

After the Applause Stops: Nice's Aftermath and the Prospects for CESDP¹

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It was generally acknowledged that one of the more successful outcomes of the French Presidency and the 2000 Intergovernmental Conference (IGC) was the progress made on the Common European Security and Defence Policy (CESDP). The French Presidency can of course claim some of the credit for advancing CESDP, but it really represents the cumulative efforts of the EU Member States and four presidencies since the historic Anglo-French St Malo summit of December 1998 set the ball rolling. But, contrary to some of the laudatory comments, the outcome of the IGC and the French Presidency saw advances in non-military and military crisis management and not, as is sometimes claimed, defence. This is not just a semantic point since it is precisely in defence that progress has *not* been made and probably will not be for a while to come. A more accurate portrayal of progress to date might refer to the emergence of a European security policy (ESP) and no more.

Prior to the Nice summit few modifications had been expected to Title V of the Treaty on European Union (TEU) and many, including legal experts, queried whether any changes would be necessary. Yet, the changes that did take place are significant. Two in particular stand out. In Article 17 of the TEU all references to the Western European Union (WEU), bar one, were removed. The modification implies that the WEU is no longer an 'integral part of the Union', it does not provide the Union with 'access to an operational capability', notably for Petersberg tasks, it will not assist the Union 'in framing the defence aspects' of the CFSP. Nor can the Union 'avail itself' of the WEU to 'elaborate and implement' decisions and actions of the Union with defence implications.

The changes to Article 17, which were largely foreshadowed by the WEU's Marseilles Declaration of 13 November 2000, may have significant implications for the second pillar. The vestiges of the WEU still uphold the collective defence guarantee contained in Article V of the Modified Brussels treaty, as well as the armaments collaboration aspects of the nineteen-member Western European Armaments Group (WEAG).² It is though unclear how serious the WEU's Article V commitment is, especially in light of the transferral of key assets, such as the Satellite Centre, to the EU. The centre may be critical for the EU's ability to conduct Petersberg tasks but, presumably, it is not irrelevant to the WEU's defence obligations. Other residual problems

due to the changes in Article 17 may also come to the fore. For example, if the WEU no longer provides access to an 'operational capability', does this then mean that the Forces Answerable to the WEU (FAWEU) are only available for Article V contingencies, or might they become FAEU? The role of the interim European Defence and Security Assembly (the former Parliamentary Assembly) is also left up in the air.

A further significant impediment to the short-term development of CESDP may also come about as a result of the WEU's former practice of operating at 21 (the ten full members, the six associate members and the five observers) and at 28 (as before, plus the seven associate partners). The WEU associate members, which included Norway and Turkey, enjoyed full involvement in the WEU Council. With the effective dissolution of these extended ties, the former WEU observers, who are all EU members, enjoy a privileged position since they are fully involved in CFSP decision making. The perceived need to respect EU decision-making autonomy is currently at odds with Turkey's objections to the lack of any CESDP equivalent to the status it enjoyed under the WEU. This may lead to persistent efforts by Ankara to block any guaranteed access to NATO planning capabilities for EU-led Petersberg missions.

The effective separation of crisis management and defence tasks between the WEU and EU poses the question of whether the EU Member States have any interest in developing a common defence policy or common defence – notions that remain in the TEU. The outcome of the IGC suggests that this is a highly divisive issue that is not only confined to the smaller neutral or non-aligned EU Member States. Various proposals to maintain some linkage between the EU, the WEU and Article V of the Modified Brussels Treaty in the form of a declaration attached to the treaty were rejected.

The continuation of the work of nineteen-member WEAG under the WEU's umbrella may also mark a lost opportunity. Article 17 of the TEU maintains the vague formula that the progressive framing of a 'defence policy' will be supported, 'as Member States consider appropriate, by cooperation between them in the field of armaments'. Yet it was agreed in the context of crisis management at St Malo that Europe needs strengthened armed forces 'which are supported by a strong and competitive European defence industry and technology'. As it is, the work of WEAG, POLARM (within the EU),

Organisme Conjoint de Coopération en Matière d'Armement (OCCAR) and the Letter of Intent (LoI) countries continues in a piecemeal fashion. Hopefully some consolidation of their activities might be considered in the near future.

