

Working Group VIII

Working document 21

WORKING GROUP VIII « DEFENCE »

Subject : Paper by Mr Kenneth Kvist

- "A European Security and Defence Policy aiming for Peace"

Members of the Working Group will find attached a paper submitted by Mr Kenneth Kvist, alternate member of the Convention.

ANNEX

Stockholm 12 November 2002

**A European Security and Defence
Policy aiming for Peace**

Contribution to Working Group VIII (Defence)

Points of departure

The aim of the EU should be to promote peace. Therefore, any use of military capacity should always be a last resort, to be exercised with extreme caution and clear safeguards. The Union shall always first and foremost strive for peaceful solutions and avoid military use, in any conflict.

The EU must never act in peace enforcement with military means without a clear UN mandate. It shall always act in full compliance with international law and in accordance with the highest standards of Human Rights.

Conclusions

- The CFSP – including ESDP – must be made more coherent and efficient, by consolidating and improving the existing CFSP/ESDP-structures.
- The EU's ability to combat international terrorism and affect its root causes requires a multitude of crisis management and conflict prevention tools, and must not be used as a pretext for discussions on a common defence.
- Instead of taking steps towards a common defence, the way forward is to address the problems of efficiency, coherence and credibility, by:
 1. making the ESDP decision-making procedures more efficient, i.e. by putting to use the new Article 25 (TEU), allowing certain crisis management decisions to be taken by the PSC
 2. improving the civil-civil and civil-military co-ordination
 3. clarifying in the Treaty that the Council is the only body responsible for the political control of the ESDP.

- A gender perspective needs to be introduced in the planning and implementation of crisis management operations.
- A skilled and capable EU can better serve the United Nations' global efforts for a safer world.

A more coherent, efficient and credible ESDP

The Union's comparative strength in the international arena lies in its ability to wield a vast array of crisis management and conflict prevention tools which, if used properly, can contribute to international peace and security. In order to fully realise its potential, however, we should explore ways to make the CFSP/ESDP more coherent and more efficient.

A continued development of the ESDP is therefore vital for the Union's possibilities to contribute to international peace. But this development, must not proceed independently of the wider discussions about the future of the CFSP and the Union's external role in general, which should always be aimed at promoting peace.

One way to achieve this is to consolidate and improve the existing CFSP/ESDP-structures. The Union needs a better capacity to carry out crisis management operations in an efficient and effective manner.

Consequently, as other members of the Convention have already commented upon, among others Ms. Lena Hjelm-Wallén, the proposed division in the preliminary draft Constitutional Treaty between the CFSP/crisis management on the one hand and defence on the other, is illogical.

New threats and a common defence

Today's new and complex threats require first and foremost a smart combination and use of the Union's existing instruments in order to deal with the root causes of terrorism and conflicts.

The EU should have a military capacity to be able to carry out the Petersberg tasks, in particular with a view to preventing future conflicts. However, the proposals on treaty amendments regarding a common defence, whether undertaken in the form of enhanced co-operation, a protocol, or otherwise, will not generate added value to the Union's crisis management capacities.

The Treaty already contains a provision for political solidarity. Furthermore, forms for mutual assistance to handle the *effects* of a terrorist attack are currently being worked out in the Programme to fight terrorist CBRN threats, which will be adopted in Copenhagen in December. The Union's military tasks, defined in Article 17.2 (TEU) as "humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking," can be carried out today by a smaller group of EU members if the Council so decides.

Efficient decision-making procedures

Decision-making procedures for the ESDP could be made more efficient. Slow and complicated procedures, often resembling a legislative process rather than operational decisions, could lead to a general view of the Union as an inefficient actor. In my view, it must be absolutely clear that the EU only acts with military means, in peace enforcement, with a clear UN mandate. With this proviso, when the Union engages itself in crisis management operations, efficient and unambiguous procedures are vital for the Union's capacity to reach desired results.

One way towards increased efficiency is to make use of the new Article 25 (TEU), as amended by the Nice Treaty. It allows for certain crisis management decisions to be taken by the PSC, and it is important that this article is now made operational.

Co-ordination for efficiency and coherence

The Union needs not only to have the capacity to act, but also the capacity to reach results. The Union's possibilities to handle a crisis in an efficient and credible manner is highly dependent on a co-ordinated policy covering all the Union's instruments. The lessons learned from previous crisis management efforts show that the Union does not always come across as a coherent actor.

Co-ordination in a crisis management situation requires both a better capacity to co-ordinate the civil and military aspects in the policy formulation phase and an improved capacity for civil-civil as well as civil-military co-ordination in the field. This could i.a. be done by strengthening co-ordination between national, EU and NGO resources.

A gender perspective

A gender perspective needs to be kept in mind when discussing the ESDP. It goes without saying that gender balance should be an important factor in the choice of personnel. But we need to look beyond that. Women are often victims in conflicts, and systematic rape and torture of women have been prevalent in many recent conflicts. We need to make sure that women are taking part in the planning and management of ESDP activities, as well as in the field. Female victims in conflicts will feel safer if they have access to female staff from the Union forces in the field.

Securing political control

In order to secure coherence and accountability in crisis management operations, the political control needs to be enhanced. The current division of power is sometimes unclear in this area, and serves as an obstacle to a coherent formulation and implementation of the ESDP.

Closer contacts between the Council and the Commission are therefore necessary, but not enough. In the ESDP area, the Commission serves a highly valuable role in implementing certain aspects of the Union's policies, but we need to find ways to secure that the Council's over-arching political directives are guiding all activities undertaken by the Union. Coherence and accountability can never be obtained unless there is only one body, the Council, responsible for the political control of the ESDP. This needs to be clarified in the Treaty.

Strengthening the United Nations' efforts for a safer world

A more coherent CFSP, including an efficient capacity for carrying out crisis management operations, is not only desirable for the Union's own contribution to international peace. The Union has a strong UN commitment, and the ongoing work for a strengthened EU-UN co-operation should continue. This work will benefit from an enhanced EU crisis management capacity. A skilled and capable Union can better serve the United Nations' global efforts for a safer world.
