

## **The European Security and Defence Policy: Built on Rocks or Sand?\***

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### **I Introduction**

The evolution of the European Security and Defence Policy (ESDP) into a working military agenda has been fraught with uncertainties and a lack of European solidarity on a number of key issues. These issues were there even before the recent French and Dutch referendums plunged the European Union into crisis. They loom even larger now. The division of Europe over the Iraq War in the early stages of 2003 gave every indication that it was to be a continental ‘annus horribilus’ and looked as if the aspirations of the St Malo initiative were doomed to fail. After the intergovernmental conference finally agreed a draft Treaty establishing a Constitution for Europe, and the ‘EU Battlegroup Commitments’,<sup>1</sup> it was still possible to ask if the European Security and Defence Policy was built on rock or sand. After the draft Treaty was defeated in France and Holland, the question still arises about the future of the ESDP. If some of the Constitution is saved will it involve the ESDP?

Despite a generation of statements and gradualist moves towards a Common Foreign and Security Policy (CFSP), there is still no certainty about the practicability and applicability of the norms, principles, rules and decision-making procedures embodied in the European Union’s claim to speak and act as a single voice. Immediate post-War analysis is quick to articulate the divisions that disabled the EU prior to the invasion of Baghdad, but the 25 individual Member States of the EU have struggled to cope with these issues over many years. The question that must be asked is: are they better able to cope with them now? Far from being the straw that broke the camel’s back, it

\* St. Matthew Chapter 24. Jesus talks of a man who had ‘the sense to build his house on rock’ and compared him with a man who built his house on sand (verses 24–27). Trudy Fraser, University of Aberdeen, has helped with this article.

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<sup>1</sup> European Communities, *Treaty Establishing a Constitution for Europe* (Luxembourg, OOP, 2005) and Military Commitment Conference, Brussels, 22 November 2004, *Bulletin of the European Union*, 11-2004.

was hoped that the experience of division and ultimate redundancy over Iraq could be the final link in the armour of a unified Europe.

## II A European Framework?

The period 2002–2005 presented a fundamental challenge to the solidarity of the EU in terms of theory and practice, providing a very clear demonstration of the 25 Member States' very different perceptions of the purpose and capabilities of the Union.

### 1. *Theoretical Differences*

The discussions in 2002–2005 presented a dialogue of theoretical differences that highlighted the disparity of thought over the role that international structures, regimes and organizations such as the EU play in acting, or not acting, to constrain states.

For realists, the centrality of states, their national interests, their power and their security matter. These are the essential areas of politics. They are 'high' politics. Statesmen, acting on behalf of states, are selfish. Any decisions concerning membership in any organization are bound to issues of national interest and power and it is the state that determines such interests and how to pursue them. Classically, realists also focus on conflict and war. Any agreements or cooperative arrangements can be broken if it is perceived they are not in the national interest.

For neo-realists, 'International structure emerges from the interaction of states and then constrains them from taking certain actions while propelling them toward others'.<sup>2</sup> The system becomes a force that states may not be able to control. But as Waltz also argued, 'Even the prospect of large gains for both parties does not elicit their cooperation so long as each fears how the other will use its increased capabilities'.<sup>3</sup> In some situations, states' fear dependence on others.

For neo-liberals, or neoliberal institutionalism, institutions also matter, either formally or informally, as the power of states to effect outcomes declines. As Keohane put it a decade ago: 'the rich tapestry of institutions should both constrain states, through the operation of rules, and provide

<sup>2</sup> K.N. Waltz, 'Realist Thought and Realist Theory' (1990) 44/1 *Journal of International Affairs*, p. 3.

<sup>3</sup> K.N. Waltz, *The Theory of International Relations* (Addison-Wesley, Reading, Mass., 1979), p. 105.

them with opportunities to cooperate, thus enabling them to pursue their own interests'.<sup>4</sup>

Neo-liberals tend to have a wider view of security. They tend to focus more on the ideas of democratic governance, public opinion, liberal trade practices and the greater priority states give to economic welfare, to describe and explain international conduct. Although neo-realists and neo-liberals both see constraints on state behaviour, the neo-realists would argue that the state is more important and the state makes it difficult to mitigate international anarchy.

Another disputed theoretical issue, particularly for the EU, is *defence of what?* 'Narrowers' focus on the military aspects of security, and the possible use of force. The need for peoples, nations, states or alliances to procure, deploy, engage or withdraw military forces is the primary purpose of security. That security is fundamentally based upon the state, particularly the necessity of states to do all in their power to survive, the *raison d'état* of states. Crucially the argument goes that security is about the study of the threat, use and control of military force. 'Wideners' are partly motivated by the changing mood of international relations after the revolutions of 1989–1991, but also growing out of the increasing dissatisfaction with the obsession with the military domination of 'security'. They have argued for an increasing emphasis on the environment and economic security concerns particularly following concrete disasters of Chernobyl and Bhopal, and the world's oil crises of the 1970s. They would argue that security was not just about the state's physical survival but was also about the values of the society, its lifestyles and all the things that characterize its way of life.

It was against this tapestry of theoretical standpoints that the EU tried to galvanize a collective decision on Iraq. But there were also philosophical differences between the Member States.

## 2. *Philosophical Differences*

While there may always be minute, local tensions and different interpretations of events and intelligence, such variety may reflect the deeper philosophical differences concerning world order articulated starkly by Robert Kagan.<sup>5</sup> If Kagan is correct, the differences over Iraq were not minor and subject to amelioration over time, but were symptomatic of an increasing pacifist, Kantian worldview of western continental Europeans, and a Hobbesian

<sup>4</sup> Robert Keohane, 'Institutional Theory and the Realist Challenge after the Cold War' in D. Baldwin, *Neorealism and Neoliberalism: The Contemporary Debate* (Columbia University Press, New York, 1993), p. 273.