The second notable change saw the replacement of the Political Committee in Article 25 by the Political and Security Committee (PSC). It is the PSC that will, amongst other things, exercise political and strategic direction of crisis management operations under the responsibility of the Council. The modifications to this act are particularly profound since they attribute legal authority not only to the PSC but also to CESDP in general. The PSC has been described as the 'linchpin of European security and defence policy and of the CFSP' and it is also the anchor for the Military Committee and Military Staff. The incorporation of the PSC into the (provisional) Nice Treaty has the potential to be revolutionary provided the permanent PSC representation is of sufficiently senior status.

It is easy to forget, amongst the general euphoria surrounding the rapid progress of CESDP, that what has been achieved is a start, and nothing more. Not only is it a start, it may also prove to be the easier part of the overall goal of establishing a working CESDP. A number of tough challenges are on the horizon and four deserve special mention.

Has CESDP outpaced CFSP?

First, any progress made in CESDP needs to be matched by developments elsewhere in the EU's external relations. CESDP is not an end in itself but the continuation of a range of other instruments that, when combined, should provide a seamless web of options with which to address crisis scenarios. This may involve the ability to intervene diplomatically, to use various forms of economic leverage (both positive and negative), to credibly threaten the use of military force and, if necessary, to use it. Developments since St Malo have concentrated on the upper end of the EU's crisis management abilities perhaps at the cost of the concentrating on the linkage between the various forms of crisis prevention and management that could be employed. The different *modus operandi* of the pillars, the overlapping and often confusing mandates of the Commission and the Council Secretariat, most notably in the cases of the Commissioner for External Relations and the High Representative for CFSP, and numerous shortcomings in the EU Member States crisis management capacities, mean that the EU is not yet in a position to offer a seamless web of options to address crisis scenarios that may call for military intervention and a sustained presence. For the foreseeable future only the U.S. will have this ability, if matched with the necessary political resolve.

Enhancing EU-NATO relations

Second, the French Presidency report on European Security and Defence Policy detailed the emerging cooperation between the EU and NATO in both non-

crisis and crisis situations. Relations between the two organisations are however in an early and thus delicate stage. One of the key issues to be addressed is the Turkish demand for greater inclusion in CESDP. The EU has to preserve its institutional autonomy whilst, perhaps in reaction to persistent U.S. pressure, it must find a way to respond to Turkey's demands (as well as those of the other non-EU European NATO members). Any failure to do so runs the risk of stifling EU-NATO cooperation in its infancy and may push key EU Member States towards greater autonomy (and thus duplication) from NATO than they may have wanted. For its part, Turkey must consider whether it is in its long-term interests to block EU access to NATO planning facilities and other assets, especially in light of its EU candidacy and ongoing talks on enhanced customs union.

The issue of communications and, more specifically their security, may also complicate EU-NATO relations. Following proposals made by Solana in July 2000 to exclude sensitive documents covering security and defence, justice and home affairs as well as trade and aid, from the normal handling procedures providing for openness and transparency, Finland, the Netherlands and Sweden voiced their opposition, as did the European Parliament. A forthcoming European court case on this issue may significantly compromise the development of CESDP if a decision is made to uphold the principles of openness and transparency of Article 255 of the Treaty establishing the European Community. Anything significantly less than the equivalent to NATO's own classification and handling procedures for EU security-related matters would presumably stifle the willingness of individual NATO members to share information with the leak-prone EU. Since Sweden was one of the countries to oppose the draft common position, it has become something of a poisoned chalice for the current Presidency.

Transatlantic relations under the Bush administration

Third, the Bush administration is in its early days. Nevertheless there are enough storm clouds on the horizon to cause concern. The apparent determination of the Bush administration to push ahead with missile defence (MD) has met with little open support amongst the European allies and from some quarters, most notably France, opposition. A major transatlantic split on this issue could complicate the EU's access to euphemistically called 'NATO assets' for 'Europe only' operations under NATO's Combined Joint Task Force concept. Certainly, it may make public opinion in the U.S. more reluctant to engage in multilateral crisis management operations. It may also split the European allies, especially France and the United Kingdom. Although the Blair government is guarded on the issue (especially since it would involve modifying the Flyingdales early warning radar), British support for MD risks damaging Anglo-French relations and thus the 'engine' of CESDP. Conversely, British opposition could damage trans-

atlantic relations and London's continuing willingness to frame CESDP in the context of buttressing the European pillar of the Atlantic Alliance. The impression that fissures may be developing in EU-UK relations was compounded by British participation in U.S. air strikes against selected Iraqi air defence installations around Baghdad in mid February 2001. Amongst the international condemnation of the strikes, the voices of France and Turkey were pronounced.

