He should tell the marines.¹⁹

¹⁶ *The Scotsman*, 21 November 2000

¹⁷ HC Deb 22 November 2000, c317.

¹⁸ *Financial Times* 20 November 2000

¹⁹ *Daily Telegraph*, 20 November 2000

III The Presidency Report on ESDP

The Presidency Report on ESDP and its annexes²⁰ produced at the Nice European summit outlined progress in the following areas:

- The development of the Headline and other capability goals for military crisis management capabilities – as agreed at Helsinki.
- Achieving the target for civilian policing capabilities – as set out at Feira.
- The structure and role of permanent political and military structures in the EU to enable the European Council to take decisions on military deployments.
- The inclusion in the EU of the appropriate functions of the Western European Union (WEU).
- The permanent arrangements for the EU's relations with NATO and with third countries outside the EU.

These key areas are summarised and analysed below:

A. Military Capabilities and Civil Crisis Management Capabilities

The Council approved the recommendations of the Military Capabilities Commitment Declaration outlined in section II above and incorporated them into the Presidency Report.

1. Review Mechanism

An annex to the Presidency Report details proposals for a review mechanism of EU military capability goals. Commenting on the review mechanism, the Secretary of State for Defence said:

What is important about the work in which we are engaged is the review mechanism. We need to ensure that those who offered forces offer forces of the right kind and the right quality that are capable of rapid deployment. That is a significant step forward in the operation of multinational organisations. In the past, we have not had an effective checking mechanism that has worked as we would have liked, but we are going to get that out of this process.²¹

The aims of the review mechanism are:

²⁰ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, Dep 01/185

²¹ HC Deb 22 November 2000, c318

- (a) to enable the EU to monitor and facilitate progress towards the honouring of undertakings to achieve the overall goal, in both quantitative and qualitative terms;
- (b) to enable the EU to evaluate and, if necessary, to review its defined capability goals in order to meet the requirements of the full range of Petersberg tasks in the light of changing circumstances;
- (c) to help to achieve consistency between the pledges undertaken in the EU framework and, for the countries concerned, the headline goal force agreed to in the context of NATO planning or the Partnership for Peace (PARP).

As agreed at Helsinki, the Member States concerned will also deploy existing defence planning procedures, including, if appropriate, those of NATO and of the planning and review process (PARP) of the Partnership for Peace.²²

The evaluation process is to be carried out by teams of military experts from, “the various capitals, assisted by EU, NATO/SHAPE²³ and international military staff (based on the Headline Task Force/Headline Task Force Plus (HTF/HTF Plus) formats).”²⁴ In particular an EU/NATO capability group, based on the ad hoc group set up by the Feira European Council, will continue to work on the development of EU and NATO capabilities where they overlap. The need for the EU and NATO to “avoid unnecessary duplication of procedures and of information” is emphasised.²⁵

It is foreseen that the above review mechanism will initially trigger reports to the European Council at least every six months regarding progress towards achieving capability goals.

2. Civil Crisis Management Capabilities

With regard to civilian aspects of crisis management, the EU has been developing civilian capabilities in four priority areas:

- Police;
- Strengthening of the rule of law;

²² Appendix to Annex I, *Achievement of the Headline Goal Review Mechanism for Military Capabilities* Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, p13.

²³ Supreme Headquarters Allied Powers Europe (SHAPE), based at Mons, Belgium, is the headquarters of NATO’s Allied Command Europe (ACE).

²⁴ Appendix to Annex I, *Achievement of the Headline Goal Review Mechanism for Military Capabilities* Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, p16.

²⁵ *ibid*

- Strengthening civilian administration;
- Civil protection.

The introduction to the Presidency Report emphasised the EU's potential strength in civilian and military resources:

In response to crises, the Union's particular characteristic is its capacity to mobilise a vast range of both civilian and military means and instruments, thus giving it an overall crisis-management and conflict-prevention capability in support of the objectives of the Common and Foreign Security Policy.²⁶

Annex II of the Presidency Report reiterated the goal, set out at the European Council in Feira, of Member States providing 5,000 officers by 2003 for international missions, 1,000 of whom should be deployed within 30 days. The report notes the establishment, by the Committee for Civilian Aspects of Crisis Management, of a methodology for achieving these targets, which will form the basis for work under successive Presidencies. This method has four main steps:

- preparation of generic planning scenarios and identification of the resultant missions;
- definition of the capabilities needed for the performance of the missions identified;
- call for contributions from Member States and identification of the capabilities on offer;
- possible measures to ensure follow-up for concrete targets.²⁷

The report also identified "the need to equip the General Secretariat of the Council with expertise in police matters on a permanent basis."²⁸ Further effort between the EU, United Nations (UN), Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe in other related areas, such as the judicial and penal spheres and civil administration, was also recommended.

B. Establishment of Permanent Political and Military Structures

The report announces the establishment of the following political and military bodies:

- the Political and Security Committee [PSC];
- the Military Committee of the European Union [EUMC];
- the Military Staff of the European Union [EUMS].²⁹

²⁶ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, page 1.

²⁷ *ibid*, Annex II, p18

²⁸ *ibid*, Section II, p3

²⁹ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Section II, p3

The structure and functions of the permanent institutions essentially builds upon those of the interim bodies established after the Helsinki summit (details of the new institutions can be found at Annex II of the Nice Presidency Report on the *European Security and Defence Policy* of 4 December 2000 - Dep 01/185). The ESDP sits in the largely intergovernmental 'second pillar' of the EU, where policies are formulated by Member States rather than by the European Commission. The Secretary General/High Representative (SG/HR) of the Council, Javier Solana, and his staff in the new bodies will act in a coordinating role. The key aspects of the new permanent institutions are as follows:

1. Political and Security Committee (PSC)

The PSC represents the EU's pivotal security and defence organ, exercising the political control and strategic direction of the EU's military response to a crisis. The establishment of the PSC under amended Article 25 of the Treaty of Nice represents the first time that the EU has institutionalised security and defence policy. Amended Article 25 states:

Without prejudice to Article 207 of the Treaty establishing the European Community, a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission.

Within the scope of this Title, this Committee shall exercise, under the responsibility of the Council, political control and strategic direction of crisis management operations.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation, without prejudice to Article 47.³⁰

The PSC will receive opinions and recommendations from the EUMC and will evaluate the essential elements such as "strategic military options, including the chain of command, operation concept, [and] operation plan" to be submitted to the Council.³¹ The Council will decide to launch an operation within the framework of a joint action. The PSC will also play a major role in consulting with NATO and any third states involved. The PSC and North Atlantic Council (NAC) met for the first time on 5 February 2001.

³⁰ *Treaty of Nice*, 26 February 2001, Cm 5090

³¹ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Annex III, p25

The SG/HR of the Council may chair the committee, especially in the event of a crisis.³² During an operation, “the Council will be kept informed through PSC reports presented by the Secretary-General/High Representative in his capacity as Chairman of the PSC”.³³ In addition the Chairman of the EUMC will take part, where necessary, in PSC meetings. During a crisis, the PSC will also be informed of any actions being taken by the Commission or Member States. This was summarised in the report as follows:

To prepare the EU’s response to a crisis, it is for the PSC to propose to the Council the political objectives to be pursued by the Union and to recommend a cohesive set of options aimed at contributing to the settlement of the crisis. In particular it may draw up an opinion recommending to the Council that it adopt a joint action. Without prejudice to the role of the Commission, it supervises the implementation of the measures adopted and assesses their effects. The Commission informs the PSC of the measures it has adopted or is envisaging. The Member States inform the PSC of the measures they have adopted or are envisaging at the national level.³⁴

According to the Government’s assessment of the PSC, the body would act as:

... an authoritative source of advice for the Council, and a valued interlocutor for third countries. Such a permanent Committee would give the European Union the capacity and flexibility to run a more comprehensive and responsive foreign policy.³⁵

It added:

The Government support this proposal. The Government have argued for some time for the creation of a permanent committee based in Brussels to act as the primary forum for preparation of advice to Ministers on common foreign and security policy matters.³⁶

The PSC has already been actively engaged with NATO in dealing with skirmishes between Albanian rebels and Macedonian forces on the Kosovo-Macedonia border. On 14 March 2001 the NAC and PSC met to discuss the safety of EU monitors in the Presevo valley area of southern Serbia.

³² The PSC now has a chairman-in-office – Ambassador Anders Bjurner, who was Sweden’s former representative on the interim PSC.

³³ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, Annex III p26.

³⁴ *ibid*, p25.

³⁵ Explanatory Memorandum on European Union Common Foreign and Security Policy, 28 November 2000, para 11.

³⁶ Explanatory Memorandum on European Union Common Foreign and Security Policy, 22 January 2001, para 7

2. Military Committee of the European Union (EUMC)

As agreed at the Helsinki Summit, the EUMC, established within the Council, will comprise the Chiefs of Defence (CHODs) of the EU Member States, represented on a day-to-day basis by permanent military representatives. It is the highest military body established in the Council and will provide military advice and make recommendations to the PSC, as well as providing military direction to the Military Staff of the EU (EUMS). The Chairman of the EUMC (CEUMC) will attend meetings of the Council when decisions with defence implications are to be taken.

In a crisis management situation the role of the EUMC will be as follows:

Upon the PSC's request, it issues an Initiating Directive to the Director General of the EUMS (DGEUMS) to draw up and present strategic military options.

It evaluates the strategic military options developed by the EUMS and forwards them to the PSC together with its evaluation and military advice.

On the basis of the military option selected by the Council, it authorises an Initial Planning Directive for the Operation Commander.

Based upon the EUMS evaluation, it provides advice and recommendation to the PSC:

- on the Concept of Operations (CONOPS) developed by the Operation Commander
- on the draft Operation Plan (OPLAN) drawn up by the Operation Commander.

It gives advice to the PSC on the termination option for an operation.³⁷

During an operation the EUMC will monitor:

... the proper execution of military operations conducted under the responsibility of the Operation Commander.

The EUMC members sit or are represented in the Committee of Contributors.³⁸

The EUMC will have a permanent Chairman who will be a four-star officer on appointment. The report suggests that the preference would be for a former Chief of

³⁷ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, Annex III, p27.

³⁸ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, Annex III, p27

Defence of an EU Member State who will be selected by the CHODs of the Member States. General Gustav Hägglund of Finland was selected as the chair of the EUMC at a meeting of EU defence ministers in March 2001. Some commentators have interpreted the appointment of a General from Finland, which is a neutral country and not a member of NATO, as further evidence of the independent nature of the ESDP and the weakness of its ties to NATO.