<sup>5</sup> Robert Kagan, *Paradise and Power: America and Europe in the New World Order* (Atlantic Books, London, 2003).

worldview on the part of central and east Europeans, and more particularly the British and the Americans.

The question therefore emerges as to whether France, Germany, Belgium and Luxembourg have been persuaded by peace since the Treaty of Paris in 1951; whether they believe in the efficacy of laws, norms, opinions, transnationalism, diplomacy, commerce and economic linkages to the eradication of the brutality of an anarchic Hobbesian world; whether they now inhabit what Richard Cooper has called a 'postmodern system' based on the rejection of force and a belief in 'moral consciousness which applies to international relations as well as to domestic affairs'.<sup>6</sup> Conversely, whether they have come to the same conclusions based on their experience of being weak powers. Although Europe may aspire to be an exemplary civilian power, the salience of military power has not been reduced. The question remains as to whether or not this has evolved into different perceptions and strategic culture.

### 3. *Differences over Purpose and the Future*

There were similar problems over the specifics on Iraq and the Constitution, and a major problem was the lack of clarity concerning what The Hague summit in 1969 declaimed as the *finalité politique* of the EU.<sup>7</sup> Indeed, there remains the existential question: what is the purpose of the EU? Has the functional experiment failed? Did the EU really wish to answer Mark Eyskens charge that:

L'Europe est un géant économique, un nain politique et, pire encore, un ver de terre lorsqu'il s'agit d'établir une capacité de défenses?<sup>8</sup>

An equally important issue is whether Europe should go for the 'Atlantic European defence' (predominantly NATO and US dependent) or the 'European Europe' defence as favoured by the French, and apparently the Germans, Belgians and Luxembourgers. Even before the divisions of the Iraq War, President Chirac argued in 1999 that:

The European Union must be able to act on its own, either utilising its own means, or making use of those made available to it by NATO. It must

<sup>6</sup> Richard Cooper, *The Breaking of Nations: Order and Chaos in the Twentieth-first Century* (Atlantic Books, London, 2003), p. 31.

<sup>7</sup> The Heads of State or of Government communiqué issued after The Hague summit in December 1969 spoke of the applicants having to accept the 'political aims' of the EEC and the Member States, *Bulletin of the European Communities*, 1-1970 (OOP 1970).

<sup>8</sup> 'Europe is an economic giant, a political dwarf and, even worse, a worm until it concerns itself with elaborating a defence capability', Mark Eyskens of Belgium, 1991 <[www.wsws.org/articles/1999/sep1999/belg-s13.shtml](http://www.wsws.org/articles/1999/sep1999/belg-s13.shtml)>.

therefore have its own arrangements for the provision of advice, analysis and military leadership, which it currently lacks.<sup>9</sup>

In November 2002 there were joint French–German proposals for a European Convention in the field of the ESDP, which made plain that:

In principle it is desirable for all EU member states to participate. Nevertheless, there will be situations where all member states will not be prepared to participate. . . . In this case, those who desire to do so must be able to cooperate with a few others in the framework of the Treaty.<sup>10</sup>

Equally importantly, given the debate about *finalité politique*, were the disputes concerning the cause and purpose of the EU. Is the EU ‘just’ an economic arrangement (customs union plus EMU)? Is it a superpower in the making or a civilian power?<sup>11</sup> If just an economic arrangement or a civilian power, questions must be asked concerning whether the EU requires a defence force at all. On the other hand, if the Member States are aiming at a federal union, the EU needs a CFSP and an ESDP. Are there defined objectives about creating a super state or a stronger EU to balance the USA or to offset US hegemonic power or to be a partner of the USA? There is clearly some level of support for Verhofstadt of Belgium in his proposal for a separate pact among ‘hardcore’ believers that would permit them a faster route in EU policy, unhindered by those who wish to proceed at slower pace.<sup>12</sup> Others support versions of the underlying philosophy of Mrs Thatcher, as expressed in 1988, when she said of the future of Europe:

Willing and active cooperation between independent sovereign states is the best way to build a successful European Community.<sup>13</sup>

Many of the eight states from Eastern and Central Europe who joined the EU in May 2004 seem to support Mrs Thatcher’s view, and other British views, on the importance of the USA. This, however, has consequently left the new members open to President Chirac’s charge, in February 2003, that ‘They are . . . a bit unaware of the dangers that too rapid alignment with the American position could bring with it’. Clearly the new members do not

<sup>9</sup> Peter Rodman, citing a speech by Chirac at the Hearing Before the Committee of International Relations, House of Representatives, 106th Congress, 1st Session, 10 November 1999, p. 90.

<sup>10</sup> 21 November 2002, Prague, Joint Franco-German Proposals for the European Convention in the field of European Security and Defense Policy, Embassy of France (USA).

<sup>11</sup> See ‘Concluding Themes’ in Trevor C. Salmon and Alistair J.K. Shepherd, *Towards a European Army: A Military Power in the Making?* (Boulder, London, 2003), pp. 201–216.

<sup>12</sup> An echo of the 1994 paper by Wolfgang Schäuble and Karl Lammer, ‘Reflections on European Policy’ CDU/CSU – Fraktion des Deutschen Bundestages (Bonn, September 1994).

<sup>13</sup> Mrs Thatcher, British Embassy Press Service, Brussels, 20 September 1988.

agree that ‘they should have kept quiet’.<sup>14</sup> Whether or not Eastern Europe has escaped fifty years of Russian domination only to find themselves subservient to the voice of their EU counterparts in Brussels, Paris and Berlin has yet to become clear.

