THE DEVELOPMENT OF
COMMON EUROPEAN SECURITY AND DEFENCE POLICY (CESDP):
BEFORE AND AFTER SAINT MALO DECLARATION

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ABSTRACT

THE DEVELOPMENT OF COMMON EUROPEAN SECURITY AND DEFENCE POLICY: BEFORE AND AFTER SAINT MALO DECLARATION

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This study examines the evolution of the Common European Security and Defence Policy (CESDP) of the European Union "before" and "after" the Saint Malo Declaration of December 1998. The co-operation in foreign policy and security matters has always been a corollary element to the economic co-operation since the beginning of the European Integration process. Within this context this study argues that the conducting of co-operation in this field within the framework of European Community/European Union (EC/EU) was dependent on the national actors, the internal community/union factors, and the external dynamics. It is also asserted that, the European political co-operation is based on, on the one hand, the intergovernmentalist method of decision-making and implementation process, and on the other to the "incrementalism" through which the Member States could reconcile their diverging interests, which represent continuity within the EC/EU. The Saint Malo constitutes one of the momentous events in the trajectory of European foreign policy, security and defence co-operation, which launched the essentials of the CESDP. Within this framework, this study will analyse how a legally unbinding document has been incorporated into the legal framework of the European Union and consequently became the part of the *acquis*. Furthermore, the policies of France, Britain, and the United States within the process of establishment of the CESDP will

be examined. Then, this thesis argues that, Saint Malo has initiated a ground for renegotiation of the terms of transatlantic relationship, which culminated in the redefinition of global roles and responsibilities of Americans and Europeans.

Keywords: Common European Security and Defence Policy (CESDP), Saint Malo Declaration, intergovernmentalism, incrementalism, decision-making process.

ÖZ

AVRUPA ORTAK GÜVENLİK VE SAVUNMA POLİTİKASININ GELİŞİMİ: SAINT MALO'DAN ÖNCE VE SONRA

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Bu tez, Avrupa Birliği'nin Ortak Güvenlik ve Savunma Politikasının (AOGSP) gelişimini, Saint Malo Deklarasyonu (Aralık 1998) öncesi ve sonrasını baz alarak incelemektedir. Avrupa entegrasyon sürecinin başından beri, dış politika ve güvenlik konularındaki işbirliği ekonomik işbirliğine paralel olarak sürdürülmüştür. Bu anlamda, bu çalışma Avrupa Topluluğu/Avrupa Birliği (AT/AB) çerçevesinde yürütülen dış politika ve güvenlik işbirliğinin, ulusal aktörlere, topluluk/birlik içi faktörlere ve dış dinamiklere bağlı olduğunu savunmaktadır. Aynı zamanda Avrupa siyasi işbirliğinin bir yandan, hükümetlerarası karar alma ve uygulama sürecine öte yandan da üye ülkelerin farklı ulusal çıkarlarının uzlaştıtıldığı "tedriciliğe" dayalı olduğu ve bunun AT/AB siyasi işbirliği çeçevesinde bir devamlılık arz ettiği vurgulanmıştır. Saint Malo Deklerasyonu AOGSP'nın temellerini atarak, Avrupa dış politika, güvenlik ve aynı zamanda savunma işbirliği alanında tarihi öneme sahip bir olaydır. Bu çerçevede, bu çalışma hukuksal olarak bağlayıcılığı olmayan bir belgenin nasıl Avrupa Birliği'nin hukuksal yapısına entegre edilip müktesabatın bir parçası haline geldiğini analiz edecektir. Ayrıca, Fransa, İngiltere ve Amerika'nın AOGSP'nın gelişim sürecindeki duruşları da incelenecektir. Bu anlamda, bu tez, Saint Malo'nun, transatlantik ilişkilerinde koşulların yeniden müzakere edilebilmesi için bir zemin oluşturduğunu ve bunun da Amerikalılar ve Avrupalılar tarafından global rol ve sorumluluklarının yeniden tanımlanmasına yol açtığını savunmaktadır.

Anahtar Kelimeler: Avrupa Ortak Güvenlik ve Savunma Politikası, Saint Malo Deklerasyonu, hükümetlerarası karar alma süreci, tedricilik ilkesi.

To My Father,

For whose existence I am grateful to God every single day.

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LIST OF ABBREVIATIONS

CCP	Common Commercial Policy
CDP	Common Defence Policy
CFSP	Common Foreign and Security Policy
CIVCOM	Civilian Crisis Management Committee
CJTF	Combined Joint Task Forces
COREPER	Committee of Permanent Representatives.
CSCE	Conference on Security and Co-operation in Europe
DCI	Defence Capabilities Initiative
D-SACEUR	Deputy Supreme Allied Commander Europe
ECJ	European Court of Justice
EDC	European Defence Community
EEC	European Economic Community
EPC	European Political Co-operation
ESDI	European Security and Defence Initiative
ESDP	European Security and Defence Policy
EU	European Union

EUPM	European Union Police Mission
GAC	General Affairs Council
IGC	Intergovernmental Conference
IGC	Intergovernmental Conference
IPTF	United Nations' International Police Task Force
MAPE	Multinational Advisory Police Element
NATO	North Atlantic Treaty Organisation
NPT	Non-Proliferation Treaty
NRF	NATO Response Force
OSCE	Organisation on Security and Co-operation in Europe
PoCo	Political Committee
PPEWE	Policy Planning and Early Warning Unit
QMV	Qualified Majority Voting
RRF	Rapid Reaction Force
RRM	Rapid Reaction Mechanism
SDI	Strategic Defence Initiative
SEA	Single European Act
SHAPE	Supreme Headquarters Allied Powers Europe
WEU	Western European Union

CHAPTER 1

INTRODUCTION

The Saint Malo Declaration of December 1998 constitutes, probably, the most important milestone in the history of European political co-operation. The issues, which emerged from Saint Malo Declaration, were located at the centre of European deliberations on how to deal with the European security and defence and therefore the declaration itself turned out to be the micro plan of the formation of European Security and Defence Policy (ESDP) in terms of its institutional structure, functions and also the development of military capabilities. The remarkable point is that, having accomplished the integration at economic and political levels, now that the formation of a security and defence policy would provide the European Union (EU) with the necessary means to act as an actor in international scene and therefore increase its credibility.

The importance of the Saint Malo also stems from its signatories, namely France and Britain, which are two leading military powers of Europe. Despite their clear differences and visions as regards the European security and defence co-operation, they were able to mark a turning point in the history of European Integration Process by reconciling their views. In this sense, this thesis regards the Saint Malo Declaration of 1998 as a break point within this process and therefore it

tends to categorise the history of European co-operation in security and defence realm as "before" and "after" Saint Malo.

In order to indicate the significance of Saint Malo, it is crucial to evaluate the developments in European political co-operation that took place in pre-Saint Malo period. This thesis attaches utmost importance to the developments before Saint Malo since it will try to analyse the tendencies and the continuities within the framework of political co-operation in European Community (EC) and then European Union.

Within this context, Chapter 1 examines the attempts of the Western European states to establish a political co-operation, notably in foreign policy, security and defence issues starting with the end of WWII until the end of 1980's. Having realised that the wars brought grave economic, political and social problems to the European continent, the Western European states initiated, in the first place, the establishment of economic and then security co-operation together with various plans to sustain the peace and stability. This process was largely shaped by the Cold War circumstances within which the two superpowers, Soviet Union and the United States (US), struggled to extend their sphere of influences in Europe. While the United States got involved in the reconstruction of security and defence architecture in Western Europe and have assured the alliance of the Western European States, Soviet Union extended its political control over the Eastern Europe. Within this context, both sides were able to maintain a "common threat perception" and act accordingly.

The first important attempt came with the signing of the Dunkirk Treaty in 1947. During the 1950's the most remarkable but abortive initiative was the plan to establish the European Defence Community (EDC). This was indeed overtaken by the

establishment and strengthening of North Atlantic Treaty Organisation (NATO), which turned out to be the central security and defence organisation in Western Europe. As a consequence, the relationship between the Member States of newly established European Economic Community (EEC) and the United States dominated the European security agenda. The very fact NATO was key to the European security and defence stemmed from the strong American commitment and dominance to NATO in both political and financial terms. During 1960's despite the fact that there occurred challenges to the American existence in Western Europe, notably "independence" rhetoric of France from Americans, neither they did suffice to alter the existing status quo nor the other European states supported the French position. In addition to this, although the EEC could develop instruments, notably in foreign policy, this was related to its Common Commercial Policy (CCP). In this sense, it will be argued that, the co-operation in EEC was realised merely in economic realm and the security and defence co-operation was kept apart from the institutional framework of EEC, notably realised within NATO, which indicated the "civilian power" nature of EEC. Late 1960's witnessed the emergence of European Political Co-operation (EPC), which was launched by the Davignon Report. The EPC was a mechanism based on the mere political consultation of the Member States on various questions of foreign policy. During 1980's there were efforts on the one hand to strengthen the EPC, which was consolidated in the Single European Act of the EC and on the other to revitalise the Western European Union, a largely defunct organisation due to lack of military capabilities, which was established in 1954.

At this point this chapter argues that first, the political cooperation attempts in EC largely depended on various national, as well as international factors, particularly the dynamics of transatlantic relations. Second, it emphasises that from the beginning of European Integration Process, the intergovernmetalism has been the framework within which the political cooperation has been carried out in EC, which persisted until the end of 1980's. This framework has been modified in both institutional and legal terms according to the changing intra-Community and international circumstances. However its fundamental nature remained intact, which privileged the Member States and their orientations within political cooperation process within the EC.

The end of the Cold War constituted a real challenge both to the Member States of the EC and the enduring transatlantic relations. It compelled the EC to redefine its position in the newly emerging international system and formulate a new arrangement for political co-operation. Within this context, Chapter 2 tries to evaluate the extent of the importance of the historical factors in shaping the new European security and defence architecture. By the same token, it continues to analyse the evolution of European foreign and security policy starting with the establishment of Common Foreign and Security Policy (CFSP) through the Maastricht Treaty of 1991 until the issuing of Saint Malo Declaration in 1998. It will also include the innovations, which were brought by Amsterdam Treaty of 1997. At that instance, it will be argued that the 90's witnessed the attempts to incorporate the security and defence issues into the political cooperation, which was a remarkable step on the part of the EU Member States. The Member States of the EU have consolidated what was

brought with EPC, including the mechanism of diplomatic co-operation, the exchange of information and network of communication, and also introduced new procedures for the CFSP.

Simultaneously, the EU Member States got engaged in new arrangements with the United States for a new European security and defence architecture, including the redefinition of the roles and responsibilities in international system. Then, this chapter also elaborates the concept of European Security and Defence Identity (ESDI), which was introduced as a mechanism to provide the Europeans with access to NATO's assets in order to contribute both to the existing Alliance and share the responsibility in global security problems. At this point this chapter will try to indicate that as the context of international system changes, it requires transformation in the nature of transatlantic relations.

Considering these developments, Chapter 2 asserts that the step towards a common foreign and security policy for the European Union has been one of the important developments in the history of European Integration Process. It is notable that the declaration of CFSP as the successor of EPC and the intention to form a common defence policy brought some changes in political and legal terms, which were solidified in both Maastricht and Amsterdam Treaties. It is argued that these changes did not alter the fundamental nature of the political co-operation and the CFSP remained essentially intergovernmental. Secondly, it is the assessment of this chapter that one of the important features of the political co-operation in the European Union is that of "incrementalism". In fact, the political co-operation is deepened through the gradual emergence of institutional and political structures. In other words,

the political co-operation within the EU is based on a cumulative way of framing the necessary institutional and political mechanisms. The underlying theme is that the incrementalism is the way through which the institutionalisation is carried out within the framework of the EU in foreign policy, security and defence co-operation. The EU Member States could achieve progress in this field by taking small steps based on a constant bargaining process at the end of which diverging national interests and preferences are accommodated.

As noted at the beginning, 1998 marked a remarkable step for the establishment of, this time, a common security and defence policy for Europe. The proclamation of the Saint Malo Declaration has opened a new era for the political co-operation in the European Union, notably in security and defence realm. Then, it is the aim of Chapter 3 to analyse, first the precise nature of the agreement between France and Britain, which took around Saint Malo. At this point it will be argued that there has been a process of constant framing and reframing of the policy preferences and objectives on the part of both France and Britain as regards the European security and defence issues conditional upon the changing international circumstances. Along with this, chapter 3 indicates how the historical factors compelled especially Britain to revise its policies in relation to European security and defence co-operation, which in turn culminated in the establishment of the ESDP. Therefore, it is assessed that, as the CFSP was born out of historical factors as the successor to EPC, the ESDP owes its existence to dramatic events and changes in Europe.

Then, this chapter tries to assess the very meaning of Saint Malo basing on the wording of the declaration itself and argue that such a political declaration- which was

initially neither legally nor morally binding- has been reproduced in the official documents of the European Union and subsequently incorporated into the framework of the Treaty. It is the aim of this chapter to point out how an informal and non-binding text has been legalised and integrated to the *acquis* of the EU. Within this context, this thesis attempts to evaluate the documents and core texts on European Security and Defence including the EU, WEU and NATO declarations, summits and ministerial councils and tries to follow the trajectory of the Saint Malo Declaration.

This chapter also focuses on the nature of emerging institutional structure and the nascent military capabilities of the ESDP and try to identify why the Member States tended to keep firm control over the decision-making process and implementation of the decisions. Within this framework, it will be argued that the emerging institutional, political and military mechanisms required accommodation of the interests and the respective positions of the EU Member States. In this sense, it is the contention of this chapter that despite a number of political and legal modifications, the intergovernmental nature of political co-operation remained intact. This phenomenon represents continuity within the framework of political co-operation in the European Union, which was further consolidated and readapted by the arrangements initiated by the Saint Malo Declaration.

This chapter also includes the analysis of the affects of post-Saint Malo developments on the perceptions and policy implications in the United States. It is emphasised that primary objective for the United States was to prevent the Saint Malo Declaration to drive a verge between the US and Britain and to develop strategies to make use of this move in their own interests. Therefore it is argued that, Saint Malo

initiated a new deal between the United States and the Europeans and required the accommodation of American interests to rebalance the transatlantic relations. In this sense, Saint Malo is regarded as one of the most important episodes within the process of Euro-American engagement.

The period corresponding to post-Saint Malo witnessed substantial progress in European security and defence realm. However this progress was accompanied by various debates on the nature and the future of ESDP. There were rising concerns over the ESDP and associated institutional and military structure in the sense that they could, pose a threat to the very existence of NATO, which is key to the collective defence of Western Europe. This chapter tries to contend that, ESDP poses a threat neither to NATO nor to the US. It is an instrument through which the Europeans could deal with security problems both in their own continent and the world.

CHAPTER 2

HISTORICAL BACKGROUND: THE EVOLUTION OF EUROPEAN POLITICAL CO-OPERATION

The Saint Malo Declaration of December 1998, adopted by British Prime Minister Tony Blair, and French President Jacques Chirac was the starting point for much of what has happened since in European security and defence co-operation.[1] However, before analysing the developments of the recent years, it is worth reviewing the progress made and the debates about the configuration of the security and defence arrangements during the previous 50.

2.1. The 1950's: the Beginning of Post-War European Integration and Early Lessons for European Community

The story of European collaboration in security and defence dates back to the pre-European Union period. With the end of the WWII, the need to build security and defence arrangements in Europe became ever more apparent which would serve for the prevention of any further prospect of war. In this crucial period, two primary issues dominated the security agenda of Western Europe. The first issue was the so-

[1] Gilles Andréani, et.all., "Europe's Military Revolution", The Centre for European Reform, London, 2001, http://www.cer.org.uk/pdf/p22x_military_revolution.pdf (accessed on 13 May 2002), p. 17.

called German rearmament problem. The question of how to constrain Germany in order to prevent it to pose a threat to European security while integrating it into Western Europe took over the discussions on the post-war settlement. The second issue was the onset of the Cold War and the emergence of the Soviet threat thereof both to Eastern and Western European societies. These concerns compelled both the Europeans and the United States to cooperate in European security and defence field.

The first step in this direction was the Treaty of Dunkirk, signed between France and Britain in March 1947. The Dunkirk Treaty served as a foundation for a more expansive arrangement, which was agreed to a year later. The Brussels Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, created a regional defence organisation, the Western European Union (WEU), involving Belgium, Britain, France, Luxembourg and the Netherlands. It is also worth noting that while the Brussels Treaty is remembered for its defensive provisions, it also recognised that Europe's security could only be provided for by parallel efforts in the economic and social spheres.[2] The Protocols to the Brussels Treaty, modifying and completing the Brussels Treaty were signed in Paris on 23 October 1954.

However, it was evident to all the members of the newly established WEU that the Europe's security and defence could not be guaranteed without American assistance. It was also apparent to the American side of the inability of the Europeans to ensure their own security and defence from an external military threat especially in the face of the Cold War circumstances. This prompted the signing of another treaty;

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[2] Simon Duke, *The Elusive Quest for European Security: From EDC to CFSP*. (London: Macmillan Press Ltd., 2000), p.14.

the North Atlantic Treaty, which would end up in the establishment of the North Atlantic Treaty Organisation (NATO) whose main aim is to safeguard the freedom and security of its member countries by military and political means.[3] More importantly, NATO was established to secure and strengthen the transatlantic link through its mechanisms.

In fact, European allies were keen on providing their own continent with the security and defence requirements. Apart from the German rearmament process, there were also several factors, which made this a matter of urgency: the dramatic military force disparities between a disarming west and Soviet Union, the 1948 Berlin blockade and a coup in Czechoslovakia and the outbreak of war in Korea on 24 June 1950.[4]

Then the 1950's witnessed the attempt of the newly established European Coal and Steel Community (ECSC) to launch co-operation in security and defence field.[5] Until the mid-1950's, the European security co-operation was pursued as an integral part and parcel of the European Integration Process. Within this framework, security and defence co-operation as well as economic co-operation were to culminate in a

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[3] The North Atlantic Treaty Organisation (NATO) Official Home Page, http://www.nato.int (accessed on 12 April 2003)

[4] Duke, *op.cit.*, p.15.

[5] The Treaty of Paris established European Coal and Steel Community (ECSC) in 1951as a supranational entity to manage the steel and coal sectors. ECSC had six Member States: France, Germany, Italy, Belgium, Netherlands, and Luxembourg.

European federation.[6] Therefore building of a European Defence Community (EDC) would follow the same lines as the ECSC[7], since the ECSC was successfully established with the delegation of national sovereignty and consequently decision making competence to supranational institutions in this field. In this sense there was sanguinity that the achievement of integration in one field could be transferred to other fields. In the second half of the decade, European security co-operation emerged as a means of achieving other goals such as incorporation of West Germany into Western defence, seeking ways to overcome the financial and technological constraints on the independent nuclear programmes of Britain and France. Apparently these were not necessarily linked to the goal of European integration as a whole. The turning point, which divided the first period from the other, came with the failure of the European Defence Community Initiative in 1954.[8]

As regards the incorporation of West Germany into a feasible European security structure, the United States and the Western European Allies were in favour of NATO solution to German rearmament problem with the exception of France. The European Defence Community, which was initiated by France, aimed at preventing the German rearmament within NATO and the creation of a common defence of

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[6] Gülnur Aybet, *The Dynamics of European Security Co-operation, 1945-1991*. (London: Macmillan Press Ltd., 1997), p. 69.

[7] This is the pattern of functionalism- spill over effects of institutionalisation and integration from narrow technical fields to the domain of high politics.

[8] Aybet, *op.cit.*, p. 69.

Europe, which would comprise a European army under the political institutions of Europe.

Although the EDC Treaty was signed between France, Belgium, Germany, Italy, Luxembourg and the Netherlands in 1952, it has never entered into force, because the French National Assembly itself voted against it in 1954. The rejection of the EDC Treaty led to the rearmament of Germany within the Western European Union and culminated in NATO, the pluralistic organisation based on intergovernmentalism and member-state autonomy. With its classical alliance guarantees of defence co-operation, NATO developed durable structures for integrating military forces. In doing so it reclaimed Germany as a politically acceptable ally.[9]

Some argue that it would be an oversimplification to view the failure of the EDC as a "missed opportunity" to set up a genuinely European defence: the resulting European army –without British participation- would have been assigned to NATO and put under American, rather than European, command. It would have been a common army without a collective European political authority.[10] In this sense, the participation of Britain in European security and defence collaboration is very significant. Because any development in European security and defence is inconceivable without the commitment of Britain, which is one of the leading

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[9] Holly Wyatt-Walter, *The European Community and the Security Dilemma, 1979-92.* (London: Macmillan Press Ltd., 1997), p.61.

[10] Andréani, et all., p. 18.

military powers in Europe with a nuclear arsenal and the capacity to project power by deploying large forces abroad.

The EDC included the blueprint for a "political community", and certainly the creation of the joint European military structure, which would have major implications in the foreign policy and security domain. Then the stillborn Defence Community thus remains the first key event in the development of a common foreign and security policy for the EC.[11]

The 1950's were "testing ground" for post-war European integration. Attempts at European Integration Process resulted in an increased awareness of the boundaries imposed on European security integration on the part of the Western European States. The failure of European Defence Community proved that within this post-war framework, Western Europe could not integrate to the extent of forming a federal establishment dealing with high-politics such as foreign policy and defence maters, or a European army independent of NATO.[12] Then the integration in security and defence field took another form, which is the European security and defence *co-operation*[13] and began to follow a different path from the European Integration Process itself.

[11] Christopher Piening, *Global Europe: The European Union in World Affairs*. (Colorado: Lynne Rienner Publishers, Inc., 1997), p. 32.

[12] Aybet, *op.cit.*, p.70.

[13] Emphasis mine

2.2. The 1960's: the Failure of European Defence Community (EDC) and the Assertion of the Alliance

The EDC' s failure led to the establishment of an alternative, economic route toward European integration: the European Economic Community (EEC) and the project for a common market.[14] But the setting up of the EEC did not prevent one more French-inspired effort to give the Community more of a political character. The so-called Fouchet Plan negotiations from 1960 to 1962 were based on French President de Gaulle's preference for an intergovernmental rather than a supranational approach to European co-operation. The plan proposed a European Union as delineated by the term "a union of states". Under the union of states proposal, European Union would be directed by a council composed of the heads of state and governments.[15] While the goal was to add a political dimension (which would have included foreign policy) to the more economic and trade-oriented approach of the EEC, the excessively intergovernmental character of the proposal led to its being rejected in 1962. All of the Six except France were concerned that the Fouchet Plan would turn the Community into "une Europe des patries", a Europe of Nations.[16]

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[14] Treaty of Rome established the European Economic Community and the European Atomic Energy Community in 1957.

[15] Richard G. Whitman, *From Civilian Power to Superpower?*. (London: Macmillan Press Ltd., 1998), p.75.

[16] Piening, *op.cit.*, p.32.

As a matter of fact, the 1960's saw the eventual marginalisation of the WEU and the shifting of the locus of the European security co-operation from within the WEU to the NATO. NATO turned out to be the "main security and defence forum" for Western Europe and consecutively Western European security defence efforts began to be subordinated to the American leadership.

