

CONVENÇÃO EUROPEIA

SECRETARIADO

Bruxelas, 26 de Setembro de 2002

CONV 301/02

CONTRIB 102

NOTA DE ENVIO

de: Secretariado

para: Convenção

Assunto: Contributo de Lamberto DINI, membro da Convenção
"Defesa Europeia"

O Secretário-Geral da Convenção recebeu de Lamberto Dini, membro da Convenção, o contributo que figura em anexo.

European defence
(*CONV. 246/02*)

1. In setting about the creation of a European defence capability, which is already provided for in the Treaties, we must be fully aware of the disparities in the security structures of the EU countries, the result of their very different histories (some neutral, others members of military alliances; some with nuclear weapons, others without; some having conventional forces, others not; some with conscript armies, others with only professional soldiers). Except in the nuclear field, these differences are likely to diminish, however. Consider, for example, the participation of candidate countries in peace-keeping operations and neutral countries' increasingly close links with NATO.

A common defence is already referred to in the Treaty of Amsterdam as the last step of integration. Exceptionally, provision is made for its implementation without a revision of the Treaties, by means of a decision of the European Council to be adopted by the Member States in accordance with their respective constitutional requirements.

In contrast with other areas of integration, account must also be taken of the collective security many EU countries had already achieved by belonging to the Atlantic Alliance, which existed even before the European Community was born.

It is therefore necessary to adhere to some principles that in the present geopolitical framework can guide the search for common instruments. These should help to avoid:

- duplication between individual national structures and between these and the structures of the Atlantic Alliance, especially in view of the scarcity of resources;
- discrimination, in the sense of distinguishing between the countries that belong to the Union and those that do not, between those that participate in a common defence and those that do not, naturally without introducing permanent exclusions;

- a decoupling between the Union and the United States, so as not to prejudice the oneness of the collective security of the Euroatlantic community. The decoupling would be political in the event of divergent decision-making processes; it would be strategic if the Union's military capability were insufficient. European insistence on institutional adjustments alone would undermine its credibility; American insistence that decision-making mechanisms can be revised only after Europe has acquired a full military capability would be equally unacceptable. A stronger European Union is a condition for a stronger NATO and, in the longer term, for its survival.

It is necessary to aim at two objectives: a) inside the Atlantic Alliance, to increase the cohesion and contribution of the EU component, so that it can dialogue with the United States; b) outside the Atlantic Alliance, to endow the Union with a capability permitting it to act on its own, after consulting the United States, drawing or not, according to the circumstances, on the instruments of the Alliance.

2. It is not necessary to revise the Treaty provisions concerning the so-called "Petersberg tasks" (humanitarian, peacekeeping, peacemaking). Such operations cover just about every form of military action except for those adopted following a collective defence commitment.

Humanitarian missions can be on a vast scale, as in Kurdistan in 1991, where they involved thousands of soldiers and strict enlistment rules. By contrast, those under way today do not need to be enlarged, in part owing to their flexibility, and are sufficient to protect the Union's interests and achieve its aims.

3. From the institutional point of view it would not be appropriate to create a "fourth pillar" for defence, in addition to those that already exist (Community law, foreign policy, and justice and home affairs), whose number the Convention should in any case reduce. It would be advisable, instead, to integrate security and defence more effectively into the broader framework of the Union's external action. The use of force can be part of a political solution to crises; the common strategies provided for in the Treaties could contain elements bearing on security and defence. The new institutions, especially the Political Committee, have been created precisely to bring together foreign policy and defence.

It would be useful, besides, to formalize a Council of Defence Ministers to address specific matters ranging from military planning to cooperation on armaments, although the European Council would always have the last word.

As regards the decision-making process, the Convention is moving towards a proposal for qualified majority voting in the Council on foreign policy matters. Defence, however, will have to continue to require unanimity, corrected by allowing constructive abstention or enhanced cooperation.

4. The foregoing considerations suggest the desirability of some innovations serving to introduce:

- a) enhanced cooperation also in the defence field, where the need arises precisely from the difference in status indicated above, so as to permit a vanguard of countries to precede the others, while allowing the latter to opt in later, when they are able and wish to do so. In particular, it would be a question of abrogating the penultimate sentence of Article 23 of the EU Treaty. This would permit the application of the vanguard formula to sectors such as mutual defence undertakings and collaboration in the arms industry, where the immediate involvement of every country is not feasible in an ever larger Union.

The introduction of enhanced cooperation in the defence field had already been proposed by some countries, including Italy, towards the end of the Conference that led to the Treaty of Nice. Enhanced cooperation already exists outside the Treaties (Eurocorps, EUROFOR, EUROMARFOR, etc.); formalizing it would allow these initiatives to be brought into the Union.

- b) The mutual defence commitment, which would bring into the Union the part of the WEU Treaty that is still outside, especially the protection contemplated in Article V. A similar proposal was put to the founding member States as early as the negotiations leading up to the Treaty of Amsterdam.

In order to take account of the different status, the legal form could be that of a Protocol, with the adherence of today's full members of the WEU, which are also members of NATO. In fact the WEU commitment is exercised through the simultaneous participation in the Atlantic Alliance. The protocol should provide for an opting-in mechanism for other countries that wished to join those already tied by a double commitment within the WEU and NATO.

One objection that was raised in the past to this solution is that it would make the prerogatives of a member of the Union subject to its belonging to another institution external to it. This objection is becoming less and less credible, however, in view of the growing relations with the Atlantic Alliance both of individual members of the Union and of the Union itself, not to mention the growing coincidence in Europe between WEU and NATO members.

Common defence could be the nucleus of more advanced forms of permanent cooperation, with parameters for countries wishing to opt in later based on their effective capabilities. This cooperation could also cover new risks, such as those deriving from the use of chemical and biological weapons.

- c) A European arms agency, which would bring together the countries capable of contributing effectively to strengthening the industrial base of common security, in terms of research, production and procurement. The starting point could be provided by structures that already exist, such as OCCAR (the United Kingdom, France, Germany and Italy) and LOI, whose membership includes Spain and Sweden in addition to the four countries just mentioned.

In this case it would be a question of taking action that is already provided for in the Treaty and making more rational use of scarce resources by fostering the coordination not only of the supply of armaments but also of the related demand. Greater European cohesion would also serve to enhance the complementarity with the efforts made within the Atlantic Alliance and thus enable Europeans to acquire, in a non-antagonistic manner, adequate bargaining strength.

The agency should allow countries to opt in later, under the rules of enhanced cooperation. It is also worth asking whether it would not be desirable to revise Article 296 of the European Community Treaty, which excludes armaments from the scope of the single market.

- d) Convergence of the military structures of the EU countries, together with a review of their capabilities within the Atlantic Alliance for the countries that belong to it.

It would in any case be possible to amend the Treaties with the addition of a commitment to closer concertation on the planning of national armed forces, so as to direct them towards the new tasks that have emerged and gradually fill the gaps of an operational nature with respect to the United States. Europe spends two thirds of the amount the United States spends on defence, but the results are far inferior, as regards both short-range operations (command, control, intelligent weapons, etc.) and long-range interventions (strategic logistics, airborne refueling, etc.).

In short, while the Union is preparing to equip itself with the means with which to carry out rapid interventions, it lacks the procedures needed to place them within a clear strategy for the defence of its interests, as regards either the geographical limits to their application or the circumstances legitimating their use, with reference, for example, to the role of the United Nations. In order to overcome this situation, the first step could be the publication of a white paper on European defence.
