



PROPOSALS

FOR EUROPEAN DEFENCE

October 2002

The proposals put in in this document aim to **make the European Union a fully operational player on the international scene**, by providing it with an ‘autonomous capability to take decisions and act in the security and defence field’, as decided by the European Council.

This aim could be met by implementing the following six measures:

I. Bringing the Common Foreign and Security Policy into practical reality

- Giving the Union a strategic concept

According to the Treaty on European Union (TEU), ‘The European Council shall define the principles of and general guidelines for the CFSP...’ (Article 13.1). It is proposed to amend this wording as follows: **‘the European Council shall decide on the Union’s strategic concept covering the European common interests in all the fields of foreign, security and defence policy.**

The concept is to be more concrete than the “principles and general guidelines” and should be based on an analysis of the international situation and of the risks to Europe, and would define the Union’s common interests and general strategy. In order to inform European citizens and obtain their support, the strategic concept could be the subject of a Union ‘White Paper’.

- Making the common strategies an operational instrument

Having thus defined the role of the European Council, the Maastricht Treaty entrusted the Council with defining common positions and implementing joint actions. Bearing in mind the significant gap between these two levels—between principles and actual action—the Amsterdam Treaty introduced common strategies which, specifying their aims, duration and means, were designed to provide a practical backdrop to the common positions and joint actions.

This objective has not been reached as shown by the report drawn-up by the Secretary General/High Representative for the CFSP (January 2000). As common strategies remain essential they must be revised in accordance with the proposals presented in that report. **They must be turned into an operational instrument comprising precise and verifiable objectives governing all actions taken by the Union, the Communities and the Member**

States. The strategies should also be allowed, where appropriate, to remain confidential.

II. Bringing the common defence policy into current day reality

2.1. At the Cologne European Council (June 1999), the Union decided to provide itself with an autonomous crisis-management capability. The Petersberg tasks are the military component of this capability. Devised for that purpose, they meet its needs and therefore do not have to be updated except as applied to the fight against terrorism (see § 23 below). Petersberg tasks must not be watered down, as some faint hearted statements unfortunately seem to indicate. Any reaffirmation of this matter should therefore clearly state:

- The inclusion of Petersberg tasks in **'peacemaking'** (TEU, Article 17.2), in other words coercive actions aimed at imposing the resolutions of the UN, of the OSCE or common actions decided by the European Council, by the employment of armed force;
- 'The determination (of the Member States) ... entirely to meet the needs of **the most demanding Petersberg tasks ...**' (declaration of the Presidency of the Nice European Council, December 2000);
- The aim of the Union to be able to conduct such operations itself, **'with or without recourse to NATO's assets and capabilities'** (Cologne European Council, June 1999).

2.2. Over the past three years, the Union's efforts in military matters have focused on the achievement of this crisis-management capability. This was indeed the priority. However, under the TEU, the signatory States set themselves a far more ambitious aim, 'the progressive framing of a common defence policy which might lead to a common defence should the European Council so decide' (Article 17.1). However, the events of recent years have clearly shown that foreign policy and defence policy are closely related, that they constantly depend on one another and that we cannot be satisfied in the long run with a situation where foreign policy is a current day reality whereas defence policy remains only a project. It is therefore proposed to make full use of the possibilities of Article 17 and to express in the text that its implementation is already undertaken. Article 17.1 should therefore be drafted as follows: **'The common foreign and security policy includes all matters relating to the Union's security, including the progressive framing and implementation of a common defence policy, which might lead...'**

The general competence in defence matters thus entrusted to the EU would not contradict this other provision appearing in Article 17.1 of the TEU: "shall respect the obligations of certain Member States which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty." After agreeing on a strategic concept taking into account all aspects of their security, European States should consider these matters and debate them within the Alliance, in order to reach consensus with their allies. A stronger Europe which takes on larger responsibilities will enhance the trans-Atlantic link.

2.3. Fight against international terrorism

Recent events have widely alerted our people and our countries to external threat, especially that of terrorism. The European Security and Defence Policy must therefore include all necessary measures in order to protect our citizens against such threat. The first matter of concern, is the internal security of each State. The second relates to European cooperation in the functions of Justice and Internal Affairs. The European Union is developing a common policy in this field. The close links between external and internal security are obvious and must be incorporated into actual policies.