With regard to the EUMC the Government considers that:

... sensible and competent politico-military decision-making is essential if the European Union is to be able to take political control and strategic direction of military crisis management operations, where the Alliance as a whole is not engaged. The EU Military Committee...will be an essential component of the EU's decision-making machinery. It will in particular provide a forum for the discussion of military matters among the representatives of the member states, and the preparation of agreed advice. The presence in the Committee of eleven Chiefs of Defence Staff from NATO Allies will help ensure close cohesion with the Alliance.³⁹

3. Military Staff of the European Union (EUMS)

The Presidency Report at Nice agreed to establish the EUMS as a permanent military staff, representing the source of the EU's military expertise. The EUMS will be a Council Secretariat department attached to the SG/HR, comprising around 100-150 personnel seconded from the Member States. The EUMS will be headed by the Director-General of the EUMS (DGEUMS), a 3-star flag officer, and will work under the direction of the EUMC. It will act as the link between the EUMC and the military resources available to the EU and will provide military advice to EU bodies as directed by the EUMC. The EUMS will perform three main operational functions: early warning, situation assessment and strategic planning. The report states:

It supports the EUMC regarding situation assessment and military aspects of strategic planning, over the full range of Petersberg tasks, for all cases of EU-led operations, whether or not the EU draws on NATO assets and capabilities.⁴⁰

During a crisis management situation, the EUMS may establish Crisis Action Teams (CATs) and, if necessary, draw temporarily upon additional staff from Member States. The report states that the "resources needed for the operation of such bodies, in particular the Military Staff, will have to be increased without delay."⁴¹

³⁹ Explanatory Memorandum on European Union Common Foreign and Security Policy, 28 November 2000, para 12.

⁴⁰ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Annex V, p29.

⁴¹ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Annex III, p26

The Government considers that:

...the EU needs a small, permanent military secretariat staff to provide the link between the EU Military Committee and the military resources available to the EU, from Member States and from NATO.⁴²

The European Council announced in December 2000 that the German General, Rainer Schuwirth, would be appointed as DGEUMS with effect from 1 March 2001.⁴³ Schuwirth headed the German military mission to NATO from 1994-96. On the tasks facing the EUMS he has said that:

The main challenge certainly is to identify and overcome shortfalls as far as forces are concerned which would be of benefit both for the EU as well as for NATO. You need effective forces, effective structures and common procedures.⁴⁴

The General's second-in-command is a British officer, Major-General Graham Messervy-Whiting, who headed the EUMS during its interim stage.

For further details of how the EU politico-military bodies will interact with NATO please see sections C and E below.

C. Involvement of non-EU countries in crisis management

The Presidency Report states that the ESDP is an open project, and that the EU is keen to receive military contributions from the non-EU European NATO members and other countries which are candidates for accession to the EU (see section II above). It does emphasise, however, that "This openness must, of course, respect the principle of the European Union's decision-making autonomy".⁴⁵ Annex VI to the Nice Presidency Conclusions allows for consultation with such countries on a regular basis when there is no crisis and "to associate them to the greatest possible extent in EU-led military operations in times of crisis".⁴⁶ These proposals build upon those agreed at the previous European Council meetings at Helsinki and Feira.

⁴² Explanatory Memorandum on European Union Common Foreign and Security Policy, 28 November 2000, para 8

⁴³ EU Council Press Release, 22 December 2000

⁴⁴ *European Voice* 29 March – 4 April 2001

⁴⁵ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Section III, p4

⁴⁶ *ibid*, Section III, p4

1. Non-Crisis Periods

During non-crisis periods there will be a minimum of two meetings during each Presidency between the EU and all the fifteen countries concerned (EU+15 - the non-EU European NATO members and the candidates for accession to the EU). Similarly there will be a minimum of two meetings during each Presidency with the six non-EU NATO members (EU+6 format). In addition there will be one ministerial meeting including both the 15 and 6 countries during each Presidency. These meetings will discuss ESDP matters and their possible implications for the countries concerned.

The PSC will play a leading role in implementing these arrangements, which will also include:

... a minimum of two meetings at Military Committee representative level, as well as exchanges at military experts level (in particular those concerning the establishment of capability objectives) which will continue in order to enable the non-EU European NATO members and other candidate countries to contribute to the process of enhancing European military capabilities; meetings of experts may be called on matters other than capabilities, such as, for example, in times of crisis, for information on the strategic options envisaged.⁴⁷

2. Crisis Periods

In the event of a crisis, dialogue and consultation will be intensified with third countries at all levels. The key aim of these consultations will be to ensure that the countries that may potentially contribute to an EU-led operation are informed of the EU's intentions and the military options being envisaged. With regard to the use of NATO assets, the Annex states that "particular attention will be paid to consultation of the six non-EU European NATO members".⁴⁸

Once the Council has approved the operation concept, those countries that have expressed an interest in becoming involved in the operation will be formally invited to take part. The arrangements will be as follows:

- the non-EU European NATO members will participate if they so wish, in the event of an operation requiring recourse to NATO assets and capabilities. They will, on a decision by the Council, be invited to take part in operations where the EU does not use NATO assets.

⁴⁷ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Annex VI, p35

⁴⁸ *ibid* p36

- other countries which are candidates for accession to the EU may also be invited by the Council to take part in EU-led operations once the Council has decided to launch such an operation.⁴⁹

3. Committee of Contributors

The countries that are to be involved in an EU-led operation will confirm the composition of their national contribution at a 'Force Generation Conference'. Following this the operation will be formally launched and a Committee of Contributors will be established.

The PSC will exercise the political control and strategic direction of the operation, with the Committee of Contributors acting as the main forum for discussing "all problems relating to day-to-day management having regard to the measures taken by the PSC in this field".⁵⁰ In this connection:

- it will be supplied with detailed information regarding the operation on the ground via the EU bodies responsible for follow-up. It will receive regular information from the Operation Commander who may be heard by the Committee.
- it will deal with the various problems concerning the implementation of the military operation, the use of forces, and all day-to-day management matters which are not exclusively, under the instructions he will have received, the responsibility of the Operation Commander.
- it will provide opinions and recommendations on possible adjustments to operational planning, including possible adjustments to objectives which may affect the situation of forces. It will adopt a position on planning the end of the operation and the withdrawal of forces.

The Committee will usually be chaired by a representative of the SG/HR or the Presidency, assisted by the Chairman of the EUMC or his deputy. The Director of the EUMS and the Operation Commander may also attend or be represented in the Committee.

With regard to access to the Committee discussions, the Nice report states:

All EU Member States are entitled to be present at the Committee's discussions irrespective of whether or not they are taking part in the operation, but only contributing States will take part in the day-to-day management of the operation. Non-EU European allies and candidate countries deploying significant military

⁴⁹ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Annex VI, p36

⁵⁰ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, AnnexVI, p37

forces under an EU-led operation will have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.

The work of the Committee of Contributors will be conducted without prejudice to consultations in the framework of the single structure including non-EU European NATO members and EU candidate countries.⁵¹

The issue of incorporating non-EU countries into an EU-led operation has proved complicated. The French EU Presidency devoted much time to integrating the involvement of third countries, particularly the EU-candidate countries, into the ESDP. Of particular sensitivity has been the role of the non-EU European NATO members, especially if the EU-led operation is to make use of NATO assets. The EU appears to have succeeded in going some way to reassuring countries such as Norway, Iceland, Czech Republic, Hungary, and Poland about their involvement in the ESDP, whereas Turkey remains suspicious.

On a visit to Oslo in February 2001, the NATO Secretary General, Lord Robertson reiterated that “It is very high on my agenda that Norway and the other non-EU countries are not excluded.”⁵² The Norwegian defence minister, Bjørn Tore Godal, has commented that it is too early to say whether Norway’s offer of an infantry battalion, a submarine, a frigate and 12 F-16 fighter planes “will be repaid in the form of political influence” but he added that “we have been given an extensive structure of meetings, with at least ten meetings a year. But everything depends on the content of these conferences.”⁵³ He warned that Norway’s goodwill would depend on whether the country felt it was being well treated by the EU: “If we feel that we are being consistently slighted, it will naturally have a negative effect on our willingness to provide forces”.⁵⁴

4. Turkey

Despite indicating its willingness to contribute up to five thousand troops to future EU crisis management operations, Turkey remains wary about the Union’s new military role. Ankara is currently blocking plans to make the Alliance’s assets automatically available to the EU. In order to lift its veto, Turkey is requesting that the EU provide it with full involvement in decision-making in any EU-led military actions in its neighbourhood, including the Balkans and the Eastern Mediterranean. The EU’s stance is that it cannot risk the autonomy of the ESDP by allowing Turkey to have what amounts to a seat in its military councils.

⁵¹ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, AnnexVI, p37

⁵² *Aftenpost*, 5 February 2001

⁵³ BBC Monitoring – *Aftenpost* web site, Oslo 21 November 2000

⁵⁴ *ibid*

Turkish concerns over the ESDP date back to the April 1999 NATO summit in Washington. At a press conference following the summit, Turkish Foreign Minister, Ismail Cem, was reported to have said:

...if EU countries want to set up their own defence organisation, it is their business. However, when they want to use NATO's means, the NATO members, including Turkey, must also be involved in that. That is what we said and we had it accepted.⁵⁵

Reacting to the terms of the Nice agreement on ESDP, Turkey's ambassador to NATO, Onur Oymen, commented "Politically, it is not conceivable that a country of strategic position and decades of loyalty to the Western alliance could accept arrangements that could jeopardise its national security."⁵⁶ The Turkish Ambassador to the UK, Korkmaz Haktanir, expressed concern about developments in European security in a letter to the *Daily Telegraph* on 22 November 2000. He said:

Turkey is in a region where 13 of the 16 world crisis situations anticipated by NATO could develop. An EU-led operation in close proximity to Turkey could have a direct bearing on our security interests and require close Turkish cooperation. That is why Turkey's status within the process is more than a philosophical issue.⁵⁷

He added:

Creation of a separate rather than an inclusive EU military organisation could undermine NATO, as there is no permanent structure in which the EU and the non-EU European allies will participate on a regular basis on execution, planning and conduct of operations, including their political control and strategic direction.⁵⁸

Some observers have suggested that the institutional arrangements for the involvement of non-EU countries in both non-crisis and crisis situations will allow Turkey the opportunity to be involved in the formulation of a crisis plan at every significant stage, and that Ankara's fears regarding ESDP are therefore somewhat exaggerated. One commentator observed that:

In the wake of Feira, is there any substantive basis for Ankara's continued dissatisfaction? As both a EU candidate and a NATO member...Turkey will be consulted in both "EU+15" and the arguably more inclusive "EU+6" fora. Were the European Council to begin contemplating undertaking a "Petersberg" operation, consultations would intensify, particularly in the "EU+6" forum and

⁵⁵ *Anatolia News Agency*, Ankara, 25 April 1999

⁵⁶ *International Herald Tribune*, 26 January 2001

⁵⁷ Turkish Embassy to the UK web site – <http://www.turkishembassy-london.com>

⁵⁸ *ibid*

particularly where NATO assets might be called upon. The institutional arrangements recommended at Feira do in these respects seem to go some way towards meeting Turkish requirements.⁵⁹

Turkish objections to aspects of the ESDP may be partly a reflection of Ankara's resentment over the EU's handling of Turkey's application for EU membership. Although the Helsinki European Council in December 1999 finally confirmed Turkey as a candidate for membership, the somewhat grudging manner in which this candidacy was conferred, and the fact that accession negotiations will not begin until Turkey has fulfilled the political criteria for EU membership mean that this has remained a sensitive issue.

