

Working Group I

Working document 2

**Working Group VIII on « DEFENCE »**

**Subject :** Paper by M. Wim van Eekelen

Members of Working Group VIII will find hereafter a paper by Mr Wim van Eekelen, member of the Convention.

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1. In the Maastricht treaty the notion of ‘defence implications’ (which were left to WEU to elaborate) remained ambiguous. In fact, neither EU nor WEU dealt with defence in the sense of defence of national independence and territorial integrity. Apart from naval embargoes in the Gulf and in the Adriatic all operations were of a modest scale and involved police and customs officers. It would have been better to refer to ‘operational’ or ‘military’ implications of the CFSP. The Amsterdam treaty did not correct this ambiguity. In Nice collective defence was expressly left to NATO. Of course, the WEU treaty in its Article V contained an automatic military assistance clause, but WEU never became an organization to implement this commitment.
2. In discussing defence the working group should discuss three aspects.
  - A) Should the growing solidarity among members of the EU also find expression in a collective defence commitment, possibly in a protocol to be signed by those members willing to subscribe to it?
  - B) What military capabilities are deemed necessary for supporting the CFSP/ESDP and how should these be organized and deployed?
  - C) Is it now possible to create an armaments agency, starting with standardization of the equipment of the Headline Goal capability of 50-60.000 men and linking it with the technological and industrial policies of the EU?
3. Military cooperation in the EU has suffered from a lack of strategic vision of European interests and from the difference between the traditional legislative process with directives, etc. and the much more time-sensitive requirements of crisis management. Both disadvantages will take time to overcome. So far the ‘strategies’ of the EU have been insufficiently precise to serve as guidelines for military cooperation.
4. The statement that the HLG should be able to carry out even the most demanding of the Petersberg tasks has led to criticism of the existing gaps in the European capabilities. It seems important to redress this feeling of European inadequacies by progressively defining what the EU would be able to do, rather than focussing on what it is and will be unable to do. Clearly, a comparison between the HLG of 50-60.000 men (even if multiplied to be sustainable for a year) and the much greater potential of the combined military forces of all members of NATO will always put the EU at a disadvantage.
5. A practical step-by-step approach would be to develop possible scenarios, starting at the periphery of Europe, and request member countries which contribution they would in principle –for planning purposes- be prepared to make. Then it would be possible to plan force packages, their command arrangements as well as transport, logistics and communications, and exercise them. That would also be the best way to discover deficiencies in the force packages. Up till now, however, the scenario approach has met political problems (notably in Germany) because of reluctance to consider hypothetical situations. Nevertheless, a rapid reaction capability will only be effective if some degree of advance planning is allowed.
6. A very important part of the Headline Goal decision is the addition of a police component of 5000 men. This fits in with the experience in former Yugoslavia that after the initial intervention to restore peace, the role of the military is an umbrella function under which political reconstruction can take place. Civil-military cooperation is of the essence and the

restoration of civil society depends more on the functioning of police, judges and jails than on military activities. At the same time peace support is changing the role of the military. Increasingly it functions abroad in the way the police do at home: it deters through its presence and is ready to act if the peace is disturbed. The role of the military changes to that of a 'guardian soldier' (the expression comes from the Swiss Gustav Däniker) and ministries of defence become ministries of international security. The EU will be well-placed to respond to this new security environment, because it favours the combined use of all the instruments at its disposal.