The WEU was "born at the cross-roads of European construction and Atlantic solidarity."[17] Almost from the outset the WEU was viewed with suspicion. It did not have a supranational foundation for European unity that the EDC could have been, nor did it completely incline towards federalist lines. It was not a defensive alliance in the traditional sense since it lacked any integrated military structures; it had no common defence budget. The WEU was therefore destined to be "NATO's junior sibling" from the start.[18]

This situation in turn led to the beginning of the debate of "transatlantic imbalance" between Western Europe and the US in terms of military power[19] and "burden sharing" within the context of the level of the commitment of the United States and the Europeans to the defence of Western Europe. What is interesting is that, after more than four decades, this debate is being made in virtually the same terms with a focus on effective burden-sharing and more European self-sufficiency without duplicating the efforts taking place within NATO framework.

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[17] Duke, *op.cit.*, p.39.

[18] *Ibid.*, p.39.

[19] Aybet, *op.cit.*, p.93.

2.3. The EC's Foreign Policy and Security Initiatives in 1970's and 1980's

2.3.1. The 1970's: Emergence of European Political Co-operation (EPC)

Following the failed attempts at political union in the 1950's and 60's, the efforts to increase the EC's profile in the fields of foreign policy and security continued in the 1970's.[20] These initiatives were prompted by both internal dynamics from within the community and external ones. At this point it is plausible to argue that, searching for a single rationale behind the attempts of the Member States to form a kind of political co-operation will be flawed. These efforts should be analysed from intra-Community perspective, but more important than that, the individual domestic political contexts of Member States and the international circumstances. In internal terms, there were several reasons, which impelled the EC states to search for the basis of a common foreign policy. The EC by now had experienced its first enlargement, with the accession of Britain, Ireland and Denmark in 1973. A newfound flexibility was evident in the foreign policy of Member States, most notably in West Germany, under the leadership of Willy Brandt, elevating the policy of *Ostpolitik* to normalise Germany's relations with the East.

Other EC members such as France believed in a common approach to foreign policy in order to anchor West Germany firmly in the West. Hence, at the EC summit

[20] *Ibid.*, p.126.

held in The Hague in December 1969, it was decided to develop closer political coordination as well as the enlargement of membership.[21]

While some argue that the emergence of the EPC was a result of evolutionary European premise and goals, and therefore "did not require an American catalyst"[22], the emergence of EPC should also be analysed from the perspective of the transatlantic relations as one of the external factors in contributing to the materialisation of foreign policy co-operation among the Member States. Because, although the Transatlantic Alliance has become the status quo in US-European relations starting from 1950's, some members of the Community-especially France and to some extent Germany- has already started to question the principles upon which the Alliance was based and the pre-eminence of the US over the Alliance. France and US had different visions for transatlantic relations. Especially under de Gaulle government, NATO -under the US leadership- was seen as an obstacle to France's independence in international relations and therefore France was pushing for a reform within the Alliance. In addition to this, Americans were in a process of strategy change, which is manifested in a shift from massive retaliation to flexible response.

This attempt resulted in the withdrawal of France from NATO integrated military structure in 1966. At the same time, it was also a very sensitive issue for the Western European governments who wished to promote mutual co-operation in order

[21] *Ibid.*

[22] *Ibid.*, p.127.

to decrease dependence on the United States without encouraging the Americans to lose interest in the security of Europe.[23] Then EPC turned out to be a political response to the United States in the face of rising divergences in transatlantic relations.

In addition to this, the Community's rapid economic growth and its Common Commercial Policy (CCP) had implications, which required that common decisions should be taken *vis*-à-vis third countries.[24] Various commercial and co-operation agreements concluded during the first decade of the Community's existence generated to a large extent demands and expectations of the third parties which viewed the European Community as a major international economic and political actor.[25] However, the EC was in difficulty in translating its trade power into political power and influence. Because the EC Member States were hesitant to address political issues or to devise a coherent foreign policy agenda, this resulted in more and more problematic external relations. Some common polices were introduced such as the Mediterranean Policy and the negotiation of the Lomé Convention.

These had political objectives but were pursued through economic instruments. Both sought to provide a voice for the Community in international economic affairs, but without recourse to the political instruments of traditional

[23] Wyatt-Walter, *op.cit.*, p.101.

[24] *Ibid.*, p. 33.

[25] Andreas Kintis, "European Union and IGC: The European Union's Common Foreign and Security Policy: Transition to a Single Foreign Policy?", 1995, http://www.psa.ac.uk/cps/1995/kint.pdf (accessed on 2 October 2003), p.1.

foreign policy negotiation. Therefore there was need for a substantial framework for the economic influence of the Community.[26] Then the answer to the political implications of the Community trade policy came in the form of European Political Co-operation once again.

At this point, it is possible to argue that the distinctive aspect of the attempts of the Member States to form a political co-operation also stems from the fact that they needed to achieve their national foreign and even security policy goals. Through a Community mechanism, namely EPC, they would have the chance to raise issues that were important for their national interests and could achieve certain policy objectives. Especially France with ambitions to have the leadership role in Europe but lack of necessary political, economic and military means to realise these ambitions was in favour of the establishment of European Political Co-operation. Britain, which had strong and special ties with the United States, could also increase its voice in EC affairs through making use of EPC framework.

The Davignon Report, which was approved in October 1970, instigated the European Political Co-operation (EPC) process. The Luxembourg Plan of July 1970 had established a political consultation framework within which meetings of the foreign ministers or a Conference of the Heads of State were provided. In addition to this the Political Committee was created for heads of political departments. In 1973, the delivering of the Copenhagen Report culminated in the establishment of the "principle of consultation" among Member States on important questions of foreign policy before taking decisions.

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[26] Wyatt-Walter, *op.cit.*, p. 33.

Unlike previous attempts at political union, the EPC was a very loosely formed arrangement, which was not based on a treaty, and did not have any structure or institutions. The EPC was completely separate from the formal EC structure. In addition to this, the very fact that the EPC was developing in the shadow of the Cold War led to the exclusion of the security and defence issues from its agenda. In the face of the subordination of WEU, the Alliance was the place in which the discussion of and the co-operation on the issues relating to the security and defence of Western Europe could take place.

In practical terms, although there were some success in coordinating the positions of Member States on subjects such as the Conference on Security and Co-operation in Europe (CSCE) in the sense that the Member States and the Commission worked closely in the negotiations leading up to the Helsinki Final Act of 1975 resulting in a steadily increase of the EC's profile in international affairs-even if the EC could hardly be described as a decisive partner- the early record of the EPC was not remarkable. For example, attempts to co-ordinate EC actions as regards the sanctions against South Africa met with resistance and actions that were undertaken with regard to Arab-Israeli relations –issuing the Venice Declaration in 1980 recognising the right of Palestinians to a homeland- appeared to have no visible effect. Furthermore, these attempts, especially towards Middle East, contributed to Euro-American discrepancies. This may well reflect the early sign of different perspectives towards the Middle East of the US and European states.

The oil crisis of 1973 was, to some extent, a turning point for EPC as the EC became involved in political dialogue to resolve the economic crisis, indicating the

futility of separating economic issues from the political.[27] The EPC's low point reached with its confused and piecemeal response to the Soviet invasion of Afghanistan in 1979. The early 1980's declarations of martial law in Poland, followed by the invasion the Falkland Islands by Argentina, and the invasion of Lebanon by Israel, all demanded a concerted response. Responses, as noted earlier, tended to take the form of economic sanctions, as in for example, those imposed on Argentina, which more often than not merely illustrated that the community was unable to muster the necessary collaboration to effectively enforce them.[28]

2.3.2. The 1980's: The Revitalisation of the EC

1970's and the beginning of 1980's witnessed a crisis in Western Europe. It was a period of turbulence disrupted by numerous economic, political and security problems. The pace of European integration was also at stake. The internal dynamics within the EC also affected the relations with the United States. The rising concerns about American monetary, trade policies and reluctance to consult with its allies over nuclear issues and arms control arrangements that were taking place with the Soviet Union were central issues in this period.

Then 1980's saw an intensification of debate within the institutions of the Community and its Member States about the future direction of the European

[27] Kjell A. Eliassen, "Introduction: The New European Foreign and Security Policy Agenda," in *Foreign and Security Policy in the European Union*, K.J. Eliassen (ed.), (London: Sage Publications, 1998), p.4.

[28] Duke, *op.cit.*, p.65.

Integration Process and, the political role that the EC should assume. The Genscher-Colombo Plan of 1981[29], made a series of proposals designed to widen the scope of EC responsibilities and improve the decision-making structures.[30] The plan, which was designed to strengthen the EC institutions' competences, enhance the security co-operation and to promote a direct linkage between the economic and political aspects of the EC's work, was not welcomed by the Member States. In the same year, some improvements, outlined in the London Report, were made to the EPC, including the creation of a troika (the present holder of the rotating presidency together with the immediate past and future members and the Commission) to assist the Presidency in representing the EC, and provision for co-operation between Member States in third countries and at international organisations.[31]

In 1983, "the Solemn Declaration on European Union" was agreed upon which further strengthened the role of the European Council, by giving it the task of issuing general guidelines for the EPC and the Presidency of the European Council, by giving it the "powers of initiative, of coordination and the representation in relations with third countries". It emphasised on security, claiming, "by speaking with a single voice in foreign policy, including the political aspects of security, Europe can contribute to the maintenance of peace". Finally, the declaration established the link

[29] Hans- Dietrich Genscher and Emilio Colombo were foreign ministers of Germany and Italy respectively.

[30] Piening, *op.cit.*, p.35.

[31] Fraser Cameron, *The Foreign and Security Policy of the European Union: Past, Present and Future* (Sheffield: Sheffield Academic Press Ltd., 1999), p.18.

between political co-operation and the co-ordination of positions of Member States on the political and economic aspects of security, "to promote and facilitate the progressive development of such positions… in a growing number of foreign policy fields".[32]

2.3.3. The Single European Act: Institutionalisation of EPC

The breakthrough for the EC's foreign policy efforts came in December 1985, with the agreement on the Single European Act (SEA). Actually, the Luxembourg, Copenhagen and London reports together with the Solemn Declaration on European Union were transformed into a legal text within Article 30 of the SEA.

The SEA provided that the Member States would undertake to pursue the joint formulation and implementation of a European foreign policy. Therefore the commitment of the Member States to consult and co-operate in foreign policy became a legal obligation.[33] The Commission remained associated with the policy making process and (along with the EC presidency) was given the job of ensuring that there are no inconsistencies between EC policies and existing Community policies in external affairs. The European Parliament was also associated, though in a purely consultative role.

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[32] Duke, *op.cit.*, p.64.

[33] Helen Sjursen, "The Common Foreign and Security Policy: an Emerging New Voice in International Politics?", 1999, http://www.arena.uio.no /publications/wp99_ 34. (accessed on 15 April 2002)

In fact the framework and the apparatus of political co-operation, including security and defence co-operation, were contentious issues for the Member States. Despite the fact that they have different visions, the framework within which the political co-operation has been carried out, persisted until the end of 1980's. This framework, notably intergovernmetalism, has been modified with the changing of the international circumstances, notably the end of Cold War, and the dynamics both within the Community and in transatlantic relations. Nevertheless the Member States were inclined to keep its essence through which they could prioritise their national interests. Thus, it is worth reflecting on the actors/ institutions and the policy-making processes, procedures in European foreign policy making due to the very fact that "the machinery of political co-operation" remained intact and is still the same under the Common European Foreign Security and Defence Policy (CESDP), which rests on the Common Foreign and Security Policy (CFSP), created by the Maastricht Treaty. The European Council[34], which was composed of the heads of state and government of the Member States, was given the highest responsibility to provide guidance and foreign policy initiatives. The Council of Ministers meeting in the framework of political co-operation were assisted by the Political Committee, which was made up of senior foreign ministry officials (the "political directors") from the Member States. The Political Committee was to prepare the meetings of the ministers and to maintain a continuity of contact and remain up-to-date with current events. Although the Commission was to be present at EPC meetings and at the meetings of

[34] The European Council is not a Community institution.

the Political Committee and it's working groups, its role was confined to those aspects of EPC discussions with a Community dimension.[35]

Then most EPC business was carried out by the Political Committee, which was aided by a group of junior officials called European Correspondents. A secure telegraphic network (Coreu) was established to facilitate communications between the partners.[36]

In that case EPC was a "closed" system, not open to normal EC scrutiny because in origin EPC "was a private club, operated by diplomats for diplomats, and some of that same ambiance has persisted to this day." [37]

The Single European Act also acknowledged that EPC could cover the coordination of the positions of Member States on the "political and economic aspects of security" but military issues remained out of area. Finally, SEA has formalised the existence of a Political Co-operation Secretariat, which was separate from the Council Secretariat, with the task of "assisting the Presidency in preparing and implementing" the activities of EPC. By limiting the power of the secretariat severely, especially France sought to guarantee that the intergovernmental character of political co-operation.[38]

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[35] Piening, *op.cit.*, p.36.

[36] Cameron, *op.cit.*, p.17.

[37] Martin Holland, *European Union Common Foreign Policy: From EPC to CFSP Joint Action and South Africa*. (London: Macmillan Press Ltd., 1995), p. 1.

[38] Duke, *op.cit.*, p.71.

2.3.4. The Intergovernmental Nature of EPC

The EPC was an intergovernmental framework for pooling information across foreign ministers at both the diplomatic and political levels and represented a modest form of foreign policy co-ordination.[39] In fact the intergovernmental base of EPC is a deliberate choice on the part of the EC Member States, which is reflected, in both the institutional structure and the decision-making processes of the EPC.

The Member States created the “EC/Community method” within which the Community institutions have the authority to take legally binding decisions for foreign economic and trade policies; while establishing the “EPC method” for consultation and coordination in foreign policy sphere with the purpose of separating EC policies and practices from the EPC.

The division of EC/EPC was also manifested in the establishment of the “European Council of Heads of State and Government” in December 1974 with the function of considering both EPC and EC issues. Because, The European Council, which was never an EC body, was to be (and still is) the dominant intergovernmental “umbrella” under which all EC/EPC business was eventually conducted and given direction. Among other functions, the summits were supposed to set EPC guidelines,

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[39] Alain Guyomarch, et.all., *France in the European Union*. The European Union Series. (London: Macmillan Press Ltd., 1998), p.116.

coordinate EC/EPC policies and make declarations on European foreign policy issues.

The intergovernmental nature of political co-operation was further emphasised throughout SEA. In Article 30(1) of the SEA the Member States were still referred to as "High Contracting Parties" (not EC Member States) delineating their resistance to surrender their predominant role in issues of "high politics", which reaffirmed the "*de jure* intergovernmental character" of EPC. According to Title I of the SEA, while the EC was based on the EC Treaties, the EPC was founded on its various reports and the "practices gradually established among the Member States". The reference given to the EPC in the SEA was within the limits of "co-operation in the sphere of foreign policy" in the hopes of forming "a European foreign policy" rather than a *common* foreign policy.[40]

Regarding the decision-making process in EPC, there was no system of voting or weighted votes as in the EC. The EPC was run by the general principle of consensus. There was neither an institutional framework nor enforcement mechanisms to implement the decisions taken.

Thus EPC was institutionalised but not formally communautairised with the SEA. It essentially codified existing practices in an attempt to clarify and preserve

[40] Michael E. Smith, "The Europeanisation of European Political Co-operation: Trust, Transgovernmental Relations, and the Power of Informal Norms" Political Relations and Institutions Research Group Working Paper, 1996, http://www.ciaonet.org/wps/smm01/ (accessed on 7 October 2003)

what had been achieved.[41] EPC was based on customary rules, which were continually renewed and revised.

It is argued that the attractiveness of EPC stemmed from its intergovernmental character, which gave participating governments, the final say based on the consensus of all. The EPC was not designed to subordinate the national diplomacy; the Member States were allowed to pursue both collective and individual national foreign policies. In the early years of EPC, governments could even ask for certain topics to be excluded from discussions within EPC on the grounds that they fell within their *domaine réservée*.[42] Then the EPC did not produce a shift in the loyalties from the national to the European level; it left foreign policy untouched as one of the key domains of the nation state.[43] Therefore, the *communautarisation* of EPC -its incorporation within the Treaty- was not advocated; EPC and EC activities continued to be legally separate.[44]

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[41] Smith, *op.cit.*

[42] Guyomarch, et all., p.116.

[43] Elfriede Regelsberger et all., *Foreign Policy of the EU: From EPC to CFSP and Beyond*. (Colorado: Lynne Rienner Publishers, Inc., 1997), p. 68

[44] Holand, *op.cit.*, p.21.

2.3.5. The Rise and Fall of Western European Union

From the mid-1980's, when the European governments began to think about the coordination of a foreign and security policy- especially in the face of almost non-existent security element of the SEA, the solution to the problem seemed to be best solved via the Western European Union that could gradually become the security arm of the EC. There were several factors behind the decision to reawaken the WEU. First, it was the only European security and defence institution common to most EC Member States. Besides, it successfully exempted defence and security issues from the EC. Second it was all apparent to the Member States that the European integration would be incomplete so long as EPC process did not include security and defence dimensions.

Third, a series of disputes between the US and its allies encouraged a search for European security co-operation within the Community itself. For example, differences in Middle East Policy between US and the EC Member States in 1973, the increasing reluctance of the US administrations to consult the European allies on various issues such as the Reagan administration's decision to engage in far-reaching defensive programme namely the Strategic Defence Initiative (SDI) without allied consultation in 1983, had the effect of distancing the US from its European partners.

Disagreements featured in other non-security areas of transatlantic relations as well, such as the GATT Uruguay Round.[45]

The fourth reason for the reason behind the WEU's revival was France's position within the Alliance. As France withdrew from the integrated military command of NATO in 1966, it was searching for the ways to influence the security and defence issues of Western Europe. Thus to government of France, the prospect of a French-led European security initiative was an attractive policy option. In the face of increasing US domination over the Atlantic Alliance, France was further concerned with West Germany's increasingly independent policy towards Central and Eastern Europe as well as Britain's close relations with Washington.[46]

The fifth reason for the WEU's revitalisation is that by the 1980's especially with the Helsinki process, the meaning of the security was being transformed in the sense that "human rights" dimension was included to the European security dialogue. Thus this phenomenon prompted the need for a broader, Europe-oriented, security platform outside the Atlantic Alliance.[47]

The sixth, and final, reason for the reawakening of the WEU was the continuing disputes within transatlantic relations over the burden sharing issue. However behind the idea of revitalisation, there was no inherent aim to use it as a

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[45] Duke, *op.cit.*, p.74.

[46] *Ibid.*, p.75.

[47] *Ibid.*, p.76.

mechanism to replace the Alliance. Rather it was seen as a means of securing a more distinctive and more effective European input.[48]

> The initiative came in the form of French proposals for trilateral security discussions between France, Britain and Germany. The actual reawakening of the WEU, took place during a series of meetings in 1984-1985. At a meeting of the WEU Ministerial Council in Rome on October 1984, accompanied for the first time by the seven WEU Foreign and Defence Ministers, the ministers reaffirmed their commitment in a declaration to the promotion of progressive unity. They also declared that that they "were conscious of the continuing necessity to strengthen Western security and specifically Western European geographical, political, psychological and military dimensions." All resolved to make "better use of the WEU framework in order to increase co-operation between the Member States in the fields of security policy" whilst acknowledging that, "the Atlantic Alliance… remains the foundation of Western security."[49]

However the "rebirth" was hampered by three factors. First, the WEU had no intergovernmental organs with which to facilitate joint reflection, let alone action. The innovation of "involvement of Foreign and Defence Ministers" by the Rome meeting partially remedied this deficiency.[50]

Secondly, not all the Member States' visions of the revival of the WEU were the same. Britain and Netherlands were concerned that a revitalised WEU could be a potential challenge/ alternative to NATO and would prefer to see WEU "as a forum for defining European defence priorities *within*[51] NATO". For France, a revived

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[48] Geoffrey Howe, "The European Pillar", *Foreign Affairs* 63:2 (Winter 1984-85) p.341.

[49] Duke, *op.cit.*, p.75.

[50] *Ibid.*, p.76.

[51] Emphasis original

WEU would be a mechanism through which it could have a voice or claim leadership in security affairs of the Community. Germany saw the WEU "as a humiliating arena given its historical legacy as the institutional symbol of defeated status and therefore would not approve the revival until the discriminatory terms relating to the manufacture of conventional weapons were lifted."[52]

Lastly, as a part of its rebirth, the WEU also began to assume an active military role, most notably during the Iran-Iraq war. Beginning in August 1987, the WEU members began to pay more attention to matters outside the Alliance, thus highlighting one of the differences between the Modified Brussels Treaty and the Washington Treaty. Unlike the Washington Treaty's Article 6, the WEU has turned out to cross the geographical restrictions on "out of area" operations which were imposed on it by treaty. However the lack of any unified command and control together were the limitations of the WEU military collaboration.[53]

At this point, it is also vital to point out to the lack of military capability on the part of the WEU. WEU has been never provided with the military forces under its direct command and always been reliant on NATO.

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[52] Wyatt-Walter, *op.cit.*, p.120.

[53] Duke, *op.cit.*, p.78.

CHAPTER 3

REINVIGORATON OF EUROPEAN SECURITY AND DEFENCE IDENTITY

3.1. The 1990's: the End of the Cold War and the Transformation of European Order

During the early and mid-1980's, when the Member States of EC were indulged in strengthening of the political co-operation and establishing an eventual common foreign policy for the European Community, the international system within which the European Political Co-operation operating was still being characterized as bipolar one. The Member States were content with the status quo and there were yet few signs that sudden changes could take place in international scene.[54] By the time the Single European Act came into force in July 1987, however, Europe has started to experience a "political earthquake". The revolution in Eastern Europe, which was symbolised by the fall of the Berlin Wall, was the starting point of what has occurred in Europe since then.[55] The disintegration of the Communist bloc and subsequent

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[54] Christopher Piening, *Global Europe: The European Union in World Affairs*. (Colorado: Lynne Rienner Publishers, Inc., 1997), p.38.

[55] Simon Duke, *The Elusive Quest for European Security: From EDC to CFSP*. (London: Macmillan Press Ltd., 2000), p.25

demise of the Soviet threat signified the end of the Cold War, which was a real defining moment in international relations.

The very fact that the Central and Eastern European countries felt a security and power vacuum after the breakdown of the Warsaw Alliance coupled with economic and social instabilities inclined them towards the Western Europe which was manifested in the assertion of their primary goal as "return to Europe".[56] However, as Duke argues, the primary reason behind their search for closer relationships with Western Europe was the security.[57]

With regard to the Western Europe, these dramatic changes that were taking place in its neighbourhood necessarily had an impact on the institutions such as WEU, NATO and the EC**.** A new order was in the process of formation with its rules, norms and patterns**.** In comparison to the rigidities of the past, new uncertainties prevailed; new levels and issues of security came to the fore and new complexities challenged decision-makers.[58] Therefore, began a venture within which these institutions entered into "a process of political reconstitution" to redefine their roles, the structure of the relationship among themselves and to adapt to the newly emerging political and security configuration in Western Europe.

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[56] Marit Sjovaag, "The Single European Act," in *Foreign and Security Policy in the European Union*, ed. K.J. Eliassen (London: Sage Publications, 1998), p. 25.