Former German and French defence ministers, Volker R  he and Fran  ois L  otard have called for Turkey to be granted the status of "Associate Member" to the ESDP. In an article in *Le Figaro*, on 31 January 2001 they stated that "we would do well to take into account the decades of Turkey's loyal service within the Alliance" and argued for Turkey "to be integrated in the decision-making process of the ESDP".⁶⁰

Geoff Hoon provided the UK perspective on EU relations with Turkey during an evidence session with the House of Commons Defence Select Committee on 28 March 2001:

Turkey wants to see – and I can perfectly well understand it from their point of view – the same sort of arrangements that they have enjoyed in the WEU available to them as part of this process. There are discussions underway – they have been underway for some time – to try and ensure that Turkey is comfortable with the consultation arrangements that have been extended. I am quietly confident that in time Turkey will recognise that. It is not a problem for the European Union.⁶¹

General Kelche of France has commented:

Everyone is trying to convince the Turks that their position is not productive. I hope that they will succeed, but I have no miracle solutions. EU decisions have to be taken at 15, not 16. It is as if NATO were told that Alliance decisions were to be taken by non-NATO members. No one would agree to that. Either you belong or not. It is obvious that if a major crisis were to arise in Europe, especially in Southern Europe, the Turks would be consulted, and informed of what was going on. They would be associated with the action. We couldn't say that it was simply the affair of the 15. European security is everybody's affair.⁶²

⁵⁹ Bill Park, "Turkey, Europe, and ESDI: Inclusion or Exclusion?", *Defence Analysis*, Vol 16, No 3, 2000.

⁶⁰ *Atlantic News*, 2 February 2001

⁶¹ Defence Select Committee, *European Security and Defence*, 28 March 2001, 2000-2001, HC 390-i, para 58

⁶² *ibid*, Appendix 1

He warned:

We have our own timetable. If everything is blocked in NATO, it is not our fault. It is clear that by the end of this year the EU must declare that it has an operational capability. Otherwise, we will simply be held hostage by the Turks. Everyone, including France, must try to persuade the Turks to be more co-operative. Otherwise, we will reach the end of the year without agreement with NATO. This will not be the fault of the EU.⁶³

5. Other Partners

With regard to arrangements for consultation with other potential partners, the Presidency Report makes particular reference to encouraging the involvement of Russia, Ukraine and Canada in EU-led operations. Should these countries participate in such an operation, then they may:

... appoint liaison officers to Planning Staff and, together with all the EU members, attend the Committee of Contributors with the same rights and obligations as the other participating States as far as day-to-day management of the operation is concerned.⁶⁴

If an EU operation is to make use of NATO assets, then “particular attention will be paid to consultation with Canada”.⁶⁵ How procedures would be managed if Russia were to be involved in an operation that may use NATO assets is not made clear. The EU’s Common Strategy on Russia provides the following framework for EU-Russian relations:

Russia and the Union have strategic interests and exercise particular responsibilities in the maintenance of stability and security in Europe, and in other parts of the world.

The Union considers Russia an essential partner in achieving that objective and is determined to cooperate with her. It proposes that the strategic partnership develop within the framework of a permanent policy and security dialogue designed to bring interests closer together and to respond jointly to some of the challenges to security on the European continent.⁶⁶

With specific reference to EU defence policy, the Strategy states that the EU would consider:

⁶³ Defence Select Committee, *European Security and Defence*, 28 March 2001, HC 390-i, Appendix 1

⁶⁴ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, section VI, p6

⁶⁵ *ibid*

⁶⁶ Common Strategy of the European Union of 4 June 1999 on Russia (1999/414/CFSP) – <http://europa.eu.int>

facilitating the participation of Russia when the EU avails itself of the WEU for missions within the range of the Petersberg tasks.⁶⁷

Similar sentiments are expressed in the EU's Common Strategy on Ukraine.

Rudolf Scharping, the German defence minister, recently commented on EU-Russian relations:

As the European Union develops its security and defence policy and becomes an independent actor, we must determine our security policy with Russia, our biggest neighbour.⁶⁸

Moreover, if the EU felt it important that an ESDP-based operation should be based on a mandate from the UN, then the support of Russia would become crucial.

In US eyes Scharping's statement raises the worrying prospect of an increasingly autonomous ESDP that will also pay undue attention to the sensitivities of Russia. Wesley Clark, the former NATO commander in Europe, commented that:

Increased European capabilities are a political imperative for both sides of the Atlantic. But the evolution of European capabilities should not distance the European Union from NATO. Europe must not become a middle ground between NATO on the one hand and Russia on the other.⁶⁹

D. Relations with NATO

The introduction to the Nice Presidency Report, while reiterating the autonomous nature of the ESDP, emphasises that this does not involve the creation of a European army, that NATO will play the primary role in European defence, and that the commitment of military assets by Member States to EU operations will be based on their sovereign decisions:

In developing this autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises, the European Union will be able to carry out the full range of Petersberg tasks as defined in the Treaty of European Union: humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking. This does not involve the establishment of a European army. The commitment of national resources by Member States to such operations will be based on their sovereign decisions. As

⁶⁷ *ibid*

⁶⁸ *International Herald Tribune*, 12 February 2001

⁶⁹ *ibid.*

regards the Member States concerned, NATO remains the basis of the collective defence of its members and will continue to play an important role in crisis management. The development of the ESDP will contribute to the vitality of a renewed Transatlantic link. This development will also lead to a genuine strategic partnership between the EU and NATO in the management of crises with due regard for the two organisations' decision-making autonomy.⁷⁰

Annex VII to the Presidency Report, *Standing Arrangements for Consultation and Cooperation Between the EU and NATO*, reiterates the decisions made at Feira regarding the guiding principles of a future EU-NATO relationship. The twin goals of respecting "autonomy of EU decision-making" while at the same time achieving "full and effective consultation, cooperation and transparency" between the two organisations is emphasised. It is envisaged that the latter goal will be achieved through regular meetings between NATO and the EU. It has been agreed that there will be meetings between the PSC and North Atlantic Council (NAC) at least three times during each six-monthly EU Presidency and at least one EU/NATO ministerial meeting per Presidency.⁷¹ NATO and EU Military Committees will meet as required but will aim to have at least one meeting during each Presidency. There will also continue to be ad hoc EU/NATO groups that will meet to discuss issues such as capabilities:

Regular contacts between the Secretaries-General, Secretariats and Military Staffs of the EU and NATO will also be a useful contribution to transparency and exchanges of information and documents.⁷²

Where the capabilities and expertise of NATO are concerned the discussions will be supplemented by inviting NATO representatives to EU meetings. This will apply to:

... the Secretary-General of NATO for ministerial meetings, in particular those attended by Defence Ministers; the Chairman of the NATO Military Committee for meetings of the Military Committee, and in view of his responsibilities for the European pillar of NATO and his potential role in EU-led operations, DSACEUR for meetings of the Military Committee.

The level of involvement of DSACEUR with EU bodies would appear to fall short of the recommendation made by the House of Commons Defence Select Committee in their report, *European Security and Defence*, of 19 April 2000, that he should have the right to attend all meetings of the EMC:

⁷⁰ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Introduction, p1

⁷¹ *Atlantic News*, 24 January 2001

⁷² Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Annex VII, p39

We have referred already to DSACEUR's pivotal role in ensuring the credibility of the CESDP in NATO's eyes. It is obviously essential that DSACEUR should have the right to attend all meetings of the European Military Committee.⁷³

The issue of DSACEUR's access to the EMC was raised with Richard Hatfield by Jimmy Hood at a Defence Select Committee evidence session on 28 March 2001:

(Mr Hood) Will the DSACEUR have the right to attend the Military Committee?

(Mr Hatfield) In general, yes.

(Mr Hood) What does that mean?

(Mr Hatfield) He is not a full member because, as in the case of NATO, it is a committee that is formed of the national chiefs of defence at the highest level. For normal business, he would attend, especially where he was being consulted on aspects which are his responsibility overlapping between NATO and the EU. There may be some business -- for example, if the EU Military Committee was making another selection for its next chairman -- where you would not expect him to attend, but for most business he would be open to attend. That is written down in the documents that have already been prepared.

(Mr Hood) So the DSACEUR does not have a right to attend?

(Mr Hatfield) Correct, but he will normally be invited.

(Mr Hood) I do not know what you mean by "normally". "Normally" can mean many things.

(Mr Hatfield) For most meetings and for all meetings where it actually impinges on his responsibility for European forces in the EU and in NATO, he will be invited, but some aspects of business -- for example, the election of a new chairman of committee -- are simply a matter for the committee themselves and do not directly affect the DSACEUR.⁷⁴

During the "emergency phase of a crisis" contacts and meetings between the two organisations will be stepped up to allow discussion of their assessments of the crisis. The chain of events from the EU perspective would be as follows:

At the request of the PSC, the EUMC will instruct the European Military Staff to determine and prioritise the strategic military options. Having determined the initial general options, the staff may call on external planning sources, in

⁷³ House of Commons Defence Select Committee, *European Security and Defence*, 19 April 2000, HC 264, 1999-2000, xxxiii, para 63

⁷⁴ Defence Select Committee, *European Security and Defence*, 28 March 2001, HC 390-i, 2000-2001, para 73

particular the guaranteed access to NATO planning capabilities, to analyse and refine these options. This contribution will be evaluated by the EUMS, which may commission any additional work that may be necessary.

Should the Union intend to look more closely at an option calling for predetermined NATO assets and capabilities, the PSC will so inform the NAC.⁷⁵

If it is decided to make use of NATO assets the two organisations will proceed as follows:

- on the basis of opinions and recommendations from the Military Committee assisted by the EUMS, the PSC will send the designated operation commander, via the Military Committee, strategic directives enabling him to draw up the necessary planning documents for the operation (CONOPS, OPLAN), making use of the guaranteed access to NATO planning capabilities; these planning documents will be submitted to the PSC for approval.
- experts from the two organisations, in liaison with DSACEUR as strategic coordinator, will meet to specify the predetermined NATO assets and capabilities concerned by this option;
- once the predetermined assets and capabilities to be used in the operation have been specified, the EU will forward a request to NATO;
- the hand-over of the pre-determined assets and capabilities used in the EU operation, together with the arrangements for making them available and any recall conditions, will be identified at a PSC/NAC meeting;
- throughout the operation the Alliance will be kept informed of the use of NATO assets and capabilities, if necessary by convening a meeting of the PSC and the NAC;
- the commander of the operation will be invited to EUMC meetings to report on the progress of the operation. The Presidency may invite him to attend meetings of the PSC and the GAC;
- having first informed the NAC, the PSC will propose to the Council that the operation be terminated. The EU will terminate the use of NATO assets and capabilities.⁷⁶

During such an operation the EU will retain complete control of the chain of command:

⁷⁵ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, Annex VII, Section III, p40

⁷⁶ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, Annex VII, Section III, part B, p40

- the entire chain of command must remain under the political control and strategic direction of the EU throughout the operation, after consultation between the two organisations. In that framework the operation commander will report on the conduct of the operation to EU bodies only. NATO will be informed of developments in the situation by the appropriate bodies, in particular the PSC and the Chairman of the Military Committee.⁷⁷

There is a caveat, however, to the EU's guaranteed access to NATO assets: if NATO requires these assets, then the EU will only have use of what remains:

- in the event of DSACEUR informing the EU that he cannot at the same time satisfy both the EU request and the NATO work on a one-Article V operation, close consultation will take place between the organisations at the appropriate level in order that an acceptable solution for the two organisations in terms of managing priorities and allocating assets may be reached, the final decision lying with NATO;
- should NATO undertake an Article V operation and should it have had to refuse or recall planning capabilities in that context, the EU will have access to those NATO planning capabilities which remain available.⁷⁸

During an EU operation that is conducted without the use of NATO assets, each organisation will keep the other informed of the "general progress of the operation".⁷⁹

The Secretary General of NATO, Lord Robertson, provided a NATO assessment of developments in NATO-EU relations since Nice, on 25 January 2001 when speaking in Berlin at the Editor's Forum of the Federal Security Academy:

We have... made progress towards setting up permanent institutional relations between NATO and the EU. A month ago at the Nice Summit, the European Union set out its vision of how these relations should develop. Just a few days later, and taking due account of the Nice meeting, NATO Foreign Ministers agreed on the Alliance's proposed way ahead – and the proposals from both organisations show they are both singing from the same song sheet when it comes to permanent relations between them.

