

Working Group VIII

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WORKING GROUP VIII « DEFENCE »

Subject : Paper by Mr Liviu MAIOR

Members of the Working Group will find attached a paper submitted by Mr Liviu Maior, member of the Convention.

EUROPEAN CONVENTION

WORKING GROUP VIII “DEFENCE”

Contribution by Mr Liviu MAIOR

Introductory assessment

Creating a sound and coherent EU security and defense policy calls for a straightforward conceptualization of this dimension that ought to incorporate relevant reforms of the internal structures and tasks, as well as a long term assessment of inter-institutional cooperation in Europe and abroad. No sustainable policy could be built without defining those two aspects, as the European Union has to find its own place and its own role by delimitating its means and its areas of interest.

We have joined here to address a range of issues that are intrinsically related to new EU political and diplomatic strategies, while other Working Groups of this Convention are concurrently dealing with the description of the future Constitutional Europe. It is our belief that these endeavors should be correlated. Sometime we concentrate our work too much on specific details and particularities and we tend to forget the broader picture. Questions such as the revision of the Common Foreign and Security Policy do need to go back to EU legislation and structures in order to define ways of assimilation of our next policies into the procedures and responsibilities the European Union has or will undertake.

Moreover we should not forget that defining the EU role and missions in the field of defense is a part of a larger process of re-definition of Europe's security requirements, in which the post Prague NATO will also play an important role.

1. Are the Petersberg tasks, as set out in the Treaty still relevant? Can they be adapted/modernized/made more flexible to take into account the new security environment?

In 1999, assuming the so-called “Petersberg tasks” EU has built its defense policies in order to integrate the Balkans experience in crisis management, involving a combination of military capabilities and civil reconstruction efforts, institution building, ethnic reconciliation, etc. In this perspective, we consider that their current description is still relevant for addressing the risks and threats to both the continental security and global environment.

This question is nevertheless significant, but from a different viewpoint. One should remember that those operational tasks were transferred from the WEU practice, taking account therefore of a more or less different security policy than the one now under development within the EU. This is why a coherent approach should envisage a more flexible and tailored definition of European security and military role.

There are two different subsequent issues derived from a possible process of re-defining the Petersberg tasks. One is conceptual and the other operational.

In the first case, with regard to increasing flexibility in the EU security and defense approach, it makes sense to begin with defining the role and missions and then, drawing from them specific tasks. Establish a set of general missions related to promoting peace and security, managing crisis and addressing new risks to European and global security will allow the European Union to set up in a more comprehensible way its own contribution to countering possible dangers to continental stability. We believe that generally described missions have a double advantage: first, they will allow a more adaptable European concept of defense, and secondly, they will embrace a whole range of military and civilian means in a consistent approach towards crisis management, peace support operations and post-conflict rehabilitation.

Such “Petersberg missions” have to be correlated to the NATO ones. It is today’s fashion to speak about role sharing, but surely there is a need to go forward in defining which operational tasks will be undertaken by the European Union and which by the future NATO, as envisaged at Prague.

It is not too soon to think about mission sharing among different organizations. If such suggestion will be agreed, we ought to incorporate new type of missions in the Treaty, but also in a cooperation agreement or protocol between NATO and EU.

These proposals lead us to the second level of the question, the one of operational issues that we will have to tackle with. From an operational point of view, it will be difficult for the moment to concretely assess new EU tasks, taking into account that not all instruments are clearly defined, nor the relation & cooperation with other organizations.

Possible extension of those tasks, on the basis of the aforementioned configuration on missions is another problem, as it requires a comprehensive review of existing military and civilian capabilities and an assessment on their ability to undertake new responsibilities. For the time being, we should focus on enhancing the operational level of current forces and capabilities and make them able to respond to the assigned tasks. Success in future EU operations and resulting lessons learned will make us able to address this issue in the future. In other words, European Union will need operational experience and a clear-cut framework of cooperation with other organizations in order to establish an enlargement of Petersberg tasks. This is the main difference between revising tasks and defining missions, as we cannot do the first one without thinking about the second.

We should keep an open perspective about the future EU potential to define and accomplish new security tasks, as it is our purpose that a revised “Petersberg” framework remains a meaningful tool on the medium and long term.