European Union Member States have 25 individual and very different polices, and each has very different ways of contributing to international security: neutrality, non-nuclear, nuclear, full alliance membership are just four of the many options open to EU Member States and there has never been any kind of consensus regarding which was best, or which could be a common policy.

Between 1973 and 1995 there was only one ‘neutral’ in the EC, and even Ireland bent the rules of neutrality. Austria,<sup>15</sup> Finland and Sweden passively accepted the TEU’s CFSP. In 1997 all four accepted the amended version in the Amsterdam Treaty and later the Nice Treaty of 2001. Clearly, at that time, Austria, Finland, Ireland and Sweden held different views concerning the role of alliances, NATO, and the utility of the use of weapons, than their eleven EU counterparts (who were in NATO). In essence the neutral states were opposed to collective or territorial defence and instead preferred the notion of ‘soft security’ – prevention, and crisis management,<sup>16</sup> a position that would return to haunt them in the Constitutional talks of 2003–2004.

In October 2003, the Finnish Foreign Minister, Erkki Tuomioja, argued that the proposals of the French, Germans, Belgians and Luxembourgers on ‘structured cooperation’ and a mutual commitment to defence for all those who wished to join, would create a two tier Europe with an inner core splitting the EU, and raised ‘delicate questions’ on EU–NATO relations and transatlantic guarantees.<sup>17</sup> A fortnight later he joined with his Austrian, Irish and Swedish

<sup>14</sup> 17 February 2003 after Extraordinary European Council meeting, *The Political Scene* Vol XLVI No 8 (24 February 2003).

<sup>15</sup> According to Article I(i) of the Constitutional Law on the Neutrality of Austria, ‘For the purpose of the permanent maintenance of her external independence and for the purpose of the inviolability of her territory, Austria, of her own free will, declares herewith her permanent neutrality which she is resolved to maintain and defend with all the means at her disposal. (ii) In order to secure these purposes, Austria will never in the future accede to any military alliances nor permit the establishment of military bases of foreign States on her territory’. Austria has said that it will show solidarity in its relations to EU Member States. In Finland and Sweden neutrality is not mentioned in the Constitution, nor in the Irish case.

<sup>16</sup> In 1996 Finland and Sweden called for the EU to enhance its role and capabilities in conflict resolution, but also reaffirmed that ‘at the same time, it is not necessary for the Union itself to perform military tasks. . . . It is understood that co-operation in military crisis management is separable from collective defence commitments.’ Memorandum from Finland and Sweden, ‘The IGC and the Security and Defence Dimension Towards an Enhanced EU role in Crisis Management’ (25 April 1996).

<sup>17</sup> *Financial Times*, 28 October 2003.

counterparts to assert that ‘formal security guarantees would be inconsistent with our security policy or with our constitutional requirements’.<sup>18</sup>

Ireland, and the others (including Malta<sup>19</sup>), took comfort from Article 17 of the TEU, which says that ‘The policy of the Union . . . shall not prejudice the specific character of the security and defence policy of certain Member States’. This phrase, repeated in the Constitution,<sup>20</sup> was said to allude to their neutrality, non-participation in existing alliances, and non-assumption of mutual defence guarantees. This had been made clear by the declaration made by Ireland in Seville during June 2002, when the Irish asserted their ‘military neutrality’. The European Council at Seville adopted a declaration by Ireland on its neutrality which proclaimed that participation in the CFSP, ‘does not prejudice its traditional policy of military neutrality’ and that Ireland ‘is not bound by any mutual defence commitment . . . nor party to any plans to develop a European army’.<sup>21</sup>

At the end of 2002 the European Council agreed at Copenhagen that ‘Cyprus and Malta will not take part on EU military operations conducted using NATO assets once they become members of the EU’ and they would not receive ‘classified NATO information’.<sup>22</sup> It may be that the EU can fulfil a functional option not available to NATO in terms of such issues as crisis-management capacity and police reforms.

### III From Theory to Practice: The Iraq Experience

Different and often competing theories, philosophies and ideologies is the essence of the EU. But transforming the EU’s mantra ‘United in Diversity’<sup>23</sup>

<sup>18</sup> Letter of 4 December 2003 – IGC-ESDP.

<sup>19</sup> In the Constitution of Malta (2003), Article I(3) asserts: ‘Malta is a neutral state actively pursuing peace, security and social progress among all nations by adhering to a policy of non-alignment and refusing to participate in any military alliance.’ But attached to the Treaty of Accession, ‘Malta affirms its commitment to the common foreign and security policy of the European Union as set out in the Treaty on European Union. Malta confirms that its participation in the European Union’s common foreign and security policy does not prejudice its neutrality. The Treaty on European Union specifies that any decision by the Union to move to a common defence would have to be taken by unanimous decision of the European Council adopted by the Member States in accordance with their respective constitutional requirements.’

<sup>20</sup> Constitution, note 1 above, Article I-41(2).

<sup>21</sup> Council of the European Union, National Declaration by Ireland, in Council of the European Union, Presidency Conclusions, Seville European Council, annex 3, p. 27, *Bulletin of the European Union* 6-2002.

<sup>22</sup> Council of the European Union, Presidency Conclusions, Copenhagen European Council, *Bulletin of the European Union* 12-2002.

