

Working Group VIII

Working document 32

WORKING GROUP VIII « DEFENCE »

Subject : **Comments by Mr Slavko Gaber on the preliminary draft final report of
Working Group VIII "Defence" (WD 022)**

Members of Working Group VIII will find attached comments by Mr Slavko Gaber, member of the Convention, on the preliminary draft final report.

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Working Group VIII (Defence)

Comments on the Preliminary Draft Report

At the very beginning I would like to welcome the draft of the final report of the Working group VIII.

As an introduction to my comments to the draft report, I would like to stress the importance of considering the **ESDP as an integral part of CFSP**. Defence mechanisms are only one part of different security measures available to the EU and must be triggered only when all other economic, development, foreign policy and other security mechanisms failed to prevent a conflict. My suggestion would be to include the above-mentioned notion of ESDP being a part of the CFSP in the **introductory note to the Final report**. In this way, several possible fears concerning the very nature of the EU (including the danger of militarisation) that were stated in some of the Working group's meetings could be avoided.

Following the logic of the proposed text for the Working group final report, I am going to present some comments on the text. Since the first parts of the draft describe very well the current political, institutional and decision-making arrangements in the field of ESDP, I will concentrate primarily on Title E of the text; "Recommendations".

Firstly however, I would like to make a short comment on Title D of the draft proposal. While speaking about "The Current Challenges" that threaten global security today, the text claims that this threat is defined by "more diffuse risks linked to international terrorist organisations or the use of weapons of mass destruction". As much as I agree, that the threats to global security today include terrorist attacks and the proliferation of WMD, I would strongly disagree that the threat is "no longer defined by the risk of conflict between States or ethnic groups". Armed conflicts between and within states are still very much present in today's international system and are likely to remain so in the future, as well. Furthermore, many terrorist actions are only a consequence of conflicts, and I'm sure that by further investing in the prevention of such conflicts, many terrorist attacks could be avoided.

I would also not agree with the thesis that further efforts to fight new threats are "hampered in particular by Member States' reluctance in deciding to increase defence budgets". I would argue that the reason for the relative ineffectiveness in this field lies primarily in the **lack of co-ordination, division of labour, standardisation and systematic transfer of knowledge between civil and armaments industry in the defence area** between European states.

Focusing on the title E; “Recommendations”; Chapter I - “Crisis Management: coherence, efficiency”, I agree that responses to crises must become more efficient and coherent. In order to do so, **enhancing the role of the High representative and giving him a right of initiative** (as suggested in the draft report – Art. 35(b)) is absolutely necessary. I also support the idea of the establishment of a special fund “based on Member States’ contributions”, which could give the EU’s action the necessary financial support for an early and most importantly, timely intervention.

Referring to the Chapter II “The Institutional Framework: arrangements to be strengthened” I would like to stress that the so-called **double hatting is necessary** if the EU wants to be coherent and effective in crisis prevention and crisis management. In addition to this, I would also like to express my support to the suggestion of national parliaments’ defence committees’ regular meetings. By discussing and exchanging views, the political scrutiny of national parliaments’ over their governments could be enhanced.

Concerning the issue of solidarity (Chapter III, “The Response to the new threat: more solidarity”), I agree with the Articles 41 and 42. However, I would suggest that the articles should include not only internal EU solidarity, but should also stress the importance of **EU’s solidarity with other parts of the world**. Europe, as an economic superpower, must start to play its role as a political power, and accept important responsibility for political problems outside its borders, as well. Thus, I support Mr Spini’s suggestion that the RRF might be available to UN’s security actions as well, of course, if the UN so asks and if the Council so decides.

When speaking about the “updating and flexibility” of Petersberg missions (Chapter IV), I am very much in favour of the stressed need to update the missions with a reference to “Conflict prevention” (Chapter IV, Art. 45). However, I believe the importance of conflict prevention should be emphasised even more in the final report, possibly by introducing a separate chapter on the subject. For example, Chapter IV, “Effective Conflict Prevention”. Although States and international security organisations regularly stress the necessity of effective crisis prevention, it is obvious that the current international security system lacks an efficient crisis prevention mechanism. **The establishment of such mechanism could become one of the primary goals of the ESDP and the niche, where the EU could play a leading role in the international security system**. It is evidently better to prevent conflicts through early warning, quiet diplomacy (and in some cases, preventive deployment of forces) than to undertake major military operations once an armed conflict has broken out.

I also agree with the thesis that “launching of an operation would be decided unanimously but with the application of the rules on constructive abstention” (Art. 46). However, the explanation of the application of the rule (e.g. the threshold) should be more detailed. If the threshold would be too low (too many countries in constructive abstention), I would suggest that the abstaining country would also participate in “decision-making concerning the implementation of the operation”.

Concerning Chapter V, “Capabilities and armaments: towards a European Agency”, art. 49 of the report, I would like to accentuate even further that defence is only one part of security. Therefore, states willing to participate in EU’s security system should not be blocked by defence criteria solely. **Willingness to participate, should be the primary criteria for admission**. When the report speaks about the “Coalition of the Willing” (Art. 47), it is important to note that there are many states within the EU that focus on their security issues in different ways, not only by increasing defence budgets. One might for example take into account also civilian aspects of security or development aid, which are strongly related to security issues. Consequently, we might consider using the term security co-operation rather than defence co-operation only.

I also believe that the “setting up of an intergovernmental basis of a European Armaments and Strategic Research Agency”(Art. 50) would be very useful. As mentioned in the draft report, the Agency should be open to all member states, which means that it would be able to play a crucial role in the co-ordination of all states’ defence capabilities. I also strongly support the formalisation of defence ministers’ meetings within the Council (Art. 53). The formalisation of such meetings could probably play a very important role in the future development of ESDP.

At the very end, I would like to stress the importance of **formally regulating the relations with Nato in the field of security and defence policy**. Although there were some doubts expressed at the Working group’s previous meeting about the inclusion of Nato in the final recommendations, I would like to stress the importance of an EU-Nato agreement, if we want the ESDP to succeed. Most of the states, members of the EU and Nato will not and cannot afford the duplication of forces and spending for Nato forces as well as the ESDP. Thus, an agreement is necessary, so that the states willing to participate and contribute to the development of ESDP, will also be able to do so, mainly by combining security and in particular defence efforts of EU and Nato.