Both organisations believe that NATO's Council and its counterpart in the EU should meet regularly, not only when there are crises. Both NATO and the EU believe that EU and NATO ministers should meet once per EU-Presidency. And of course, both organisations believe that, in times of crisis, contacts and meeting should be stepped up. This commonality of the approach between NATO and the

⁷⁷ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Appendix to Annex VII, part 3, p42

⁷⁸ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Appendix to Annex VII, p41

⁷⁹ *ibid*, Annex VII, Section III, part C, p40

EU should lead to the establishment of broad, effective working relations at all levels.⁸⁰

His positive assessment was tempered by warnings regarding duplication of effort and the status of non-EU members of NATO:

This principle of close cooperation applies in particular to defence planning. And the second principle which must guide NATO-EU relations is that defence planning by the two organisations must be fully coherent and compatible. Each NATO and EU country has only one set of forces, and only one defence budget. It is absolutely vital, therefore, that these forces are structured, equipped and trained to be able to handle all the tasks we give them: NATO and EU missions, not either/or. Coherent defence planning is the key —and it will be vital to ensuring that European capabilities actually add to existing NATO capabilities, to everybody's benefit.

The final principle which must guide the further development of NATO-EU [sic] involved the issue of participation. Very simply, all of NATO's members, as well as the EU states, must be satisfied with the provisions we put in place for the participation of non-EU NATO members, including Canada, in EU-led operations.⁸¹

1. Operational Planning

The aspect of ESDP that has probably generated more controversy than any other has been the question of whether the EU will use NATO operational planning processes during a crisis. Critics of the policy have repeatedly alleged that the ESDP will undermine NATO by aiming to develop operational planning capabilities independent of, and in competition with, those of the Alliance. Although no one can accurately predict how EU-NATO relations will develop in the long-term, Annex VI of the Presidency Report suggests that, at least when making use of NATO assets, an EU-led operation will be tied into NATO's procedures. The Annex states:

For operations requiring recourse to NATO assets and capabilities, operational planning will be carried out by the Alliance's planning bodies...the non-EU European allies will be involved in planning according to the procedures laid down within NATO.⁸²

This firm language is repeated in section IV of the Presidency Conclusions:

⁸⁰ Speech by Lord Robertson, Federal Security Academy, Berlin, 25 January 2001, website – <http://usinfo.state.gov>

⁸¹ Speech by Lord Robertson, Federal Security Academy, Berlin, 25 January 2001, website – <http://usinfo.state.gov>

⁸² Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, Annex VI, p36

The EU would reiterate the importance which it attaches to being able, when necessary, to make use of the assured access to NATO's planning capabilities and to count on the availability of NATO's assets and capabilities as envisaged in the Communiqué from the Washington Summit. The European Union will call on NATO for operational planning of any operation using NATO assets and capabilities.⁸³

For operations that do not use NATO assets the EU will organise its own planning:

... for an autonomous EU operation it [operational planning] will be carried out by a European Military Staff body at strategic level... For autonomous operations in which they are invited to take part, the candidate countries and non-EU European allies may send liaison officers to the European Military Staff bodies at strategic level for exchanges of information on operational planning and the contributions envisaged. The States concerned will provide the EU with an initial indication of their contribution, which will then be further specified during exchanges with the Operation Commander assisted by the EUMS.⁸⁴

The extent to which defence-planning processes should be common to both NATO and the EU reportedly emerged at Nice as an area of disagreement when the French President Jacques Chirac, indicated that operations by the EU should be planned and implemented independently, albeit in coordination with NATO. Mr Chirac said that "European defence must of course be coordinated with the alliance, but it must, as regards its preparation and implementation, be independent".⁸⁵ Prime Minister Tony Blair stated that "If anyone were to say that we should have an independent military planning capability in conflict with NATO, that would be absolutely wrong".⁸⁶

Mr Chirac's comments reflect an apparent difference of emphasis between France and other Member States with regard to the nature of EU crisis management operations. The French appear keen to stress circumstances in which the EU would act without recourse to NATO assets. The French Chief of Defence Staff, Jean-Pierre Kelche, has said that the EU can undertake small operations independently, using national planning and headquarters facilities in, for example, France or the UK.⁸⁷ This is less controversial and in keeping with procedures for autonomous EU operations outlined above.

Geoff Hoon attempted to clarify the question of EU-NATO planning in a letter to Peter Brooke on 18 January 2001:

⁸³ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Section IV, p5

⁸⁴ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Annex VI, p36

⁸⁵ BBC News 7 December 2000, <http://news.bbc.co.uk>

⁸⁶ *ibid*

⁸⁷ *Financial Times* 30 November 2000.

In military terms, planning takes place at three main levels: strategic, operational and tactical. The new EU politico-military structures – the Political and Security Committee, the EU Military Committee and in particular the EU Military Staff – will be responsible for *strategic-level* planning. This is defined as “planning activities that start as soon as a crisis emerges and end when the EU political authorities approve a military-strategic option or a set of military strategic options.” Military strategic option(s) describe the outline military solution, the required resource and constraints, and recommendations on the choice of the *operations* commander and *operation* Headquarters (which, in many cases, will be DSACEUR⁸⁸ and SHAPE. Their development is part of the political decision making process. In developing them, the EU Military Staff will, as agreed at Nice, define initial broad options on the basis of political guidance, and draw on external planning support as appropriate, for example from SHAPE, to analyse and further develop these options in more detail.

The EU has no plans to establish separate operational planning structures. Operational-level planning will be a task for the selected operation commander. For many EU-led operations – certainly when the EU draws on NATO assets and capabilities – operational planning will be conducted at SHAPE, under the supervision of the Deputy SACEUR. DSACEUR will often, in such cases, also act as the Operation Commander at the head of a command chain drawn from NATO command structures, but under the political control and strategic direction of the EU.

In other circumstances – for smaller or less demanding operations – the EU may draw on existing European national and multinational headquarters, for example the UK’s Permanent Joint Headquarters – for operational planning, and as the basis of a command chain.

You referred also to the comments made by President Chirac at Nice. President Chirac was indeed asked about planning but, despite press reporting to the contrary, did not call for a separate military planning structure. He did say that the development of the European defence initiative as a whole should be independent of (but co-ordinated with SHAPE). This is not a controversial point. The EU will, of course, take its own decisions (although I should add that Nice also agreed arrangements that will allow consultation with NATO and other European states).⁸⁹

The possibility of the UK’s Permanent Joint Headquarters (PJHQ) at Northwood being used as a headquarters for an EU operation that is not making use of NATO assets does raise questions over how this would work in practice. A Conservative defence

⁸⁸ Deputy Supreme Allied Commander Europe – currently General Sir Rupert Smith to be replaced by General Dietrich Stockmann of Germany.

⁸⁹ Letter to Rt Hon Peter Brooke CH MP, 18 January 2001.

spokesman, Quentin Davies, raised this issue with Keith Vaz, the Minister of State at the Foreign and Commonwealth Office, during a debate on ESDP on 19 March 2001:

Let us take the example of operational planning in one of the European strategic level headquarters. Here is a question that he may answer: what will happen to the permanent joint headquarters? Will it be turned into an EU headquarters for operational planning purposes? Will all the various sections of PJHQ such as J1, administration; J2, intelligence; J3, operations; and J5, planning, be full of staff officers from 14 other EU countries? Does he envisage PJHQ being turned into a combined EU headquarters? Does he seriously think that is feasible? Does he seriously think that in those circumstances PJHQ could continue to carry out its task of managing our national operations in the Falklands and Cyprus, our deployments in Kosovo and Bosnia and major exercises.⁹⁰

2. NATO's right of first refusal?

On the question of whether NATO capabilities would be used at the planning stage of an EU-led operation, the wording of the Presidency Report is somewhat vague:

When the EU examines options with a view to an operation, drawing up its strategic military options *could* [italics added] involve a contribution by NATO's planning capabilities.⁹¹

It would appear therefore that when the EU is contemplating an operation, it is not obliged to consult with NATO beforehand. Opposition defence spokesmen have seized upon this as evidence that NATO would be denied the 'right of first refusal' regarding a European military operation. Iain Duncan Smith argued during Defence Questions on 12 February 2001 that:

The Secretary of State never bothers with the facts. At Nice, the Government signed some undertakings: first, that the EU forces would be both autonomous and independent of NATO; secondly, that the planning of operations would take place outside of NATO; thirdly, that the EU will make the first decision on what it will do and then may consult NATO; and, finally, that political and strategic control of the forces will stay with the EU, not within NATO. Is not the reality that the Government are, as ever, saying one thing and doing another? In Washington, they are saying, "Trust us, we will stop this happening" while back in Europe, they are saying, "Don't worry boys, we love everything about it"?⁹²

Dr Julian Lewis raised the same issue with the Secretary of State during a Defence Select Committee evidence session on 28 March 2001:

⁹⁰ HC Deb 19 March 2001, cc149-150

⁹¹ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Annex VII, p41

(Dr Lewis) Can you spell out where is it specifically laid down in all the documentation, the treaties, the annexes, the understandings, the presidency reports, that NATO will have this first option of taking part?