7. This does not mean that the traditional military skills are becoming less important. On the contrary, events have proven the possibility of rapid escalation from peace keeping to self-defence and the need for offensive action. European forces need to be prepared for those contingencies. The real questions remain the "*what for*" and "*how much is enough*". Expenditure in terms of a percentage of GDP is too rough a yardstick if the resulting forces remain focused on territorial defence and are not able to participate in intervention- and force projection type operations. Moreover, the HLG of 50-60.000 men will absorb only a part of national defence budgets. Although some countries will have to spend more to make a credible contribution, it will be more important to spend differently and to introduce a system of common examination and evaluation in order to assess the quality, readiness and relevance of the national commitments.
8. With the creation of an EU military staff and a military committee the EU has mirrored the NATO structure. One might question the wisdom of parallel structures at a time when political and military elements have become more intertwined than ever before. The architecture might work, however, if the Council, after deciding to start an operation, allows the Political and Security Committee (PSC) to act on its behalf in the day-to-day work of crisis management and if the PSC develops a clear link with and sufficiently flexible mandate for the field commander.
9. European armaments cooperation is not a success story. Some progress has been made in the consolidation of the armaments industry, first in promoting national champions, now focusing more on transborder mergers and cooperation. In EUCLID pre-competitive research was promoted, including the competence to conclude contracts. The overall picture remains dispersed, however, with WEAG/WEAO, OCCAR and LoI working on separate tracks. The latter two are basically work-sharing arrangements covering a number of concrete projects subscribed to by a limited number of countries (instead of previous arrangements on a project-by-project basis).

Crucial steps will be:

- a) the combination of national Research and Development budgets for common projects, preferably with a common budget.
- b) the recognition in the Treaty of the European Union that the preservation of a defence industrial and technological base is an interest of the Union as a whole.
- c) focussing cooperative projects on potential synergies. The large transport aircraft is an example (even though the quantitative needs for possible European operations have not been defined). Standardization of equipment for the HLG is another, where commonality would both be military effective and industrially economical.
- d) Enhancing competition among EU members, which does not necessarily mean opening up the armaments market to non-EU countries which keep their own markets closed.

10. Decision-making: The dispatch of forces into an actual operation is likely to remain subject to the agreement of national governments (and in many cases also of national parliaments). This does not mean, however, that the entire process of decisionmaking has to remain intergovernmental and unanimous. In the first place a distinction has to be made between the start of the operation and its conduct in the field: while for the decision to start an operation consensus is desirable, insistence or unanimity for the follow-up would be a recipe for inaction. Therefore, the possibility of ‘constructive abstention’ should be envisaged, which does not bind the abstaining country to implement the decision. In any case, participation in the initial political decision does not mean that forces will be contributed to its implementation. This will depend on the nature of the operation, its planning and national capabilities. The conduct of the operation probably will not involve all members of the EU and therefore will have to provide a special role for the contributors. The notion of “coalition of the willing” can also apply within in the EU (or NATO) and is not limited to an ad hoc crisis management operation outside institutional structures. This means also that there is no clear rationale for excluding the possibility of ‘reinforced cooperation’ from the field of security and defence, provided the requirements of transparency and open-endedness are preserved.
11. As a new and potentially autonomous actor in the field of security the EU has a chance to develop a broad concept of security. The European Council of Göteborg ( June 2001) adopted a programme for the prevention of violent conflict which made conflict prevention and early warning a priority to be integrated in the entire spectrum of the CFSP and using all its instruments. At the beginning of each presidency the regions requiring priority attention would be indicated. A weak point in the programme is the lack of references to crisis management, which is to be explained by the reluctance of the formerly ‘neutral’ members of the EU. Their reluctance could be overcome by the formulation of a Strategic Concept which defines the “*what for*” of the ESDP and the Headline Goals and the conditions governing the possible use of force. Such a concept would develop the notions of comprehensive security, including conflict prevention, democracy building and economic development and also cooperative security with neighbouring regions, but –in order to be credible- should also contain a military capability underpinning the policies of the Union.
12. The pillar structure of the EU is not conducive to a comprehensive approach. Apart from other weaknesses, the military cooperation is not yet fully integrated and the ambiguities of Maastricht have not been resolved. The time-urgency of crisis management requires new procedures such as the High Representative chairing the Council when it needs to discuss CFSP/ESDP matters and the PSC in an actual crisis. This is no role for a six-monthly presidency. Double-hatting the High Representative with the Commissioner for External Relations has the attraction of bringing the military and civilian aspects closer together. Nevertheless, the fact that the Commissioner is a member of a collegiate body and therefore bound by its decisions remains an obstacle. A first step could be to allow each to be present in the fora of the other, i.e. the High Representative to attend the meetings of the Commission when external relations are discussed.