



UNISCI Discussion Papers

THE CONVENTION: THE SOLUTION TO REINFORCE ESDP?

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FECHA:

Octubre 2003

“As a union of 25 states with over 450 million people producing a quarter of the world’s Gross National Product, the European Union is, like it or not, a global actor; it should be ready to share in the responsibility for global security”.

Javier Solana

1. Introduction

The Nice European Union Treaty states that the European Union’s foreign and security policy now includes the “progressive framing of a common defence policy”.² In the light of diplomatic rows in late 2002 and early 2003, which pitted France and Great Britain against each other on the issue of Iraq, this declared ambition appears vain. Is the EU gaining substantial strategic coherence that will enable joint military action, or are EU treaty ambitions a mirage, an image of purity based on continuing powerlessness?

The literature on the subject offers two contrasting conclusions. One is optimistic and argues that the EU is achieving political confidence in relation to the deployment of military forces and moreover that the use of military force has become accepted within the domain of crisis management that is firmly embedded in the EU.³ Combined with the fact that the first EU defence operations began in 2003 in the Balkans, it would indeed appear that the EU is “squarely on the road toward autonomy in matters of defence” – in fact, an “ineluctable” trend.⁴

Another is pessimistic. “In 2002, it would appear, there is neither strategy nor policy”, because the CFSP is all about internal state-building rather than external defence.⁵ In consequence, the EU will disintegrate politically in the face of real, external threats unless radical reforms are undertaken within the EU – in the author’s view, enhanced cooperation among European great powers. Another observer likewise concludes that while European

¹ Las opiniones expresadas en estos artículos son propias de sus autores. Estos artículos no reflejan necesariamente la opinión de UNISCI. The views expressed in these articles are those of the authors. These articles do not necessarily reflect the views of UNISCI

² Treaty of the European Union, Title V, art. 17.1 (2000).

³ Cornish, Paul and Geoffrey Edwards: “Beyond the EU/NATO dichotomy: The beginnings of a European strategic culture”, *International Affairs*, July, 77 (3), 2001, pp. 587-603.

⁴ Cogan, C. G. (2001). *The Third Option: The Emancipation of European defence, 1989-2000*. New York, Praeger.

⁵ Lindley-French, J.: “In the shade of Locarno? Why European defence is failing?”, *International Affairs*, October. 78 (4), 2002, pp. 789-811.



countries share values, they disagree on the fundamental issues of threat analysis and the application of force.⁶

This is the starting point for this article. For the EU to become a defence player, European countries must gain a significantly stronger sense of common interests and the way military power can promote them. Given this context, the results of the Convention will be analysed in order to define the limits and perceptions to reach a more effective and coherent ESDP in a new security environment. The current division among the state members will also be analysed.

2. The Definition of a Strategic Europe

The questions of whether Europe has a strategic sense of purpose, and regarding the utility of military force, are easy to discard because of the obvious differences in national outlook, ranging from countries such as France and Great Britain who maintain that force must be used to defend interests to countries such as Austria, Finland and Sweden who argue that force must be restrained as much as possible. This is not new. The real issue concerns the dynamics that may lead to the establishment of a core of agreement. François Heisbourg concluded a couple of years back that progress is taking place.⁷

- The differences between the two ends of the spectrum are narrowing;
- The centre of gravity of the spectrum is moving to greater, not lesser, acceptance of participation in operations involving the use of military force.

Below this “centre of gravity” is assessed – its nature in terms of the EU “self” and its principal “others” and its conception of military force. The EU “self” is fundamentally liberal. It espouses democracy, the rule of law, and individual freedom and professes confidence that progress is possible. Article 2 of the Treaty on European Union lays out the collective vision.⁸ Having thus defined its substance, the Union assumes a task in world politics of not merely defending its interests but of asserting its identity.