(Mr Hoon) It has been in every single agreement on European defence that an EU operation would only be launched when NATO is not engaged...If you look in the St Mâlo agreement, you will see that phrase written down in that agreement between France and the United Kingdom.⁹³

The Liberal Democrat defence spokesman, Paul Keetch, outlined his party's preference for a clearer statement on the relationship between NATO and EU when planning an operation:

Liberal Democrats have argued that NATO should always have the right of first refusal before any action is taken by the ERRF [European Rapid Reaction Force]. It is understood that this will be normal operating practice but if that requirement were inserted in the arrangements, it could never be said that NATO had been sidelined or undermined.⁹⁴

In a related point, Richard Hatfield, the MOD Policy Director, commented at the evidence session on the level of autonomy of the EU military bodies:

The key thing that is autonomous is the ability to take political decisions. The only independent input that the EU will have in terms of machinery is a small-ish military staff, about the same size as the WEU had which has been abolished, which can frame the questions that will be sent off to the NATO planning staffs for preparing options for them to consider. Beyond that, it will depend on drawing on capabilities either from NATO or from the EU nations, so there will not be anything else independent being created for the EU as such.⁹⁵

General Kelche provided a French view on the question of a NATO 'right of first refusal' in an interview with the Daily Telegraph on 28 March 2001:

There is no question of a right of first refusal. If the EU does its work properly, it will be able to start working on crises at a very early stage, well before the situation escalates. Where is the first refusal? NATO has nothing to do with this. At a certain stage the Europeans would decide to conduct a military operation. Either the Americans would come, or not. If they want to come, they will always be welcome. They are powerful. We recognise that there are things we cannot do

⁹² HC Deb 12 February 2001, cc4-5

⁹³ Defence Select Committee, *European Security and Defence*, 28 March 2001, HC 390-i, 2000-2001, para 49

⁹⁴ *The House Magazine*, 8 January 2001

⁹⁵ Defence Select Committee, *European Security and Defence*, 28 March 2001, HC 390-i, 2000-2001, para 61

without them, today. Later, we must be able to act alone. Europe is an enormous economic power, but not yet a mature military power.⁹⁶

E. Western European Union (WEU) Assets

The EU has confirmed its intention to take on the crisis-management function of the WEU. The Council agreed to the following:

- the setting up in the form of agencies of a Satellite Centre and an Institute for Security Studies which would incorporate the relevant features of the existing parallel WEU structures;
- the direct management by the EU of a police technical cooperation mission in Albania to take over from the Multinational Advisory Police Element in Albania, implementation of which had been entrusted to the WEU by the Council on the basis of Article 17 of the TEU. The Council took note of the assessment that the mine-clearance operation in Croatia will have achieved its objectives, in its current form in the WEU, upon expiry of its mandate.⁹⁷

The ‘Marseilles Declaration’, approved by the WEU Council on 13 November 2000, completed the transfer of the majority of the competencies and roles of the WEU to the EU. A smaller, residual structure will continue to exist, essentially to oversee the Article V commitment (guarantee of mutual assistance in case of armed aggression) of the Modified Brussels Treaty. This body will remain in Brussels with a much reduced Secretariat of around 20 people. The WEU Parliamentary Assembly (now renamed the interim European Security and Defence Assembly) will continue in Paris as a forum of 28 countries undertaking “strategic reflection on European security and defence”.⁹⁸

The winding up of the WEU has raised the question of how parliamentary oversight of, or involvement in, the ESDP might be incorporated into any new structures. Keith Vaz, was asked by Kevin McNamara what proposals for parliamentary oversight of the ESDP had been made. Mr Vaz stated that:

The current Swedish Presidency have no plans for such a debate. The Prime Minister’s Warsaw speech proposed a second chamber of the European Parliament, involving representatives of national parliaments, which could provide democratic oversight at European level of the Common Foreign and Security Policy.

⁹⁶ Transcript of interview with the *Daily Telegraph* of 28 March 2001 attached as Appendix 1 of Defence Select Committee Report, *European Security and Defence*, 28 March 2001, HC 390-i.

⁹⁷ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, Section V, p5

⁹⁸ WEU *Marseilles Declaration*, 13 November 2000, para 11. WEU website – <http://www.weu.int>

The Nice Declaration on the Future of the Union agreed another IGC, to be convened in 2004, that would address, among other issues, the role of national Parliaments in the European architecture.⁹⁹

Terry Davis, the leader of the UK delegation to the Council of Europe and WEU Parliamentary Assembly, called for parliamentary scrutiny of the ESDP during a debate on 19 March 2001:

For several other defence organisations, not least NATO, we have had to create an assembly of parliamentarians to scrutinise common policies, assets, activities and purpose. Members of national Parliaments meet for that purpose, as they do in the Western European Union Assembly. A defect in the arrangements that we are considering is the lack of provision for scrutiny of common activities that are undertaken by the European Union on defence. I am talking not about accountability but about scrutiny.

I regret that our Government have not succeeded in persuading our partners in the EU to implement some of the ideas that the Prime Minister and my hon. Friend the Minister have proposed for establishing an assembly, which will bring national parliamentarians together to scrutinise, exchange information and liaise. I appreciate that our Ministers cannot create such an assembly on their own, but I hope that they will continue to insist that a democratic organisation should have a democratic assembly that brings together the parliamentarians of all the countries involved. I hope that all hon. Members will support that.¹⁰⁰

Geoff Hoon was questioned about parliamentary oversight at an evidence session of the Defence Select Committee:

(Laura Moffat) Do you believe that it is important that there is that accountability process within the whole new structure?

(Mr Hoon) I would rather use the word “advice” because I am accountable to the House of Commons, as a member of the executive, for decisions I take as Secretary of State for Defence. That is where my accountability lies and that it is very strongly the view that I adhere to. I do see a role for broader thinking and advice that can come from a parliamentary assembly of the kind that we are discussing, but I do not think it is strictly the case that I would be accountable to such an assembly.¹⁰¹

⁹⁹ HC Deb 30 January 2001, cc148-149

¹⁰⁰ HC Deb 19 March 2001, c160

¹⁰¹ Defence Select Committee, *European Security and Defence*, 28 March 2001, HC 390-i, para 73

IV The Swedish Presidency

At Nice the incoming Swedish Presidency was tasked with achieving the objective of “making the EU quickly operational. A decision to that end will be taken by the European Council as soon as possible in 2001 and no later than the European Council in Laeken.”¹⁰² In its programme the Swedish Presidency has outlined the following areas of work:

The EU must be better at preventing and managing crises. This is the challenge to European security today. A central task for the Swedish Presidency will be to implement the decisions taken by the European Council in Nice and its mandate for future work. Essential assignments include, *inter alia*, establishing permanent structures in this sphere, and strengthening the Union’s military and civil crisis management capability so that it will be operative as soon as the preconditions for it exist. Sweden will also accord priority to conflict prevention and cooperation with the UN and the OSCE (Organisation for Security and Cooperation in Europe) as well as with countries outside the EU within the field of crises management.¹⁰³

With regard to relations with the UN, the Swedish Defence Minister, Bjorn von Sydow, has said that a future EU rapid reaction force would be geared towards undertaking UN peacekeeping missions. Neutral Sweden has been keen to emphasise the peacekeeping role of the ESDP, aware of domestic public concern regarding the ‘militarisation of the EU’. At a UN press conference on 26 February 2001 the Minister stated that “The advent of the European Union peacekeeping capabilities should be viewed as an increase in international capacities to support peace.”¹⁰⁴ The Swedish Ambassador to the UN, Pierre Schori, has suggested that an EU force might have been useful in military and civilian operations in East Timor and Mozambique.¹⁰⁵

In addition to developing the general themes of the ESDP, Sweden has been tasked with establishing two specific agencies arising from the winding up of the WEU:

... within the EU a “Satellite Centre” (responsible for producing satellite and aerial images) and an “Institute for Security Studies” which would incorporate the relevant features of the similar existing WEU structures.¹⁰⁶

The Swedish Presidency is to report on these matters to the European Council meeting in Gothenburg on 15 and 16 June 2001.

¹⁰² European Council in Laeken (Brussels), 14/15 December 2001

¹⁰³ *Programme of the Swedish Presidency of the European Union*, 1 January – 30 June 2001, P22

¹⁰⁴ *Jane’s Defence Weekly*, 7 March 2001

¹⁰⁵ *ibid*

¹⁰⁶ Presidency Conclusions – “Presidency Report on the European Security and Defence Policy”, 4 December 2000, Section VIII, p7

V Reaction to Nice

A. UK Views

The Prime Minister, Mr Blair, on his return from Nice, defended the developments in EU defence. He told the House on 11 December 2000 that:

... on defence, the European Council agreed the arrangements for European security that we have been negotiating over the past two years. It was made plain, first, that European defence would operate only when NATO chooses not to be engaged; secondly, that it be limited to peacekeeping, humanitarian and crisis management tasks; and, thirdly, as the text puts it, that the commitment of national assets to any EU-led operation will be based on "sovereign national decisions". Collective defence will remain the responsibility of NATO.

The next step is for the two organisations, the EU and NATO, to agree on the necessary arrangements. Any significant operation will require NATO assets and any such operation will be planned at NATO by the planning staff at Supreme Headquarters Allied Powers Europe SHAPE. This underlines the EU's aim to develop a strategic partnership with NATO. So here, too, Britain's essential national interest has been protected.¹⁰⁷

The Conservative Party remains highly sceptical about ESDP. The Leader of the Opposition, William Hague, commented:

Does not the move to a Euro-army represent the third step to such a superstate? Has not the Prime Minister signed up at Nice to an independent and autonomous European identity, with only ad hoc arrangements linking it to NATO? Is it not the case that duplicate and conflicting structures are being set up?¹⁰⁸

Mr Blair retorted that:

...if there is the development of a rival, strategic military planning capability to NATO, then yes, that would be a threat to NATO. But that is not what has been agreed and, as far as we are concerned, it will not be agreed.¹⁰⁹

The Conservative Party has continued its opposition to ESDP. Francis Maude, the shadow Foreign Secretary, told the party's spring forum in Harrogate on 4 March 2001 that an incoming Conservative administration would withhold UK troops from any EU-led military operation. He declared:

¹⁰⁷ HC Deb 11 December 2000, cc349-350

¹⁰⁸ *ibid* c352

¹⁰⁹ HC Deb 11 December 2000, c369.

At the first European summit after the election, a Tory Prime Minister would seek to bring the European army back within NATO....The next Conservative government will only allow British troops to serve in a European rapid reaction force if it operates within NATO's command structure.¹¹⁰

The Liberal Democrats are generally supportive of the Nice agreement on defence, but have some reservations. Menzies Campbell, stated:

Europe will operate only when NATO chooses not to do so. I wish that that was to be enshrined in a formal protocol, but I have already put that argument to Ministers, so far without success. Activities are to be confined to the Petersberg tasks – peacekeeping, humanitarian intervention and crisis management – and the decision to deploy is to remain a matter for sovereign Parliaments. Like the right hon. Member for Chesterfield (Mr Benn), I think that Parliament should have some say when this country deploys, for a long time, substantial forces.¹¹¹

B. US Views

Washington's position on ESDP towards the end of the Clinton administration seemed at times somewhat ambivalent, vacillating between words of warning and cautious encouragement. For example, the then US Secretary of State for Defence, William Cohen, expressed support for the ESDP at the informal NATO defence ministers' meeting in Birmingham on 20 October 2000, when he said that it was "right and natural that an increasingly integrated Europe seeks to develop its own Security and Defence Policy with a military capability to back it up".¹¹² However, his attitude towards ESDP seemed to have hardened by the time of the annual NATO defence ministers' summit on 5 December 2000 when he warned of "a competing institution that was established that would be inconsistent with military effectiveness" and concluded that, "NATO could become a relic".¹¹³

This ambivalent approach to ESDP seems to have been adopted initially by the incoming administration of President George W Bush. At the 37th Munich Conference on Security Policy, on 3 February 2001, the Secretary of State for Defence, Donald Rumsfeld, warned, that:

Actions that could reduce NATO's effectiveness by confusing duplication or by perturbing the transatlantic link would not be positive. Indeed they run the risk of injecting instability into an enormously important Alliance.¹¹⁴

¹¹⁰ *The Daily Telegraph*, 5 March 2001

¹¹¹ HC Deb 11 December 2000, cc406-407

¹¹² "Meeting the challenges to transatlantic security in the 21st century: a way ahead for NATO and the EU", US Secretary of State William Cohen, 10 October 2000, Office of US Mission to NATO.