<sup>23</sup> Preamble to The Treaty establishing a Constitution for Europe: Convinced that, thus ‘United in diversity’, Europe offers them the best chance of ‘pursuing . . . the great venture which makes of it a special area of human hope’.

into a real and active unified agenda is no easy feat. In 2002–2005, the quarrels over ideas became more than an abstraction, as the EU battled internally. Are the lessons of 2002–2005 that the Union was ‘united’ or that they were ‘diverse’? Did 2002–2005 prove that ‘United in Diversity’ is an impossible oxymoron? Did 2002–2005 show that the EU Member States will not stand aside from high politics, forego national preferences for the greater good, nor adapt their positions for Union solidarity. There was more realism than neo-realism or neo-liberalism. There was a tendency to drift into mutual estrangement.

The 15 members of the European Union and the putative 25 members demonstrated profoundly different views concerning Iraq. The Commission was opposed to the British and American stance and regretted the lack of unity in the UNSC and Prodi was unwavering in his stance that the war was unnecessary.

Individually, France, Germany, the Netherlands, Luxembourg, Sweden, Austria (denied airspace to allies), Finland, Slovenia, and Cyprus were against the war mostly on the grounds that the weapons inspectors needed more time and that the UNSC had not approved the use of force. Conversely, the United Kingdom, Spain, Portugal, Italy, Denmark, Poland, Hungary, Estonia, Latvia, Slovakia and Czech Republic were for action. Some sat on the fence: Greece (in a difficult position as Council President), Ireland, Belgium (which allowed use of its airspace despite seeing no justification for the war), Lithuania and Malta. In 2003 a number of central and eastern states – Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and others – contributed in ways that they deemed most appropriate to the coalition effort. Most were reluctant to alienate the USA.<sup>24</sup>

In January 2003 the new members of NATO in 1999 and putative members of the European Union (Poland, Czech Republic and Hungary) signed up with Aznar of Spain, Barroso of Portugal, Berlusconi of Italy, Blair of the United Kingdom and Rasmussen of Denmark in a letter to the Times that argued:

the transatlantic relationship must not become a casualty of the current Iraqi regime’s persistent attempts to threaten world security. . . . The Security Council must maintain its credibility by ensuring full compliance with its resolutions. . . . If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.<sup>25</sup>

A week later Estonia, Latvia, Lithuania, Slovakia and Slovenia amongst others, argued that:

<sup>24</sup> *The Conflict in Iraq*, House of Commons Library Research Paper 03/50, (23 May 2003), p. 18.

<sup>25</sup> *The Times*, 30 January 2003.

the trans-Atlantic community, of which we are part, must stand together. . . . Iraq is in material breach of the UN Security Council Resolutions. . . . We call upon the Security Council to take the necessary and appropriate action.<sup>26</sup>

Provoking Chirac to argue that ‘they should have kept quiet. They are . . . not very well brought up.’<sup>27</sup>

France and Germany (along with Russia) continued to assert that the possibilities of ‘UNSCR 1441 . . . have not yet been thoroughly explored’,<sup>28</sup> a view with which Belgium identified a week later. They believed that UNSCR 1441 did not include any authorization for the use of force, and a French draft (not tabled) called for a ‘two-step’ process in which enforcement would be put on hold pending further inspections and only then would the UNSC consider further action. In the run up to war, President Chirac told a television audience that France would ‘veto a new UN resolution on Iraq “whatever the circumstances”’<sup>29</sup> and on 21 March 2003 Chirac told the *Financial Times* that ‘France regrets this action taken without the approval of the UN’.<sup>30</sup> For most of those who supported United Kingdom/USA position, supporting the USA was more important than opposing the war and if they had a fear it was about the USA wishing to dis-aggregate the EU.

#### IV The Constitutional Debate

A further problem for the European Union and the Member States in 2003 was that Iraq became caught up in the constitutional debate and the questions concerning Europe’s future. At the height of the UNSC crisis about the need for an eighteenth resolution and on the fortieth anniversary of the Elysée Treaty of 1963, the French and Germans again proposed the creation of a European Security Defence Union which would ‘enable the Union to use the whole range of capabilities it has available to ensure the security of its territory and peoples, and contribute to the stability of its strategic environment’.<sup>31</sup> The Declaration by the Franco-German Defence and Security Council laid the framework for the ‘Tervuren’ statement in April 2003 whereby the ‘gang

<sup>26</sup> ‘From Copenhagen to Brussels European defence: core documents Vol IV’ (2003) Chaillot Paper No. 67, ISS, Paris, pp. 345–346.

<sup>27</sup> See note 11 above.

<sup>28</sup> ‘Joint Declaration by Russia, Germany and France’, Chaillot Paper No. 67, note 26 above, p. 346.

<sup>29</sup> *Agence France Presse*, 10 March 2003.

<sup>30</sup> *Financial Times*, 21 March 2003.

<sup>31</sup> ‘Declaration by the Franco-German Defence and Security Council’, Chaillot Paper No.67, note 26 above, p. 22.

of four' (France, Germany, Luxembourg and Belgium) – who had led the resistance to the US-led intervention in Iraq in the EU and in NATO – opposed preparatory NATO planning to aid Turkey, issued a call for a new impetus for the ESDP, whilst acknowledging that the 'transatlantic partnership remains an essential strategic priority for Europe'. Despite this word mongering, the four called for: enhanced cooperation in the field of defence; a solidarity clause, with some accepting supplementary obligations; a European Security and Defence Union, whereby participating members would commit themselves to mutual help, coordinate their defence efforts and develop capabilities. All of this was to allow for 'our common participation to operations conducted within the framework of the European Union or NATO'.