This same liberal emphasis is found also in the texts of the new Treaty of the European Convention. The European Convention concluded its work in July 2003 by delivering a draft Constitutional Treaty that was to be passed on to the IGC for final revision and approval. This Treaty first enumerates key values: “human dignity, liberty, democracy, equality, the rule of law and respect for human rights”.⁹ It then asserts, among other things, that the EU “shall cover all areas of foreign policy and all questions relating to the Union’s security, including the progressive framing of a common defence policy, which might lead to a common defence”.¹⁰

Whether the verb is enumerating or covering, it is unquestionable that the EU assumes a role of implanting its values abroad. This can be seen in relation to EU engagements in the Balkans where the Union originally, in the early 1990s, suffered a string of diplomatic defeats but where subsequent engagements have had greater, if still limited, success. The EU has used two types of instruments: Common Positions and Joint Actions. The ambition to cultivate

⁶ Heiselberg, S.: “Pacifism or Activism: Towards a Common Strategic Culture within the European Security and Defence Policy?”, *IIS Working Paper 2003/4*, Copenhagen.

⁷ Heisbourg, F.: “European defence – making it work”, *Chaillot Paper 42*, September 2000, section II, 3.

⁸ In particular, the Union shall “promote economic and social progress and a high level of employment” and “achieve balanced and sustainable development, while also maintaining and developing “the Union as an area of freedom, security, and justice”.

⁹ Article 2: The Union’s values. *Draft Treaty establishing a Constitution for Europe*. CONV 850/03, Brussels, 18 July 2003.

¹⁰ Article 15: The common foreign and security policy. CONV 850/03.



democracy within Europe and promote it globally is thus a longstanding one, and today it has direct ramifications for the evolving ESDP. It encompasses the view that the EU can actively stimulate regime change in other countries – be it Serbia or Bosnia – just as the US believes it can be a force of good in Afghanistan and Iraq. This brings us to the question of the use of military force.

Nevertheless, the draft text seems to add very little to the current CFSP set-up but for the creation of the post of a “Foreign Minister” combining posts of the current High Representative and the Commissioner for External Relations. This is expected to facilitate coherence and coordination between EU institutions and bureaucracies. By contrast, the new draft articles on decision-making still display all the roadblocks that have long slowed down or impaired CFSP. True, foreign and security policy is not primarily about legislation, for which majority voting is indispensable. In this domain, in fact, consensus increases legitimacy, while action cannot be imposed on reluctant member states. The Convention, however, could perhaps have gone further in limiting the crude veto right of individual member states, especially with a view to an EU of 25 or more. This is all the more true in that the strict unanimity rule is partially broken in what has long been a taboo area, namely defence. It could therefore have been introduced, with some explicit restrictions, also in the domain of foreign policy proper - at least as an institutional deterrent against individual vetoes.

At the same time, the scope of the original “Petersberg tasks” is significantly broadened in that it encompasses also “joint disarmament operations,... military and advice assistance tasks,... conflict prevention... and post-conflict stabilisation”.¹¹ The group of member states that are willing and able to carry out the implementation of an ESDP mission will agree on the management of the mission and keep the Council regularly informed. This provision introduces flexible systems for carrying out crisis management missions, so that not all EU members have to be engaged.

The security strategy moves in the same direction by giving a much broader assessment of the potential threats to European security (including the proliferation of weapons of mass destruction and international terrorism) as well as the Union's responsibilities in the wider world.¹² Accordingly the Union needs to develop a strategic culture that fosters early, rapid and, when necessary, robust intervention. At the same time, the “added value” of the EU as a security player not just regionally – although “extending the zone of security around Europe” remains a top priority – but also globally lies in its capacity to mobilize a wide array of policy tools well beyond the military. At any rate, the Union should do so in order to strengthen the international order and spread the rule of law and good governance, in cooperation with partners and within the framework of the United Nations Charter.

2.1. The European Security and Defence Union. Will it come about?

Germany and France have from the beginning seen their long-standing security and defence cooperation as part of the perspective of a strong, united Europe. Against this background, and in the awareness that key projects for the development of Europe can only be successful if Germany and France cooperate closely, they submitted a joint initiative to the EU Convention in November 2002 on the further development of the ESDP into a European Security and Defence Union (ESDU).