Concerning the use of military means, the wording of the Petersberg's missions is general enough -"Missions of combat forces for crisis management"- to allow the use of European military means in the frame of the EU, and this, in particular is necessary for the fight against the basis of terrorist networks' bases in countries sheltering this kind of activity. However, it would be in order clearly to clarify the precise role of Petersberg's missions on the occasion of the next Intergovernmental Conference.

III. Closely linking foreign policy and defence policy

Security policy must be comprehensive and should use all instruments available in a coherent manner.

Foreign Policy and Security Policy are two inseparable components of the Union's action. Setting out to preserve the same interests and aimed at the same goals, they must be defined and implemented as part of the same general strategy. Even their respective implementations are sometimes combined (as was the case in the recent crises) and must therefore be closely coordinated. Major decisions regarding the conception and conduct of policy must therefore be taken by the same bodies and according to the same procedures.

As regards action, joint strategies are to be based on global strategic concept in a well defined space-time-frame-work. **The Secretary General/High Representative should propose to the Council in the context of the attributions of the Presidency, strategies to be adopted at unanimity, common actions and common positions to be adopted by qualified majority.** After the adoption of strategies by the European Council and the adoption of common actions and common positions by the Council, **the Secretary General/High Representative will oversee their implementation and will have the responsibility for consultations with the non-EU-Nato-partners contributing. He will also assume in this context the chair of the Political and Security Committee (PSC).** (The **Secretary General/High Representative** will keep the **European Parliament** informed, which in turn should establish a Defence Committee as soon as possible.)

ED-UK proposal is to replace this last sentence by the following : The essential democratic and Parliamentary monitoring of the working of the ESDP is a matter for National Assemblies, in which the European Parliament has no direct competence.

Given the new importance assigned to defence policy, a Council of Ministers of Defence should be created and be competent for all military and defence matters comprising inter alia the planning, the implementation of the Headline Goal and armament cooperation. The two Councils (Foreign Affairs and Defence) could hold joint meetings when that would be justified by the importance and nature of the decision to be taken, especially in case of crisis.

IV. Pursuing progress towards a common defence

While the definition and implementation of a common defence policy already appears possible and necessary (cf. § 22), the same does not apply to EU defence as a whole. That would indeed suppose the existence of a European executive fully empowered to decide on the engagement of a system of integrated military forces. It does not appear feasible to meet such a condition in the short term. On the other hand, some measures are desirable, first to consolidate what has already been achieved ; second to pursue progress by integrating the execution of certain tasks ; third and – most importantly – by improving the resources and financing of European defence.

4.1. Consolidating achievements

After a long period of stagnation, the progress accomplished since the Cologne European Council (June 1999) is far from negligible. The Union has decided to provide itself with an autonomous crisis-management capability based on political and military arrangements and on the capability to set up a European Rapid Reaction Force.

Referring to the means, the political and military arrangements now in place appear satisfactory. However, while the PSC has been set up to deal with 'political control and strategic guidance' of military operations conducted by the European Union, certain other necessities must be taken into consideration:

1. the modalities for the political control of EU forces must be clearly and precisely defined
2. military command and control is to be arranged according to the size and the character of the operation (For the time being larger operations could not be conducted without NATO-assets).
3. the CJTF-arrangements could be used when ever appropriate.
4. Limited operations could be led by a lead nation.
5. In consequence, it is necessary to accelerate the conclusion of EU-NATO arrangements.

Today there is no permanent EU-body capable to assume a military command, and the present European Military Staff (EUMS) is assuming *only* planning functions. **It is proposed that the mission of the EU Military Staff might also include the setting up of a command function, in addition to the task which it already assumes – ensuring that this function has the necessary capability.** As regards means and capabilities of the Union they will have to be developed continuously in accordance with the plans decided on by the European Council:

- European Action Plan regarding military capabilities (Laeken, December 2001);
- Exercise policy (Göteborg, June 2001);
- Police Action Plan (Göteborg, June 2001).