To add fuel to the fire, the four declared that 'we will create a nucleus capability around the Franco-German brigade in which Belgian commando elements and Luxembourg reconnaissance elements will be integrated'. They proposed 'the creation of a nucleus collective capability for planning and conducting operations for the European Union' which would liaise with national headquarters and SHAPE. Until such a capability is created, interested parties would go ahead and seek to create it, 'with a view to its installation in Tervuren during the summer of 2004'. Given the atmosphere of the time and past history, particularly regarding the French, this fuelled arguments about whether the EU should evolve to become a counterweight to the military power or, as the French said, the '*hyper puissance*' of the USA.<sup>32</sup> The problem for the 'gang of four' was that these proposals were roundly squashed by the other European Union Member States. This forced the four to seek a compromise with Britain and its supporters before the end of the constitutional debate, which partly favoured the British pro-NATO approach.

More generally, there are wider geopolitical concerns regarding the relationship between the EU and NATO/USA. The USA clearly backs EU plans to boost its military strength in a way compatible with NATO but remains unhappy about independent EU structures that duplicate existing NATO capabilities or infrastructure. In addition, they remain suspicious of French motives. The question emerges as to whether the tensions across the Atlantic and intra-EU are structural or temporary crises that can be followed by restoration of normality. The USA supported the ESDP if: the ESDP was within NATO; the primacy of NATO and the transatlantic link was asserted; NATO (and the USA) would control cooperation; the relationship was a complementary one; and European output was 'separable but not separate'.

But 2002–2004 presented increased worries that the EU and USA:

- were now involved domestically in a debate about whether their long-term relationship was going to be as partners or competitors;

<sup>32</sup> *New York Times*, 7 November 1999.

- had concerns about hegemony and leadership in the Atlantic alliance, given that some in America say the US ‘calls the shots, keeps recalcitrant members in line’ and provides resources;<sup>33</sup>
- had doubts about the US presumption that NATO has the right of first refusal over military action on this side of the Atlantic;
- ought to be concerned about Hubert Vedrine’s argument that ‘We cannot accept either a politically unipolar world, nor a culturally uniform world, nor the unilateralism of a single hyper power. And that is why we are fighting for a multipower, diversified, and multilateral world’;<sup>34</sup>
- fundamentally that a) the USA is bent on ‘dis-aggregation’ of the EU, preferring bilateral links and b) that the ESDP is a dagger pointed at NATO’s heart.

The ‘gang of four’ declarations were squashed by the other Member States of the European Union. They not only offended the sensitivity of the neutrals but also caused great problems for the British, Spanish and Italians who supported the Bush administration over Iraq, and who believed that any development of the ESDP should mutually reinforce the strategic relationship between NATO and the EU and avoid unnecessary duplication. Rather than a ‘European Europe’, these states did not wish to blight the ‘Atlantic Europe’. After the coalition victory over Iraq and seven months of informal negotiation, the French, Germans and British did a deal on 29 November that was incorporated in the agreed draft constitution in 2004. This softened the commitment of the Member States to mutual help, arguing instead that: ‘If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all means in their power. . . . [But] this shall not prejudice the specific character of the security and defence policy of certain Member States.’<sup>35</sup>

The softening also occurred on ‘structured cooperation’ where a Protocol refers to the Union proceeding to ‘develop its defence capacities’. However rather like other elements of the Constitution, it is rather vague. One can question what the following tells citizens and policy-makers:

Have the capacity to supply by 2007 at the latest, either at national level or as a component of multinational force groups, targeted combat units for the missions planned, structured at a tactical level as a battle group, with support elements including transport and logistics, capable of carrying out the tasks referred to in Article III-309, within a period of 5 to 30 days, *in particular in response to requests from the United Nations Organisation,*

<sup>33</sup> Charles A. Kupchan, ‘In Defence of European Defence: An American perspective’ (2000) 42/2 *Survival*, p. 16.

<sup>34</sup> *New York Times*, 7 November 1999.

<sup>35</sup> Constitution, note 1 above, Article 1-41.7.

and which can be sustained for an initial period of 30 days and be extended up to at least 120 days.<sup>36</sup>

Clearly, there is a degree of vagueness on the ‘higher criteria and which have more binding commitments’ mentioned in Article I-41.6. Even with enhanced cooperation in the CFSP, authorisation will only be granted by the European Council ‘acting unanimously’.<sup>37</sup>

The Constitution, signed on 29 October 2004, does not really help the citizen to understand what the future will be on the common foreign and security policy or European defence. Article 1-40.1 uses the rhetoric of ‘the development of mutual political solidarity’, the ‘identification of questions of general interest’ and ‘ever-increasing degree of convergence’ but does not go into details. It reminds one of the nebulous notions in the Single European Act of 1986 (nearly twenty years ago!): ‘due consideration . . . desirability . . . point of reference . . . as far as possible . . . more closely . . . endeavour . . . take full account of’.<sup>38</sup>

In other words there is still no legally enforceable binding obligation to act in concert, which the European Court of Justice can enforce. It is binding in honour only.

Other sections of Article I-40 do not help, although Article I-40.6 does refer to the European Council and Council deciding ‘unanimously’ unless there are specific conditions mentioned in Part III on the ‘The Policies and Functioning of the Union’. However, even here, Member States can abstain (Article III-300.1) or ask for it to go to the European Council to be decided by unanimity (Article III-300.2(d)). While Article III-300.4 makes clear unanimity applies to ‘decisions having military or defence implications’, this is also clear if the Solidarity Clause (Article I-43 and III-329) were engaged. While other Member States ‘shall assist’ a Member State that is the victim of terrorist attacks or a disaster, if that has ‘defence implications’ then the Council would have to act ‘unanimously’ (Articles III-300.1 and III-329.2).