[57] Duke, *op.cit.*, p.25.

[58] Fergus Carr, *Europe: The Cold Divide*. (Houndmills: Macmillan Press, 1998), p.50.

3.2. From European Political Co-operation to Common Foreign and Security Policy? (CFSP): Continuity or Change?

3.2.1. The Motives Behind the Formation of CFSP

Evidently, the end of the Cold War created the most important challenges for the European Community in general and for a common foreign and security policy in particular.[59] What is striking is, now that the challenges, including economic, social and security instabilities, were coming from the Western Europe's own neighbourhood towards which the Members of the European Community had limited foreign policy choices and instruments in the past. Then the need to develop a common strategy towards the Central and Eastern European Countries became apparent which in turn necessitated "further and deeper co-operation" in the foreign and security policy realm. It is worth noting that, during this period expectations were growing both within and outside Europe that the EC would in future play central role in maintaining peace and stability in Europe as a whole.[60] Because the dissolution of the Central and Eastern block had coincided with the internal dynamism of the European Community's Single Market

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[59] Piening, *op.cit.*, p.38.

[60] Charlotte Bretherton and John.Vogler, The *European Union as Global Actor.* (London: Routledge, 1999), p.179.

Programme and the EC was called upon to lead the economic and political transition in its region.[61] Moreover there were new destabilising factors such as the flood of would-be immigrants, asylum seekers, Islamic fundamentalism and terrorism, together with the "soft (non-military) security" issues such as environment, human rights and social and economic development, which should be addressed within a multilateral framework rather than bilateral national policies of the Member States.

The attempts to form an intense co-operation in foreign policy and security matters were also dependent on an internal dynamic that is German unification. This problem posed a real challenge to the Members of the EC both in internal terms and external dynamics. The question of German unification brought with itself the concerns, especially for France, that a unified and thus powerful Germany would undermine the so-called Franco-German axis, which operated under the leadership of France. As it was the case at the end of the WWII, the attitude towards Germany turned out to be not isolation but further inclusion within a firm European -this time Union- security framework especially in the face of US support of the unification.

As a matter of fact, the most important external motive behind the attempt to form an effective common foreign and security policy was the long-lasting relations with the United States. Since "the Soviet threat" disappeared and the Warsaw Alliance was disintegrated, it was likely that the United States would be more and more reluctant to its commitment in Europe. In other words, it was

[61] Gülnur Aybet, *The Dynamics of European Security Co-operation, 1945-1991*. (London: Macmillan Press Ltd., 1997), p.158.

apparent that the nature of the US commitment to Europe and its expectations would be redefined. For that reason the relations with the United States began "profoundly but ambiguously" changing.[62] This was already manifested itself in the famous "burden sharing" debate during the Cold War period and later in the reaction to the crisis in Yugoslavia. Therefore there emerged a need on the part of both the Europeans and the Americans to reconsider the commitments to the Atlantic Alliance and to redefine their respective roles and obligations in the formation of the new European security architecture. At this point it is plausible to argue that a common foreign and security policy could be a mechanism within which the Member States of the Union could discuss the terms of the relationship with the United States to redress the balance within the Alliance and to voice their concerns and attitudes towards the global conflicts.

Finally, for many European politicians, there was a tendency to "reconquer" at the Community level through common action, what had been lost at the national level as a result of such powerful actors as European integration, free market capitalism and globalisation. In an increasingly interdependent Europe, especially in economic terms, a CFSP seemed a means of regaining "collective mastery".[63]

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[62] Stanley Hoffmann, "Towards a Common Foreign and Security Policy" *Journal of Common Market Studies* 38:2 (2000), pp. 189-198 p. 190.

[63] *Ibid*., p. 192.

3.2.2. The Gulf War and the Yugoslav Crisis: Lessons for the Member States

While there was an attempt to redefine the norms, rules and the principles of the newly emerging European security architecture in the both sides of the Atlantic, it soon appeared that the preservation and promotion of the regional stability should be primary concern in the face of rising challenges.

The Gulf Conflict starting in August 1990 surfaced the inability of the Member States to take action to the crisis because they were neither able to formulate a common response nor agreed on the use of force. The Community needed, yet lacked, a common view of its security interests.[64] Besides, the Gulf War demonstrated that the European states were dependent on the United States and the NATO in terms of political leadership and military capabilities.

In fact the effects of the Gulf War were threefold: first, it necessitated the incorporation of security and defence issues to the naïve European political co-operation; second it reinforced the idea that rather than having new institutions or designs, both NATO and the EPC/EC should initiate reform processes. However this reform process should necessarily be complementary, not exclusive, and third, the response to the Gulf War underlined the need for armed forces capable of implementing Community decisions.[65]

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[64]Arnhild and David Spence, "The Common Foreign and Security Policy from Maastricht to Amsterdam," in *Foreign and Security Policy in the European Union*, K.J. Eliassen (ed.), (London: Sage Publications, 1998), p. 44.
[65] Duke, *op.cit.*, p. 85.

During the Maastricht negotiations, in late June 1991, the crisis in Yugoslavia erupted. At first, this crisis was seen as an opportunity for the Europeans to act and lead the management of the conflict to demonstrate the "actor capability" of their community.[66] However, quite naturally, the European Community could not live up to the expectations. At this point, it would be meaningless to ask whether the EU could prevent the war in Yugoslavia; but it is reasonable to note that, besides the weak EPC treaty, the Member States were not able "to act in a decisive manner."[67] This crisis also brought with it the need for elaboration of new concepts such as self-determination versus the notion of the inviolability of national borders.[68]

Considering performance of the European Community in its management of two crises, there was basically one concrete lesson for the Member States: EPC cannot be accounted for an effective and credible foreign policy making mechanism for the European Community. Because, EPC was a political system based on political declarations without substance and it was lack of necessary military structure and capabilities.

Therefore the Member States agreed that a common foreign and security policy would be discussed during the Conference on Political Union at the 1991

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[66] Spence, *op.cit.*, p.44.

[67] Fraser Cameron, *The Foreign and Security Policy of the European Union: Past, Present and Future*. (Sheffield: Sheffield Academic Press Ltd., 1999), p.32.

[68] Duke, *op.cit.* p.192.

Intergovernmental Conference (IGC) on European Monetary Union and European Political Co-operation starting in Rome in 1990.

3.2.3. 1990-91 IGC: The Battle of the National Policy Orientations

Although it is logical to argue that the uniting of Europe would require common foreign and security policy or even to expect that a common foreign and security policy is likely to have a more weight in the world politics than the various policies of small or medium-seized European nation-states[69] it is probable that if dramatic changes had not occurred in Europe at the end of the 1980's, the vision of EPC would have remained untouched or would be modified slightly. Therefore, it is reasonable to contend that despite the intra-Community factors, the endeavour to provide the Union with an effective and coherent foreign and security policy mainly dependent on exogenous factors; notably the end of the Cold War and the changing dynamics of transatlantic relations, a tendency, which was also the case for pre-Maastricht period. These changes, along with French pressure, demanded an immediate response that guaranteed the foreign and security policy would be included in the purview of the IGC.[70]

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[69] Dieter Mahncke, "Reform of the CFSP: From Maastricht to Amsterdam" in *The European Union After the Treaty of Amsterdam*, J. Monar, W. Wessels (eds.) , (New York: Continuum, 2001), p.229.

[70] Duke, *op.cit.* p.79.

Prior to the 1990-1 IGC on European Union, the Franco-German axis took the lead again and Kohl and Mitterand wrote a letter, addressed to the President of the Rome European Council. It asserted that the "foreign policy and common security would have the vocation of extending to all areas" and "political union should include a true security policy that would in turn lead to a common defence". The letter also included the proposal to create a common security policy within the political union and to form a more concrete relationship between the political union and the WEU.[71]

Belgium, Greece, Italy, Luxembourg, and Spain were all for the Franco-German proposals, which included the establishment of CFSP with a common defence and the re-adaptation of WEU as both an integral part and the security and defence arm of the union. Britain, Denmark, the Netherlands and Portugal- on the other hand- were in favour of a political union but at the same time maintaining the NATO as the major forum for the discussion of security and defence issues in Europe. In fact they were sceptical about the weakening of NATO by the establishment of a CFSP with a European defence component, which could also jeopardise the transatlantic relations.

On 4 February 1991, at the first ministerial meeting of the Intergovernmental Conference, France and Germany proposed a Joint Initiative on Establishing a Common European Foreign and Security Policy[72] in order to

[71] *Ibid.* p.86.

[72] It is also known as Dumas-Genscher Initiative.

accommodate the concerns of especially Britain. With this proposal the importance and primacy of the Atlantic Alliance was reiterated. The proposal also stated that "the WEU would become the nucleus of European defence identity but at the same time serve as the European pillar of NATO". Following these initiatives France and Germany drafted a treaty on political union. In the draft treaty, WEU was seen as "an integral part of the process of European Union". What's more, the WEU-NATO co-operation was a matter of strengthening the Atlantic Alliance as a whole "by increasing the role and responsibility of Europe and by establishing a European pillar."[73]

Concerning these efforts to establish a political union, it is clear that France and Germany constitute the engine of the European Integration Process. However, they are well aware of the fact that without incorporating Britain into this process, these attempts could not lead to expected results. In fact this is a kind of tendency within the Union on the part of these three Member States. Whenever Franco-German axis initiates proposals on especially the European security and defence, the "tension" arises on the part of Britain on whether these initiatives would threaten the Atlantic Alliance to which Britain is firmly committed. Although, at first sight, these tensions seem to jeopardise the relations within the Union, in reality, for every step taken, France and Germany try to accommodate Britain, which results in the "co-operation" on that specific issue. Not to underestimate the other Member States, the Union, in fact, is built by the pattern of constant tension and the following co-operation among three.

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[73] Duke, *op.cit.,* p. 91.

Then, during the negotiations at the 1991 IGC, which was opened in Rome in December 1990, a venture to transform EPC into a Common Foreign and Security Policy started. In fact the discussion on CFSP became the dominant matter and the debates concentrated on three issues:

1.the question of supranationality versus intergovernmentalism, including majority voting

2.WEU's role, especially in relation to NATO's role

3.the defence question[74]

Actually the Member States were divided into categories within this debate according to their orientations as the continental "Europeanists" on the one side, the "Atlanticists" on the other and the intergovernmentalists at one side and the federalists on the other. Therefore the IGC turned into an arena where every Member State searched for solutions according to its national foreign policy orientations. There was certainly a disagreement between the intergovernmentalist Britain, Denmark and federalist countries such as Belgium on degree of supranationality that EC institutions would have; and on the role of NATO between the Europeanist France, Germany and Italy that advocated a merger between the WEU and the European Union to make WEU the centre for security and defence policy making in Western Europe and the Atlanticist Britain, the Netherlands and Portugal who wanted the NATO as the key defence institution in Europe.

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[74] Sjovaag, *op.cit.*, p. 30.

3.2.4. Title V of the Treaty on European Union: A Common Foreign and Security Policy?

The following Maastricht Summit in 1991, resulted in the formation of a Political Union, which was constructed upon three separate pillars, and CFSP was placed alongside the Community as the second pillar of the European Union.

At this point, it is relevant to note that, although in minor terms, the innovations brought with the Single European Act of 1985 and the revitalisation of the WEU in the 1987 provided the groundwork for the establishment of the legal and political framework of the CFSP, which was introduced under the Title V of the Maastricht Treaty. The process of institutionalisation of the political co-operation continued with the Maastricht Treaty.

The general objective of the CFSP is specified in Article B, which states that the Union is to "assert its identity on the international scene through the implementation of a common foreign and security policy". As regards the legal scope of the CFSP, according to the Article J.4 of the TEU, it "shall include all questions related to the security of the Union, including the eventual framing of common defence policy, which might in time lead to a common defence". However when making and implementing the decisions in this realm, the objectives that should be pursued are laid down in Article J.1:

– To safeguard the common values, fundamental interests and independence of the Union;

– To strengthen the security of the Union and its Member States in all ways;

– To preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;

– To develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms.

In fact this is an all-inclusive but pretentious list of objectives and it indicates the desire of the EU to act as a visible actor in international fora. Furthermore, it is evident that the Member States realised the need for collective policies covering both economic, social and security issues because the international security is a corollary element to maintain the economic and social stability.

Title V, Article J 1.1, states that, "The Union and its Member States shall define and implement a common and foreign and security policy" which is in contrast with Pillar I that is founded on the Community competence. Although the wording is legally and politically controversial, it refers to the intergovernmental nature of CFSP, which was also the case in the context of EPC. The intergovernmental nature of the CFSP and the power of the Member States thereof are further reinforced by the Article J.8.1 which states that the European Council "shall define the principles and general guidelines for the common foreign and security policy" and the following article that points out that the Council "shall take decisions necessary for defining and implementing common foreign and

security policy on the basis of the general guidelines adopted by the European Council."[75]

Concerning the legal enforcement within the framework of CFSP, it is notable that the European Court of Justice (ECJ) has no jurisdiction over the decisions and corresponding implementations of them[76], a very fact, which –once again- indicates the strictly intergovernmental nature of CFSP. The ECJ is only to ensure that the common foreign and security action does not impinge upon the Community activity under the first pillar of the TEU. It follows from this that the European Union cannot be challenged either for having failed to act in accordance with the objectives stipulated in Article J.1 (2) when faced with a crisis in a neighbouring region, or no joint action is agreed.[77] Then it is reasonable to argue that the lack of enforcement mechanisms to ensure the fulfilment of CFSP principles indicates rather political nature of CFSP.

Article J.1.3 of the Title V of the TEU specifies two instruments to realise the objectives of the CFSP: "systemic co-operation"[78] and "joint action".[79] Article J.2 necessarily constitutes the continuation of the EPC because the

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[75] Article J.8.2.

[76] Article L of the TEU

[77] Florika Fink-Hooijer, "The Common Foreign and Security Policy of the European Union", 1994, www.ejil.org/journal/Vol 5/No 2/art2.html (accessed on 12 March 2004) p.6

[78] Article J.2

[79] Article J.3

systemic co-operation was also the instrument of EPC, which is the exchange of information and consultation among the Member States. Within the framework of CFSP, this co-operation, would then lead to the definition of "common position"[80] by the Council, certainly if there is a common political will to do so. The joint action on the other hand represents an innovation to extend the scope and commitments of EPC. With the Article J.3.1 the Council decides, on the basis of general guidelines from the European Council, whether a foreign policy matter is subject of joint action including its specific scope, duration and the means, procedures and conditions for the implementation of that joint action. Furthermore the joint action should also be in line with the Union's general and specific objectives. However, with the following article, using qualified majority voting (QMV) in the implementation of joint actions turned out to be burdensome.[81]

At this point, it is important to point out that areas to be the subject matter of joint actions were not defined clearly. The dilemma was that the joint action would be decided by unanimity but its implementation, including every specific detail, would be subject to majority voting. As regards the financing of the joint action, the Council will unanimously decide each time when the operational costs are incurred. This complicated voting procedure carried the risk of discouraging the Member States in taking effective actions and thus leading to weak and inactive CFSP.

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[80] Article J.2.2

[81] Article J.3.2

3.2.5. Representation of the EU

It is evident that the Member States aimed at making the EU a visible actor on the international scene through the Maastricht Treaty. Especially the question of who to represent the EU in CFSP matters was an important concern, which was solved through the strengthening of the role of the Presidency that would act as the voice of the EU in international organisations, conferences and would be assisted by the troika.[82] Therefore as in EPC, the troika system would be used for the external representation. Within the context of the Pillar I, which falls under the Community competence, the Commission remained entitled to represent the European Community. As the Presidency or the Member States had the right to speak on the matters under Pillar I, this formula brought with it the risk of isolation or even marginalisation of the European Commission. It is reasonable to note that the Maastricht Treaty failed to accord an international legal personality to the EU. The EC remained responsible to conclude international agreements on behalf of the Member States, certainly for the matters under its competence. Therefore for the CFSP matters, the Member States should make bi-lateral agreements, which were to be subject to ratification process in national parliaments.

[82] Article J.5

3.2.6. Decision-Making Process

The role of the institutions and the procedures in the decision making process are outlined in the Articles J.7, Article J.8 and Article J.9. Under the provisions of Article J.8, the Council of Ministers (the Council) is given the major power in the CFSP realm. As noted earlier, to adopt joint actions, common positions are under the responsibility of the Council. In addition to this, the Council (with the Commission) is in charge of ensuring the consistency and effectiveness in EU's action.[83] The Commission is fully associated with the work carried out in the CFSP and it has a right of initiative, it will not participate in the final decision-making process.[84] Nevertheless the Commission established a new Directorate-General for External Political Relations, to be placed under the Commissioner with special responsibility for the CFSP.[85] The role of the European Parliament is confined to the consultation by the Presidency about the main aspects and basic choices of the CFSP. [86]

The preparation of the CFSP subjects to be dealt by the Council remained - as in EPC- under the responsibility of the Political Committee, which would share

[83] Article J.8.2

[84] Article J.9

[85] Duke, *op.cit.,* p.104.

[86] Article J.7

this responsibility with Committee of Permanent Representatives (COREPER). As an "extra-treaty activity", the EPC Secretariat has been merged with the Council Secretariat.

Taking into consideration the newly established institutional structure, there appeared the problem of the "departmentalisation of security policy making". The security policy making is divided between the WEU, CFSP (COREPER and the Political Directors), the Commission (DG 1A) and the EC (external economic relations).[87]

3.2.7. The Security Aspect of the CFSP and the Role of the WEU

With the NATO Summit that took place in Copenhagen on 7 June 1991 the development of European Security and Defence Identity (ESDI) was acknowledged. The communiqué stated the requirement for "transparency and complementarity between the European security and defence identity as it emerges in the EU and the WEU, and the Alliance".[88] Building on the decisions reached at the Copenhagen, the announcement of NATO's *New Strategic Concept* at the meeting of the North Atlantic Council in Rome in November 1991 made it clear that the ESDI would develop within the Alliance as a means of enhancing the Allies' ability to work together in the "common defence". The idea was to allow EU forces to be separated out from the

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[87] Duke, *op.cit.*, p.105.

[88] Aybet, *op.cit.*, p.185.

NATO force pool in order to undertake a mission with which the US or "the alliance as a whole" did not wish to be involved. ESDI was therefore a facilitating mechanism within NATO, which based on the notion of "separable but not separate" forces. One key feature was the pre-designation of a EU command chain allowing the Deputy Supreme Commander (DSCAEUR), a European officer, to command a EU-led operation.[89] Yet this decision led to a struggle between the various security institutions (primarily WEU and NATO) to claim to be owner of the ESDI.

With this complicated background, the European Council decided on the defence aspect of the European Union. The Member States of the European Community was well aware of the fact that, a "civilian-power Europe" was not capable of confronting the challenges that are posed by the new international system. Then Article J.4 of TEU was designated provide the identity of the EU with the security and defence dimensions.

Article J.4.1. stated that the CFSP "shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence". The WEU was deemed to be "an integral part of the European Union" and could be requested to "elaborate and implement decisions and actions with defence implications".[90] Within this context, first of all, somewhat indirectly, it was acknowledged that the Union already at its

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[89] Jolyon Howorth, "The European Security Conundrum: Prospects for ESDP after September 11, 2001", Policy Paper No 1, 2002, www.notre-europe.asso.fr/ (accessed on 12 April 2003) p.2.

[90] Article J.4.2

present stage could and would take decisions and actions, which have defence implications.[91] Secondly, it is apparent that the Member States agreed that the progress in defence aspect of the EU should incrementally take place.

Thirdly, as the Member States stated their willingness to incorporate the security and defence aspects to their political co-operation, they made a distinction between the security and defence questions. The discussion of the security of the Member States would take place within the EU framework whereas the defence would fall within the WEU and NATO framework. Consequently, QMV was not extended for the actions having defence implications. The following Article J.4.4 stated that the policy of the Union "shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework."

The nine WEU members agreed to a Declaration of the Member States of the European Union on the Role of the WEU and Its Relations with the European Union and with the Atlantic Alliance, which was attached to the Treaty on European Union. According to this declaration, the Western European Union Member States agreed at Maastricht in 1991 on "the need to develop a genuine European Security and Defence Identity (ESDI) and to assume a greater European responsibility for

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[91] Hanna Ojanen, "The EU and the Prospect of Common Defence", Finnish Institute of International Affairs, UPI Working Paper 18, 1999, www.upi-fiia.fi/julkaisut/UPI_WP/wp/wp18.pdf (accessed on 18 February 2003)

defence matters." These decisions included extending invitations to members of the European Union to accede to the WEU or to seek observer status, as well as invitations to European member states of NATO to become associate members.[92] The WEU would be developed as "the defence component of the European Union and as a means to strengthen the European pillar of the Atlantic Alliance". To this end, it will formulate common European defence policy and carry forward its concrete implementation through the further development of its own operational role.[93]

At this point, Duke reasonably argues that the tensions and the confusions about the role and the relevance of the institutions in the Common Foreign and Security Policy stems from the contradictory wording of the TEU and the WEU's declaration. Apart from the intra-institutional uncertainty within the EU as to which institution would make the security policy, the wording further exacerbated the ambiguities about the nature of the ESDI, its relations with the WEU as well as the formation of Common Defence Policy. [94]

As a follow-up to the Maastricht Treaty, the WEU has entered into a process of strengthening its operational role that was first manifested in the Petersberg Declaration of June 1992. The so-called "Petersberg tasks" included humanitarian and rescue tasks, peacekeeping and crisis management and formed the core

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[92] http://www.nato.int/docu/handbook/2001/hb1504.htm (accessed on 23 January 2002)

[93] http://europa.eu.int/abc/obj/treaties/en/entr4b.htm (accessed on 28 January 2002)

[94] Duke, *op.cit.*, p.108.

functions of the WEU.[95] Through this declaration WEU has also undergone new institutional arrangements such as moving its secretariat from London to Brussels and creating the Planning Cell and the Satellite Centre and creating Politico-Military Group in May 1995. De facto, however, WEU was given no military forces under its command and remained dependent on NATO for surveillance, intelligence gathering and long-range transport support.[96]

In 1994, in line with the Article J.4.1, the Permanent Council of the WEU prepared a report on the definition of the Common Defence Policy (CDP). The most important point in this report was that CDP should enhance security and stability by assuring "commensurate the European participation in collective defence, and by active engagement in conflict prevention and crisis management in Europe and elsewhere, in accordance with Europe's importance". The wording of "European participation" implies the ambition to assert the European presence in defence matters.[97] However this position was counterbalanced by the assertion that the WEU's development of CDP would aim to strengthen European pillar of NATO.

The development of capabilities by the WEU to match its aspirations was given a boost by the Brussels Summit of NATO heads of state, January 1994. At this

[95] Western European Union Council of Ministers, Petersberg Declaration, Bonn, 19 June 1992,

[96] Antonio Missiroli, "Towards a European Security and Defence Identity? Record – State of Play – Prospects", in M. Jopp and H. Ojanen (eds.), European Security Integration. Implications for Non-alignment and Alliances, Programme on the Northern Dimension of the CFSP, Finnish Institute of International Affairs, Helsinki, 1999, p.25.