¹¹³ *International Herald Tribune*, 6 December 2000

¹¹⁴ "Rumsfeld discusses US defense policies", The United States Mission to the EU, 3 February 2001, <http://www.useu.be>

A few weeks later on 23 February 2001, following Mr Blair's stay with President Bush at Camp David, a more positive US stance on developments in ESDP was outlined in a joint statement. The section on EU defence states:

We affirm that NATO will remain the essential foundation of Transatlantic security. In this new century, NATO will continue to adapt itself to meet new missions and challenges by strengthening its capabilities; seeking to reinforce cooperation with Russia, Ukraine and other members of the Partnership for Peace; and continuing to admit to its ranks European democracies prepared to assume the responsibilities of membership.

We support efforts of NATO's European Members and other European nations to assume greater responsibility for crisis management in Europe by strengthening NATO's capabilities and developing the ability to manage efforts where NATO as a whole chooses not to engage. In this regard, the United States welcomes the European Union's European Security and Defence Policy (ESDP), intended to make Europe a stronger, more capable partner in deterring and managing crises affecting the security of the Transatlantic community. The United Kingdom is committed to taking ESDP forward on the basis agreed at the Nice summit. This involves:

- Working with other EU members to establish and provide resources for an ESDP that improves Europe's capabilities and enables the EU to act where NATO as a whole is not engaged.
- Developing EU capabilities in a manner that is fully coordinated, compatible and transparent with NATO;
- Providing for the fullest possible participation of non-EU European Allies in the consideration of execution of EU-led operations, reflecting their shared interests and security commitments as NATO members.

The United States supports these efforts and welcomes the progress made toward our shared goals.¹¹⁵

At a joint press conference following the Camp David meeting on 23 February 2001, the President appeared to endorse the ESDP. He expressed satisfaction that Mr Blair had assured him that:

... the European defence would no way undermine NATO. He also assured me that there would be a joint command, that planning would take place within NATO, and that should all NATO not wish to go on a mission, that they would then serve as a catalyst for the defence forces moving on their own.

¹¹⁵ Joint Statement by President George W. Bush and Prime Minister Tony Blair, 23 February 2001, Whitehouse website – <http://www.whitehouse.gov>

And finally, I was very hopeful when we discussed the Prime Minister's vision that such a vision would encourage our NATO allies and friends to bolster their defence budgets, perhaps. And so I support what the Prime Minister has laid out. I think it makes a lot of sense for our country.¹¹⁶

Mr Bush's seemingly relaxed view of ESDP may be somewhat misplaced. His reference to assurances from the Prime Minister that NATO and the ESDP would have a "joint command" and that "planning would take place within NATO" would appear to oversimplify the nature of EU-NATO cooperation as laid down at Nice. As illustrated in the analysis above, while the two organisations aim to develop and maintain close ties, the EU will, on paper at least, retain a degree of autonomy in decision-making through its permanent political and military bodies and will only be obliged to use NATO planning facilities when making use of NATO assets. As stated in Annex VII to the Presidency Report:

the entire chain of command must remain under the political control and strategic direction of the EU throughout the operation, after consultation between the two organisations. In that framework the operation commander will report on the conduct of the operation to EU bodies only. NATO will be informed of developments in the situation by the appropriate bodies, in particular the PSC and the Chairman of the Military Committee.¹¹⁷

Jonathan Eyal of the Royal United Services Institute (RUSI), has suggested that the Americans received a very British reading of how the EU and NATO would interact in the future:

What we have seen over the weekend is a new British interpretation that there will be a close cooperation [between EU and NATO] and that a European action could only be envisaged when NATO as a whole decides not to become involved in a particular conflict but the Americans do not have very strong views about whether the Europeans are involved in this conflict or not. But that remains very much a British interpretation, it is most certainly not the gloss put over by President Chirac of France only two weeks before when he met with Prime Minister Blair.¹¹⁸

On 7 February 2001 the Foreign Secretary, Robin Cook, emphasised the ESDP's tie to NATO during a press interview, following his meeting in Washington with US National Security Adviser, Condoleeza Rice. He said:

¹¹⁶ Blair and Bush joint press conference, Camp David, 23 February 2001, Whitehouse website – <http://www.whitehouse.gov>

¹¹⁷ Presidency Conclusions – "Presidency Report on the European Security and Defence Policy", 4 December 2000, Appendix to Annex VII, part 3, p42

¹¹⁸ *The Today programme*, BBC Radio 4, 27 February 2001

I have stressed that the European Security Initiative will strengthen the capacity of Europe to contribute to crisis management and therefore is welcome to a Washington that is interested in fairer burden sharing, and that Washington can be confident that Britain will insist that the European Security Initiative is firmly anchored on NATO. We are both determined to see that happen, we are both determined to make sure that the European Security Initiative carries out its promise to strengthen the North Atlantic Alliance.¹¹⁹

VI Conclusion

There is no doubt that the decisions made at Nice on ESDP represent an important landmark in the development of a European defence policy. To some extent Nice signified the culmination of work initiated by Tony Blair and Jacques Chirac at St Mâlo in December 1998. The establishment of permanent EU military bodies, particularly the institutionalisation of defence and security into the Treaty of Nice through the Political and Security Committee, are significant steps. Progress has been made in formalising EU-NATO relations and the process by which other countries may participate in EU-led operations. The absorption of the crisis-management assets of the WEU into the EU will also help to clarify European defence structures.

It is in the area of military capabilities that much work remains to be done. The long-term credibility test for the ESDP remains its ability to improve Europe's defence forces. Progress has been made in identifying capability gaps and in correlating pledges of military support from European countries to a future EU-led operation, but upgrading European defence capabilities will be a slow process. If, over time, Europe can improve its defence capacity, particularly its technological sophistication, both through the mutually reinforcing Headline Goal and NATO's Defence Capabilities Initiative, then this may go some way towards appeasing sceptics in the United States. A successful ESDP need not mean a weakened NATO but it could represent a challenge to US leadership within the Alliance. It could be argued that European countries will have earned a greater say in security policymaking if they succeed in bearing a large enough share of NATO's military burden. As the widely quoted French CHODS, General Jean-Pierre Kelche, has commented "We simply want a better balance. If Europe becomes more serious about its own defence, then it will earn the right to greater influence within NATO."¹²⁰

The debate in the UK has rarely moved beyond the emotive issue of the EU's relations with NATO. The Government, in order to reassure the US, have tended to concentrate on scenarios in which the EU would make use of NATO assets and planning procedures and on how the ESDP would strengthen European defence capabilities, while the

¹¹⁹ FCO web site <http://www.fco.gov.uk>

Conservatives have emphasised the perceived risk of an EU defence role undermining NATO and alienating the US. There has been much less debate on other important issues such as the geographic scope of an EU-led force and parliamentary scrutiny of the ESDP.

In practice, no matter how autonomous or independent the ESDP may be in theory or constitutionally, it will in reality be dependent, for the foreseeable future, on NATO/US assets for any medium-to large-scale operation. Making the Headline Goal truly operational by 2003 still appears a mammoth task. As Lord Robertson has said, “It doesn’t matter what the fine print says, the reality of the European force is that it will be connected to NATO”.¹²¹

¹²⁰ *RUSI Newsbrief*, April 2001.

¹²¹ *The Today programme*, BBC Radio 4, 27 February 2001.

Appendix I: Military Capabilities Commitment Declaration

1. Since the Cologne European Council in June 1999, and in particular thanks to the work carried out by the Finnish and Portuguese Presidencies, it has been a priority of the Union to develop and introduce the civil and military resources and capabilities required to enable the Union to take and implement decisions on the full range of conflict-prevention and crisis-management missions defined in the Treaty on European Union ("Petersberg tasks" ¹). The Union has in this respect highlighted its determination to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises. For that purpose, Member States have decided to develop more effective military capabilities. This process, without unnecessary duplication, does not involve the establishment of a European army. These developments are an integral part of strengthening the Common Foreign and Security Policy. The Union will thus be able to make a greater contribution to international security in keeping with the principles of the United Nations Charter, the OSCE Charter and the Helsinki Final Act. The Union recognises the primary responsibility of the United Nations Security Council for the maintenance of international peace and security.

2. In the field of military capabilities, which will complement the other instruments available to the Union, at the Helsinki European Council in December 1999 the Member States set themselves the headline goal of being able, by 2003, to deploy within 60 days and sustain for at least one year forces up to corps level (60,000 persons). These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support services and additionally, as appropriate, air and naval elements.

In Helsinki the Member States also decided rapidly to develop collective capability goals, particularly in the field of command and control, intelligence and strategic transport. At the Feira European Council in June 2000 the Union also encouraged the countries which have applied for membership of the EU and the non-EU European members of NATO to contribute to improving Europe's capabilities. The work conducted since the Feira European Council has enabled the Union to define the variety of measures needed successfully to carry out the full range of Petersberg tasks, including the most demanding among these. It has made it possible to specify the Union's needs in terms of the military capability and forces required to attain the headline goal. The needs identified are outlined in a capability catalogue. As agreed at the Feira European Council, NATO's military expertise has helped in drawing up this catalogue.

3. On 20 November 2000 in Brussels the Member States took part in a Capabilities Commitment Conference, making it possible to draw together the specific national commitments corresponding to the military capability goals set by the Helsinki European Council ². The conference also made it possible to identify a number of areas in which

efforts will be made in upgrading existing assets, investment, development and coordination so as gradually to acquire or enhance the capabilities required for autonomous EU action. The Member States announced their initial commitments in this respect.

This conference constitutes the first stage of a demanding process of reinforcing military capabilities for crisis management by the Union with the purpose being to achieve the headline goal set by 2003 but continuing beyond that date in order to achieve the collective capability goals. At the Helsinki European Council the Member States had also decided rapidly to identify the collective capability goals in the field of command and control, intelligence and strategic transport, and had welcomed decisions of that nature already announced by certain Member States: - to develop and coordinate monitoring and early warning military means; - to open existing joint national headquarters to officers coming from other Member States; - to reinforce the rapid reaction capabilities of existing European multinational forces; - to prepare the establishment of a European air transport command; - to increase the number of readily deployable troops; - and to enhance strategic sea lift capacity. This effort will continue. It remains essential to the credibility and effectiveness of the European security and defence policy that the Union's military capabilities for crisis management be reinforced so that the Union is in a position to intervene with or without recourse to NATO assets.

4. At the Capabilities Commitment Conference, in accordance with the decisions taken at the Helsinki and Feira European Councils, the Member States committed themselves, on a voluntary basis, to making national contributions corresponding to the rapid reaction capabilities identified to attain the headline goal. These commitments have been set out in a catalogue known as the "Force Catalogue". Analysis of this catalogue confirms that by 2003, in keeping with the headline goal established in Helsinki, the 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 maximise the capabilities available to the Union. In this respect, Ministers reaffirmed their commitment fully to achieve the goals identified at the Helsinki European Council. To that end, they will aim to identify as soon as possible the complementary initiatives which they may implement, either on a national basis or in cooperation with partners, to respond to the needs identified. These efforts will be in addition to the contributions already identified. For the countries concerned, their efforts here and those they devote to the NATO Defence Capabilities Initiative will be mutually reinforcing.