The Constitution makes clear that the common security and defence policy can be used for ‘strengthening international security in accordance with the principles of the United Nations Charter’ (Article I-41.1) but gives no idea what that actually means. This is especially important given the debacle of UNSCR 1441, and different theories, philosophies and ideologies regarding international security. What do they mean while they say that Member States will support the Common Foreign and Security Policy ‘actively and unreservedly in a spirit of loyalty and mutual solidarity’ and well as agreeing to ‘refrain from any action which is contrary to the interests of the Union

<sup>36</sup> Protocol on permanent structured cooperation established by Articles 1-41(6) and III-123 of the Constitution, *ibid.*, (emphasis added).

<sup>37</sup> CIG 86/04: Article III-325.

<sup>38</sup> Single European Act, Article 30.

or likely to impair its effectiveness as a cohesive force in international relations’?<sup>39</sup>

None of this is made clearer by the references to the common foreign and security policy, the common security and defence policy, enhancement and the solidarity clause appearing in Parts I, Parts III, the Protocols (for example, 23 on structured cooperation and 24 on the Western European Union) and some Declarations (9, for example, which says it is up to each Member State ‘to choose the most appropriate means to comply with its solidarity obligations’ and 24 on preparatory work for the European External Action Service). Even the aficionados and conoscianti on European integration can be split on what the constitution implies: is it minimalist or maximalist? Is it a pragmatic incremental approach or a quantum leap forward?

## V Strategic Culture

The difficulty with the Iraq experience and the constitutional debate is that they demonstrated the profound philosophical and tactical differences that exist between the 25 Member States of the EU. Within the EU, the foremost issue of 2003 did not concern Saddam Hussein, terrorists or weapons of mass destruction. It concerned whether Europe could reconcile the 25 different cultures of its Member States to reach a common consensus. It concerned whether the denial of threat by certain Europeans was based more on internal EU politics and a foreknowledge of being unable to act at all and less in an ideological belief in diplomacy.

As discussed earlier, nine of the twenty-five opposed United Kingdom/US intervention in Iraq, Eleven supported it and five sat on the fence. The real problem with such unpredictability is, as Alyson Bailes was probably right to ask, whether there are self-evidently distinct ‘European models’ or a ‘European set of values’ in the organization and conduct of defence,<sup>40</sup> or a common strategic culture. At what point will Member States be able to support a common defence policy or common defence?

Do Europeans share the same definitions of security? Leaving aside the vexed question of the neutrality of Austria, Finland, Ireland, Sweden and Malta, it is hardly surprising that the Member States have a different attitude to defence and security compared to say the British and the French. Will the events and debates in 2002–2005 make them less keen on the hard view of security or will they continue to promote ‘soft security’? Have they accepted that Henry Kissinger was right when he said that:

<sup>39</sup> Constitution, note 1 above, Article III-294.2.

<sup>40</sup> Alyson Bailes, ‘European Defence: What are the convergence criteria?’ (June 1999) *RUSI Journal*, pp. 60–65.

In a society of sovereign states, a power can in the last resort indicate its interpretation of justice or defend its vital interests only by a willingness to employ force.<sup>41</sup>

For too long certain Member States of the EU have chosen to forget that dictum. The European Union could be faced with a future where all are in the CFSP or the EDSP or ESDU or a future where it could 25 minus Denmark and Ireland and Malta or 25 minus *n*?

Even given the creation of the European Defence Agency in July 2004, there is a need to ‘reconcile national armaments policy cultures . . . in the past national policy culture differences have caused collaborative projects to fail’.<sup>42</sup> In May 1999 Tony Blair said:

There is much talk of structures. But we should begin with capacities. To put it bluntly, if Europe is to have a key defence role, it needs modern forces, strategic lift and the necessary equipment to conduct a campaign. . . . We do, however, need to see how we can cooperate better, complement each other’s capabilities, have a full range of defence options open to us.<sup>43</sup>

The issue of EU equipment shortfalls was made clear at the Capabilities Commitment Conference in Brussels on 20–21 November 2000 and at follow-up conferences. During 2000–2004 there were several rhetorical efforts to close the EU military capabilities gap. In May 2004 the General Affairs and External Relations Council approved the Headline Goal for 2010, which included ‘the main parameters for the development of EU military capabilities with a 2010 horizon, notably the definition of the level of ambition for rapid reaction battlegroups’. It also noted work on the EU Capability Development Mechanism (CDM), the Force Catalogue 2004, the European Capability Action Plan (ECAP), the ECAP roadmap and the ‘notable progress . . . in addressing capability shortfalls’.<sup>44</sup> All of this was endorsed by the European Council in June.<sup>45</sup>

The one thing that was not mentioned in these rhetorical efforts was budgets or finance.<sup>46</sup> There is no widespread commitment to make any significant increase in the contribution of any major Member State of the EU. Despite the

<sup>41</sup> Henry Kissinger, *Nuclear Weapons and Foreign Policy* (Harper and Row, New York, 1957), p. 4.

<sup>42</sup> Jocelyn L. Mawdsley, *The Changing Face of European Armaments Cooperation*, Ph.D thesis Newcastle upon Tyne, 2000, p. 24.

<sup>43</sup> Tony Blair. ‘The new challenge for Europe’, *Aachen*, 14 May 1999.

<sup>44</sup> *Bulletin of the European Union*, 5-2004.

<sup>45</sup> *Ibid.*, 6-2004.

<sup>46</sup> Despite the February 2004 decision to establish ‘a mechanism to administer the financing of the common costs of European Union operations having military or defence implications’, *Bulletin of European Union*, 2-2004.

progress on restructuring, flexibility, mobility, rapid reaction and modernization, without the clear commitment of resources the question must remain – how much can actually be achieved? The EU still comes nowhere near to matching the defence expenditure of the USA.