The reasons for and aims of an ESDU:

¹¹ Articles I-40.5 and III-211. CONV 850/03.

¹² Solana, J. *A Secure Europe in a Better World*. European Council, Thessaloniki, 20 June 2003.



- ESDU is a leitmotif for an EU constitution and to preserve the momentum of the development of the ESDP.
- ESDU is an integral part of a strong and cohesive "Europe" which participates in shaping globalisation in line with the values and interests of the EU member states.
- ESDU is not a substitute for NATO. A Europe with an effective security policy strengthens NATO by improving transatlantic interoperability and developing a European pillar within the alliance.
- ESDU is a project of political integration, which includes the perspective of a common defence policy which could lead to a common defence.
- ESDU serves increased integration within the scope of the EU and should not lead to a "Union within the Union": the objective is to improve European operability, even if not all EU member states participate initially.
- ESDU also needs more options for integration without the initial participation of all, especially having regard to the forthcoming enlargement by ten states; an important instrument to this end is the introduction of enhanced cooperation in the EDSP field.
- ESDU should, through increased cooperation and integration, foster the willingness of EU member states to extract greater military capabilities from their defence budgets (pooling of resources, division of labour, European armaments agency).

An even further-reaching initiative followed on 29 April 2003, when the Heads of State and Government of France, Germany, Belgium and Luxembourg presented a proposal to the public that added further fuel to the reform debate on ESDP, in particular with a view to flexibility.¹³ There were three main points:

- Certain proposals for procedural and institutional reform of defence policy should be included in the Constitutional Treaty of the Union, such as a provision on enhanced cooperation in the defence sector and the creation of a European Armaments Agency (for Development and Procurement of Military Capabilities).
- The definition of a European Security and Defence Union (ESDU), open to all current and new members of the EU, should be accepted by the Convention and inserted in the Constitutional Treaty. It should include a commitment for mutual help and assistance, the harmonisation of positions on security and defence policy, the coordination of defence efforts, the development of military capabilities and an increase in the allocation of spending on investment in equipment.
- A number of initiatives of the four countries should be open to all interested current and new members: the development of a nucleus capability for rapid reaction, a joint nuclear, biological and chemical protection capability, a nucleus capability for military planning for the EU, the setting up of a command for strategic air transport, European training centres, a European system for first humanitarian aid (EU-FAST) and a multinational mobile general headquarters by 2004.

These proposals apparently imply a multi-stage process. The EU would have to become more flexible, in particular by improving options for enhanced cooperation,¹⁴ and the ESDU, regarded as a pre-determined field of flexibility, would go in the direction of different

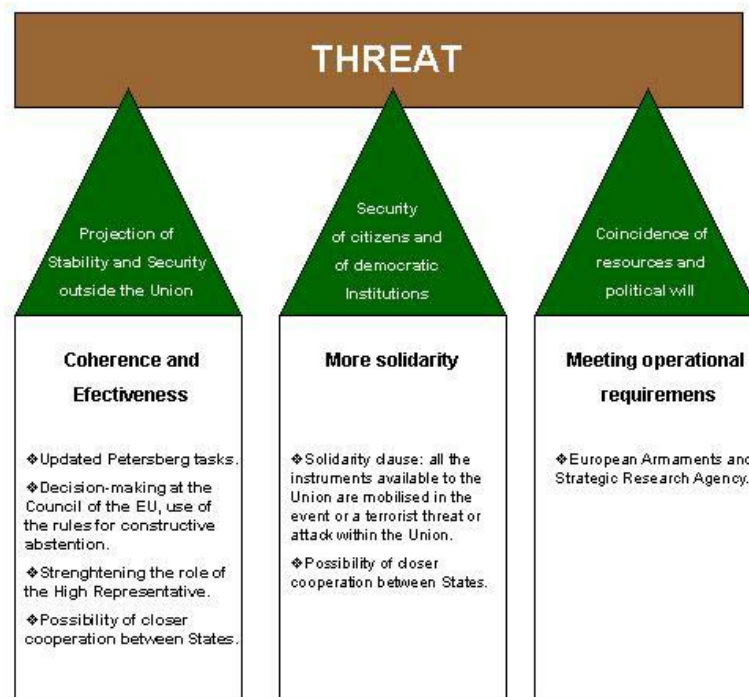
¹³ *Conclusions of the Meeting of the Heads of State and Government of Germany, France, Luxembourg and Belgium on European Defence*, Egmont Palace, Brussels, 29 April 2003.