A) Concerning forces

In quantitative terms, the voluntary contributions announced by Member States make it possible to achieve in full the headline goal established in Helsinki (60 000 persons available for deployment within 60 days for a mission of at least a year). These contributions, set out in the "Force Catalogue", constitute a pool of more than 100 000

persons and approximately 400 combat aircraft and 100 vessels, making it possible fully to satisfy the needs identified to carry out the different types of crisis management missions within the headline goal. By 2003, once the appropriate European Union political and military bodies are in a position to exercise political control and strategic management of EU-led operations, under the authority of the Council, the Union will gradually be able to undertake Petersberg tasks in line with its increasing military capabilities. The need to further improve the availability, deployability, sustainability and interoperability of forces has, however, been identified if the requirements of the most demanding Petersberg tasks are to be fully satisfied. Efforts also need to be made in specific areas such as military equipment, including weapons and munitions, support services, including medical services, prevention of operational risks and protection of forces.

B) Concerning strategic capabilities

As regards command, control and communications, the Member States offered a satisfactory number of national or multinational headquarters at strategic, operational, force and component levels. These offers will have to be evaluated further in qualitative terms so that the Union can, in addition to possible recourse to NATO capabilities, have the best possible command and control resources at its disposal. The Union pointed out the importance it attaches to the speedy conclusion of ongoing talks on access to NATO capabilities and assets. The European Union Military Staff, which will acquire an initial operating capability in the course of 2001, will bolster the European Union's collective early warning capability and will provide it with a predecisional situation assessment and strategic planning capability.

In regard to intelligence, apart from the image interpretation capabilities of the Torrejon Satellite Centre, Member States offered a number of resources which can contribute to the analysis and situation monitoring capability of the Union. Nevertheless, they noted that serious efforts would be necessary in this area in order for the Union to have more strategic intelligence at its disposal in the future.

As regards the strategic air and naval transport capabilities at the Union's disposal, improvements are necessary to guarantee that the Union is able to respond, in any scenario, to the requirements of a demanding operation at the top of the Petersberg range, as defined in Helsinki.

5. In accordance with the decisions of the Helsinki and Feira European Councils on collective capability goals, the Member States also committed themselves to medium and long-term efforts in order to improve both their operational and their strategic capabilities

still further. The Member States committed themselves, particularly in the framework of the reforms being implemented in their armed forces, to continue taking steps to strengthen their own capabilities and carrying out existing or planned projects implementing multinational solutions, including in the field of pooling resources.

These projects as a whole relate to:

- improving the performance of European forces in respect of the availability, deployability, sustainability and interoperability of those forces;
- developing "strategic" capabilities: strategic mobility to deliver the forces rapidly to the field of operations; headquarters to command and control the forces and the associated information and communication system; means of providing the forces with intelligence information;
- strengthening essential operational capabilities in the framework of a crisis-management operation; areas which were identified in this context were: resources for search and rescue in operational conditions, means of defence against ground-to-ground missiles, precision weapons, logistic support, simulation tools.

The restructuring of the European defence industries taking place in certain Member States was a positive factor in this. It encouraged the development of European capabilities. By way of example, the Member States concerned cited the work they are engaged in on a number of vital projects which would contribute to bolstering the capabilities at the Union's disposal: Future Large Aircraft (Airbus A 400M), maritime transport vessels, Troop Transport Helicopters (NH 90). Some Member States also announced their intention to continue their efforts to acquire equipment to improve the safety and efficiency of military action. Some undertook to improve the Union's guaranteed access to satellite imaging, thanks in particular to the development of new optical and radar satellite equipment (Helios II, SAR Lupe and Cosmos Skymed).

6. In order to ensure continuing European action to strengthen capabilities, the Member States agreed on the importance of defining an evaluation mechanism enabling follow-up and progress towards the realisation of the commitments made with a view to achieving the headline goal, in both quantitative and qualitative terms.

The mechanism, the broad outline of which will be approved at the Nice European Council, will provide the Union with an assessment and follow-up mechanism for its goals (based on the HTF - Headline Goal Task Force) on the basis of a consultation method between the Member States. In order to avoid unnecessary duplication, it will, for the Member States concerned, rely on technical data emanating from existing NATO mechanisms such as the Defence Planning Process and the Planning and Review Process (PARP).

Recourse to these sources would be had, with the support of the EU Military Staff (EUMS), via consultations between experts in a working group set up on the same model as that which operated for the drawing up of the capabilities catalogue (HTF Plus). In addition, exchange of information and transparency would be appropriately ensured between the Union and NATO by the Working Group on Capabilities set up between the two organisations, which would take steps to ensure the coherent development of EU and NATO capabilities where they overlap (in particular those arising from the goals set out at the Helsinki European Council and from the NATO Defence Capabilities Initiative).

This mechanism would be based on the following principles:

- (a) preservation of the Union's autonomy in decision making, in particular in the definition, evaluation, monitoring and follow-up of capability goals;
- (b) recognition of the political and voluntary nature of the commitments made, which implies that the Member States are responsible for any adjustment of the commitments in the light of the evaluation made;
- (c) transparency, simplicity and clarity, in order among other things to enable comparisons to be made between the commitments of the various Member States;
- (d) a continuous and regular evaluation of progress made, on the basis of reports enabling ministers to take the appropriate decisions;
- (e) the flexibility necessary to adapt the commitments to newly identified needs.

Regarding relations with NATO:

The arrangements concerning transparency, cooperation and dialogue between the Union and NATO should be set out in the document on permanent arrangements between the Union and NATO. The evaluation mechanism will take account of the following additional principles:

- (f) the need, for the countries concerned, to ensure the compatibility of the commitments taken on in the EU framework with the force goals accepted in the framework of the NATO Defence Planning Process or the PARP;
- (g) the need for mutual reinforcement of the Union's capability goals and those arising, for the countries concerned, from the Defence Capabilities Initiative;
- (h) the need to avoid unnecessary duplication of procedures and of information requested.

Concerning relations with third countries:

(i) the mechanism will ensure that the contributions of European States which are members of NATO but not part of the EU, and of the applicant countries, are taken into account, in order to enable an evaluation to be made of their complementary commitments which contribute to the improvement of European capabilities, and to facilitate their possible participation in EU-led operations in accordance with the Helsinki and Feira decisions.

The examination of the work carried out within the Union will benefit from the support of EUMS, in the framework of its mandate, and will be the subject of reports to the Council.

* * *

The Member States welcomed the intentions expressed with a view to the ministerial meetings on 21 November 2000 by the countries applying for membership of the EU and the non-EU European NATO Members in reply to the invitation made to them at the Feira European Council to make their contribution, in the form of complementary commitments, to improving European capabilities.

Contributions received at the ministerial meetings on 21 November 2000 will extend the range of capabilities available for EU-led operations, thus enabling the Union's intervention capability to be strengthened in the manner most appropriate to the circumstances. They would be welcomed as significant additional contributions to those capabilities offered by the Member States. In this context, the Member States signalled their agreement for those contributions to be evaluated, in liaison with the States concerned, according to the same criteria as those applied to the Member States.

1 The Petersberg tasks include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking. (Article 17(2) TEU).

2 Denmark drew attention to Protocol No 5 annexed to the Treaty of Amsterdam.

Appendix II: Presidency Report on the European Security and Defence Policy, Nice European Council, 7-9 December 2000.

Introduction

The aim of the efforts made since the Cologne, Helsinki and Feira European Councils is to give the European Union the means of playing its role fully on the international stage and of assuming its responsibilities in the face of crises by adding to the range of instruments already at its disposal an autonomous capacity to take decisions and action in the security and defence field. In response to crises, the Union's particular characteristic is its capacity to mobilise a vast range of both civilian and military means and instruments, thus giving it an overall crisis-management and conflict-prevention capability in support of the objectives of the Common and Foreign Security Policy.

In developing this autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises, the European Union will be able to carry out the full range of Petersberg tasks as defined in the Treaty on European Union: humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking. This does not involve the establishment of a European army. The commitment of national resources by Member States to such operations will be based on their sovereign decisions. As regards the Member States concerned, NATO remains the basis of the collective defence of its members and will continue to play an important role in crisis management. The development of the ESDP will contribute to the vitality of a renewed Transatlantic link. This development will also lead to a genuine strategic partnership between the EU and NATO in the management of crises with due regard for the two organisations' decision-making autonomy.

The development of the European Security and Defence Policy strengthens the Union's contribution to international peace and security in accordance with the principles of the UN Charter. The European Union recognises the primary responsibility of the United Nations Security Council for maintaining peace and international security.

The value of cooperation between the Union and the United Nations, as well as with the OSCE and the Council of Europe, as the Union develops its crisis-management and conflict-prevention capabilities has been emphasised in the context of the work carried out during the Presidency. In this context, the Secretary-General of the United Nations has also submitted a proposal for closer cooperation between the EU and the UN. In this respect the European Union welcomes the recent contacts between the Secretary-General of the United Nations, the Secretary-General/High Representative, the Presidency and the EU Troika.

The development of European crisis-management capabilities increases the range of instruments for responding to crises available to the international community. The efforts made will enable Europeans in particular to respond more effectively and more

coherently to requests from leading organisations such as the UN or the OSCE. This development is an integral part of strengthening the Common Foreign and Security Policy.

In connection with the submission of this report, the Presidency noted that Denmark drew attention to Protocol No 5 annexed to the Treaty of Amsterdam on the position of Denmark.

I. THE DEVELOPMENT OF MILITARY CAPABILITIES AND THE STRENGTHENING OF CIVIL CRISIS MANAGEMENT CAPABILITIES

(1) Elaboration of the headline goal and of the military capability goals established in Helsinki

The main challenge for Member States is to develop military capabilities which can be put at the disposal of the EU for crisis management purposes. The aim is to mobilise Member States' efforts in this sphere.

The Commitment Conference, which was held in Brussels on 20 November, demonstrated the Europeans' capability to satisfy fully, by their contributions in numerical terms, the needs identified to carry out the different types of crisis-management missions within the headline goal agreed in Helsinki.

At this Conference the Member States also signalled their determination to make the necessary efforts to improve their operational capabilities further in order to carry out in full the most demanding of the Petersberg tasks, in particular as regards availability, deployability, sustainability and interoperability. As for their collective goals, the Member States agreed to pursue their efforts in the area of command and control, intelligence and strategic air and naval transport capabilities.

The Council approved the military capabilities commitment declaration published at the close of its meeting on 20 November and the definition of a "mechanism for evaluating military capabilities".

Its aim is to enable the EU to ensure follow up and to facilitate progress towards the honouring of the commitments made with a view to achieving the headline goal, to review its aims in the light of changed circumstances and to contribute as well to ensuring compatibility of the commitments undertaken in the EU framework and, for the countries concerned, the goals accepted in the framework of NATO planning or the Planning and Review Process of the Partnership for Peace. These documents are annexed hereto.

The ministerial meetings with the non-EU European NATO members and other countries which are candidates for accession in the follow-up to the Capabilities

Commitment Conference made it possible to draw together pledges of additional contributions from these States with a view to their participation in EU-led operations. The Member States welcome these contributions, which increase and bolster the capabilities available for EU-led crisis-management operations.

(2) Definition and implementation of EU capabilities in the civilian aspects of crisis management

The European Union has continued developing civilian capabilities in the four priority areas established by the Feira European Council: police, strengthening of the rule of law, strengthening civilian administration and civil protection. Discussions have focused on the implementation of the specific goal regarding police capabilities, whereby Member States should be able to provide 5 000 officers by 2003 for international missions, 1 000 of whom could be deployed within less than 30 days, and on the definition of specific goals in connection with strengthening the rule of law. The proceedings of the Committee for Civilian Aspects of Crisis Management enabled considerable progress to be made in elaborating the police objective. Methods were devised and ideas for deployment were developed. It is now necessary to flesh out Member States' commitments by calling for voluntary contributions. Moreover, the need to equip the General Secretariat of the Council with expertise in police matters on a permanent basis has been identified.