[97] Duke, *op.cit.*, p.122.

summit, it was agreed that NATO assets and capabilities could be made available for WEU operations, in particular through the Combined Joint Task Forces (CJTFs). As a matter of fact, the idea behind the creation of such forces were to upgrade NATO's ability to conduct so-called "non-article five" operations which did not involve the collective defence of the territories of NATO states. However, France thought of making these forces available to WEU operations in order to get access to NATO's communication systems, infrastructure, intelligence and early warning systems which actually came true in June 1996 Berlin Summit. From then, CJTF's were associated with the ESDI, which envisaged the conducting of military operations by the WEU without the US while still having access to NATO's operational capabilities.[98] The European Union first tasked the WEU under Article J.4.2 in June 1996 to ask it to make preparations to undertake evacuation operations of nationals of member states when their safety is threatened in third countries.[99]

In terms of developing the links with WEU, the EU requested the WEU to implement one joint action, involving it in the EU administration of Mostar with a WEU police contingent as an integral part of the EU operation and in Albania in the provision of a Multinational Advisory Police Element (MAPE).

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[98] Helene Sjursen, "Missed Opportunity or Eternal Fantasy? The Idea of a European Security and Defence Policy" in *A Common Foreign Policy for Europe? Competing Visions of the CFSP* J. Peterson and H. Sjursen (eds.), (London; New York; Routledge: 1998), p.40.

[99] Richard G. Whitman, "The New Amsterdam Treaty and the Future of the European Union "The Common Foreign and Security Policy and the Intergovernmental Conference: The Incremental Commutizing of Pillar Two?", Paper presented at the Political Science Association 1998 Annual Conference at the University of Keele, 1998, www.psa.ac.uk./cps/1998%5Cwhitman.pdf (accessed on 26 November 2003)

The European Council identified "joint action" in its Asolo Declaration of December 1991. There were four areas in which members could have security interests in common and therefore might lend themselves to joint action. The spheres were the CSCE process (now Organisation on Security and Co-operation in Europe (OSCE)); disarmament and arms control in Europe; nuclear non-proliferation and, economic aspects of security.[100] However these areas do not belong to the core areas of security, i.e. common defence capability. According to Spence, the areas identified only suggested that the members of the Union would seek to develop a common approach in the field of economic aspects of security (economic sanctions, non-proliferation through export control etc.) and in "soft security" areas such as confidence- and security-building measures within the multilateral framework of the OSCE.[101]

3.2.8. The Nature of the CFSP

There are three points that should be emphasised with regard to the emergence and the development of the CFSP. First of all, the EU Member States did never intend to establish a real *Common* Foreign and Security *Policy* in the traditional sense with the Maastricht Treaty. The CFSP was conceived to be non-comprehensive (not covering all external relations) and non-inclusive (leaving

[100] Duke, *op.cit.*, p.112.

[101] Spence, *op.cit.*, p.50.

Member States in charge of their own foreign policies).[102] In other words, the CFSP did not cover everything that could be "foreign policy" or even "EU foreign policy" such as trade policy, development aid policy. Then, "the application of intergovernmentalism to external foreign and security policy and supranationalism to external economic relations exacerbated the inter-pillar incoherence, a dilemma that was already existent under the EPC".[103]

Notwithstanding, it is important to note that CFSP connotes both different legal, political and moral values and goes beyond the limits of the EPC by including all aspects of security policy with the addition of the European Security and Defence Identity. Therefore the Common Foreign and Security Policy of the EU emerged as more than a *co-operation* in the sphere of foreign policy. This feature was a reflection of a compromise between the diverging national concerns of the EU Member States that gave rise to the inclusion of both communautairen as well as intergovernmental approaches in the working method of the CFSP.[104] At this point it is reasonable to argue that the move from political co-operation to *common policy* did not alter the inherent nature of the foreign and security policy making in the EU. Thus, the nature of the CFSP remained intergovernmental, which is revealed in its definition as a separate pillar of the Union.

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[102] Hugo Payemen, "The EU as An International Player," in *EU in Action* June 2000, www.hcs.harvard.edu/~focus/hugopaemen.html (accessed on 15 June 2003)

[103] Knud E. Jorgensen, "Making the CFSP Work", in *The Institutions of the European Union*, Peterson J. and M. Shackleton (eds.), (Oxford: Oxford University Press, 2002) p.212 and Duke, *op.cit.*, p.124.

[104] Duke, *op.cit.*, p.126.

Secondly, the very fact that the Maastricht Treaty is replete with contradictions and “deliberate ambiguities” indicate, once again, the conflicting national orientations of the Member States in “sovereignty-sensitive” foreign and security policy realm. What is interesting is that the Member States were cognizant of this deficiency. However they were reluctant to define the CFSP clearly, because they knew that for every specific detail it would get more and more difficult to reach a consensus. However, they did not want to aggravate the tensions that have already arisen during the IGC for the sake of creating such a common policy. Therefore they adopted the Treaty literally.

From this point, it is apparent that the introduction of a Common Foreign and Security Policy was a real challenge for the Member States themselves. From a simple and naïve foreign policy co-operation, they endeavoured to step forward to a more advanced foreign and security policy which is at the centre of national sovereign policy making apparatus. Nevertheless, the remarkable progress accomplished by the Member States in this field does not conceal the fact that the CFSP did not inaugurate radical changes, which is manifested in its vague and flexible expressions.

Thirdly, the emergence of the CFSP with its objectives and institutional and political mechanisms revealed one of the important features of the political co-operation taking place with the European Union: the incrementalism. In fact the incrementalism allows the Member States to develop institutions, political mechanisms and objectives in a specific realm by means of small steps, which are results of the compromise of irreconcilable interests. In the case of foreign policy

the pace of institutionalisation started with the EPC and it was followed by the development of the organisational framework, procedures under the CFSP the pillar. What remained intact in this gradual process of institutionalisation is the very nature of the foreign and security policy making; namely intergovernmetalism. It should be pointed out that the Member States still retain and exercise their powers in the field of foreign and security policy within these emerging institutional and political context.[105]

3.3. The Amsterdam Treaty: Another Try

In practice, CFSP did not provide the EU with an identity to be an actor in global politics. In fact the EU has initiated a number of joint actions on issues such as monitoring elections in South Africa and Russia; administrating humanitarian aid in Bosnia, EU administration of Mostar with WEU support, extension of Non-Proliferation Treaty (NPT) and also a number of common positions on former Yugoslavia, (e.g. bans on arms export, flights, investments), Afghanistan, Iraq, Rwanda.[106] Yet these actions turned out to be poorly planned, hard to implement and disappointing both in terms of scope.[107] At the end, these actions amounted to nothing but to quiet diplomacy and did not increase the visibility or credibility of

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[105] Argyris G. Passas and Dionyssis G. Dimitrakopoulos, “The Treaty of Nice, The Presumed End of Incrementalism and The Future of the European Union” in *Perspectives of the Nice Treaty and the Intergovernmental Conference in 2004*, Centre for European Constitutional Law, 2002, www.ecln.net/elements/constitutional_debate/perspective2004/part1/1_03.html (accessed on 04 May 2004), p.2.

[106] Cameron, *op.cit.*, p.44.

[107] Duke, *op.cit.*, p.116.

the Union. The Union was incapable to take action in political crisis involving armed conflicts, which has been proved in conflict in Yugoslavia.

After a lengthy and contested debate and delay in ratifying the Maastricht Treaty, which was completed in 1993, both 1996 IGCs turned out to be forums for reviewing the CFSP issues, especially the CDP and the nature of the EU-WEU relationship.

The Amsterdam Summit of June 1997 resulted in the signing of Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts, on 2 October 1997. In the Consolidated Version of the Treaty on European Union Title V, which incorporates the Treaty of Amsterdam, the provisions on the CFSP eventually appeared in articles 11-29. The title of "Provisions on a Common Foreign and Security Policy" was kept intact.[108]

The main amendments to the CFSP included the areas of redefinition of security and defence responsibilities, institutions, voting procedures and relations with the WEU and other international organisations.[109]

According to Article 12 the European Union's common foreign and security policy has five instruments: *principles*, *general guidelines* and *common strategies* which are decided by the European Council (of Heads of State and Government), *joint actions* and *common positions* that are decided by the Council of Ministers and finally the *systemic co-operation* between the Member States.

[108] *Ibid.*, p.132.

[109] *Ibid.*

Common strategies are new instruments for the CFSP introduced by the Treaty of Amsterdam. However the Treaty does not define the exact meaning of the new instrument but only states in Article 13.2 that common strategies are "to be implemented by the Union in areas where the Member States have important interests in common" decided upon unanimous vote by the European Council. Besides this, the notions of common position and the joint action are defined in the Amsterdam Treaty. Whereas the joint action "shall address specific situations where operational action by the Union is deemed to be required"[110], the common position is "the approach of the Union to a particular matter of a geographical and thematic nature."[111] The basic difference between a common position and a joint action is that a common position delineates a common policy, to be implemented individually and through national means by the Member States (e.g. an embargo), while joint action is, as the name implies, undertaken jointly by the Member States under the "EU flag". (e.g. EU delegation for election observation)[112]

In Article 17 of the Amsterdam Treaty, it was specified that "Common Foreign and Security Policy shall include all questions relating to the security of the Union, including the *progressive* framing of common defence policy, which might in time lead to a common defence, should the European Council so decide"

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[110] Article 14.1

[111] Article 15

[112] D. Mahncke, *op.cit.*, p.241.

which was followed by the condition that "the adoption of such a decision in accordance with their respective constitutional requirements".

Article 11 has added a new objective to CFSP, which is to safeguard "the integrity of the Union in conformity with the principles of the UN Charter". The Member States are committed to "support the Union's external and security policy actively and unreservedly". It also introduced a new obligation for the Member States "to enhance and develop their mutual political solidarity" by working together.[113]

3.3.1. High Representative for CFSP Speaking for Europe

Concerning the institutional amendments, the Amsterdam Treaty introduced a new post and appointed a full-time director, to represent the Union and ensure the "continuity, visibility and efficacy" in CFSP matters.[114] To this end, Javier Solana, then the NATO's Secretary General was appointed to this position and took office on 18 October 1999. The appointment of a persona did not alter the intergovernmental nature of the CFSP process. On the contrary, the High Representative, who will be the Secretary-General of the Council of Ministers, remained under the custody of the Council. Nevertheless, the appointment of Javier Solana is a very positive development given the fact that the troika system

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[113] Cameron, *op.cit.*, p.64.

[114] Article 26

proved to be ineffective and unsuccessful. By this innovation, the famous question of Henry Kissinger was also answered[115]: Javier Solana would speak for Europe. Alongside this, a new EU Policy Planning and Early Warning Unit (PPEWE) was set up under the responsibility of the Secretary General of the Council. Furthermore personnel from WEU were included to this unit to ensure the coherence and effectiveness in making and implementing policies in security and defence issues. However, the relations between the High Representative, the PPEWU, the Council and the Presidency are not clearly defined.

3.3.2. Constructive Abstention: A Form of "Flexibility"

Although the Treaty of Amsterdam increased the use of QMV in the CFSP domain, the unanimity remained intact as the general principle in making decisions. In order to prevent the CFSP being "paralysed" by the need for unanimity, the principle of "constructive abstention" was inserted into the Amsterdam. This principle was to provide the willing Member States with the flexibility[116] to take and implement the decisions in foreign and security matters.

[115] "Who speaks for Europe" has long been the cliché question. As Henry Kissinger, then US Secretary of State, has asked, rather in a humiliating tone, "When I want to speak to Europe, who do I call?"

[116] The introduction of constructive abstention strengthened the idea of a multi-speed and multi-level approach to integration. The multi-speed integration is the term used to describe the idea of a method of differentiated integration whereby common objectives are pursued by a group of Member States both able and willing to advance, it being implied that the other will follow later. After the Treaty of Amsterdam came into force, the use of these instruments was put on a more formal footing with the introduction of the concept of "closer co-operation" in the Treaty on European Union (EU Treaty) and the Treaty establishing the European Community (EC Treaty). The aim of such co-operation is to enable a limited number of Member States that are willing and able to advance further to deepen

According to this principle, an abstaining Member State will not be obliged to apply the decision but shall accept the decision commits the European Union and will refrain from any action likely to conflict with or impede the Union. However, if the Member States abstaining constructively constitute more than one-third of the votes (weighted according to the QMV rules) the decision will not be adopted.

Alongside these arrangements, in Article 23.2 it is stated that if a member of the Council declares that "for important and stated reasons of national policy", it intends to oppose the adoption of a decision to be taken by qualified majority, a vote should not be taken. The Council may, acting by qualified majority, "request that the matter be referred to the European Council for decision by unanimity." In addition to this, QMV will not apply to decisions involving military dimension.

Considering the decision-making process, undoubtedly, the Treaty of Amsterdam maintained and even reinforced the intergovernmental nature of CFSP. The aim behind the introduction of constructive abstention was to increase the Union's capacity to take action. However it is clear that the constructive abstention would not contribute to an effective and coherent CFSP in any meaningful way because of the subsequent "fall back clause" to protect important national interests, as it is the case for critical decisions. This indicates the ambition of the Member States to keep their veto power; in order to prevent a decision being taken that is

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European integration within the single institutional framework of the Union. Closer co-operation must meet a number of conditions. In particular it must: cover an area which does not fall within the exclusive competence of the Community; be aimed at furthering the objectives of the Union; respect the principles of the Treaties and the Community *acquis*; be used only as a last resort; involve a minimum number of Member States; allow the gradual integration of other Member States. http://europa.eu.int/scadplus/leg/en/cig/g4000c.htm (accessed on 18 April 2004)

against their national foreign and security policy interests. Moreover the introduction of the Article 23.2 is seen as a "revival of Luxembourg Compromise" initiated by French President de Gaulle in 1966, which denotes fundamental supremacy of the national interest.[117] Then it remained true that the Amsterdam Treaty maintained that the Member States couldn't be forced to take and implement decisions that they do not want to.

3.3.3. The Incorporation of Petersberg Tasks

The Amsterdam Treaty, by incorporating the Petersberg tasks into the legal framework of the EU, both defined the scope of the tasks under the CFSP and -in a way- strengthened the links between the EU and the WEU. According to Article 17.3, the EU "will avail itself of the WEU to elaborate and implement decisions of the Union which have defence implications". The difference between the words "avail" in this article and "may request" in the TEU implies a subtle shift in the relations between the two organisations.[118] When the EU avails itself of the WEU on the Petersberg tasks, all contributing Member States will participate fully and on equal footing in planning and decision-making in the WEU for the tasks in

[117] D. Mahncke, *op.cit.*, p.242.

[118] Duke, *op.cit.*, p.140.

question.[119] Definitely, the collective defence of the Member States remained under the exclusive responsibility of the NATO.

The proposal by France, Germany, the Benelux countries and Spain to gradually integrate the WEU into the EU has not been incorporated to the Amsterdam. This was basically due to the Britain's firm resentment to the full merger of WEU and the EU, which is in line with its policy of favouring NATO as the main forum for security and defence in Europe. Therefore, the compromise that manifested itself in the Amsterdam Treaty was the commitment "to foster closer institutional relations with the WEU with a view to the possibility of integrating the WEU into the Union" conditional upon the unanimous decision of the European Council and the constitutional requirements of the Member States.

Although there has been a provision, which granted the EU the right to sign formal agreements with third parties, the legal partner would not be the Union as a whole but all of its Member States.[120] Then it is fair to say that the treaty failed to acknowledge the international legal personality of the EU in security matters, which denotes the ability to conclude international agreements.

The Article 28 states that the principle that CFSP operational expenditure shall be charged to the budget of the European Communities and recognizes two exceptions: military operations and when the Council decides otherwise. If expenditure is not charged to the EC budget, it shall be charged to Member States

[119] Cameron, *op.cit.*, p. 66.

[120] Article 24

according to GNP, except the abstaining Member State(s).[121] Moreover as regards the non-obligatory expenditure, the European Parliament has the last say.

3.3.4. The Amsterdam: Status Quo Maintained

As it was the case in Maastricht summit, Amsterdam turned out to be a ground on which the Member States tried to accommodate their irreconcilable orientations. The Amsterdam Treaty was supposed to reform the CFSP. However it did not result in the envisaged revisions to the second pillar. Then the Amsterdam Treaty maintained the status quo by reinforcing the fundamental dynamics of European foreign and security co-operation. As noted by Cameron, it was more like a 10,000-mile service than a new engine.[122]

At this point it is necessary to assess that the trajectory of the institutionalisation in the foreign and security policy realm continued with the Treaty of Amsterdam. It is once again proved that the deepening of political co-operation is an incremental process rather than a radical and rapid one. The Treaty introduced new structures and procedures such as the High Representative for the CFSP, a new planning unit. What is important is the design of these institutions; because the political will of the Member States are translated into policy outcomes within these institutions. Yet, the basic ambiguity is that the institutions, whether

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[121] Cameron, *op.cit.*, p.66.

[122] *Ibid.*, p. 68.

bodies, norms or rules, that are established to ameliorate the perceived defects of CFSP, do not guarantee an effective and coherent foreign and security policy. Nor, the institutional arrangements cannot substitute for the political will[123].

[123] Passas and Dimitrakopoulos, *op.cit.*, p.2.

CHAPTER 4

SAINT MALO JOINT DECLARATION: A WATERSHED IN EUROPEAN SECURITY AND DEFENCE CO-OPERATION

There has not been any breakthrough declaration –it seems- for nearly a decade that had political and strategic impact on the reinvigoration of Common European Security and Defence Policy (CESDP). At the Franco-British Summit in Saint Malo, 3-4 December 1998, British Prime Minister Tony Blair and French President Jacques Chirac agreed on a declaration which played the pivotal role in the formation and gearing up of EU's security and defence policy and was harbinger of the ways in which this formation would be carried out. The incremental emergence of a EU capacity in both institutional (decision-making) and military (force structures) terms is entailed in the Saint Malo declaration. And it is also exactly what has happened after the declaration. A political declaration delivered at the end of a spectacular summit, consecutively, laid the groundwork for CESDP.

Such an important declaration, however, owes its existence to powerful historical factors and the following national foreign and security policy adjustments in France and Britain, Europe's two leading military powers, which in turn determined the path towards the establishment of the CESDP.

4.1. The Perceptions of Britain and France vis-à-vis the European Security and Defence Co-operation

The most important impetus behind the issuing of Saint Malo Declaration came from Britain, which marked the revision of Britain's policies as regards the security and defence co-operation in European Union. Britain was put in a position to revise its policies, albeit due to unexpected historic events.

During the Cold War years, London preferred to work exclusively with Washington in military matters including co-operation on nuclear weapons and sharing of intelligence information. As regards the co-operation in Western European security and defence, it tried to ensure the pre-eminence of NATO in any emerging European security architecture and the pre-eminence of Britain within that NATO-centred framework.[124] Furthermore, Britain was strictly opposed to any kind of European security and defence integration operating in supranational lines.

The British policy of favouring NATO, as the main forum for security and defence in Europe, remained intact with the end of the Cold War. Especially during the negotiations in Intergovernmental Conferences of the EU, Britain primarily advocated an intergovernmental decision-making in the security field on the one hand and the prominence of NATO as the most important defence organisation in Western Europe on the other. Concerning the WEU which turned out to be the locus of the

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[124] Jolyon Howorth, "Ideas and Epistemic Communities in European Security and Defence Policy" *West European Politics*, 27:2 (2004), pp.211–234 p. 217.

security and defence debate with the establishment of the European Union, the British perceived it as a bridge between the EU and NATO, and therefore opposed a merger between the EU and WEU. Britain always feared that any attempt to boost Europe's defence identity, either through a stronger WEU or the EU itself, could impair NATO's military effectiveness, or unnecessarily duplicate its functions.[125] The WEU was also appealing to Britain because of its purely intergovernmental character since Britain was against any degree of supranationality in the security and defence field.

Throughout the second half of 1990's, new developments took place in Balkans where there emerged crisis first in Albania and then Kosovo following Slovenia, Croatia and Bosnia. Tony Blair's intention to formulate a policy on Balkans and lead an active European policy were hindered by the lack of European military capabilities to intervene in crises near abroad on the one hand and the reluctance of the US to intervene in the crisis on the other. Britain was already disappointed with the United States over the discussions on Western policies in the former Yugoslavia when United States announced its doubts about the Vance–Owen plan for Bosnia.[126] In fact, the initial UK inclination was that there would be no need for an autonomous EU military capacity since this could de-link the United States from Europe, which possibly will undermine NATO. However, Britain was now convinced that the US would not be committing to the maintenance of Western European security and

[125] Charles Grant, "Can Britain Lead in Europe?", Centre for European Reform, London, 1998, http://www.cer.org.uk/pdf/p092_britain_europe.pdf (accessed on 14 October 2003) p. 45.

[126] Helen Sjursen, "The Common Foreign and Security Policy: an Emerging New Voice in International Politics?" Arena Working Papers WP 99/34 , 1999, http://www.arena.uio.no /publications/wp99_ 34. (accessed on 15 April 2002).

defence as during the Cold War. There were rising concerns from the American Congress regarding the cost of providing the Western European security. Americans were increasingly voicing the burden sharing arrangements in securing the Europe especially in the face of global security problems, which the US should address. Then, Britain began to consider that an enhanced European military capability, which is different from the ESDI's Combined Joint Task Force arrangements within the framework of NATO, should be established through the commitments of EU Member States to eliminate the risk of isolation of US and at the same time strengthen the vitality of the Atlantic Alliance. Furthermore, Britain came to think that only a genuine European security and defence capacity could reinvigorate the Atlantic Alliance.

Regardless of the historical events that led to Blair's new thinking for an establishment of a defence component for the European Union, Blair has also an ambition to make Britain a more influential member of the EU. In fact Blair and his Labour Party government supported the European Union and wanted to make Britain a real and influential part of it. In the face of the public hostility, Britain had to stay out of the monetary integration, which is one of the most significant components of the European Integration Process.[127] As Grant argues, Blair looked and searched for an area in which Britain had inherent strength and the capability of exercising leadership, which turned out to be security and defence.[128] From that time on, UK's

[127] Philip H. Gordon, "Their Own Army? Making European Defence Work" *Foreign Affairs* 79:4 (2000) pp.12-17 p.14.

[128] Charles Grant, "From Saint Malo to Washington" in *Worldlink* March/April 1999,

position in the EU has been started to transform, which specifically manifested itself in the commitment to the European security and defence. Simultaneously, the involvement of UK triggered concrete and substantial progress in this field, which has not been achieved for fifty years. Not to undermine the commitments of Franco-German couple, Britain is a leading military power, and more importantly has a strategic vision as regards the security and defence of Europe, which makes it one of the significant actors in the EU. Therefore a European Security and Defence Policy cannot be constructed without the involvement of Britain. As long as Britain backs any security and defence proposal within the EU, then the progress follows.