2. Should explicit provision be made for the use of the military capabilities and structures foreseen for ESDP, inside the EU, in the event of a security threat such as terrorist attack?

There is no doubt that the 11 September events stressed the importance of common understanding over the new security concerns. The recent experience of the first Article 5 activation showed that terrorism must be countered both in a coherent and long-term effort and under the solidarity principle.

We should remember that the first response to a terrorist attack is a national prerogative or an Article 5 obligation. If the attack will exceed a certain magnitude, if NATO will not be called up to intervene, we can speak about a EU involvement. But if for example, the attacked state is able to respond appropriately, there is no need for additional intervention or use of European military capabilities.

Considering this, we can assume that the event of a security threat in Europe could require a common response or the building of a specific task force to deal with, whether it will be within EU or within NATO. But it is difficult to assess what form such a response will take, as it is pending on a case-by-case approach.

Moreover, current EU military tasks do not include explicit geographic prohibitions, so for the time being, we believe that there is no need to incorporate detailed provisions that will lead us to restrict the existing security and defense provisions.

3. Should a solidarity commitment be introduced into the Treaty providing mutual assistance? What form might this take (voluntary opt-in)?

Starting from its inception in 1948, Western European Union was designed as an organization responsible for the collective defense of its members. Solidarity commitment was the key element for that period. The following NATO emergence as a guarantor of Western European states security created the necessary conditions for preserving the peace and stability in Europe. Last but not least, the Balkans experience and 11 September events testified the Alliance capacity to project stability in the European area and abroad.

We think that the NATO's experience in the field of maintaining a viable security community, bound together by democratic values and military solidarity remains essential for the European security. From this perspective, the security of the EU member states could be guaranteed through the existing mechanisms, while complementing and not duplicating NATO role will be of tremendous importance for the future European security architecture.

4. How can the Union develop a comprehensive and coherent security concept, drawing on the range of civilian/military capabilities as its disposal? What should be the role of the High Representative in the area of Defense?

In our opinion, the current debate about how EU should develop a security concept must tackle a host of related problems. It is essential to question what kind of security the EU is aiming for, and how the EU's approach to security will be adapted to the changes of the international environment and also, to the internal changes in its own architecture from Maastricht to Nice.

Until now, the EU has developed a comprehensive and consolidated sets of norms and values that are reflected in the objectives and guidelines for CFSP. These are characterized by a broad understanding of security that goes beyond the mere absence of war. Now it is essential to identify how the CFSP objectives can respond to new challenges and also what kind of role should the EU aspire to in today's international environment.

Having in view the current evolution of the EU institutional reform, mainly the establishment of a constitutional platform, we can assert that European Union will have, in the medium term, the necessary tools, namely the legal character for playing a prominent role on the security arena.

For a coherent security concept to emerge, we should firstly analyze the necessity of adapting / changing the CFSP objectives, to incorporate the subsequent development of the ESDP, as established in Nice. This is how, European diplomacy and European defense, the civilian and the military tools will be joined together. A single concept or strategy will be able to ensure the required coherence between EU political cooperation, assistance policies and military intervention. A new security and defense concept will therefore be implemented not only through Helsinki Headline Goal commitment, but also on the basis of diplomatic and economic endeavors to promote peace and stability.

This concept will also have to incorporate a special chapter about cooperation with other institutions and organizations and areas in which the EU will try to develop more concrete forms of common inter-institutional involvement or assistance.

Another argument for revising the CFSP framework: practice has already exceeded its legal framework, as we have seen recently that EU as a single actor has gained a voice and a role in different regions and in the settlement of different issues, such as the Israeli-Palestinian conflict.

Obviously, the creation of the post of High Representative is probably the most important innovation of the institutional reform, which is currently under way in the EU. From the very beginning, the main idea was to give CFSP “a face and a voice”, and improve the EU’s mechanisms in the field of security. Also the experience of last years (from the Helsinki European Council until now) showed that the future role of Secretary General of the EU Council/High Representative in the framework of ESDP must be improved.

In this respect, a solution could be the establishment of an institutionalized chain of responsibilities and subordination, in which a deputy post for defense will complement the High Representative position as responsible of the overall security and defense policy. This will allow for a coherent approach of both political and operational issues, which is of outmost importance, especially in a concrete situation of crisis management.