¹⁴ See the *Joint Franco-German proposals for the European Convention in the field of European Security and Defence Policy*, put forward by Dominique de Villepin and Joschka Fischer, Brussels, 22 November 2002 (CONV 422/02).



speeds and the creation of a core Europe model. The fundamental question is how ESDU and ESDP would be linked and interrelated, in particular if not all members join ESDU in the middle or long term.

The final report of the defence group reflects the central role played by considerations on flexibility and proposes a mixture of different options ranging from case-by-case flexibility under constructive abstention to pre-defined fields of flexibility (mutual assistance clause and capabilities) and a clause for enhanced cooperation.¹⁵ The next figure shows the future trends within the EU:¹⁶



Although elements like the ESDU could not be brought into the Constitutional Treaty, the result is still amazing, especially for ESDP. The final draft Constitutional Treaty thus provides for a revised clause on enhanced cooperation in CFSP¹⁷ without any restriction related to ESDP. Authorisation should be granted by the Council at the request of the interested member countries and after receiving opinions from the European Foreign Minister and the Commission on the proposed enhanced cooperation's consistency with CFSP and other Union Policies. The European Parliament should also be informed. For ESDP, further elements of flexibility can be found in the draft Constitutional Treaty.¹⁸

¹⁵ *Final Report of Working Group VIII – Defence*. Brussels, 16 December 2002 (CONV 461/102 WG VIII 22).

¹⁶ Working Group on Defence. "For Greater Effectiveness and Solidarity in Defence", *The European Convention*, Points n° 10, 20 December 2002. Available from: <http://european-convention.eu.int>.

¹⁷ Articles III-325.2 and 326.2. CONV. 850/03.

¹⁸ *Draft Treaty establishing a Constitution for Europe*. CONV 850/03, Brussels, 18 July 2003.



- Member countries that establish multinational forces may make them available to the common security and defence policy.¹⁹
- The Council may entrust the execution of tasks to a group of countries.²⁰
- Member states fulfilling higher criteria for military capabilities and having made more binding commitments with a view to more demanding tasks shall establish structured cooperation within the Union.²¹
- A European Armaments and Strategic Research Agency will be set up, open to all member states wishing to participate.²²
- Until the European Council decides unanimously on a common defence, closer cooperation shall be established as regards mutual assistance.²³

The recent meeting held in Berlin gathered Blair, Chirac and Schröder who agreed, however, the necessity of developing military capabilities. “We are convinced that the EU must have the capability for planning and managing (military) operations without NATO”, says the agreement. It also expresses that “the future structure will search for consensus “when possible” among the 25 member states”.²⁴ This fact can be interpreted as another step in the creation of a more active, more coherent and more capable ESDP, in spite of the opposition of United Kingdom to the development of the European Command proposed by Belgium, France, Germany and Luxembourg.

2.2.A more flexible ESDP?

Flexibility in CFSP and ESDP within pre-determined policy areas does not yet represent a feasible option. The wording of article 17 TEU states that the “specific character of the security and defence policy” of certain member countries shall not be prejudiced as a form of pre-determined differentiation. The same article also mentions the possibility of “cooperation in the field of armaments” among several member states. But these provisions either remain vague or hint at certain features of member states’ security and defence policy resulting from extra-EU commitments or non-alignment. They do not prescribe a substantial engagement by member states in the framework of the Treaties.