Then, first of all in July 1998, the United Kingdom's Strategic Defence Review spoke for the first time of the "vital role" of the EU's Common Foreign and Security Policy.[129] In October, at an informal EU Summit in Pörtschach, Austria, Tony Blair stated his willingness to develop a common EU defence policy under the condition that "the institutional mechanism" of the defence policy "would not undermine the NATO but be rather complementary to it". Tony Blair has turned out to "cross the European Defence Rubicon", by restarting the debate on the issue of defence component of the European Union. However it is reasonable to argue that if NATO's survival were not proved to be secure in the post-Cold War world through

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http://backissues.worldlink.co.uk (accessed on 28 January 2003)

[129] Jolyon Howorth, "European Integration and Defence: The Ultimate Challenge?" *Challiot Paper* 43, Institute for Security Studies, Western European Union, Paris, 2000, www.iss-eu.org/challiot/chai43e.html (accessed on 22 May 2002), p. 25.

the adaptation of its policies and force structure, Britain would not have initiated the Saint Malo process.

For France, the Atlantic Alliance was key to the maintenance of a stable and secure Europe. Paris had never sought to destroy the Alliance and throughout the Cold War had benefited enormously from its stabilizing effects.[130] What France constantly refused was to be subordinated to the United States, an idea that had its origins in the Gaullist tradition, the President of France during post-war period.[131] It was a proponent of a European security and defence identity operating separate from America. The sentiment of anti-Americanism took many forms, leading to even the French withdrawal from the military wing of NATO in 1966. As a corollary element to this stance, France advocated a new balance within the Alliance to realise "European Europe" as opposed to "Atlantic Europe". In addition to this, given lack of competence of EC as regards the security and defence issues, France attached utmost importance to the WEU for a substantial European role in the continent's defence system.

France, a dedicated proponent of a European identity separate from America, has often been the most assertive of its own foreign policy autonomy, even when this insistence contradicts the positions of its European partners.[132] Consequently it

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[130] Howorth, "Ideas and Epistemic Communities in European Security and Defence Policy", p. 215.

[131] Gaullist tradition of making national foreign and security policy was based on the principles of national independence, nuclear autonomy and the search for *grandeur* which denoted to the notion of primacy of the nation state and a leadership role for France in world affairs. Another priority of de Gaulle was that of controlling Germany through the policies of reconciliation and co-operation through the establishment of Franco-German axis.

[132] Neill Winn, "Towards a Common European Security and Defence Policy? The Debate on NATO, the European Army and Transatlantic Security" *Geopolitics*, 8:2 (2003) pp.47-68 p.54.

constantly favoured an intergovernmental approach through which it may insert its national interests and preferences to the European security and defence co-operation. However, it is ironic that the United States of America was also one of the countries, which benefited from the intergovernmental approach. As the decisions required unanimous approval by the Member States, the United States turned out to have a level of influence over those decisions through advising/pressuring either bilaterally or multilaterally its Atlanticist partners. Then it could guarantee that the EU decisions taken in security and defence realm would be blocked in case they are against its national interests. [133]

Although the end of the Cold War constituted an important challenge to prevailing security and defence policy and perceptions of France, it soon revised its policies and readapted itself to the international environment. France, now aware of the fact that its position to challenge the American supremacy was radically altered with the end of the Cold War, started a process of *rapprochement* with NATO under the President Chirac. In the face of serious crises erupted in Europe, France conceded that only NATO with its capacity for facilitating joint planning and interoperability could manage those crises.[134] What Paris realised was that dealing with Europe's new security needs and establishing France as an important actor on the new security

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[133] Kori N. Schake, "Do European Union Defence Initiatives Threaten NATO?" *Strategic Forum* No.184 (2001) pp. 1-6 p.1.

[134]Jennifer Medcalf, "Co-operation Between the EU and NATO" in *Unravelling the European Security and Defence Policy Conundrum*, Joachim Krause (eds), Studies in Contemporary European History and Security Policy no.11, Germany, 2002, pp. 95-117 p.97.

agenda meant more rather than less engagement with the United States and NATO.[135] Nevertheless, France still maintained the policy of promoting a separate and separable European security and defence identity, now for the European Union, from that of NATO.[136] As regards the WEU, France became aware of the inadequate capability and means of this organisation and constantly proposed a merger between the WEU and the EU. For Paris, abandonment of the WEU, while risky, had the advantage of leading logically to a direct EU military capacity.[137] At this point, it is reasonable to assert that if the French rapprochement with NATO had not occurred as a result of the crisis in Europe, the Americans would not be that much eager to be for more autonomy for Europe and the NATO's June 1996 Berlin Ministerial Meeting were not resulted in decisions for such an end.

Considering the positions of France and Britain as regards the European security and defence co-operation, if the Atlantic Alliance is deemed to be a wide spectrum of allegiances and commitments, Britain and France have definitely inclinations towards the opposite sides of the spectrum: the former is a staunch Atlanticist while the latter is an insistent Europeanist. Then the convergence, which took around Saint Malo, can be illustrated as the movement of two leading European countries on the Atlantic Alliance spectrum towards each other through the adjustment

[135] Robert Ladrech, "Redefining *Grandeur*: France and European Security after the Cold War" in *The Promise and Reality of European Security Co-operation* M. M. McKenzie and P.H.Loedel (eds.), (Westport: Praeger Publishers, 1998), p.92.

[136] Stuart Croft, "The EU, NATO and Europeanisation: The Return of Architectural Debate" *European Security* Vol: 3 (2000) pp.1-20 p.1.

[137] Howorth, *op.cit.*, p.218.

of their national policy stances, albeit without completely shifting their foreign and security policy orientations. What remained intact is that two states are still on the spectrum providing the Alliance with the important security and defence commitments.

While the French responded to Blair's overtures in Pörtschach breakthrough and proposed that the forthcoming Franco-British summit in Saint Malo could become the opportunity for a significant statement on European defence, the British welcomed the efforts of France to move "towards full integration of a restructured Alliance" which were culminated in the declaration of the Saint Malo. The declaration constituted a deal between the two states, which contained both the European and Atlantic elements that satisfied the French and the British. The Saint Malo Declaration includes one reference to the Treaty of Washington, two references to the Atlantic Alliance and four references to NATO. There are also ten references to the European Union, three references to the European Council, and the contentious word "autonomy.[138] It is argued that what France understood from the text was not the same thing as was understood by the British. In any case, Saint Malo merged "the British pragmatism and French strategy"[139] and unleashed a process, which in turn facilitated the launch of the Common European Security and Defence Policy of the European

[138] *Ibid*., p.222.

[139] Jolyon Howorth, "France, Britain and the Euro Atlantic Crisis" *Survival* 45:4 (2003) pp.173-192, p.175.

Union. At this point, it is important to analyse the very meaning of the provisions agreed within the framework of the declaration.

4.2. A Text Analysis

The Heads of State and Government of France and the United Kingdom are agreed that:

1. *The European Union needs to be in a position to play its full role on the international stage. This means making a reality of the Treaty of Amsterdam, which will provide the essential basis for action by the Union. It will be important to achieve full and rapid implementation of the Amsterdam provisions on CFSP. This includes the responsibility of the European Council to decide on the progressive framing of a common defence policy in the framework of CFSP. The Council must be able to take decisions on an intergovernmental basis, covering the whole range of activity set out in Title V of the Treaty of European Union.*

The declaration starts with giving reference to the long-lasting desire of the European Union to be an actor in international scene. It has been realised that an international political identity would be incomplete without a common defence arrangement. Then this provision acknowledges the start of the European defence project, which denotes the competence of the Union to formulate a common defence

policy resting on the CFSP pillar of the European Union. It should be noted that this became only possible with the British decision to lift its veto in providing the Union with the necessary defence capabilities alongside the security arrangements.

In fact the establishment of European Security and Defence Policy is part of the project of building Europe's political identity. Unless there is a European political identity in security and defence matters where challenges and responses are seen as a matter of common concern, the European Security and Defence Policy could not work.[140] In that case, what France and Britain realised was that this requires the accommodation of different national outlooks and expectations as regards the establishment of an operational European Security and Defence collaboration.

While France and Britain are willing to provide the Union with the necessary and legitimate capacity to act in the security and defence realm, they are – unsurprisingly- insistent that the method should be pursued would be intergovernmetalism. There could be no question of formulating security and defence policy through supranational institutions and mechanisms of the European Union, a principle that two states appear to completely convergence around. The sovereign Member States of the European Union should retain firm control over the decision-making processes and their military assets to implement the decisions- albeit in the Union framework. Then the European Council was to take decisions to define the principles and general guidelines and implement those decisions, which was clearly specified in the Title V of the Maastricht Treaty.

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[140] Simon Duke, "From Amsterdam to Kosovo: Lessons for the Future of CFSP", Eipascope 99/2, 1999, http://www.eipa.nl/Eipascope/99/folder_scop99_2/scop99_2_1.pdf (accessed on 19 October 2002), p.3.

The Saint Malo approach to the decision-making, namely intergovernmetalism, is nothing new in EU way of formulating policies in security and defence field. Despite the introduction of institutional and legal changes, intergovernmentalist method of coordination and implementation of decisions remained intact in security and defence realm. Therefore the expression of Saint Malo represents continuity in the nature of political co-operation that has been carried out since the beginning of European Integration Process.

2. *To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises.*

This in fact is the most critical statement of the declaration, due to the insertion of the word "autonomous", which let the genie out of bottle. In that case what was the reason behind the need to use that word? The post-Cold War period provoked greater instability in Europe than had been for fifty years, which was clearly exemplified in the military conflicts of Yugoslavia. The US was reluctant to get involved in Balkan security and the then EC was ill equipped to intervene in conflicts in its own backyard. There was a regional security problem at the heart of Europe and the existing status quo, both institutionally and militarily was untenable.[141] Throughout the early 1990's the Europeans tried to cope with the establishment of a new European security and defence architecture for a stable and secure Europe. There were basically

[141] Jolyon Howorth, "Saint-Malo Plus Five: An Interim Assessment of ESDP" Policy Paper No: 7, 2003, http://www.notre-europe.asso.fr/Policy7-en.pdf (accessed on 12 June 2004), p.4.

two arrangements. The first arrangement was to boost the WEU by granting the necessary institutional and political inputs. It followed that the WEU could emerge as the defence wing of the European Union and also a bridge between the EU and NATO. The second was the establishment of a European Security and Defence Identity within NATO that would let the European forces to borrow military assets from US/NATO. However two arrangements turned out to be unfeasible in the face of inadequacies of the WEU and the practical and institutional difficulties in NATO. At the end, the idea came out that if the EU were to emerge as a serious security actor, it would need to develop *autonomous*[142]capacity, both institutional and military.[143]

Then, the Saint Malo declaration acknowledged the need for such a military capacity for autonomous action for the European Union. As it was the first overt use of that word in any European security blueprint,[144] it led to various interpretations and debates on the future of European Security and Defence co-operation. Some would argue that using the word autonomy indicated the desire of the European Union to have the capability to intervene in crises involving military/security missions where the US might disagree politically. What's more, the inclusion of the word autonomy also led to the onset of a debate of "either EU or NATO" within Transatlantic Alliance. Within this context, the autonomy was interpreted as obliging the Member States to trade off between the priorities of EU and NATO according to their

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[142] Emphasis mine

[143] Howorth, *op.cit*., p. 4.

[144] Jolyon Howorth, "Britain, France and European Defence Initiative" *Survival*, 42:2, (2000) pp.33–55 p.43.

inclinations on the spectrum of Atlantic Alliance as Europeanists or Atlanticists. However, such arguments have serious shortfalls.

First of all it is apparent that, the wording of this provision is a deliberate choice on the part of two Member States that strictly refrained from using the term "independent". At that instance, it would naturally mean the split of the Alliance, which Britain would accept in no way. The autonomy denotes at least a degree of independence, indeed. Then the "capacity for autonomous action" would primarily connote first to the ability to take political decisions and second the sufficient, advanced military and non-military capacity to be operated in the face of international crisis. At that point, the EU would be able to be in a position to decide whether the US/NATO should be resorted.

Secondly, what "autonomy" really implied was the need for a balanced transatlantic relationship. Both Britain and France believed that in order for the European Union to manage the crises, there should be a redefinition of the global roles and responsibilities of the transatlantic partners. However this process of renegotiation of the terms should take place between a competent and autonomous Europe in security and defence realm on the one side and the US on the other. It is apparent that the European powers do not have a plan to become a superpower like the United States. What especially the Europeanist members of the Union led by France constantly argued is to reach a new deal with NATO and US on an equal footing. Then an autonomous Common European Security and Defence Policy of the European Union would act as a political and military instrument of the Member States to respond to the US on the issues of divergence and enable them to act accordingly.

In pursuing our objective, the collective defence commitments to which member states subscribe (set out in Article 5 of the Washington Treaty, Article V of the Brussels Treaty) must be maintained. In strengthening the solidarity between the member states of the European Union, in order that Europe can make its voice heard in world affairs, while acting in conformity with our respective obligations in NATO, we are contributing to the vitality of a modernised Atlantic Alliance, which is the foundation of the collective defence of its members.

The reference to the security guarantee under Articled V of the Brussels Treaty is an indication of the willingness on the part of two countries to make the EU an institution being able to provide its Member States with a security-guarantee, which will in turn foster the solidarity of the Union. Similarly the development of an autonomous European security and defence policy would also underpin and serve for "the vitality of *modernised Atlantic Alliance*"[145]. The modernised Atlantic Alliance connotes that NATO would remain the basis of the collective defence of its member states albeit through the development of a renewed transatlantic link. This does not mean that the European security and defence collaboration within the European Union framework would weaken the transatlantic security and defence ties. On the contrary two states agreed on the necessity that there should be a renegotiation of the terms of transatlantic relationship including the issue of political leadership, management of crisis both across and outside Europe, the burden sharing and the transfer of technology together with the sharing of intelligence reports, especially after the 1999

[145] Emphasis mine

Kosovo crisis, NATO's military operations in former Yugoslavia and growing tensions between the EU and the US over missile defence schemes. Particularly, the political leadership of the United States, which mainly stems from its military superiority, is a contested issue among even the Atlanticist members of the European Union. Then, two states, on behalf of the European Union, wanted to strike a new deal with the United States and see the development of a militarily capable Europe as an instrument through which they can reconcile the conditions of the transatlantic relationship. This negotiation process would inevitably result in a new transatlantic consensus within which a Euro-American balance in terms of influence and responsibilities could be established.

The emphasis on the commitments to the NATO, which is still regarded as the main institution in charge of collective defence of its members, shows that France and Britain are well aware of the fact that any European defence guarantee outside the NATO framework would be divisive both among themselves and with the Americans.[146] At that point, Britain has also considered that the newly emerging European security and defence co-operation would reduce the dependence on the United States in financial terms. Because the EU would assume it global security and defence responsibilities and shoulder the Western defence burden. Then what Saint Malo declaration also initiated was a new search for finding a new burden sharing between NATO and the EU.

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[146] Gilles Andreani, "Why Institutions Matter" *Survival* 42: 2, (2000) pp. 81-95 p.87.

Europeans will operate within the institutional framework of the European Union (European Council, General Affairs Council, and meetings of Defence Ministers).

This statement points out on the one hand to the framework within which the European Security and Defence co-operation would operate. The institutions in charge of formulating policies under the security and defence co-operation would be European Council, General Affairs Council, and meetings of Defence Ministers which further assures that there is no place for the supranational institutions in this realm. The security and defence issues belong to the "high politics" and nothing but the consensus among the sovereign Member States can account for this area. Within this context, it is reasonable to argue that the nature of co-operation in the foreign, security and defence realm in the European Union represents continuity in the sense that, for every step taken towards the development of an effective and competent security and defence arrangement, it was ensured to operate within an intergovernmental framework. This was the case for even the simple EPC procedures, the decision-making process within the CFSP pillar that was consolidated with the Maastricht and Amsterdam Treaties. Now that the European Security and Defence policy was emerging, once more the intergovernmental framework was sustained.

On the other hand, this statement implicitly indicates a distinction between the United States and the Member States of European Union. It is clearly asserted that the Europeans would act within the framework of the EU for a strengthened Alliance; not in NATO. In fact this is a sign of a further realisation by the two states that the only EU as an institutional framework itself can channel the desire of the Member States to

play an autonomous role in defending Europe. This is a vital development in the sense that, now the Europeans voiced their right and need to talk together separately if they were to come forward with a more coherent contribution both to the Alliance and the global security problems.[147] Then with this statement the separate European discussions on the all aspects of European security and defence are legitimised which would inevitably result in a sense of loyalty and political legitimacy.[148]

The reinforcement of European solidarity must take into account the various positions of European states.

The Members of the European Union have different orientations, interests and expectations from the establishment of the European Security and Defence Policy that is deemed to reinforce the European solidarity. Despite Britain moved towards Europe and France approached to the NATO, they are still on the different points of the spectrum: France has traditionally epitomised Europeanism while Britain insistently resorts to Atlanticism. Belgium shares the same vision with France. Germany, a special case to be mentioned, seems to articulate the positions of both France and Britain. On the one hand, being one of the motors of European integration via Franco-German axis, Germany is committed to the development of an autonomous European defence capability in order to "transform the EU in an effective and decisive peaceful power". Due to its inherent weakness in military issues Germany tends to emphasise

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[147] Alyson J. Bailes, "NATO's European Pillar: The European Security and Defence Identity" *Defence Analysis* 15:3, (1999) pp. 305–322, p.307.

[148] Andréani, *op.cit.*, p.82.

"non-military aspects of security" and oppose a "militarised EU". On the other hand, Germany is determined to ensure the primacy and reinforcement of NATO manifested in it desires to sustain the U.S presence in Europe.

There are also the former neutral or non-aligned states: Austria, Ireland, Sweden and Finland. While Holland, Portugal, Spain and Denmark are Atlanticist partners of Britain; Italy could support Atlanticist position, albeit without enthusiasm.[149] This in fact is a general panorama of the attitudes of the EU members towards the European Security and Defence arrangements. What Saint Malo implied in this sense is that the security and defence co-operation could and should only be established based on the consensus of the sovereign member states. It recognized the need for the accommodation of the interests and the placement of national policy autonomies of the EU members within the framework of the European Security and Defence Policy that will be established thereafter.

The different situations of countries in relation to NATO must be respected.

At the time of Saint Malo, membership of existing European security and defence organizations was already specified. NATO had sixteen allies[150] and was preparing, at its "Fiftieth Anniversary" Summit in Washington DC in April 1999, to accept Poland, Hungary, Czech Republic as new members. There were 28 nations in WEU: ten full members[151]; three (and, after April 1999, six) non-EU NATO members,

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[149] Howorth, "European Integration and Defence: The Ultimate Challenge? ", p.44.

[150] Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, UK, USA

[151] Belgium, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, UK

known as “associate members”[152]; four non-NATO EU members (Austria, Sweden, Finland and Ireland) and Denmark which had opted-out from the defence dimensions of the CFSP policy, all with “observer” status; and seven EU/NATO accession candidates from Central and Eastern Europe known as “associate partners”[153] The assumption by the EU of a defence and security remit involved significant changes as against WEU membership: out went core NATO members Turkey, Norway and Iceland; in came neutral Austria, Finland, Ireland and Sweden.[154]

Although this picture of membership to NATO on the one hand and WEU on the other seemed clear-cut, what Saint Malo foresaw was that the emerging European Security and Defence Policy of the European Union, with its institutions and capabilities, would inevitably have consequences and implications on the relationship among the nations which are already committed to the Western European security and defence structure. Since the proposed European Security and Defence Policy would operate not only basing on European but also US/NATO assets, this would give rise to the problems especially in the relations with the Americans and the non-EU members of NATO. Therefore Saint Malo implied the necessity of consultation and dialogue mechanisms on the issues that affect national interests and preferences, for effective European defence missions.

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[152] Turkey, Norway and Iceland, then also Poland, Hungary and the Czech Republic

[153] Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia

[154] Howorth, “Saint-Malo Plus Five: An Interim Assessment of ESDP”, p.8.

3. In order for the European Union to take decisions and approve military action where the Alliance as a whole is not engaged, the Union must be given appropriate structures and a capacity for analysis of situations, sources of intelligence, and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU and the evolution of its relations with the EU. In this regard, the European Union will also need to have recourse to suitable military means (European capabilities pre-designated within NATO's European pillar or national or multinational European means outside the NATO framework).

With this statement, for the first time, the possibility of European military action outside the Alliance framework is declared overtly. Britain and France were already aware, in the face of the crises especially in Europe, that the action of a militarily capable EU outside the NATO framework would be more appropriate. However, the intention on the part of these states is not necessarily to take action without engaging necessary consultations and exchange of ideas with the United States. The Europeans would act on the occasions where the Americans do not want to get involved.

As defence was, for the first time, brought within the scope of EU policy coordination, there was need for functioning institutions. However as the British argued that the institutional architecture in only a part of this defence initiative[155], Saint Malo emphasised the need for strengthening the Europe's military capabilities manifested in a deployable and sustainable armed forces. The EU would also take on "a capacity for analysis of situations, sources of intelligence, and a capability for

[155] Grant, "From St Malo to Washington".

relevant strategic planning, without unnecessary duplication taking account of the existing assets of the WEU and the evolution of its relations with the EU". What this statement means is that the EU would take over the functioning units and consequently the *acqui*s of the WEU. It has been already specified in the preceding Treaties of the European Union that the WEU was the defence component of the EU. However it was not formally integrated to the EU due to the opposition of Britain to such a merger. What Saint Malo announced in effect was that, after all, the evolution of the WEU's relations with the EU ended in the incorporation of WEU into the EU.

With this statement the apparent dichotomy of WEU being "bridge between Europe and USA" has turned out to be abolished which paved the way for on the one hand direct relations between EU and NATO but on the other hand led to the problems in the respective rights and obligations of the associate member states of the WEU.

France and Britain were well aware of the inadequacies of the WEU. Therefore, they agreed that the EU would need to recourse to NATO assets most of which are American equipment assigned to NATO. In this sense, what European capabilities pre-designated within NATO's European pillar referred was the agreements reached in 1996 at NATO Summit in Berlin whereby EU might have guaranteed access to NATO planning facilities, assured access to other NATO assets and capabilities and a dedicated European chain of command within NATO to carry out regional crisis management missions where NATO as a whole would not be engaged (known in the jargon as the "Berlin Plus" process).

Within this framework while France and Britain stated their preference to make use of the mechanisms and access to NATO's operational planning and capabilities they were determined to ensure that the EU would not engage in unnecessary duplication of assets available to NATO or the US.

The phrase of "European national or multinational capabilities *outside the NATO framework*" was added to the declaration at French insistence.[156] With this expression, Saint Malo left open the possibility that the EU could act outside of the NATO context, thus potentially providing an additional EU military capability for Europe such as the Eurocorps alongside/outside NATO.

4. Europe needs strengthened armed forces that can react rapidly to the new risks, and which are supported by a strong and competitive European defence industry and technology.

The enhancement of capability and efficiency of European armed forces tightly depends on the consolidation and rationalisation of a strong and competitive European Defence Industry and Technology. Through a European Defence Industry, the research, development and procurement costs could be reduced. However, the lack of political will to make defence-industry arrangements on the part of Members States coupled with the reduction in defence budgets led to the US market dominance. What

[156] Grant, *op.cit.*

Saint Malo urged was that European defence industries would lose the rest of their market share if they would not follow the American example and consolidate.[157] [158]

5. We are determined to unite in our efforts to enable the European Union to give concrete expression to these objectives.

