

Working Group VIII

Working document 28

WORKING GROUP VIII « DEFENCE »

Subject : Dutch comments on the preliminary draft final report of Working Group VIII
"Defence" (WD 022)

Members of Working Group VIII will find attached the Dutch comments on the preliminary draft final report.

The European Convention Working Group on Defence

Dutch contribution on the future of the Common European Security and Defence Policy. Response to the draft report of Michel Barnier, chairman of the Working Group on Defence of the European Convention, also in the light of recent Franco-German and British contributions to the discussion on this subject.

Mr Michel Barnier has produced an impressive draft report, which strikes a balance between the various national positions. France, Germany and the United Kingdom have recently made important contributions to the further development of the ESDP. The Netherlands has always been closely involved in developing the ESDP and is pleased to contribute to the discussion by presenting its written commentary on the report.

The ESDP today'

The section *The ESDP Today* in the draft report has the useful purpose of informing those who are not involved with the ESDP on a daily basis about the context in which the Group has been operating. Still, the possibility of abridging points 4 to 18 should be investigated. A remark could be added to point 20 to the effect that the Group hopes for a rapid resolution of the impasse reached in the talks between the EU and NATO on permanent arrangements between the two organisations.

'Specific nature of defence matters'

Paragraph 30 lists several multinational military units. This list should include the 1 German/Netherlands Corps and other multinational European units that could be deployed in EU operations.

'Recommendations'

The Netherlands is in favour of expanding the role of the High Representative (HR) in crisis management, as proposed in point 35(b), because it will increase the coherence of EU operations. One way of accomplishing this would be to give the HR the right of initiative. This would allow the HR to make specific proposals on - for example - the composition of the civilian or military forces carrying out an operation. However, the general idea will have to be worked out in greater detail. The distinct roles of the Council and the HR in crisis management must be clear. The HR should

not be the commander of an operation, but he does have a role in coordinating activities and he could serve as the point of contact for an operation. Political direction of operations should remain in the hands of the Council, or may be delegated to the Political and Security Committee (PSC) by the Council.

Point 35(c) rightly emphasises the necessity of a clear command structure. It is vital for the command structure not to lead to misunderstanding, especially in military operations. For this reason, the operational commander will be under the direct authority of the competent bodies in Brussels. In addition, wherever EU operations take place, all the EU activities in the area will need to be properly coordinated. Responsibility for coordination could be given to a Special Representative or to someone else appointed by the Council. However, what is at issue here is coordination, not command. Furthermore, it is important not to prescribe a generic solution for such cases. The best method of ensuring coordination and cooperation should be identified case by case.

With regard to point 35(d), we are convinced that rapid financing of EU operations should be possible without amending the Treaty. The existing Rapid Reaction Mechanism, along with expedited procedures for regional measures, should be sufficient for civilian operations. However, looking at previous experience (EU PM, for example) one can conclude that current procedures should be further improved. The Netherlands has always supported the proposed start-up fund for military operations.

The Netherlands' comments on the future role of the HR in the EU's institutional framework will be incorporated into the discussion in the Working Group on External Action. Regarding the involvement of the HR in defence policy, further clarification would be welcomed.

With regard to the officials acting as alternate to the HR, it would seem reasonable for one of them to have special responsibility for strengthening military capabilities, relations with NATO, support for EU operations (chairing the Committee of Contributors during an operation), conflict prevention and the duties of the Secretary-General of the Western European Union. The Netherlands is not in favour of political appointment of alternates.

The Netherlands supports a larger role for members of parliament in the CFSP/ESDP as mentioned in point 40. The exact nature of their involvement will have to be determined within a wider-ranging discussion of the future of the European institutions (see point 58 of the report on external action).

The Netherlands supports the proposal of a clause in the initial articles of the Constitutional Treaty enabling all the instruments available to the Union to be mobilised to avert a terrorist threat from a non-state entity to one or more of its member states. This clause would rightly display the member states' solidarity. The Netherlands believes there is no need for annexing a separate declaration to the Treaty on this matter. The Netherlands has noted with satisfaction that a clause as mentioned above would not refer to the defence of territorial integrity.

Today, internal and external security are indissolubly linked. This means that all available instruments must support a coherent security policy.