Discussions on strengthening the rule of law, the second priority identified in Feira, will make it possible to establish specific objectives in this area compatible with the development of European Union police capabilities. At the seminar organised in Brussels on 25 October it was possible to determine initial views and guidelines for further work within the Committee for Civilian Aspects of Crisis Management. In connection with these discussions, a database to record Member States' capabilities regarding the re-establishment of a judicial and penal system was set up within the General Secretariat of the Council.

Discussions have been initiated on cooperation with the UN, the OSCE and the Council of Europe. They will need to be followed up.

The contribution of non-EU Member States to the EU's civilian crisis management operations, in particular in EU police missions, will be studied in a positive spirit, in accordance with procedures to be determined.

A document setting out the main aspects of the work on the civilian aspects of crisis management is annexed hereto.

II. ESTABLISHMENT OF PERMANENT POLITICAL AND MILITARY STRUCTURES

The process initiated since the Cologne European Council is intended to enable the European Union to assume its responsibilities for crisis management as a whole. If it is to play fully its role on the international stage, the EU must be in a position to have at its disposal the whole range of instruments required for a global approach to crisis management, and in particular:

- develop a consistent European approach to crisis management and conflict prevention;
- ensure synergy between the civilian and military aspects of crisis management;
- cover the full range of Petersberg tasks.

To enable the European Union fully to assume its responsibilities, the European Council has decided to establish the following permanent political and military bodies, which should be made ready to start their work:

- the Political and Security Committee;
- the Military Committee of the European Union;
- the Military Staff of the European Union.

The documents detailing the composition, competences and operation of these bodies are annexed hereto.

The strength of the resources needed for the operation of such bodies, in particular the Military Staff, will have to be increased without delay.

The development of a mechanism to ensure synergy between civilian and military instruments is essential if the civilian and military aspects of crisis management are to be efficient and consistent.

To this end, a document (13957/1/00 REV 1) constituting a reference framework has been submitted by the Secretary-General/High Representative and has been noted with interest. Another document, concerning crisis management procedures, including an Annex on the European Union Situation Centre, has also been circulated by the General Secretariat of the Council. This document will be the subject of a detailed study, followed by tests and exercises so that it can be adapted in the light of experience, and subsequently approved.

In this crisis management mechanism the PSC has a central role to play in the definition of and follow-up to the EU response to a crisis. The Secretary General/High Representative, who may chair the PSC, plays an important role in

providing impetus. He also contributes to the effectiveness and visibility of the Union's action and policy.

III. ARRANGEMENTS WHICH WILL PERMIT IN THE EU'S MILITARY CRISIS MANAGEMENT THE CONSULTATION AND PARTICIPATION OF NON-EU EUROPEAN NATO MEMBERS AND OTHER COUNTRIES WHICH ARE CANDIDATES FOR ACCESSION TO THE EU

The EU project is open. If there is to be efficient crisis management, the European Union wishes to receive contributions from the non-EU European NATO members and other countries which are candidates for accession to the EU, in particular those which have the determination and capability to commit considerable resources to participate in the Petersberg tasks. This openness must, of course, respect the principle of the European Union's decision-making autonomy.

In implementing the arrangements agreed in Feira, the Presidency has initiated and developed a regular and substantive dialogue on the ESDP with the countries concerned. Ministerial meetings were thus held on 21 November as a follow-up to the Capacities Commitment Conference. This dialogue has also been developed at the level of the IPSC, which held meetings on the inclusive structure on 27 July, 2 October and 17 November, and through meetings comprising military experts to prepare non-member states' contributions to the capability goals. These consultations were in addition to the meetings held in connection with the Union's political dialogue with its partners.

The document on "arrangements for non-EU European NATO members and other countries which are candidates for accession to the EU" is annexed hereto. In accordance with the undertakings given, these arrangements will make it possible to consult such countries on a regular basis when there is no crisis and to associate them to the greatest possible extent in EU-led military operations in times of crisis.

IV. PERMANENT ARRANGEMENTS FOR EU-NATO CONSULTATION AND COOPERATION

On the basis of the decisions taken by the Feira European Council and in close consultation with NATO, the European Union has, during the French Presidency, continued preparations for establishing a permanent and effective relationship between the two organisations. The attached documents on the principles for consultation, cooperation and transparency with NATO and the modalities for EU access to NATO assets and capabilities (Berlin plus) constitute the EU's contribution to work on future arrangements between the two organisations. The EU hopes for a favourable reaction from NATO so that these arrangements can be implemented on a mutually satisfactory basis.

Consultations and cooperation between the two organisations will be developed in matters of security, defence and crisis management of common interest in order to make possible the most appropriate military response to a given crisis and ensure effective crisis management, while fully respecting the decision-making autonomy of NATO and the EU.

The EU would reiterate the importance which it attaches to being able, when necessary, to make use of the assured access to NATO's planning capabilities and to count on the availability of NATO's assets and capabilities as envisaged in the Communiqué from the Washington Summit. The European Union will call on NATO for operational planning of any operation using NATO assets and capabilities. When the Union examines options with a view to an operation, the establishing of its strategic military options could involve a contribution by NATO's planning capabilities.

The EU would stress the importance of appropriate provisions giving those who so wish access to Alliance structures in order, when necessary, to facilitate effective participation by all Member States in EU-led operations which make use of NATO assets and capabilities.

The meetings between the Interim Political and Security Committee and the Atlantic Council on 19 September and 9 November marked a decisive stage in the development of a trusting relationship between the EU and NATO. The discussions by the ad hoc working parties set up at Feira and the working party of experts on military capabilities (HTF plus) have led to progress in transparency and cooperation between the two organisations. The Interim Security Agreement concluded by the two Secretaries-General has encouraged the development of these relations by authorising initial exchanges of documents and opened the way to a definitive arrangement between the European Union and NATO.

V. INCLUSION IN THE EU OF THE APPROPRIATE FUNCTIONS OF THE WEU

The European Union has confirmed its intention of itself assuming the crisis-management function of the WEU. It took note in this context of the measures adopted by the WEU Council of Ministers in Marseilles to enable the latter to take account of developments which have occurred in the EU.

The Council adopted the following decisions of principle on the inclusion of the appropriate functions of the WEU in the field of the Petersberg tasks:

- the setting up in the form of agencies of a Satellite Centre and an Institute for Security Studies which would incorporate the relevant features of the existing parallel WEU structures;
- the direct management by the EU of a police technical cooperation mission in Albania to take over from the Multinational Advisory Police Element in

Albania, implementation of which had been entrusted to the WEU by the Council on the basis of Article 17 of the TEU. The Council took note of the assessment that the mine-clearance operation in Croatia will have achieved its objectives, in its current form in the WEU, upon expiry of its mandate.

The Council also agreed to enrich the Transatlantic dialogue by asking the ISS to undertake activities similar to those currently being conducted by the Transatlantic Forum, in accordance with modalities to be agreed which would enable all the States concerned to participate in these activities.

VI. ARRANGEMENTS FOR THE CONSULTATION AND PARTICIPATION OF OTHER POTENTIAL PARTNERS

In Feira, it was recalled that Russia, Ukraine, other European States with which the Union maintains political dialogue and other interested States such as Canada could be invited to participate in EU-led operations.

To that end, the Union proposes stepping up dialogue, cooperation and consultation on security and defence issues with the countries concerned within the framework of existing agreements on the basis of the following principles:

In the routine phase, the Union will conduct exchanges of information on questions relating to the ESDP and military crisis-management through meetings on this topic, which will normally be held once every six months by the PSC Troika. Additional meetings will be organised if the Council deems it necessary. In a crisis situation, when the possibility of a military crisis-management operation is being considered, such consultations conducted in Troika format or by the Secretary-General/High Representative will constitute the framework making it possible for exchanges of views and discussions on possible participation by potential partners to be held.

The European Union has already welcomed the interest shown by Canada. Consultations with Canada will be stepped up in times of crisis. Participation by Canada will be of particular importance in the case of EU operations drawing on NATO assets and capabilities. In this context, when the Union embarks on detailed examination of an option making use of NATO assets and capabilities, particular attention will be paid to consultation with Canada.

The countries participating in an operation may appoint liaison officers to Planning Staff and, together with all the EU members, attend the Committee of Contributors with the same rights and obligations as the other participating States as far as day-to-day management of the operation is concerned.

These initial principles are without prejudice to any specific consultation and/or participation mechanisms which may be concluded with some of the countries concerned. The EU has, for example, adopted with Russia a joint declaration on

strengthening dialogue on political and security questions in Europe, providing in particular for specific consultations on security and defence issues.

VII. CONFLICT PREVENTION

The European Councils in Cologne, Helsinki and Feira decided that the Union should fully assume its responsibilities in the sphere of conflict prevention. To that end, the Feira European Council invited the Secretary-General/High Representative and the Commission to submit to the Nice European Council concrete recommendations for improving the cohesion and effectiveness of action by the European Union in the field of conflict prevention.

The report was submitted to the European Council, which welcomed the concrete recommendations made by the Secretary-General/High Representative and the Commission and highlighted the need to continue these discussions.

VIII. MANDATE FOR THE NEXT PRESIDENCY

1. On the basis of the present report, the Swedish Presidency is invited, in association with the Secretary-General/High Representative, to continue work within the General Affairs Council on developing the Common Security and Defence Policy and to implement the measures necessary for the following:
 - (a) to achieve the objective of making the EU quickly operational. A decision to that end will be taken by the European Council as soon as possible in 2001 and no later than the European Council in Laeken.

To that end, the Swedish Presidency is invited to:

- take the measures necessary for implementation and validation of the crisis-management mechanisms, including structures and procedures;
 - continue discussions with NATO with a view to establishing arrangements between the EU and NATO;
 - report back to the European Council in Gothenburg.
- (b) the follow-up of the military capabilities objectives and the commitments in the Declaration of Military Capabilities Commitment, in particular by defining the details of the follow-up and evaluation mechanism, which have been outlined in the document annexed to Annex I hereto;
 - (c) the continuation of the work begun on civilian aspects of crisis management, including the development of a capability for planning and conducting police operations and the request for voluntary contributions with respect to police, as well as the definition of specific objectives;

- (d) the implementation of the decisions taken at the present European Council on permanent arrangements with non-EU European NATO members and other countries which are candidates for accession to the EU and the submission of proposals for the modalities of participation by third countries in the civilian aspects of crisis management;
 - (e) the implementation of the arrangements for the consultation and participation of other potential partners, the principles of which are laid down by this European Council;
 - (f) the setting up in the form of agencies within the EU of a "Satellite Centre" (responsible for producing satellite and aerial images) and an "Institute for Security Studies" which would incorporate the relevant features of the similar existing WEU structures;
 - (g) the identification of possible areas as well as modalities of cooperation between the European Union and the United Nations in crisis management;
 - (h) the definition of proposals for improving the cohesion and effectiveness of Union action in the sphere of conflict prevention.
2. The Swedish Presidency is invited to submit a report on these matters to the European Council in Gothenburg.