Saint Malo concretised and legitimised the road for the EU to become an effective international actor with credible military capabilities and to able to autonomously respond to the international crises, which could pave the way for itself to develop into a politically equal partner with the US in dealing with global security problems. Then, at the final instance, Saint Malo indicated the determination and seriousness of the two states to fulfil these objectives.

4.3. The United States and European Defence: A "Yes, But…" Policy

As Saint Malo has reflected the attempt of the European Union–for the first time- to establish a real, autonomous and co-operative European military capability, it was important how the United States would response to this challenge. At this point it is necessary to put forward that, although some argued that the Saint Malo Declaration was agreed upon between Britain and France, with little or no advance notice to

[157] Margarita Mathiopoulos and Istvan Gyarmati, "Saint Malo and Beyond: Toward European Defence" *The Washington Quarterly* 22:4, (1999) pp. 65-76 p.68.

[158] At this point it should be noted that In July 2000 six big defence equipment-manufacturing states (France, Germany, Italy, Spain, Sweden and the United Kingdom) signed a Letter of Intent on defence harmonisation designed to facilitate industrial restructuring and improve European procurement capabilities. This effort, which is basically intergovernmental in nature, was as a major step forward for the European defence market.

anyone[159], this view is flawed. First of all, all the Western European states knew that the history of European security and defence co-operation cannot be seen independent of US. The United States has always a critical place and position in providing the security of Europe through its financial and political contributions. Especially, NATO was and is the main political and military organisation that Americans were able to channel their concerns and commitments. Therefore any security and defence arrangement would not be operational without the accommodation of US views and interests.

Secondly, it is reasonable to suggest that the US would not let any defence plan that could threaten its vital interests in Europe. During the Cold War, stemming from its superior military and political power, United States dominated NATO, which resulted in a type of hegemony over the entire Alliance. Although the end of the Cold War and substantial structural changes in the international system did weaken the rationale for American supremacy in Europe, due to historical events coupled with inadequacy of European military capacity, the US continued to maintain its existence in the continent. Therefore, the US cannot and will not permit any arrangement that could destabilize its existence and weaken the US-European "strategic partnership" which is central to its national foreign and security policy.

From this point, it is clear that the launch of Saint Malo process would have substantial reflections and implications in the United States. Most notably, Saint Malo has implied both a redefinition and rebalancing of the respective roles of Europeans

[159] Robert E. Hunter, "The European Security and Defence Policy: NATO's Companion- or Competitor? RAND Publications, 2002, www.rand.org/publications/MR/MR1463 (accessed on 12 August 2002), p.32.

and Americans within the NATO framework. Besides, the declaration proclaimed the establishment of a security and defence policy with its institutions and military capabilities, which would exclusively belong to the European Union, a completely different model from the ESDI that operated within NATO. Thus, it was inevitable that this development would create tensions and doubts on the part of the United States.

Furthermore the British presence in the Saint Malo process was a matter of concern for the United States. In fact this creates both relief and at the same time tensions on the part of the Americans. They are aware of the fact that the Britain cannot and will not imperil the Anglo-American "special relationship". This relationship on the one hand enabled the British to act as an intermediary between the United States and continental Europe and on the other made it the most "reliable and predictable partner" in Europe[160]. However Americans are concerned that Tony Blair is more and more inclined towards Europe rather than Atlantic Alliance, which may result in policy outcomes that are incompatible with the American interests.

Then, the first and the foremost reaction came from Madeleine Albright, Secretary of State during Clinton Administration, who wrote an article in the London Financial Times in December 1998. Albright warned the European allies on the issues

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[160] Stanley R. Sloan, "The United States and European Defence" *Challiot Paper* 39, Institute for Security Studies Western European Union, Paris, 2000, www.iss-eu.org/chaillot/chai39e.pdf (accessed on 21 December 2002) p.15.

of “strategic delinking, duplication of force structures, and discrimination among interested European States”, which is also termed as “three D’s expression”.[161]

According to Albright, first, the Europeans should not attempt to initiate defence arrangements that could de-link the Americans from Europe. This urge denoted that the Europeans should bring forward their objectives and plans in a transparent manner. It also referred to the more specific apprehension of a “European Caucus” within NATO. This denoted to a possibility that the Members of the EU would appear at the discussion table with a pre-defined stance, which may prevent NATO from working effectively.[162]

Secondly Albright warned that the Europeans should not duplicate what was already provided within NATO framework such as setting up a large group of military planners that resembled SHAPE. Especially in the face of declining defence spending, the Europeans would be wasting money that could be better spent on buying up-to-date equipment.[163] Instead Europe can borrow common assets from NATO if and when the US decides not to engage in a specific mission.

Finally Albright cautioned against the possible discrimination of the NATO Allies who were not members of the European Union, which she essentially implied Turkey. United States was concerned that the “feeling of alienation by the non-EU

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[161] Madeleine Albright, “The Right Balance Will Secure NATO’s Future”, in *The Financial Times*, 7 December 1998, p. 22.

[162] Andréani, et.all, p.31.

[163] *Ibid.*

NATO Members" would create tensions within NATO that could threaten NATO's political cohesion.

These concerns were endorsed by the Clinton administration and formed the "yes, but…" approach towards the European security and defence arrangements. In fact, despite some dissident voices, the Americans are for a European Security and Defence Policy. One of the important American preoccupations with the emerging European security and defence arrangements is the so-called burden sharing issue. Americans are discontent with the inadequate defence spending in Western Europe. Therefore, they are aware of the fact that greater European contribution to the common defence will relieve some of American defence burdens in Europe and strengthen the NATO at both political and military levels. However, what the United States especially concerned is the political power and influence in world affairs. Americans are used to a position of domination in the Atlantic Alliance specifically and in the world generally. In fact the United States exercises power in every field besides the military and political such as technological, economic, "territorial capacity, and resource endowment". Therefore they, undoubtedly, do not want to share the political leadership with the European Union and keep their reservations for any increase in the political power and influence on the part of the EU. So they are insistent on sharing the burden, but not the political leadership with European Union. This, in fact, what fills the rest of their "yes, but…" policy.

The relationship between the Americans and the Europeans is the most critical bilateral relationship in the world politics in responding the global challenges and opportunities. It survived two world wars and is built on "existential interdependence"

both in economic terms and acceptance of core political values.[164] This reality is common to both sides of the partnership. Within this context, despite emerging strains and disagreements within the Atlantic Alliance since the onset of Saint Malo process, these are the reflections of rather the changing nature of the transatlantic relations. Therefore, it is reasonable to argue that the Saint Malo Declaration has opened a new era in the transatlantic relationship and initiated a new ground for co-operation between the United States and Europe More specifically, Saint Malo marked the beginning of the renegotiation of the terms of relations between Europeans and Americans on the one hand and the United States and Britain on the other. This very fact was clearly perceived by the United States and consequently Americans began to redefine their respective positions as regards the establishment of a European security and defence policy by manipulating its bilateral relations with Britain. This resulted in the definition of its relations with the Europeans generally and Britain specifically.

4.4. The Developments After Saint Malo: Enthusiasm and Swiftness

The political process unleashed by first Pörtschach and then Saint Malo created a different but conducive environment for the establishment of a real European Security and Defence Policy. The Franco-British convergence, which took around Saint Malo, turned out to be the motor of the European defence challenge.

[164] Ivo H. Daalder, "The Atlantic Alliance" in *The San Jose Mercury News*, June 24, 2001, www.brook.edu/views/articles/daalder/20010624.htm (accessed on 12 November 2003)

From that moment on the Member States engaged in remarkable efforts to endow the Union with the necessary capabilities to realise the objective of making it play its full role on international fora. The declarations and conclusions to strengthen the common security and defence policy came one after the other by incorporating the preceding ones. The bottom line at this point is that the declarations have such an important place in the history of European integration. Although regarded as non-binding and informal statements, in due course, the provisions of the declarations are incorporated to the founding treaties, which was also the case for the Saint Malo Declaration.

Then, firstly, Vienna European Council of December 1998 welcomed the Saint Malo Declaration by acknowledging that the European Union should be backed by military capabilities.[165] German Presidency Paper of February 1999 came with the options for the crisis management operations within which there has been an option for the autonomous EU/WEU led operations conducted by the Europeans without recourse to NATO assets. On May 1999 in Franco-German Security Council in Toulouse, two countries reaffirmed their dedication to use all the autonomous means necessary to act in the face of crises. The underlying premise in this report was that the Franco-German co-operation believed that these actions would serve for the integration of the WEU within the EU. In addition to this they were pledged to turn Eurocorps into a rapid reaction force that would be tailored for use outside the NATO area and whose headquarters would be available to command international peacekeeping operations

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[165] European Council, Presidency Conclusions, Vienna, 11-12 December 1998

4.5. European Council Conclusions

4.5.1. The Cologne European Council

As Saint Malo went directly to the heart of the European security and included the defence dimension, the immediate logical corollary to Saint Malo was the construction, within the EU, of a European Security and Defence Policy. In this sense the Cologne European Council of June 1999 was the first to concretise the very meaning of the Saint Malo and take first step to common defence policy. The Cologne reiterated the provisions of the Saint Malo Declaration, and incorporated for the first time the every essence of this document to the *acquis* of the European Union. It marked the beginning of the European Security and Defence Policy as a distinctive part of the Union's Common Foreign and Security Policy. [166] In fact, it was the first and foremost aim of the parties of the Saint Malo in that the devising a Common Defence Policy for the European Union. It is worth noting that the avoidance to refer to ESDI was a deliberate choice on the part of the European Union in order to distinguish it from the ESDP.

[166] Antonio Missiroli, "ESDP- Post-Iraq. Building a European Security and Defence Policy: What are the Priorities? " Lecture in the International Seminar for Experts "The Common Foreign and Security Policy of the European Union - What Lessons Can Be Learned from the Iraq Crisis?", 12 - 13 June 2003, The Cicero Foundation, Paris 2003, http://www.cicerofoundation.org/lectures/format_print.htm?article=missiroli_jun03&title=Lecture%20by%20Missiroli (accessed on 14 May 2004)

The Cologne European Council certified the need for the establishment of credible military capabilities and appropriate decision-making bodies for autonomous action, which would lead to a reinforced Common European Policy on Security and Defence. As regards the institutional arrangements, the Cologne set the necessary framework to take decisions. It envisaged

1- the regular (or ad hoc) meeting of the **General Affairs Council (GAC)**;
2- the creation of a **Political and Security Committee (PSC)** consisting of national representatives of the Member States to monitor the development of crisis situations, organise evaluation and forward planning with High Representative's Policy unit and offer policy advice to the European Council[167] which would reside in Brussels;
3- the set up of a new **EU Military Committee (EMC)**, made up of the national chiefs of defence staff or their deputies to give military advice to the Political and Security Committee as well as to provide military direction to European Military Staff;[168] [169]

[167] Howorth, "European Integration and Defence: The Ultimate Challenge? " p. 33.

[168] Andréani, et.all, "Europe's Military Revolution", Centre for European Reform, London, 2001, http://www.cer.org.uk/pdf/p22x_military_revolution.pdf (accessed on 13 May 2002), p. 21.

[169] At this point, it is worth noting that the Chiefs of the Defence Staff or the military delegates representing them are double-hatted with each nation's NATO representative. Howorth, "European Integration and Defence: The Ultimate Challenge? " p. 33.

4- the creation of **EU Military Staff (EMS)** to assist the new committees and ministerial meetings. More specifically it would be a bridge between the EU's political and military authorities and give military support especially during the strategic planning phase of Petersberg crisis-management tasks;[170] [171] (This staff would consist personnel from the WEU) and

5- the set up Planning Cells and Situation Centres

The European Council of Cologne also acknowledged the onset of the process of integrating functions of the WEU which were "necessary for the EU to fulfil its new responsibilities in the area of the Petersberg tasks", with the EU by the end of the year 2000, when the WEU "would have completed its purpose".[172] The evolution of the WEU's relations with the European Union was already refereed in the Saint Malo Declaration. What Cologne European Council made was to formalise the meaning of Saint Malo on the role and the place of WEU in the way ahead the abandonment of WEU in favour of a straightforward relationship between the EU and NATO.

The acknowledgment of the respect for "different status of member-states with regard to collective defence guarantees" was also a clear extension the expression in Saint Malo Declaration in the sense that when the WEU was folded into the EU, the latter's neutral states would not automatically be bound by Article V of the WEU or

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[170] Howorth, "European Integration and Defence: The Ultimate Challenge? " p.33.

[171] In fact, this mission was already identified within the Saint Malo Declaration.

[172] European Council, "Declaration on Strengthening the Common European Policy on Security and Defence", Presidency Report published as Annex III to Presidency Conclusions, Cologne, 3–4 June 1999.

NATO treaties, both of which oblige signatories to defend each other from attack. Finally, the summit also welcomed the efforts of the countries in the Eurocorps—Spain, Belgium and Luxembourg had joined this Franco-German project—to modernise the military forces following the Franco-German summit in Toulouse. Indeed, an adapted version of the Eurocorps headquarters took over command of the NATO force in Kosovo in the first half of 2000.[173]

4.5.2. Helsinki European Council

While the Cologne European Council concretised the institutional framework of the ESDP, which was foreseen at Saint Malo, the Helsinki European Council (December 1999) dealt with the military arrangements. It is no coincidence that, in the face of emerging new and complex institutional framework which was put in place by the successive presidencies, George Robertson, the then UK Defence Secretary, urged that "the institutional re-engineering alone will solve little… you cannot send a wiring diagram to a crisis".[174] Then Helsinki set the target of Headline Goal to provide the EU with the both military and non-military capabilities for peacekeeping, humanitarian or crisis management operations.

[173] Andréani, et.all, p. 22.

[174] At this point it is necessary to assert that the Saint Malo Declaration owes its existence to Robertson who is the main architect of the declaration itself.

Once again, the wording of the Saint Malo was incorporated to the Council Conclusions. The main provision of the declaration, which was to call for a more autonomous European military capability, was envisaged and it was stated that the EU should be able to take *autonomous* decisions in order to launch EU-led operations in response to international crises.[175] The Member States agreed on the so-called "Headline Goal" for military forces, which has become known as European Rapid Reaction Force. To this end, they were pledged to be able to deploy rapidly and then sustain forces capable of the full range of Petersberg tasks as set out in the Amsterdam Treaty, including the creation of up to corps level (up to 15 brigades or 50,000 to 60,000 combat troops) by December 2003. 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 Summit, it was also decided that the military crisis response tools were to be developed and together with the civilian crisis management tools the Union would be able to resort to a range of instruments from diplomatic activity, humanitarian assistance and economic measures to civilian policing and military crisis management operations. With the sprit of Saint Malo, while Helsinki was aimed at the renewing the political will and commitment on behalf of the EU Member States to "upgrade" their military capabilities, it was also assessed that this would serve for a strengthened NATO. Therefore it was stated that the "determination to carry out

[175] European Council, "Presidency Conclusions on Common European Policy on Security and Defence", Helsinki, 10-11 December 1999.

Petersberg tasks will require Member States to improve national and multinational military capabilities, which will at the same time, as appropriate, strengthen the capabilities of NATO and enhance the effectiveness of the Partnership for Peace (PfP) in promoting European security"[176].

Despite the fact that the Helsinki Headline Goal was ambiguous in terms its size and scope, it made huge progress towards the European Security and Defence Policy. Following Helsinki, in March 2000, the institutions that were created in the Cologne, notably the Political and Security Committee, the Military Committee and the Military Staff, began to operate on an interim basis, within the Council of Ministers Secretariat, under the aegis of Javier Solana. The need to use American equipment such as military satellites and transport planes, which are assigned to NATO, made British, French and German governments to give commitments to invest in and buy the Airbus A400M military transport plane. This project also involved Spain, Italy, Belgium, Luxembourg and Turkey, which implied that Europe's governments were serious about improving their capacity to lift military cargo by air.[177]

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[176] European Council, "Presidency Progress Report on Strengthening The Common European Policy on Security and Defence Annex I to Annex IV", Helsinki, 10-11 December 1999.

[177] Andréani, et.all, p.25.

4.5.3. Relations with NATO/US and Non-EU European NATO Members

Helsinki European Council stated the need for co-operation with non-EU European NATO members and other European partners in EU-led military crisis management operations and pledged to ensure the necessary dialogue, consultation and co-operation with NATO, its non-EU members and other countries who are candidates for accession to the EU on issues related to security and defence policy and crisis management. However it stressed that the autonomy of decision-making would be only confined to the Member States within the single institutional framework of the Union. This assessment, in fact, hails directly the Saint Malo in the sense that, it was already stipulated in the declaration that the Europeans would act within the institutional framework of European Union.

A number of non-EU European NATO members (Norway, Iceland and most notably Turkey) with a strong backing from the Americans were concerned with the potential to be discriminated *vis-à-vis* the EU's use of NATO assets. Especially Turkey pointed out to the dichotomy, which emerged with the transfer of the WEU *acquis* that the existing rights of the associate members of WEU were not transferred to the EU. It opposed the terms of EU access to NATO assets and continually vetoed an agreement on EU-NATO relations, demanding that it should be included in the decision-making process of ESDP. It was evident that the incorporation of WEU into the EU would bring juridical problems as such. However EU was strict on its

decision-making autonomy manifested in the denial of any privilege to NATO members outside the EU as well as EU candidates outside NATO.

As regards the relations with NATO/US, it should be noted that the historical factors played the most important role in transforming the European security and defence co-operation both within the Alliance and the European Union. When the Kosovo crisis erupted, the Americans took the lead again and started the NATO campaign in Kosovo in March 1999, albeit with guaranteed commitments from Europe. However the NATO Campaign, the Operation Allied Force, has proved the Americans that Europeans had to rely on the Americans to carry out combat missions. Furthermore the European inadequacy in logistics, command and control, and intelligence became apparent. Both the Europeans and the Americans had their lessons from the changing realities of European security. Still, in order to let the Europeans to engage in security and defence arrangements for Europe, the Americans required several assurances. Americans' primary condition was that the emerging European military capabilities would not challenge to NATO's collective defence role. Furthermore EU would have to limit its new defence identity to the Petersberg tasks in order to avoid discrimination against its non-Allied members; and to guarantee the non-EU Europeans in NATO some degree of involvement within the framework of new defence arrangements in relation to their membership status acquired in WEU.

At that moment the Europeans were settling their own ideas as regards the framework of the new security and defence arrangements in preparation for the Cologne European Council. In this sense there were two simultaneous processes, on

the hand "within Atlantic Alliance/NATO" and on the other "within EU/WEU" which dealt with the European security and defence issues. It is reasonable to argue that, for the first time, the Europeans began to renegotiate the terms of transatlantic relationship and engaged in a new deal with the United States. They pledged to remain faithful to their commitments within NATO in return for American support for the new European Security and Defence Policy. Then the Washington Summit of April 1999 welcomed the historic Saint Malo Declaration and stated "we acknowledge the resolve of the European Union to have the capacity for autonomous action so that it can take decisions and approve military action where the Alliance as a whole is not engaged." According to the agreement between the Europeans and Americans, the communiqué re-emphasised the need for Europeans to strengthen their substantive capabilities without duplication, to respect the "separable but not separate" concept and to provide "fullest possible involvement" for non-EU Allies. It even acknowledged the incorporation of WEU into the EU and recognized "the need for translating an elaborate NATO/WEU *acquis* into equivalent or improved NATO/EU arrangements."[178] What the communiqué also offered within the resolve of Saint Malo was "the presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations."[179]

Six weeks later, the Europeans committed themselves for a defence role. The Cologne Declaration has announced that the EU would give itself the means for direct

[178] Bailes, *op.cit.*, p.316.

[179] Washington Summit Communiqué, 24 April 1999.

military action within the framework of the Petersberg tasks, with or without the use of NATO assets; that the Europeans should strengthen their national, bi-national and multi-national defence capabilities and their defence industrial collaboration to this end; and that measures to set in place the necessary EU assets and decision-making structures – prepared through the Council of Ministers – must be ready for adoption at the end of the year 2000.[180] Helsinki European Council has incorporated the decisions agreed in April 1999 Washington Summit Communiqué that "NATO and the EU should ensure the development of effective mutual consultation, co-operation and transparency, building on the mechanisms existing between NATO and the WEU".[181]

The speed and the smoothness of this process are remarkable especially considering the fact that the Europeans and Americans were in the middle of the hot war over Kosovo. What is more significant is that any European security and defence arrangement is defunct without a deal with the Americans. Now that the US would give a formal blessing to the ESDP via the Washington Summit in return for European support of NATO's operation in Kosovo and the Europeans have followed that. Within this context, Cologne and Helsinki European Councils were all intended to accommodate the concerns and attitudes of the Americans. As a matter of fact, "the United States was the invisible guest at the table of each meetings." [182]

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[180] European Council, "Declaration on Strengthening the Common European Policy on Security and Defence" plus "Presidency Report published as Annex III to Presidency Conclusions", Cologne, 3–4 June 1999.

[181] NATO, Washington Summit Communiqué, 24 April 1999

[182] Sloan, *op.cit.*, p.19.

However, during the early months of 2000, the tensions raised between the British and Americans, on the one hand, and the French, on the other on the issue of structure of relationship between EU and NATO. The Anglo-Saxon view was that Helsinki Headline Goal had to be carried out through a sound co-operation with NATO and therefore NATO and the EU should start discussing how to affiliate new European capabilities with those of NATO. According to them this would both prevent the danger of unnecessary duplication and eliminate the risk of growing EU's defence institutions as competitors to NATO.

The French, on the other hand, insisted that, the newly created EU institutions and mechanisms for the CESDP were not mature enough to engage in equal dialogue with NATO. In fact France who had wanted "for so long and so passionately to construct the CESDP"[183] feared that these new and fragile institutions could be taken over by NATO due to too much contact and at the end be "NATO-ised".[184] However attitude of France was perceived especially by the British media as an attempt to distance Europe from the alliance by keeping the NATO "at arm's length".[185]

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[183] Howorth, "European Integration and Defence: The Ultimate Challenge? " p. 49.

[184] Andréani, G., et.all, p. 26.

[185] Ian Black, "NATO Tensions Delay Plans for EU Force" in *The Guardian* November 2001, www.guardian.co.uk/Print/0,3858,4089579,00.html (accessed on 14 November 2002)

4.5.4. Santa Maria da Feira European Council

At the end, a Franco-British compromise that was reached at the June 2000 EU Summit at Santa Maria da Feira in Portugal released the tensions. Four ad hoc working groups on

- *security* to cover exchanges of information, and the access of EU and member-state personnel to NATO planning bodies;
- *capability goals* to ensure that the EU's efforts to fulfil its headline and capabilities goals, on the one hand, and NATO's own Defence Capabilities Initiative[186], and its Planning and Review Process, on the other, complement and assist each other;
- *EU access to NATO assets and capabilities (Berlin Plus)* and
- *definition of the permanent arrangements to link the EU and NATO* to examine the structures and consultation procedures that should link the two bodies in times of crisis and non-crisis were created to prepare the ground for permanent arrangements between the two organisations. [187]

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[186] Defence Capabilities Initiative was launched at the April 1999 Washington Summit to identify existing overall NATO capacity, to detect needs and gaps mainly on the part of the European side with a special focus on improving interoperability among Alliance forces (and where applicable also between Alliance and Partner forces (NATO Fact Sheet Defence Capabilities Initiative (DCI) December 1999 http://www.nato.int/docu/comm/1999/9912-hq/fs-dci99.htm (accessed on 10 June 2004)

[187] Andréani, et.all, p.26.