Within the debate on CFSP and ESDP, pre-determined forms of flexibility have been discussed for issues such as a mutual assistance clause, more efficient use of resources and enhanced convergence of national defence policy.²⁵ The Treaty of Nice changed the provisions on flexibility established by the Treaty of Amsterdam, and introduced a clause on “enhanced cooperation”, also in CFSP. The enabling clause introduced in CFSP affairs stipulates that enhanced cooperation shall safeguard the values and serve the interests of the EU as a whole by asserting its identity as a coherent force on the international scenario.²⁶

Constructive abstention²⁷ has been regarded as a kind of compensation for the failure to introduce closer cooperation proper in the CFSP part of the Amsterdam Treaty. Although generally subsumed under flexible solutions, it must be clearly distinguished from them:

¹⁹ Article I-40.3. CONV. 850/03.

²⁰ Article I-40.5 refers to crisis management operations and article III-211 concerns the agreement between the member states on the management of the tasks. CONV. 850/03.

²¹ Articles I-40.6 and III-213. CONV. 850/03.

²² Articles I-40.5 and III-211. CONV. 850/03.

²³ Articles I-40.7 and III-214. CONV. 850/03.

²⁴ Villapadierna, R.: “El esfuerzo de unidad hecho en Berlín no logra concordar a Chirac y Blair”, *ABC*, 21 September 2003.

²⁵ Andréani, G. (2001): *Europe’s Military Revolution*. London, Centre for European Reform.

²⁶ Article 27.a TEU.

²⁷ Article 23.1 TEU.



constructive abstention is a decision-making provision rather than a method for organising integration, and – more importantly – it tries to make a consensus among all parties possible rather than facilitating flexible solutions for some to move forward. Article 23 TEU stipulates that any member state is allowed to make a formal declaration when abstaining, which means that it will not have to apply a decision, but accepts that the EU as such is bound by it. The respective member state is also called upon not to take any action against the decision or to impede its application. If the member states resorting to constructive abstention account for more than one third of the weighted vote, a decision will not be taken. This underlines that the mechanism was not conceived as a tool for flexibility, but rather as an instrument for facilitating consensus.

This context leaves a clear gap: while on the one hand, flexible solutions have flourished outside the formal EU framework, as in the field of multinational forces or defence industrial cooperation, on the other hand, no convincing effort has been made so far to anchor flexibility within the Treaties, either in pre-determined policy areas or by means of an efficient enabling clause for enhanced cooperation or a more generous constructive version. This gap could lead to major deficiencies in the EU's capacity for action. As the Treaty of Nice left major issues unsolved, the challenge for the Convention was evident: to envisage opportunities and more flexibility within the Treaties to avoid a by-passing of the EU through forms of cooperation among some member states outside the Treaty framework.

Thus, flexible coalitions outside the EU framework should then take over military and proper strategic engagements to add coercive power to EU structural power. In terms of the two above trajectories, it implies a continued effort for the EU to transnationalize political perspectives and to root these in legitimate political structures; for flexible integration it requires the consensus among the European powers and the transnationalism of the EU.

Firstly, the EU's potential for coherent action lies in the domains that do not touch on strategic military action, and which thus does not involve the construction of a "modern" EU policy capable of commanding military forces for the purpose of war (as opposed to peacekeeping and conflict resolution). Enlargement of the EU from 15 to 25 countries only confirms this observation: the future structure is much more likely to be "post-modern" or vaguely federal in light of the complex national foundations, and thus not a structure designed to spearhead external and forceful action.

By implication, if the EU decided to play to its strengths, it would revise its definition of security policy within its reach, particularly the upper end of the Petersberg tasks. The range could be cut down so that "peace-making" either disappeared or was articulated in such a form that the EU would call on delegate bodies or coalitions to undertake such tasks. Instead the EU might focus on new threats and new tasks such as "homeland defence." This implies a horizontal move from "pillar II" issues (CFSP and ESDP) to "pillar III" (justice and home affairs). The latter is key to counter terrorism, and given that terrorism is the new major threat to Western societies it makes sense to invest in it. Paradoxically, it was the highest-ranking military officer of pillar II – General Hägglund of the EU Military Committee – who recently proposed the establishment of homeland defence in the EU.²⁸

The most difficult challenge will be to link the EU, highly institutionalised, to flexible military coalitions, by nature informal and fleeting. In principle, the link could have three