EU spending on defence was massively less than that of the USA and the EU was found yet again to be in the position of being unable to react to non-European wars. According to Heller:

The coalition victory in Iraq provided graphic evidence of what was already acknowledged before the war began: that the US bestrides the globe as a military colossus. In terms of its ability to develop and apply military force and to project power abroad, the US has no rivals and practically needs no partners.<sup>47</sup>

Moreover, there is no ‘norm’ of European defence spending. France and Britain have proportionally spent more than other Europeans, while Germany and Italy, two potential members of any ESDP/ESDU *directoire*, have continually underspent. In most years, seven to ten EU Member States undershoot the European NATO average.

In talking of capabilities and defence spending, one of the essential questions remains: ‘defence of what’? There is no consensus as to the theoretical, philosophical or ideological culture or of the territory that is to be defended. Another dimension is whether the EU has a ‘near abroad’.

The Constitution in Part I Title VIII ‘The Union and its neighbours’ (Article I-57.1) simply says:

The Union shall develop a special relationship with neighbouring countries, aiming to establish an era of prosperity and good neighbourliness, founded on the values of the Union and characterized by close and peaceful relations based on cooperation.<sup>48</sup>

As usual, one is left with a question – what does this mean in practice?

Moreover, 2002–2005 demonstrates that there can still be differences between the Neville Chamberlain’s approach in September 1938 – when he said ‘How horrible, fantastic, incredible, it is that we should be digging trenches and trying on gas-masks here because of a quarrel in a far-away country between people of whom we know nothing!’<sup>49</sup> – and the approach of Tony Blair in March 2004:

<sup>47</sup> M.A. Heller ‘The International System after the War in Iraq’ in S. Feldman (ed.), *After the War in Iraq: Defining the New Strategic Balance* (Sussex Academic Press, Brighton, 2003), p. 5.

<sup>48</sup> Constitution, note 1 above.

<sup>49</sup> Neville Chamberlain radio broadcast, 27 September 1938.

Emphatically I am not saying that every situation leads to military action. But we surely have a duty and a right to prevent the threat materializing; and we surely have a responsibility to act when a nation's people are subjected to a regime such as Saddam's.<sup>50</sup>

Is there any middle ground between the two? If Blair's question is not equal to a strategy of pre-emption, what is it? It certainly contrasts with the policy of France and Germany (and Russia) who argued on 24 February 2003 that the 'military option should only be a last resort'.<sup>51</sup> Some in the EU might prefer to say that the military option is not a resort at all. For them military power or militarization betrays the very nature of EU ideals and interests, so that the real interests of the EU are with trade, aid, and peacekeeping and policing, as well as spreading notions of liberal democracy.

Part of the problem is that it must be questioned whether EU Member States have ever seriously considered what is involved, whether there is a growing acceptance of a European frame of reference. The issues that have bedevilled this are:

- different war experiences and geopolitical situations in different Member States;
- differences in size of the Member States and the state of their armed forces and defence industry;
- differences in ethics on weapons;
- the failure to agree upon a genuine, viable and agreed common foreign policy or whether the ESDP can develop separately from the CFSP, and be compartmentalized;
- lack of a common assessment of how to respond to such threats and risks;
- no uniformity in manpower and training policy;
- no, or little, movement towards common control, intelligence and communication systems;
- doubts about how many are willing to act on behalf on the Union, especially given that Denmark and the European Council agreed in Edinburgh in 1992 that 'Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications,'<sup>52</sup> the European Council acceptance of Ireland's military neutrality, and the Member States' acceptance of the special position of Malta and Cyprus;

<sup>50</sup> Tony Blair, 5 March 2004, <[www.number-10.gov.uk/output/Page\\_5470.asp](http://www.number-10.gov.uk/output/Page_5470.asp)>.

<sup>51</sup> France, Germany and Russia memorandum submitted to UNSC on 24 February 2003 reproduced by BBC at <[www.bbc.co.uk/1/hi/world/europe/2795917.stm](http://www.bbc.co.uk/1/hi/world/europe/2795917.stm)>.

<sup>52</sup> Annex 1 to Part B: Decisions of the Heads of State or Government, meeting within the European Council, concerning certain problems raised by Denmark on the Treaty on European Union, *Bulletin of the European Communities* 12-1992.

- doubts about whether de facto practical decisions would be made, doubts over whether there exists a credible willingness to act when the agreed conditions exist, especially after the debacle of UNSCR 1441 when some thought they had agreed and others were adamant they had not, and doubts about whether it is possible to have a ‘war by committee’;
- doubts about how many are willing to accept casualties for the Union.

## **VI Lessons Learned: A Common Security Strategy and EU Battlegroups Nonetheless?**

For forty years the EC/EU collectively failed to see the connection between foreign, security and defence policy – or Member States considered that their primary security needs were taken care of by NATO and the USA. However, despite wanting to restore European influence, the EC failed to recognize that the world situation required military power, and that diplomatic activity or economic activity without the potential to resort to military power could only be partially successful. Military power is the ultimate tool for protecting and promoting their vital interests. On occasion, force or the threat of force, is the only means whereby objectives may be achieved.

However, given the eighth bullet point above, it is difficult to see how much movement there can be towards common defence. A further difficulty emerges since there is no definition of peacemaking, and there is a problem of whether peacekeeping and peacemaking could involve the actual physical enforcement of military cease-fires or indeed military action against those who violated them, a problem that became more acute in the debacle of the debate over the eighteenth resolution and the United Kingdom/US decision to go to war.