The Feira European Council also created the Civilian Crisis Management Committee (CIVCOM) to strengthen policing, civilian administration, and civil protection. A Rapid Reaction Mechanism (RRM) was agreed to in order to facilitate the allocation of resources for civilian crisis management in February 2001. Furthermore, in May 2001 the Secretary-General/High Representative for CFSP Javier Solana announced the establishment of a Police Unit at the Council Secretariat with the intention of strengthening the policing capabilities of the ESDP[188]

The Feira summit of June 2000 identified interim and permanent principles and modalities to allow non-EU European NATO members and other EU accession candidates to contribute to both improvement and management of European capabilities. It was aimed to create "a single, inclusive structure" in which all the non-EU European NATO members and the candidates for accession to the EU can enjoy the necessary dialogue, consultation and co-operation with the EU under the so-called EU+6 format (EU Members States plus 6 non-EU European NATO members) and under a formula EU+15 (EU Member States plus 15 non-EU European NATO members and other EU accession states. Furthermore it re-emphasised the principle of "full respect for decision-making autonomy of the EU and its single institutional framework." However the question of how the non-EU countries would be accommodated into a single and inclusive framework under the restriction of exclusion from the decision-making process remained entirely unresolved.

[188] Giovanna Bono "Implementing the Headline Goals: The Institutional Dimension" in *Unravelling the European Security and Defence Policy Conundrum*, J. Krause (eds.), Studies in Contemporary European History and Security Policy no.11 Germany, 2002, pp.67-90 p.74.

In order to resolve the problem with Turkey, Britain and the US concluded a deal with Turkey in December 2001, the so-called Ankara Document, which based on the guarantee that the EU would not undertake military operations against a NATO member, such as Turkey. Turkey was given a special right to veto on a case-by-case basis concerning the specific EU missions that depended on NATO assets, although the decisions about when and how an external military operation should be carried out would fall to the EU Council of Ministers.[189] Ankara had even won the right to take part in a constitutional convention that will discuss the future of the EU.[190] However Greece blocked the agreement on the grounds that it granted Turkey too many privileges.

At Feira it was also agreed "upon a decision by the Council to launch an operation, 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. Duke argues that, this position seemed to assume that there is more pre-delegated authority to use key NATO assets and was interpreted by NATO and US as a political pressure to release the assets.[191]

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[189] Bono, *op.cit.*, p.83.

[190] Ian Black, "EU's Rapid Reaction Force Gets Go-Ahead from Turkey" in *The Guardian* December 2001, www.guardian.co.uk/print/0,3858,4311815,00.html (accessed on 14 November 2002)

[191] Simon Duke, "From Feira to Nice: *more bonnes paroles*?" 2000, www.http://eipa.nl 2000/3, (accessed on 10 June 2004)

At an informal EU Defence Ministers meeting that took place at Ecouen, France, in September 2000, a precise Catalogue of Forces was discussed. This also included scenarios, which would allow the Member States to cover the Petersberg tasks. These scenarios were *separation by force of the belligerent parties*[192], prevention of conflicts, humanitarian aid, evacuation of nationals. Through these scenarios the Member States redefined the scope of the Petersberg tasks. According to the 1992 WEU Petersberg Declaration, the tasks were confined to the crisis management, including peacemaking, which indicated the low-level nature of the operations. The inclusion of separation of the parties by resorting to force connotes a desire on the part of the Union to engage in high-level military operations.

The following Nice Summit of December 2000 agreed on a revision of the EU treaties, including some articles that deal with defence. In terms of "standing arrangements for consultation between the EU and NATO" it was specified that the NATO Secretary-general should attend the EU General Affairs Council, especially when it consists of the defence ministers, and that the chair of the NATO Military Committee and the D-SACEUR should attend meetings of the EU Military Committee. It also set procedures for regular contacts between the two secretaries-general (the EU's High Representative is also its secretary-general), the two secretariats, the two military committees and the two military staffs; and also between the Political and Security Committee and NATO's North Atlantic Council. [193] In terms of the inclusion of appropriate functions of the WEU to EU, The Satellite

[192] Emphasis mine

[193] Andréani, et.all, p. 28.

Centre and the EU Institute for Security Studies that were part of the WEU have been transferred to the EU.

4.5.5. An Assessment of Institutional Arrangements

European Union has undertaken substantial institutional changes and innovations related to a European security and defence capability between 1999 and 2001. The main objective behind "the intensive round of institutional engineering" was to accommodate the military dimension of security policy within EU decision-making structures. This institutionalisation also emerged from the need to discuss and accommodate various national positions of the Member States and the actors at the European level into the new policy area. What is surprising is that the pattern of incremental emergence of institutions in security and defence area did not account for the European Security and Defence Policy. The institutional developments that took place just after Saint Malo were swift and definite. At this point it is reasonable to note that the speed of institutionalisation in ESDP domain was dependent on the so-called constructive ambiguity that allowed the Member States to agree on the progress at a faster pace than expected. Such "constructive ambiguity" is nothing but an indicative of divergences among the EU Member States over the degree of autonomy to relinquish to the ESDP-related institutions.[194]

[194] Christina V. Balis "The State of European Defence and Security Policy After the Laeken Summit" in *Unravelling the European Security and Defence Policy Conundrum*, Joachim Krause (eds.), Studies in Contemporary European History and Security Policy no.11, Germany, 2002, pp.23-43, p.29.

The emerging institutional structure in the politics of security and defence realm of the European Union was the result of both internal factors manifested in the inter-Member State bargains and trade-offs and external factors. It is worth emphasising that the Member States of the European Union are divided on the contentious issue of the European Security and Defence. In fact each member state tends to form different coalitions on various aspects of this controversial issue according to its political and security orientations. Within the framework of the building of new institutions, norms and values for a Common European Security and Defence Policy, they search for redefining their positions thereof. Then each and every Intergovernmental Conference, summit or even bilateral meetings turn out to be a stage where the Member States come up with proposals to strengthen their national foreign and security perspectives and objectives, and thereby the national autonomies, by entrenching them into the structure of the CESDP. A simultaneous process accompanying this one is the creation of “a hard core” by some leading EU member states that are committed to make the EU a leading foreign, security, and defence actor. This is the way through which the process of European security and defence co-operation –in a way- is carried out. Therefore, at the final instance, the emerging CESDP structure reassures the national policy powers of the Member States while serving for the strengthening of the hard core.

Within this context, the institutions that were decided at the Cologne European Council were largely a product of German Presidency. Coincidentally, the Saint Malo arrangement was handed over to the Germans, who were one of the motors of the European Integration Process via Franco-German axis since the beginning. As

Germans assumed the Presidency of the EU in January 1999, they made use of this opportunity to articulate its own ideas and discourse to the newly emerging European Security and Defence co-operation. In sprit of Saint Malo, first, the German Presidency gently but decisively declared the vanishing of WEU.[195] Second, as Germany was aware that ESDI was never intended to create a real European defence capability, it used the Franco- British initiative to promote European Political Union and create a genuine ESDP. Third, as Germany epitomises “the virtue of a civilian power EU” due to its weakness in the area of military, it dealt with creating new institutions for ESDP, where it could exercise influence over the EU, rather than engaging in the enhancement of European military capacity. Fourth, in line with its national foreign and security policy, Germany underlined the commitments to NATO and need for close collaboration with NATO.

Considering the position of Germany, it is reasonable to state that it was able temporarily to bridge the gulf between the French and the British interpretations of Saint Malo. Therefore German Presidency was crucial and instrumental in taking forward Saint Malo Declaration and turning it into the embryo of an ESDP.[196]

By the same token, during the Finnish Presidency, the level of representation of the ambassadors to the Political and Security Committee was the hot topic on the

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[195] At this point it is important to note that, with this development, WEU was ceased to be seen as the “defence arm” of the European Union. This rhetoric was very popular especially during the mid-90’s but the limited ability, the problematic and unequal status of membership in the WEU led the way to the phasing out of the organisation itself. However, the Article V of the WEU was kept as the French government insisted.

[196] Howorth, “Discourse, Ideas, and Epistemic Communities in European Security and Defence Policy” p.224.

agenda. While France attached too much importance to PSC and advocated "senior ambassador" level in order to lead the debate on European security, Britain was in favour of a low-profile PSC. Then the compromise turned out to be a high-status PSC in return for a military capacity (Headline Goal) in Helsinki European Council.[197] The underlying point in this process is that France, Britain and to some extent Germany were able to establish the consensus to keep political control over the new institutional machinery of the European Union designed for the security and defence domain. On the other hand, this process was inevitable in the face of external pressures of the United States to sustain a genuine military capability.

As regards the operation of the institutions, these institutional agencies together with the High Representative for the Common Foreign and Security Policy would function under the European Council. Moreover, other intergovernmental bodies, notably the Political Committee (PoCo), the Committee of Permanent Representatives (COREPER), the Council Secretariat and the Presidency would have their inputs to this process, despite the Political and Security Committee had subsumed much of the work of the PoCo and COREPER which in turn resulted in a kind of intra-institutional rivalry. In this sense there are four institutions whose functions overlap: the General Affairs Council (GAC), the PSC, the PoCo, and the COREPER.[198]

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[197] Jolyon Howorth, "European Defence and the Changing Politics of the European Union: Hanging Together, or Hanging Separately? *Journal of Common Market Studies* 39: 4 (2001) pp.765-789 p.772.

[198] Bono, *op.cit.*, p.78.

The institutional design of the ESDP initiated the setting up of Brussels-based agencies with the task of coordination and sharing of work and exchange of individual policy positions on security and defence issues. Then it is argued that the establishment of these agencies could bring about Brusselsisation of foreign, security and defence policy at the expense of the national-policy making. However, firstly these institutions are also intergovernmental –based and secondly, the Member States retained their power to make and implement the policies in this realm. Therefore the equilibrium between the Member States and their representatives in Brussels has been maintained within the intergovernmental framework. The intergovernmental form of security and defence policy making has taken a different shape and it has been adapted according to the newly emerging structures.

4.5.6. Military Capacity and the Rapid Reaction Force (RRF)

The agreement to set up a Rapid Reaction Force as a part of European Security and Defence Policy, thanks to Saint Malo, was described as "Europe's Military Revolution"[199] and as breaking the "glass ceiling of Europe's self-denying ordinance on EU access to military competencies."[200] A Rapid Reaction Force for Europe was a quite ambitious project and it was evident that it would lead to a lot of discussions both within the European Union and Transatlantic Alliance. The Feira Summit has

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[199] Andréani, et.all, "Europe's Military Revolution", Centre for European Reform, London, 2001, http://www.cer.org.uk/pdf/p22x_military_revolution.pdf (accessed on 13 May 2002)

[200] Ann Deighton, "The European Security and Defence Policy" *Journal of Common Market Studies* 40:4 (2002) pp.719-741

already committed EU governments to a Capabilities Commitment Conference (CCC) at the end of November 2000. This conference delivered the raw materials (troops, planes, ships) to meet the Helsinki European Council's Headline Goal for the creation of an EU Rapid Reaction Force and repeated the decision that the European Union should be able by 2003 to deploy within 60 days and sustain for at least one year forces which could range up to corps level (60,000 persons). In addition to this, it was stressed that this "does not involve the establishment of a European army". To the Rapid Reaction Force, Britain pledged 12,000 troops and Germany and France made similar commitments, with other member states contributing smaller numbers to make up a pool of 90,000-120,000 EU troops from which a maximum of 60.000 troops would be drawn for any one mission.[201] The Conference decided that during the Nice Summit a mechanism would be maintained on how to run the forces. It was emphasised that this mechanism would be based on the principles of "preservation of the EU's autonomy in decision making". In other words, the countries outside the EU are welcome to contribute with troops and material to the EU force, but all the decisions will be taken solely by the European Union. Then the defence planners started to identify deficiencies and gaps, which need to be filled before the RRF can acquire military credibility.[202]

[201] George Jones, Michael Smith and Andrew Sparrow "Britain Pledges 12,000 to Euro-Army" in *Daily Telegraph* 21 November 2000.

[202] Jolyon Howorth, "The European Security Conundrum: Prospects for ESDP after September 11", Policy Paper No 1, (2002) www.notre-europe.asso.fr/ (accessed on 12 April 2003), p.4.

From the moment on the emergence of the idea of RRF two parallel assertions have been made. The first is that RRF will emerge collapse of NATO. The second is that it constitutes a European army. The first criticism was already pronounced by Strobe Talbott, US Deputy Secretary of State, when he cautioned that

> We would not want to see an ESDI that comes into being first within NATO but then grows out of NATO and finally grows away from NATO, since that would lead to an ESDI that initially duplicates NATO but that could eventually compete with NATO.[203]

After that, William Cohen, the then US Secretary of Defence, urged during the Nice European Council Summit in December 2000 that the "NATO may be a relic of the past." Although the EU has constantly reaffirmed the primacy of NATO and stated that the EU will avoid the unnecessary duplication of the existing assets under NATO, the US was concerned that the European Security and Defence Policy and European RRF could turn out to be a rival institution, which would make NATO a relic. The American apprehension was that the development of armed forces within EU could both lead to diversion of attention and create a shift in the allegiances from NATO to EU.[204] At this point it is relevant to argue that the efforts on the part of the European Union to establish their military forces capable of responding to crises do not necessarily lead to the demise of NATO, even to a break away from NATO. The development of European Security and Defence Policy denotes to the changing nature of the NATO and the transatlantic relations.

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[203] Strobe Talbott, "America's Stake in a Strong Europe", Remarks at a conference on The Future of NATO, The Royal Institute of International Affairs, London, 7 October 1999.

[204] *Daily Telegraph*, "America tries to Stop EU going it Alone on Defence" 2 December 2000, www.telegraph.co.uk/news/main.jhtml?xml=%2Fnews (accessed on 14 November 2002)

In fact it is an ever-changing relationship at all due the transformation of the context of the international environment. The end of the Cold War, the crises and wars in and outside Europe, the international terrorism had all its effects on the functions of NATO and the nature of the transatlantic relations. However, what is not changing is the alliance with the United States. No one side wants to break up the Alliance. Therefore as NATO readapted itself to the new international situation and invented new roles and responsibilities in 1990's, the transatlantic relations should be reinvented.[205]

As regards the second assertion, the Eurosceptic circles and proponents of national policy autonomy in security and defence issues had certain doubts about the creation of such a military force. At the time of the first Capabilities Commitments Conference especially the British media turned out to be obsessed with the European army. It was argued that "the inevitable description of the planned European defence force is a European army" which would affect the special relationship with US.[206]

Then, in order to release the tensions, first Helsinki and the following Council Conclusions asserted that the process of development of autonomous capacity for the European Union does not mean the creation of a European army. It is apparent that the RRF is a "European Military Force" and used in the case of non-involvement of United States. RRF involves a European command chain and relies on European military resources. However there is no uniformity in terms of deployment of national

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[205] Bernard E. Brown, "Europe's Rise- NATO's Demise? *American Foreign Policy Interests*, vol.23, (2001) pp: 283-298 p.297.

[206] *Daily Telegraph*, op.cit.

forces within the framework of the RRF. It respects the sovereignty of each nation state in that it is under the discretion of the each member to decide on its contribution. Besides, the intergovernmental nature of decision-making in European defence co-operation provides each member state with the right to veto the missions under the responsibility of RRF.

4.6. The Impact of September 11 on CESDP

September 11 terrorist attacks to the United States had tremendous effects on the transatlantic relations manifested in a search for a new balance within the Alliance as regards the Union's attempts to develop its own military capacity. The United States started to transfer its military assets away from Europe while resorting more and more to unilateral policies. US considered that while Europeans should specialise in crisis management or "peace-keeping", it would engage in high intensity combats. On the part of the EU, as the CESDP denoted the ability of the Member States to carry out, independently of the US, combat missions at the higher end of the Petersberg tasks, the improvement of the military capabilities became more urgent than ever.

Then November 2001 Capabilities Commitment Conference acknowledged the Member States' voluntary contributions as amounting to 100,000 troops with adequate support and back-up resources; 400 combat aircraft meeting the basic requirements for air defence and ground troop support; and 100 warships. It also asserted that "the EU should be able to carry out the whole range of Petersberg tasks by 2003", while nevertheless recognizing many deficiencies in force protection, commitment

capability and logistics, availability, mobility and flexibility of ground forces and maritime medical evacuation was to tackle serious combat operations.

September 11 has also carried on the agenda the discussions on the divergence of European and US armed forces, and the question of "assured access" to NATO and US military assets by the EU. On the one hand, the forces that the EU has identified to meet the Helsinki Headline Goal are in the military forces of EU Member States and have already been committed to NATO or United Nations forces. Therefore EU faced the dilemma of how to set priorities for improvement: whether to build its own planning process around NATO plans, or create a different set of priorities, more suited to fulfilling the Headline Goal.[207] On the other hand, increasingly unilateral American interventions in non-European regions, manifested in its war with Al-Qaeda in Afghanistan, surfaced the possibility that key US assets might not be available for transfer to the EU since they were likely to be required by the US military. Then the solution seemed to reach an agreement between the EU and the US on a "constructive duplication" in "strategic lift (transport), intelligence, reconnaissance, strike capabilities, mid-air refuelling and, finally, research, development and procurement".[208]

Laeken European Council of December 2001 affirmed its solidarity with the United States and issued a plan of action to combat terrorism in terms of responding to the September 11 terrorist attacks. It also acknowledged "through the continuing

[207] Kori N. Schake, "Constructive Duplication: Reducing EU Reliance on US Military Assets", Centre for European Reform, London, 2002, http://www.cer.org.uk/pdf/cerwp12_cd.pdf (accessed on 12 June 2004), p. 19.

[208] Schake, *op.cit.*, p.19.

development of ESDP, the strengthening of its capabilities, both civil and military, and the creation of the appropriate EU structures, the EU is now able to conduct some crisis-management operations."[209] Although it was not stated which crisis the EU would manage, it is implicit that the Union is ready to carry out Petersberg tasks. In order to increase the Union's available capabilities which are essential for ESDP, Laeken asserted the need "to finalise the security arrangements with NATO and conclude the agreements on guaranteed access to the Alliance's operational planning, presumption of availability of pre-identified assets and capabilities of NATO and identification of a series of command options made available to the Union."[210] Laeken European Council also adopted a declaration on establishing a Convention on Future of Europe to solve the problems of coherence, effectiveness and legitimacy that would arise with the accession of new members in 2004.

4.7. The Prague Summit: A Resolve?

During 2002, on the EU side, "the enlargement" turned out to be the primary issue. Within this context, the EU Member States and the candidate countries engaged in hot discussions over the foreign, security and defence policy of the EU within the framework of the Convention talks. With the accession of the new members, EU would be a EU of 25 and this would inevitably implications for the

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[209] The Declaration on the Operational Capability of the CESDP, Annex II to the Presidency Conclusions, Laeken European Council, 14-15 December 2001, pp. 27-9.

[210] Ibid.

CESDP. The main problem was how to define a common policy for the EU in foreign and security issues while articulating the national policy autonomies and interests of new comers. On the transatlantic side, the developments on the European Security and Defence Policy centred on the relations with NATO. The European Union and NATO has engaged in intensive rounds of negotiations on the access to NATO's assets by the European Union. The European Union's High Representative for CFSP Javier Solana has been given a mandate by the EU Member States to continue negotiations with NATO to access NATO assets for the European Rapid Reaction Force. The European Union attached so much importance to the permanent arrangements between EU and NATO since it was preparing for its first mission in Macedonia in mid-2003, notably to take over the Operation Allied Harmony mission, which required the use of NATO military assets. Once again, Europeans and Americans got engaged in a new deal, which was revealed first at NATO Summit in Prague (21-22 November 2002). The deal was based on the commitments of the Europeans to NATO's military command arrangements, in order to make them more efficient and effective and adapted to the operational requirements of the full range of Alliance missions in return for a reaffirmed American support for the ESDP.

Prague Summit has introduced a new initiative – the Prague Capabilities Commitment – to fill the gaps in military capacity, which threatened to undermine interoperability between EU and US forces.[211] It also agreed to launch an effective, technologically advanced NATO Response Force (NRF), designed to be flexible,

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[211] Howorth, "Saint-Malo Plus Five: An Interim Assessment of ESDP, p. 10.

rapidly deployable, interoperable and sustainable 20,000 troops capable of rapid deployment for high-intensity operations anywhere in the world.[212] This initiative aimed to link EU and US intervention forces and to ensure the constant commitment of US to the Alliance.

What is more remarkable was the EU-NATO Declaration on ESDP (16 December 2002), which "seemingly" resolved the Berlin Plus dispute. This declaration went on directly to call the objectives at Saint Malo and welcomed "the European Security and Defence Policy (ESDP), whose purpose is to add to the range of instruments already at the European Union's disposal for crisis management and conflict prevention in support of the Common Foreign and Security Policy, the capacity to conduct EU-led crisis management operations, including military operations where NATO as a whole is not engaged."[213] With this declaration, first it was recognised that the ESDI which begun as a NATO project and was regarded as "the European Pillar" was overtaken by the ESDP which is a EU project. Secondly, a formal basis for a strategic partnership between the two organizations has been established in the areas of crisis management and conflict prevention. The EU and NATO could develop mutually reinforcing and co-operative relations, while still maintaining that they are organisations of a different nature. Now that, the EU was endowed with assured access to NATO's planning capabilities if necessary, although

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[212] "The Prague Summit and NATO's Transformation", A Readers Guide, NATO, 2003, p.10.

[213] EU-NATO Declaration on ESDP, 16 December 2002 in *The Prague Summit and NATO's Transformation* A Readers Guide, NATO, 2003, p.106.

that would be decided on a case-by-case basis. This agreement was in full conformity with the principles agreed at previous meetings of the European Councils.

At this point, it is vital to point out the vagueness that was revealed with the "Berlin Plus" resolution as regards the Turkish case. The ambiguity is that, this resolution does not abrogate "the prerogative right" of Turkey in vetoing the use of NATO assets in any specific case.[214] NATO has decided to allow the use of its assets in two cases, Bosnia-Herzegovina and Macedonia, to which Turkey has also given its consent.[215] However, there has not been any legal and permanent agreement between Turkey and EU on this issue yet. Therefore, at the final instance Turkey did not give its consent "for all and for good". What is more critical is that on the EU side, the Turkish decision to join in these cases was and is perceived as if Turkey would approve all the cases that require recourse to NATO assets. With this purpose Javier Solana, the High Representative for CFSP, even declared that the EU and NATO has settled a framework for permanent relations. For that reason it is reasonably argued that, there is tendency on the part of the EU to register the expressions, "speeches of good intention" and decisions of Turkey for a specific occasion and interpret them in

[214] Mustafa Türkeş and Göksu Gökgöz, "Reflections on the EU Strategy Paper 2003: Two Approaches, Moving Conditions and A New Juncture" *Perceptions* 1:1 March-May 2004, p.18.