4.2. Exercising certain tasks jointly

The Nice European Council decided on 'the setting up in the form of agencies of a Satellite Centre and an Institute for Security Studies'. It is proposed to **create two new agencies dealing with arms and with intelligence.**

- **The European Arms Agency** would be tasked with preparing, launching and managing arms programmes, as well as conducting the European research and technology programme (*addition by ED-UK* : recognising that such an organisation, possibly building on OCCAR, can only be effective, if Governments are prepared to let it work.)
- **The European Intelligence Agency** would be tasked with organising the collection and synthesis of intelligence of all origins—European, national, from the allies—and its presentation to the decision-taking bodies: Council, Secretary General/High Representative, PSC, EUMS, ...(*ED-UK addition* : taking account, also, of bilateral relations in this sphere.)

4.3. Improved funding

- **the European defence budgets should be increased and a minimum percentage of GDP devoted to defence** is to be defined in order to ensure the implementation of

commitments undertaken and to maintain a European technological and industrial base on a satisfactory level in order to equip European Forces with the necessary modern material.

- **of military operations conducted by the Union:** the exception in Article 28.3 of the TEU applying to 'expenditure arising from operations having military or defence implications' should be eliminated.
- **of arms programmes:** The European Action Plan on military capabilities (cf. § 41) should be formalised with a binding financial plan incorporating all member States of the EU, so that: (a) programmes adopted are effectively executed and (b) the global cost is fairly shared among the Member States. (*ED-UK addition* : Defence expenditure should be excluded from the constraints of the Stability Pact.)

V. Allowance for reinforced cooperation in the military field, i.e. constitution of a "vanguard"

In a recent past, spectacular advances have stemmed from provisions allowing certain States to take action without all the others joining in their approach in these fields : suppression of controls at common borders (Schengen Agreements), Economic and Monetary Union. If European construction in foreign policy, security and defence matters is not to experience again a long period of stagnation, it is essential today to adopt new arrangements, allowing those States that require it to reach more rapidly a common settlement of their policies and an integration of those policies' instruments.

Various arrangements can be considered for this purpose :

- implementation of a reinforced cooperation, according to Chapter VII of the TEU;
- procedure of the constructive abstention as introduced in Article 23.1 of the TEU.
- insertion of a new arrangement in the Treaty, allowing an enhanced cooperation between many members States, upon all the matters covered by Chapter V ;
- the addition to the Treaty of a protocol of cooperation which could be agreed only by those States, wishing to do so under the doctrine of constructive abstention.

Whatever the agreed procedure, this would include the following arrangements :

- conformity with the agreed goals by the group of States concerned - "vanguard" – with those for the whole EU;
- opening of the group to every State not integrated in it from the origin and wishing to join it after ;
- possibility for this "vanguard", not only to lead punctual actions but also to pass through a new step in the above mentioned way ;
- possible applying of the procedure in every field covered by Chapter V of the Treaty, including military and defence matters ;
- lack of too strict constraints concerning the number of participants States (that could be in the minority within the EU) and impossibility for the other States to stop the implementation of such a project, as far as the conditions laid down in the Treaty are met.

These three last arrangements would require a modification of the TEU.

For the direction in the name of European Union of a military crisis management operation as part of a members States coalition (coalition of the willing or "reinforced cooperation" members) only the rules of taking decision from the Treaty for European Union are suitable, in consequence the decision to dispatch armed forces for operations led under political control of EU remains subject to constitutional procedures in force.

VI. Enhancing solidarity by identity of membership

If the possibility of setting up a vanguard seems to be highly desirable, in order to go further on in this way, the final aim remains nevertheless to lead to a total solidarity between all the Union's members, in Security and Defence matters. Such an objective could be reached by the combined application of a twofold process :

- incorporation in the TEU of the main arrangements of the Brussels Treaty, especially the obligation of mutual assistance in case of aggression (Article V). This would indicate the renouncement by Denmark of the protocol concerning it, attached to the Amsterdam Treaty, and also the commitment without reservations by this country and by the four neutral States to the arrangements of the TEU : common defence policy and common defence ;
- recognition by the same four States of the indispensable transatlantic link, that should lead them to join NATO.

For the future, in the view of the enlargement programme, candidate countries would only be admitted within the EU if they commit without reservations to the arrangements written in the TEU – including Article V – as well as to the obligations of the transatlantic link.