The Netherlands holds the view that, in the current institutional structure of the Union, the primary instruments for protecting our homeland security are in the third pillar, but they should be supported when necessary by first and second pillar instruments.

Alongside the need for greater coherence among all the instruments of the EU itself, close coordination with other organisations is also crucial. This is especially true in the area of civil protection, where close coordination with NATO will improve efficiency in the case of a crisis, for example one involving weapons of mass destruction. This remark should be added to point 44.

The Netherlands supports the proposal to modernise and extend the current Petersberg tasks, which are the subject of point 45. This is in line with our policy on a broad security concept, which includes more attention for conflict prevention and for co-operation with third countries in the field of defence. The phrase 'defence outreach' could be replaced by 'security co-operation', because this expresses more accurately the intended meaning. Furthermore, we propose replacing the term 'peacemaking' in art. 17 of the TEU with 'peace enforcement', because it has become the more usual term.

The Netherlands welcomes the idea of enhanced co-operation in the field of defence – other than military operations - as proposed by Germany and France. This will strengthen the flexibility of the EU. It is desirable to lay down in the Treaty the specific areas that qualify for enhanced co-operation in the field of defence. One could for example think of enhanced co-operation on armaments policy and co-operation within multinational forces.

Regarding point 46 – 48 on possibilities for enhanced co-operation and constructive abstention, a more clear distinction must be made between military operations that will be decided on by unanimity (with the possibility of constructive abstention) and the forms of co-operation that will be decided upon according to the rules for enhanced co-operation. The Netherlands would welcome a more detailed description of these points to prevent possible misunderstanding.

The Netherlands supports the proposal in point 46 that member states which abstain when an operation is launched relinquish the option of later participating in decision-making on the operation. Nevertheless, our ambition should always be to strive for broad political support from member states for an operation.

After member states decided to launch an operation, a group of countries having the requisite military capabilities, could rapidly launch an operation (point 48). The Netherlands applauds countries' willingness to form such groups in order to get operations of this kind off the ground, for example by jointly improving the necessary military capabilities and by increasing the level of interoperability of their military forces. The second sentence of point 48 suggests that there may be a connection between military operations and enhanced co-operation, and should therefore be removed.

Strengthening military capabilities is essential to a credible ESDP. For this reason, member states accepted at the Capabilities Commitment Conference in 2001 the Dutch initiative for the European Capabilities Action Plan. The EU Capabilities Development Mechanism is also being set up, that – amongst others – takes care of close coordination with NATO on defence planning, which is of paramount importance.

The convergence criteria proposed in point 49 may give a distorted impression of member states' defence efforts. The Netherlands would rather see the focus on the results obtained instead of the amount spent. The way in which funds are spent is often at least as important as the amount. What matters are the preparedness, deployment capability, interoperability and sustainability of military units. The Netherlands welcomes any method that will encourage member states in a positive and inclusive way to take up the improvement of military capabilities.

Referring to points 50 – 52, the Netherlands backs the British proposal for a Defence Capability Development Agency, in which planning and execution of the improvement of military capabilities will be merged. This would involve the continuation of the Organisation for Joint Armaments Cooperation (OCCAR) and the Letter of Intent initiative (LOI), with 15 and later 25 member states. Regarding the planning of the improvement of military capabilities, the agency should have a supportive role. The Netherlands' perspective is that the agency would have to promote market forces and must not force the use of certain suppliers. In addition, the financial consequences of setting up the agency should be clarified before making the decision. The head of the agency will have to concentrate on encouraging member states to improve their military capabilities. Armaments purchasing will remain a national matter.

The Netherlands considers it vital for third countries to also be given the opportunity to take part in projects on an ad hoc basis. Non-EU NATO allies in particular, like Norway and Turkey, should be able to participate in cooperative EU armaments projects. Integration of the activities of the Western European Armaments Group/Western European Armaments Organisation (WEAG/WEAO) into the EU will only be feasible if the countries that now participate in WEAG are automatically permitted to take full part in the continuation of its activities within the EU.

The Netherlands sees a European agency as one option for improving the EU's military capabilities and better positioning its defence industry in the global market.

Other options must not be excluded, however. Supporting the European defence industries cannot be a goal in itself.