²⁸ EU Observer: "EU should encompass homeland security, says EU military chief", March 14, 2003, en www.euobserver.com.



components of which the first is the agreement by all members that ad hoc coalitions must take place with respect for EU principles and policies – which in fact already exists: member states “shall refrain from any action which is contrary to the Union or is likely to impair its effectiveness as a cohesive force in international relations”.²⁹ It could possibly be further elaborated to emphasize that the EU – “as a cohesive force” – does not aim to undertake defence policy and therefore encourages ad hoc coalitions. A consultation procedure must then be outlined to enable coalition formation, building on the principle of article 17.1 that the Union treaty “shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realized in the North Atlantic Treaty Organization.” Unlike enhanced cooperation,³⁰ this consultation procedure should not oblige states to obtain approval or attain a certain size (currently a minimum eight countries). Thus, the respect for EU principles must be confirmed but the ties loosened.

Secondly, the EU could combine its internal market with an armaments policy – the advantages of scale and enhanced competition are obvious – and thus strengthen its framework role for coalition-making. In short, if states depend on the EU for military hardware they are unlikely – *de facto* in addition to *de jure* – to undertake policies that could harm the Union. This prospect is compatible with the recommendation of the European Convention to establish a European Armaments and Strategic Research Agency, which would harmonise procurement and promote technological innovation, and which would also enable groups of countries to go further in certain areas.

It also builds on existing cooperation in OCCAR (Germany, France, Italy and Great Britain) and LoI (Germany, Spain, France, Italy, Great Britain and Sweden). Finally, on the question of solidarity clauses, the EU would in this framework have renounced the ambition to construct a common defence, and thus the possible need to introduce a collective defence clause falls away. The policy of France and Germany to introduce quite general solidarity clauses in the new treaty thus is irrelevant because the limit of such clauses will be defined by those of homeland defence.

2.3. The Breakdown of Reinforcement: Iraq

In 2002-2003 France and Great Britain experienced great differences in relation to the issue of intervening in Iraq, as demanded by the US since mid-2002. During the Iraq crisis, ad hoc coalitions between EU countries were the dominant pattern of coordination, also stimulated by the US which preferred to engage the EU states bilaterally.³¹ The fact that one group of EU countries opposed US policy, while another supported it, made an effective role of the EU as a whole impossible.

France decided in January 2003 to align closely with Germany and push for a peaceful solution to the issue of Iraqi disarmament while Great Britain throughout shared the US perception that Iraq simply was a threat and needed to be “disarmed,” politically as well as militarily. This diplomatic drama was widely perceived to represent a severe setback for the ESDP at a moment when it was moving from the planning phase to the phase of real operations – in Bosnia and Macedonia.

²⁹ *Treaty on European Union*, 2002, article 11.2, en http://europa.eu.int/abc/treaties_en.htm.

³⁰ Articles 27a-e, which is applicable to foreign and security but not defence policy.

³¹ Howorth, J.: “CESDP after 11 September: From Short-Term Confusion to Long-Term Cohesion?”, *EUSA Review*, vol. 15, n° 1, 2002, pp. 3-4.



It is likely, however, that this disagreement should be seen as taking place in a sphere that does not directly touch on the French-British agreement of 1998-1999 to initiate a European crisis management capability. The two countries reached agreement in December 1998 at Saint Malo that the EU should be better capable of playing “its full role on the international stage”.³² More specifically: “the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises”.³³

In the midst of the Iraq crisis in 2003, the same two countries united to suggest a blueprint for how the EU could take over NATO’s peacekeeping mission in Bosnia in 2004.³⁴ They also pressed ahead in March 2003 with bilateral planning for a greater EU role in African security affairs – a region in which the two countries have historic interests.

Thus, the original ESDP ambition to use military forces for conflict resolution may be alive, in spite of the Iraq crisis. But what are the precise implications for the use of military force? Will it be the use of force as was the case in 1999 in the skies over Kosovo? This scenario is unlikely because the Kosovo intervention was a compromise between European and American viewpoints, and more particularly between the European wish to moderate military bombings and coordinate them tightly with diplomatic negotiations and the American wish – the Pentagon’s in particular – to use overwhelming force to strike at the enemy’s centre of gravity and thus win the confrontation as rapidly and decisively as possible.