[215] The agreement between the European Union and Turkey on the participation of Turkey in the European Union Police Mission (EUPM) in Bosnia and Herzegovina was signed on 20 December 2002. The agreement on the participation Turkey in Macedonia was signed on 4 September 2003. http://ue.eu.int/accords/default.asp?lang=en (accessed on 12 March 2004)

its own way.[216] However, in legal terms, Turkish endorsement of a decision for a specific case cannot be considered as a legal ground for future occasions whereas in political terms it may have an impact.

4.8. Developments in 2003

4.8.1. Le Touquet Declaration

With the achievement of Berlin-plus agreements the EU and NATO seemingly began not competitive but a co-operative relationship. In order to reaffirm their determination to the development of the EU's capacity to take decisions and act in crisis management, Tony Blair and Jacques Chirac signed a declaration on defence at Le Touquet Summit, France in February 2003.[217] Although disregarded by press, this declaration deserves special attention. First of all, this declaration came to the fore at the deepest Franco-British crisis over the issue of Iraq war. Therefore it indicates the determination of two states to continue their substantial and co-operative relations within the framework of CESDP. Secondly, the following European Council Conclusions and also the Convention endorsed the proposals that emerged from the declaration, which was also the case for Saint Malo.

The declaration set out a number of objectives for ESDP that other EU governments. It was apparent that, aside from the transatlantic gap in military

[216] Türkeş, *op.cit*.

[217]Franco-British Summit, Declaration on Strengthening European Co-operation in Security and Defence, Le Touquet, 4 February 2004.

capabilities, there was a large equipment gap between the Member States of EU, which would be widened with the accession of new members in 2004. Therefore, France and Britain called for the European governments to raise their defence spending in order to keep up with defence capabilities that were targeted for the RRF. They also suggested the creation of a new EU defence agency tasked with encouraging member states to boost their military capabilities. This proposal turned out to be far-reaching since the EU governments have agreed to set up a European defence agency at the EU Summit in Thessaloniki in June 2003 to help them co-operate in harmonising military requirements, co-ordinating defence R&D, and encouraging the convergence of national procurement procedures. This new agency would operate in intergovernmental lines and be open to all Member States. At Le Touquet, France and Britain also called on the EU to set new objectives in terms of both defence expenditure and preparedness, military effectiveness, deployability, interoperability and sustainability of forces, personnel and training.

4.8.2. Iraq Crisis

Nevertheless the Iraq crisis in 2003 affected the intra-Alliance relations severely. First it released the fragile nature of the relationship between NATO and EU both due to NATO's inability to assume transatlantic harmony and EU's weak CFSP/ESDP. Secondly, Europe was divided between "old" which denotes those countries that opposed the Iraq war like France, Belgium and to some extent Germany and "new" that supported the war like Britain, Spain and Italy. For the UK, loyalty to

the United States, in the global "war on terror", became an absolute priority. France, extremely frustrated by assertive unilateralism and the pressure of the US to follow its lead in international politics, promoted a discourse on multipolarity, which posited, "the world was best, structured by a small number of regional poles cooperating transparently to construct global order."[218] The breakdown in transatlantic relations and particularly with France has even created doubts about whether the commitments of Britain to Europe have changed. At the final instance, what Iraq crisis highlighted once more both the gap in transatlantic military capabilities that was even greater than was in Kosovo and Afghanistan, and lack of any foreign policy consensus among EU Member States manifested in the severely damaged ESDP. All in all, the Iraq crisis was a real set back for the materialisation of the CESDP.

4.8.3. Defence Plans at Four-Nation Summit

A major crisis erupted on 29 April 2003 when, a mini-summit was held between "anti-war" powers France, Germany, Belgium and Luxembourg, to put forward a political impetus both for a qualitative leap in European security and defence process and the Convention. The meeting was high on symbolism since Belgium, France and Germany strongly opposed the intervention in Iraq led by US and "almost brought NATO to its knees" by refusing to give Alliance permission to help Turkey in the event of attack against it. Before the summit, there were many arguments over the idea of group of countries trying to form a defence alliance. Such

[218] Howorth, "Saint-Malo Plus Five: An Interim Assessment of ESDP", p. 12.

co-operation would have to be established outside the EU since the Constitutional Treaties did not allow for such co-operation inside the Union.[219]

This mini summit has been criticized by for worsening the rift in transatlantic relations and also intra-EU divergences. The involved countries were accused of running both an anti-NATO and anti-US summit. Moreover, as the UK refused to attend, it was not regarded a credible occasion. Tony Blair asserted that "We won't accept, and neither will the rest of Europe, anything that either undermines NATO or conflicts with the basic principles of European defence we've set out."[220]

The plans included the creation of a joint planning system and a multinational headquarters for EU-only operations, to be established by summer 2004 at Tervuren, a suburb of Brussels. The proposal to set up a "European Headquarters" was perceived especially by Britain and US as the duplication of the Supreme Headquarters Allied Powers Europe (SHAPE), NATO's central planning facility. At that point, Chirac argued, "This is not about duplicating SHAPE, but eliminating duplication by national headquarters."[221]

Four-nation Summit also proposed to launch a European Security and Defence Union (ESDU), which should be accepted by the Convention. According to the

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[219] Dace Akule "Berlin Backs Defence Plans Outside the EU" in *EUobserver* 10 April 2003, www.Euobserver.com/index.phtml?aid=10891&sid=9 (accessed on 16 September 2003)

[220] *BBC News*, "Anti-war Four Boost Euro-role" 29 March 2003, http://news.bbc.co.uk/go/pr/fr/-1/hi/world/europe/2984021.stm (accessed on 5 September 2003)

[221] Paul Ames "Chirac, Schroeder Agree to Stronger European Defence Plans at Four-Nation Summit" in *NATO Enlargement Daily Brief* 30 April 2003, www.topica.com/lists/nato1/message.html?sort=d&mid=907504217&start=51 (accessed on 19 May 2003)

statement the ESDU would imply boosting defence spending; pooling military capabilities and officer training; joining major European equipment projects such as the A400M and taking part in peacekeeping operations under the auspices of the United Nations.[222] The summit also proposed a "solidarity clause" binding all EU Member States to face all forms of risk together, as an element to be incorporated in the Convention. This proposal was perceived as infringing the NATO's Article 5 that obliges all members to defend each other in case of an attack. However the participating states also reaffirmed their commitment to Atlantic Alliance and asserted that "the construction of a Europe of Security and Defence based on strengthened European military capabilities" would "give a new vitality to the Atlantic Alliance and open the way to a renewed transatlantic relation."

4.8.4. From Enhanced Co-operation to Structured Co-operation

April 2003 Four-nation Summit has come up with a proposal to extend the enhance co-operation to the defence policy, to allow the "coalitions of the willing" within the EU to further the co-operation in this field. According to the proposal this would promote the ESDP and enlarge the EU's credibility. It is necessary to re-emphasise that the concept of enhanced co-operation that was brought with the Amsterdam Treaty means to permit a limited number of Member States that are willing to deepen European integration within the single institutional framework of

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[222] Joint Statement of the Heads of State and Government of Germany, France, Luxembourg and Belgium on European Defence 29 April 2003, Brussels
www.elysee.fr/actus/dep/2003/etranger/04-brussel/0304EUDFang.htm (accessed on 19 May 2003)

the Union. In fact the rule of enhanced co-operation turned out to be epitomised in all the EU military operations in the Balkans, which were based on the coalition of the willing.

Britain, on the other hand, came up with a proposal, namely the "structured co-operation" in place of enhanced co-operation. In fact what Britain believed was, in the words of a UK politician, "a Europe of defence is the business of the countries with military capacity."[223] Then the structured co-operation entailed the idea of coalition of militarily advanced members states instead of coalition of the willing. In other words, the EU's militarily advanced countries can choose to push ahead with defence co-operation and even launch an EU military mission without the participation of the majority of the member states.

Within this context, on 20 September 2003, leaders of France, Britain and Germany came together and approved the principle that "the European Union should be endowed with a joint capacity to plan and conduct operations without recourse to NATO resources and capabilities. Our goal remains to achieve such a planning and implementation capacity either in consensus with the 25 but also *in a circle of interested partners*."[224]

The problem of a multinational headquarters for EU-only operations seemed to be resolved at the 28 November 2003 Berlin meeting between Britain, France and

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[223] Honor Mahony "Summit Revisits Two-Speed Europe Debate" in *Euobserver*, 21 March 2003, www.euobserver.com/index.phtml?print=true&sid=9&aid=10651 (accessed on 16 September 2003)

[224] Emphasis mine

Germany. France, Germany and Britain compromised that a permanent EU planning cell should exist at SHAPE, that an EU-only cell is also necessary, and that the latter be best located at the heart of the EU's existing military coordination in the rue Cortenberg.[225]The bottom line in the controversy over the planning cell is that since the ESDP is clearly a European project, from the beginning, it was evident that in the occasion of a EU-only mission, an autonomous EU planning capacity would be indispensable.[226]

At this point, it should be re-emphasised that the progress in European security and defence field is primarily maintained through the contributions of France, Germany and Britain both in theoretical and practical terms. It even may be argued that, they have established a de facto triple alliance in this realm to accomplish the objectives for a strengthened foreign, security and defence policy for the EU. What is remarkable is that France and Germany have been aware of the fact that "nothing very serious can happen, defence-wise, unless Britain is a part of it."[227] The bottom line should be spelled out as "There will be no Europe without a European defence. There will be no European defence without the United Kingdom."[228]

Nevertheless, this does not mean that they have similar interests, visions and preferences in making foreign policies. On the contrary, their approaches are quite

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[225] Howorth, "Saint-Malo Plus Five: An Interim Assessment of ESDP", p. 14.

[226] *Ibid.*

[227] *The Economist* "A Lull Between the Storms", 25 September 2003.

[228] Dominique de Villepin, Speech at the Conférence Dimbleby, 19 October 2003, http://www.diplomatie.gouv.fr/actu/article.asp?ART=37783 (accessed on 14 June 2004)

different but not necessarily incompatible. In fact, the collaboration among these Member States base on a constant conflict of ideas and policies, which ultimately results in compromises and further co-operation by accommodation of their respective interests. Even during the peak point of their divergences on any specific issue, the leaders could meet bilaterally and try to resolve the disputes. This was the case during the war in Afghanistan, in Iraq when Franco-German couple severely clashed with Blair's stance with the Americans and began to question the commitments of UK to the CESDP. Blair asserted that "Britain unhesitatingly commits to the European security and defence" while Chirac frequently emphasised that "the spirit of Saint Malo has not been forgotten."[229]

4.8.5. A European Strategic Concept

The absence of any European strategic concept to guide decision makers as to whether or not, when, and how to intervene militarily, or how and when to apply non-military instruments to looming crisis situations was a deficiency in the making of ESDP.[230] In fact, the failure to define strategic concept to direct the CESDP revealed one of the tendencies in the European Union that the Member States create the

[229] Mahony, op.cit.

[230] Howorth, ""European Integration and Defence: The Ultimate Challenge? ", p. 62.

institutions first and later search for the *raison d'être* of them. Therefore the EU tasked Javier Solana to draft "a political and military doctrine."[231]

Then the security strategy paper, "A Secure Europe in Better World", evaluated the potential threats to European security including the proliferation of weapons of mass destruction, international terrorism, failed states and organised crime and need for the EU to carry out its responsibilities for global security. This was probably the most important assessment of the strategy paper in the sense that, EU was lack of a common threat perception. At the final instance, the absence of a common threat assessment led to the division of EU Member States on various global problems including the Iraq crisis.

The document offered a multipolar view of world by stating that although "the Cold War has left the United States in a dominant position as a military actor…no single country is able to tackle today's complex problems entirely on its own." With a heavy focus on strengthening international multilateral institutions, the document emphasised the possible use of military action enforce decisions and more timely interventions from the EU, which can be identified as a step away from soft power/civilian EU.

4.8.6. CESDP in Operation

Since January 2003 the EU has been engaged in three missions - in Bosnia-Herzegovina, the former Yugoslav Republic of Macedonia, and the Democratic

[231] Javier Solana, "A Secure Europe in Better World" Paper presented to the Thessaloniki European Council, 20 June 2003, htttp://ue.eu.int/pressdata/EN/reports/76255.pdf (accessed on 12 July 2003)

Republic of Congo - performing a variety of tasks, from law enforcement and ceasefire monitoring to security and humanitarian crisis management. Launched on 1 January 2003 by taking over the mission from the United Nations' International Police Task Force (IPTF), the European Union Police Mission (EUPM) in Bosnia-Herzegovina represents the EU's first-ever civilian crisis management operation under ESDP.

The EU launched its first ever-military operation the Concordia in the Republic of Macedonia on 31 March 2003. The EU forces took over NATO's Operation Allied Harmony to contribute to a stable, secure environment in the Republic of Macedonia and guarantee the implementation of the August 2001 Ohrid Framework Agreement, the political accord which settled the conflict between Macedonian Slavs and Albanians. [232] [233] The Concordia is a EU-led mission; but its importance also stems from the fact that it resorts to NATO assets and capabilities under the so-called "Berlin-plus" arrangement. Therefore, it represents also the first test case for the strategic EU-NATO partnership for crisis management.

The EU Police Mission "Proxima" in the middle of December 2003 followed operation Concordia. From June to September 2003 the EU was entrusted by the UN to carry out a military operation in the Ituri province in the Democratic Republic of Congo called Operation Artemis, with the aim to contribute to stabilise the security

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[232] Antonio Missiroli, *op.cit.*

[233] The soldiers will wear national uniforms with insignia bearing the letters "Eufor" (EU force for short) and will have a badge with the European colours (blue with gold stars) on the right shoulders. *Euobserver* "EU Takes Over in Macedonia" 31 March 2003, www.euobserver.com/index.phtml?print=true&sid=9&aid=10738 (accessed on 16 September 2003)

conditions and to improve the humanitarian situation in this region.[234] Congo mission is significant for two reasons: first it is the first autonomous EU mission –without relying on NATO's assistance; and it is the EU's first military operation outside Europe.

The operations conducted under the framework of the CESDP represent a turning point in terms of the emergence of EU as a capable international actor fulfilling its global security responsibilities. For the first time, the Union was engaged in military missions, which testify the will and the capacity of the Member States. Nevertheless these missions fit to the current capabilities of the EU since they are limited in scope. The EU is still lack of necessary capabilities to engage in high-intensity military missions.

4.9. The European Convention

The establishment of the Convention on the Future of Europe in Laeken European Council in late 2001 initiated series of debates and exchange of proposals both within the relevant EU institutions, among the EU Member States and candidate countries. The Convention was a grand project with the aim to redefine the EU's international role, which was clearly associated with the institutional and functional aspects CFSP and ESDP.

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[234] Common European Security and Defence Policy
http://www.bmaa.gv.at/view.php3?r_id=32&LNG=en&version=text (accessed on 14 June 2004)

The Convention has proposed the creation of a new post of minister for foreign affairs by merging the roles of High Representative for CFSP and the Commissioner for External Affairs who was given the task to chair the Foreign Affairs Council, make proposals and implement them. The Minister would also represent the Union externally (with the President of the European Council). The Convention put forward a plan to create an EU diplomatic service to assist the foreign minister and work in co-operation with the diplomatic services of the Member States It is an important innovation in the sense that the new diplomatic corps consisting of officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States can promote common European interests by agreeing on shared objectives which could result in common solutions to various global problems.[235]

A loyalty clause was included in the draft manifested in the provision that "The Member States shall support the Union's common foreign and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity." It is noteworthy that the commitment on common solidarity and security first came at the Four-Nation Summit, which was solidified in the Convention. The Convention also stipulated the constitution of European Armaments, Research and Military Capabilities Agency to identify military needs, promote harmonisation of operational needs, manage common programmes, support defence technology research and strengthen defence sector. It is notable that the creation of defence agency was also voiced in the Le Touquet Declaration of France and Britain.

[235] Daniel Keohane and Steven Everts "The European Convention and EU Foreign Policy: Learning from Failure" *Survival*, 45: 3, (2003) pp.167-186 p.173.

Concerning the ESDP, the Convention came with a radical proposal to let a group of Member States to cooperate more closely in military matters. The related provision states “the Council may entrust the implementation of a task to a group of Member States, which are willing and have the necessary capability for such a task.” Those Member States in association with the Union Minister for Foreign Affairs shall agree between themselves on the management of the task. In order to extend the meaning of this provision, the Convention granted the militarily advanced Member States with the right to establish structured co-operation. According to the proposal the Council would adopt a decision to establish structured co-operation by qualified majority and only participating Member States could take part in voting. The articles that allow a group of Member States to form a coalition for further co-operation in security and defence issues have important implications for the future of ESDP. On the one hand, it may facilitate a rapid and effective EU military capacity to respond international crises. On the other hand, it had the potential to divide the Member States, especially taking into consideration the new comers, and create various small groups in the Union. At the same time, the implementation of structured co-operation will likely to affect the relations with the United States in terms of conducting the transatlantic relations. What is more important is that, through the structured co-operation, the participating Member States will be able to exert influence over the decisions and their implementation in the security and defence realm within the Union. In fact, it is reasonable to argue that, the structured co-operation may turn out to be a mechanism through which the Member States can insert national policy

preferences, interests within the EU security and defence policy and strengthen their respective positions thereof.

As regards the decision-making procedure in this realm, the European Convention does stipulate that it is the exclusive right of the Member States to take and implement decisions based on the unanimity. It neither extends the role of Commission nor Parliament.

At the final instance, what the Convention implies is that the views of Big Three, notably France, Germany and Britain, are reconciled and reflected in the emerging articles in related with the CESDP. It is reasonable to argue that they have made progress more on ESDP compared to CFSP. The progress was depended on the will of these states to narrow their differences and more significantly the gradual transformation of British policies toward the European security and defence co-operation.

CHAPTER 5

CONCLUSION

This thesis tried to analyse the evolution of the European Foreign Policy, Security and Defence Co-operation in Western Europe starting from 1950's up until 2004. Within this context, it tended to assert the importance of Saint Malo Declaration of 1998 as regards the establishment of ESDP. In this thesis, the underlying theme is that, while Saint Malo Declaration has emerged out of the political will of two leading states in Europe and was not a binding document at the first instance, in due course, it turned out to be the part and parcel of EU *acquis* by way of incorporation of its expression into the Founding Treaties.

To emphasise the significance of Saint Malo Declaration and compare the developments in pre and post Saint Malo period, this thesis analysed the background of political co-operation in Western Europe. This was also crucial in order to indicate the extent of the Saint Malo in that it represents continuity in the nature of political co-operation that has been carried out since the beginning of European Integration Process.

Within this context it is argued that the intention of the Western European States, notably the Member States of the EC/EU, to launch a political co-operation in foreign policy, security and defence matters was shaped by both internal and external

factors manifested in the inter-community/union factors and dynamics of transatlantic relations accompanied with the context of the international system.

As for the inter-community dynamics, this thesis focused on the most important actors in the European Union, specifically Britain, France and Germany and tried to examine the respective positions of Britain, France and to some extent Germany towards the European security and defence co-operation. At this point, it is argued that although these Member States have certain standpoints and visions concerning this field, they have constantly revived and reproduced their foreign policy preferences according to the changing international circumstances.

As regards the transatlantic relations, this thesis attached importance to the position of the United States, which had substantially committed to the European security and defence for more than fifty years by playing the political leadership role in the continent. The Saint Malo Declaration has carried the potential to create tensions in the sense that although United States called for their European partners to take greater responsibility for the security and the defence of Europe- especially with the end of Cold War- it had suspicions about this very European initiative if it could undermine and duplicate NATO efforts, discriminate against NATO countries that are not European Union Members while strengthening the European military capabilities Then, it is the conclusion of this thesis that, Saint Malo Declaration has inaugurated "a new era" in the transatlantic relations and instigated "a new ground for co-operation" within the Atlantic Alliance. It is also argued that the transatlantic relationship which manifested itself in the "love-hate" affairs of Europeans and the Americans, is based on the notion of a "constant redefinition of roles and responsibilities" within the

Alliance, which in turn shapes the security and defence configuration in Western Europe.

The structure of the international system had also profound effects on the formation and the nature of political co-operation. Within this context, this thesis has argued that the historical forces are, probably, the most important factors that have compelled the both the Member States of the EC/EU to revise both their own national foreign policies and the political co-operation within the EC/EU. Every historical event turned out to be a challenge for the EC/EU and required new political and institutional arrangements. This was the case in the establishment of the EPC that was followed by the launch of CFSP. Within this context, Saint Malo Declaration signified the need to provide the European Union with a full-fledged security and defence policy in order to manage the unpredictable historical factors, which would lead to the assertion of EU as an international actor.

The history of foreign policy, security and defence co-operation in European Union is epitomised as a constant recourse to institutionalisation. The Member States were inclined to establish a complex web of policy-making institutions. At this point this thesis concluded that the inclination towards establishing new institutions is a deliberate choice on the part of Member States. Then it is argued that the progress in the European security and defence co-operation is determined by power and interest understanding/calculation of each Member State of the European Union, and the institutions are the mechanisms through which they can insert their preferences and promote these interests. However the process of institutionalisation is not easily accomplished. Different Member States have different aspirations and expectations

from the institutions. It is a difficult practice to accommodate the interest of all the Member States. Thus this thesis has concluded that, institutionalisation is achieved through a series of bargains and give and takes, which reveals the incremental nature of this process. This was also implicit in the Saint Malo Declaration, which recognized the need for the accommodation of the interests and the placement of national policy autonomies of the EU members within the framework of the European Security and Defence Policy.

This thesis also pointed out the nature of ESDP. Apparently, the Common European Security and Defence Policy is the domain within which the Member States are the most reluctant to transfer their sovereignty. Therefore they formalised the institutionalisation of European Security and Defence Policy in a way to provide it with a firm intergovernmental character. At this point it is argued that Saint Malo represents continuity within the framework of political co-operation in the European Union in the sense that it also ensured and reaffirmed the intergovernmental method of decision-making and implementation in this field.

Finally this thesis examined the latest developments in the European security and defence realm. It touched upon the proposals put forward by France, Britain and Germany, which were later embodied within the framework of the European Convention. Then it is first argued that the political declarations and the conclusions of informal summits of the European Union do have a very significant place within framework of the political co-operation and should be analysed accordingly, since they are both formalised and legalised in due course, which is a well established but indiscernible trend in the European Union. Secondly it is concluded that as Saint Malo

has introduced, for the first time, the defence issue to the European political co-operation it paved the way for new proposals and mechanisms to construct a viable and advanced defence policy and structure within the European Union. Therefore it is argued that the Saint Malo process signifies the beginning of a transformation process within the Union in terms of defence issues, which manifested itself in the shift from enhanced co-operation to structured co-operation. It is the final contention of this thesis is that the structured co-operation, which entails that the Member States with advanced military capacities, can engage in a permanent structured co-operation to strengthen the security and defence policy of the European Union, will have decisive effects on the future of CESDP, thereby creating and consolidating the "core" and periphery within the EU.

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