Disputes in the civilian aerospace sector, specifically the mutual charges of illegal subsidies being paid for the development of Airbus and Boeing aircraft, also hold the potential to cause a major rift in transatlantic relations. Until now disputes have involved vexatious, but relatively minor, aspects of transatlantic trade (bananas, beef hormones and so forth). The civilian aerospace sector is critical to the EU Member States as well as the U.S. and a major dispute in this area could have significant knock-on effects for CESDP post-Nice. It may, once again, push the EU in the direction of a more autonomous CESDP.

Matching resolve with resources ... déjà vu all over again?

Finally, CESDP suffers from an underlying gap between resolve and resources. Any dispute that pushed the EU towards a more autonomous CESDP would currently call the EU's bluff. In its current form, the economics of CESDP only makes sense if one assumes access to a number of 'NATO assets' (read U.S.) in certain critical areas. The static or declining defence budgets of the majority of EU Member States stand in stark contrast to the long list of shortcomings in European capabilities identified by the November 1999 WEU Audit of Assets and Capabilities and the almost identical list unveiled at the Capabilities Commitment Conference a year later.

The continuation of current defence trends will not only damage CESDP but NATO itself. Current defence trends will not only heighten the technology gap between the U.S. and its European allies but may also accentuate technology gaps within Europe. Efforts to do more with the same by, for example, converting to professional armed forces rather than reliance on conscript forces, are of dubious economic soundness. Even if the economics is sound, reallocation of defence budgets is unlikely to yield the kind of short-term results needed to meet the Headline Goals. This leaves the EU heavily reliant upon presumed or guaranteed access to key 'NATO assets' which, as has been argued, may not be forthcoming. The need for increased defence budgets and wiser expenditure seems unavoidable.

Conclusion

CESDP is a work in the making. The Nice summit represents a commendable start, but no more. The emergence of the institutional structures to address non-military and military aspects of crisis management is encouraging. The slower progress on developing cooperation and consultation mechanisms with the

EU+6 and EU+15 is less encouraging, especially with Turkey's position in mind. The early (and perhaps premature) signs emanating from the Bush administration indicate a number of pitfalls in the near future for transatlantic relations that can hopefully be avoided.

The development of relations with third parties and organisations will undoubtedly shape CESDP, but the decisive challenges lie within the EU. The development of CESDP is only useful in so far as it moves the EU towards the development of a seamless web of crisis management responses. Careful attention must therefore be paid to ensuring that CESDP is complemented by developments in conflict prevention. This implies that more emphasis and not just lip-service must be placed on consistency in the EU's external relations generally. For the Member States the main challenge is for them to prove that resolve can be matched with resources — and apologies if this sounds like the old capabilities-expectations gap all over again.

NOTES

¹ A version of this article appeared in the on-line journal, *Challenge Europe*. The article may be found at the European Policy Centre's web site, <http://www.theepc.be>. Some of the themes raised in this contribution are also explored in more depth in *Between Vision and Reality: CFSP's Progress on the Path to Maturity*. The book is edited by Dr. Simon Duke and is the outcome of a colloquium held in November 1999 which gathered together top academics and practitioners to explore the progress and pitfalls of progress towards a Common Foreign and Security Policy and, in particular, in formulating a Common European and Security Policy.

'I commend this book to all those who are interested not only in the latest developments in Europe's Common Foreign and Security Policy but also its potential for the future. The various contributions raise important issues which all of us will be grappling with over the next few years. This book helps shed some light on the path which lies ahead'.

From the foreword by Dr. Javier Solana, Secretary General, High Representative of the European Union for the Common Foreign and Security Policy.

² Article V of the Modified Brussels Treaty reads, 'If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power'. □