The European use of force will therefore probably resemble that of the doctrine of just war. On the one hand this means *jus ad bellum* and thus the principle that military coercion will take place only when mandated by international law. On the other hand it implies *jus in bello* and recognition of severe constraints on the actual use of force. These latter constraints deserve further emphasis. At issue are the restrictions inherent in the Hague and Geneva conventions concerning weapons types and the general conduct of hostilities. These conventions are likely to be accepted in the shape from which they emerged during the 1990s when the international community defined new rules for discarding sovereignty in order to alleviate severe cases of human suffering.

Tony Blair defined an updated *jus in bello* doctrine in April 1999.³⁵ Blair actually suggested that reactions to human suffering could be a national interest, thus adding a “cosmopolitan” component to the traditional method of legitimising power.³⁶ This *jus in bello* doctrine could win widespread support in Europe.

The Iraq crisis of 2002-2003 has revealed a general demand from all European sides – governments and populations alike – that international rules should be followed. Divisions erupt, it seems, when governments are forced to choose between allegiance to the US and support for international law. This was not the case in 1999, it should be noted, when the

³² *Joint Declaration issued at the British-French Summit, Saint Malo, France 3-4 December 1998*, en www.fco.gov.uk/news/newstext.asp?1975.

³³ *Idem*.

³⁴ EU Observer: “France and UK unite over Bosnia”, February 24, 2003, en www.euobserver.com.

³⁵ Prins, G. (2002): *The Heart of War: On Power, conflict, and obligation in the 21st century*. London, Routledge, pp. 148-150.

³⁶ *Idem*, pp. 151. Next questions define the updated *jus in bello* doctrine:

- Is the international community convinced that a supreme humanitarian emergency is at play?
- Has diplomacy been exhausted?
- Will the intervention do more good than harm?
- Are the involved countries prepared to invest in a long term presence?
- Is the intervention in the national interest?



Western allies intervened in Kosovo. With the US on board, European allies agreed to act without an explicit UN mandate. This provoked the interest in a *jus in bello* doctrine that could overrule an obstructionist veto in the Security Council but simultaneously enhance respect for international law.

In sum, the EU is presented by its member states as a liberal force for the good of democracy within the Union, as well as a Union with a mission to promote its “identity” in world politics. This liberal ambition implies that opponents of the Union predominantly are illiberal, and thus in a sense enemies, but also that enemies can be transformed. In short, the EU believes progress in world politics is possible, just as the EU purports to represent progress in Europe. The external ambition translates into a policy of resolving other peoples’ conflicts by military means if necessary, but always with respect for international law. This use of force for European purposes appears, moreover, to remain a collective ambition in spite of the significant rows caused in 2002-2003 by the issue of intervention in Iraq.

2.4.What’s next?

The three EU operations launched in 2003 – Bosnia-Herzegovina, the Former Yugoslav Republic of Macedonia and the Democratic Republic of Congo – represent a major breakthrough for ESDP. For the first time, the Union is proactively engaging in security affairs, covering a variety of tasks that stretch from policing to military intervention. The missions show that the EU is capable of reacting to ongoing or emerging humanitarian/security crises and to contribute to peace enforcement, reconstruction and stabilisation.

Perhaps, this surge of ESDP activity comes at a time when the Union's CFSP is perceived to be in shambles. Indeed, disagreements in Europe over Iraq and especially over the US policies made a common European response on this specific issue very difficult. However, as current ESDP operations illustrate, EU member states continue to share a wide array of common interests and are willing and, at last, also able to pursue common policies through joint actions.

At the same time, it is important to recall that EU missions thus far remain very limited in scope, and depend heavily on the leadership, commitment and interest of major EU member states. On the one hand, this means that certain member states in particular may not always be keen on engaging their national assets and capabilities within a EU framework. On the other hand, this also means that the EU has no common military capabilities of its own at its disposal. Moreover, significant command and control capability shortfalls among member states mean that any complex, high-end operation will have to rely on NATO support.