ANNEX

(Proposal by EuroDefense-France

Which ambitions for Europe?

Ambition and boldness should be the two keywords permitting Europe to emerge from the situation of apparent paralysis and relative powerlessness that still know, in spite of indisputable progresses nowadays realized.

Europe is a huge economical and cultural power, bearing values to which its citizens are attached. Hence, Europe has a political responsibility to assume in a multipolar world where it must be present, including in the Asian-Pacific zone becoming essential for the world stability. No European country taken alone can weigh significantly on the diplomatic world forces balance. It is not sufficient to be the first world economical power and to have a single money for pretending to be a recognized actor and to play a major role in keeping the main world stabilities ; it is also and above all necessary to assert oneself in the political field. Europe will be really a major actor, i.e. heard, only if it is understood as a power with a common vision in foreign policy and in matters of defence. But it is imposing a renunciation of strictly national diplomatic actions, not concerted in a European framework. Power, foreign Policy, Defence Policy are intimately linked and indissociable. The second cant exist without the third.

But the power, implemented through credible political and military instruments, should efficiently be in action for the defence of our common interests only in the condition to be independent from elsewhere made choices, consequently in the framework of a real autonomy of decision.

To speak of autonomy on defence matters doesn't mean autistic innermost recess of Europeans and renunciation of our alliances. EU enlargement to the East is on the way and closed and trustful relations with Russia, Bielorussia and Ukraina are essential for the regional stability. North-atlantic Alliance remains for the time being the undeniable framework of a potential common defence and especially of a privileged cooperation with United States as well as with other NATO members who aren't EU members.

But it is advisable to be pragmatic, taking in account the Afghanistan crisis, for example, and the foreseeable evolution of the world stabilities in the future. The afghan crisis has shown the american willingness not to use NATO structures, but an occasional coalition and the management of this crisis brought to the fore a will of unilateral management from the Americans.

Besides, it is clear that the centre of gravity of the american interests in the world is inescapably overbalancing from Atlantic to Asia, where the future protests against the quasi-worldwide United-states' supremacy will born. For all theses reasons, NATO is not anymore for the Americans the privileged frame of their military commitment.

So it is imperious to build quickly a strong Europe on which America, our privileged economic and political partner, must be able to rely, but also to develop capacities permitting us to act autonomously for the defense of our interests in the world – that should include, on

term, the defense of our own territory¹ – either because they would not totally be superposable to those of America, or because this one may be occupied on another side. It is especially unthinkable that Europe must rely on others for resolving crisis within its immediate zone of interests : consequently it is advisable to give it the necessary military credibility to insure the stability around Europe.

The autonomy, such as it was clearly initiated during the Cologne summit and as it was regularly reaffirmed since then², as much within the decision field as in thus of action, must in consequence be indisputably the keystone of the European building and must not be get on as a sort of present American leadership with, but as a visionar and natural evolution within the Alliance, where everyone has to get down to work to the search of a genuine more balanced euro-atlantic partnership, thanks to an effort of political military coherence on behalf of Europe.

A more unified and powerful Europe could strengthen the Alliance we all become attached. Its check, and not the contrary, could threaten the future of this Alliance, from which it is possible to extrapolate, considering what said above, that it will become the ideal political forum for the euro-atlantic dialog. This trend could only be strengthened successively as the enlargement of the Europe to the Eastern countries, all expressing their view to join beforehand the Alliance.

Of course, the search for a necessary and essential strategic autonomy orders ipso facto a certain autonomy in the key field of armament industries, in its largest sense, which is a real urgent and difficult stake, because it concerns intricate industrial interests. But this doesn't implicate the creation of a "fortress Europe" and couldn't forbidden the transatlantic co-operations, but it induces inevitably some redundances, for example in the field of space and intelligency constituting the priviledged aspects of the decision autonomy, cornerstone of each real autonomy.

¹ EU Treaty, Article 17 : « including the progressive definition of a common defence policy, which could lead to a common defence, if the European Council is deciding it”.

² Cologne (june 1999) Annex III of the conclusions of the Presidency, then Helsinki (december 1999), Feira (june 2000), Nice (december 2000), Göteborg (june 2001), Laeken (december 2001).