Another element of uncertainty has to do with the openness of ESDP operations to third parties, i.e. non-EU members. The three current operations involve a high degree of third state participation, involving both EU acceding or candidate countries and non-European states. The real limits of third party participation will be tested with regional powers with which the EU will need to interact should it decide. The following questions remain: How many troops are acceptable from third party states in an EU-mandated operation? How involved may third party states become in the development of a concept for operations? How heavy may a third party's role be in daily command and control?



3. Conclusion

The EU represents a collective ambition to create and uphold a liberal order in Europe, and member states are committed to enlarging this zone of peace and cooperation. This conclusion stands even if European countries through late 2002 and 2003 became deeply divided on the issue of Iraq and the question of supporting the US intervention. France and Great Britain, at opposite ends, seemed to have lost the bilateral agreement that produced the ESDP in late 1998.

The ambition remains in spite of Iraq but the real question is whether the EU can overcome two fundamental barriers on its current trajectory toward ever closer integration: one concerns the need to establish strong leadership in a centralized institution capable of commanding – not requesting – forces and resources; the other whether the EU is ready to engage in direct and often lethal fights against threats such as terrorism. The barriers are fundamental because they contradict the complex structure produced by incremental integration and confront the benevolent role of solving other peoples' crises with the harsh reality of lethal combat and inevitable clashes with the laws of war.

This said, it is hardly questionable that EU is now in the peacekeeping business. Yet the Union can claim to have become a fully-fledged player in its own right also in this domain. The geographical and strategic scope of its action is still subject to significant evolution. For the time being, it encompasses the immediate proximity of the EU and also, potentially, the wider cultural/historical/economic proximity represented by some post-colonial states, in Africa as well as further away. It is not by accident that these areas also happen to be the main recipients of EU direct aid and assistance schemes and preferential trade arrangements. This is to say that the functional scope of EU security policy is likely to be varied, mixed in both space and time, and encompassing economic, civilian and also military components.

The lack of a strategic concept within the EU – to determine kinds and conditions for the use of force – shows the lack of a common will within international scenario, NATO, Security Council or bilaterally. It also shows the lack of really shared values in foreign policy, outside the Treaties, and sets out to address the premature nature of the ESDP without a previous European identity affirmation.

A further critical factor may soon become the financing of such EU-led operations. Future peace building tasks are likely to be “mixed”, encompassing both military and civilian components and involving both EU and national resources. It is also predictable that not all member states will have the same willingness and ability to participate in them. This could generate a “burden-sharing” dispute inside the Union and/or lead to a restricted group of “core” countries that would be in charge of the operational side of ESDP and therefore demand a special status - not unlike in the UN.

The attainment of ESDP is not a choice for member states but a need that can't be postponed to avoid the marginalization of European countries and to have an influence in decision-making with global importance. This is important because:

- The European citizens demand it.
- It is necessary for European integration.
- The generated EU expectations as a global player between third party countries.

These aspects must be taken into account in the Intergovernmental Conference 2004, following the Convention's recommendations but also defining the undetermined aspects in its



conclusions. Intergovernmental Conference and enlargement can constitute the institutional moment so that member states reconsider their intentions as regards security and defence.³⁷

Only the success of ESDP can permit the EU to increase its international influence to the same level of its economic importance, to satisfy the citizens' expectations and to rebalance, as a whole, the present scenario in international relations. Perhaps, an important step in order to reinforce ESDP could be the creation of a "Mr. ESDP", who would lessen the workload of the already overburdened Solana and would help to strengthen the credibility of EU defence policy.³⁸

³⁷ Smith, M.: "Institutional Moments, Policy Performance, and the Future of EU Security/Defence Policy", *EUSA Review*, vol. 16, n° 1, 2003, pp.4-5.

³⁸ Keohane, D.: "Time for Mr. ESDP?", *CER Bulletin*, n° 26, October/November 2002.