It could be argued that the debacle over Iraq in 2003 helped lead to the European Security Strategy adopted by the European Council in Brussels on 12 December 2003.<sup>53</sup> Jiri Sedivy makes the point that:

without the lessons of Iraq and the resultant necessity to respond to shifts in the United States’s international behaviour and strategic outlook, the first European strategy document might well not have been adopted.<sup>54</sup>

Member States have pointed to the progress in the CFSP and the ESDP after the Iraqi war:

<sup>53</sup> European Security Strategy: European Council, Brussels, 12 December 2003, *Bulletin of the European Union* 12-2003 (hereafter ESS).

<sup>54</sup> Jiri Sedivy in ‘One year on: lessons from Iraq’ (2004) Chaillot Paper No. 68, ISS, Paris, p. 107.

- the European Security Strategy was regarded as the ‘key framework for policy formulation’ by the European Council in June 2004;<sup>55</sup>
- the agreement on the European Defence Agency in July 2004 starting to fill the hardware gaps;
- the agreement in the Constitution on the EU civil and military cell (with France and Germany diluting their claims for a defence core, and the United Kingdom accepting that some operational planning was needed, so that a small EU cell could be established at SHAPE);
- two military operations – Concordia and Artemis – and the police mission in FYROM (PROXIMA), as well as EUPM in Bosnia-Herzegovina;
- the agreement on Berlin Plus with NATO;
- the extent to which they managed to keep the Iraq disagreements separate from cooperation in other areas, such as trade policy and intelligence cooperation on terrorist threats;
- the agreement on an anti-proliferation strategy;
- the agreement to create a EU Training Policy to try to foster a EU security culture;
- and more controversially the embryonic *directoire* of Britain, France and Germany over Iran.

Far from two camps – the Franco-German and the British – by the end of 2004 the EU had overcome many of the difficulties, that healing over Iraq had begun. Maybe Tony Blair was right in Warsaw when he criticized Kagan’s thesis:

Britain and Poland, along with many others in Europe supported action in Iraq; and in our case fought in Iraq. We are happy to help shoulder the burden. But to be fair, so did France and Germany support the action in Afghanistan; and in Kosovo. France may have disagreed with what we did in Iraq; but it is at the forefront of those wanting to build up European defence capability. It is not against using force; but was against this particular use of force.

The real question is: can we recognise a sufficient convergence of interest to rebuild this transatlantic alliance and strengthen it? . . . we should manage the disagreement carefully as between allies and not let it explode into a diplomatic dogfight.

The United States, in turn, can recognise that the European dilemma is that of wanting to be America’s partner not its servant. Part of Europe believes the only alternatives are subservience or rivalry.<sup>56</sup>

In support of Blair’s thesis on Kagan’s hypothesis, less than a year later, on 10 February 2004, the United Kingdom, France and German jointly sub-

<sup>55</sup> European Council, Brussels, June 2004.

<sup>56</sup> Tony Blair, Warsaw, 30 May 2003.

mitted a 'Thought Paper' on the battlegroup concept. This, they argued, was taking forward the European Council decision of December 2003 to develop the EU's military rapid response capability. The 'Food for Thought' paper was about 'producing a catalogue of high utility force packages that can be tailored rapidly to specific missions'. Each package would have about 1 500 personnel with strategic lift and sustainability. Most of the battlegroups' missions would be the authority of the UNSC, although not all of them.<sup>57</sup>

In November the General Affairs and External Relations Council launched the concept. It also said that the EU should be able 'to take decisions to launch an operation within 5 days of the approval of the Crisis Management Concept by the Council. On the deployment of forces, the ambition is that the forces start implementing their mission on the ground, no later than ten days after the EU decision to launch the operation.' The 13 EU battlegroups would be part of the EU's rapid response and were to provide an initial operational capability from 2005 with a full operational capability from 2007. It was to be complementary and mutually reinforcing with NATO's Response Force. This looks impressive but all of the caveats previously cited about decision-making involving defence and military operations still apply. It is also interesting that Austria, Malta and Slovakia are not mentioned and did not indicate involvement between 2005–2007. Neither did Denmark. Ireland, which declared it was militarily neutral, has agreed that it is 'prepared to enter into consultations with partners with a view to participating in these rapid response elements'.<sup>58</sup>

Nonetheless, for the EU to prosper in the CFSP and the ESDP, it must agree not only on the strategic tools and instruments but the strategy itself. In addition with most of the above some of the results were not as dramatic as they appeared and this may happen with battlegroups. Moreover, the European Security Strategy was not quite as robust as the first draft presented by Solana to the European Council in June 2003 (the first draft said 'International terrorism is a strategic threat' and proliferation of WMDs 'is the single most threat to peace and security' whereas the ESS talks about 'growing strategic threat' and 'potentially the greatest threat');<sup>59</sup> the EU cell will have only about 30 staff, some of whom already work in existing structures; and the *directoire* still has to accommodate the medium-sized states and the smaller unaligned states; and when Britain, France and Germany went to Iran, they declined to take Solana with them and forgot to ask for the backing of the other EU

<sup>57</sup> 'European security and defence: core documents 2004' (2005) Chaillot Paper No. 75, ISS, Paris, pp. 10–16.

<sup>58</sup> General Affairs and External Relations Council, Brussels, 22 November 2004, *Bulletin of European Union* 11-2004.

<sup>59</sup> Report by Javier Solana, High Representative for the CFSP, On the Security Strategy of the EU, Thessaloniki European Council, 20 June 2003.

Member States. However, if this *directoire* is to grow then it must learn to accommodate medium and small partners and the unaligned. There is also the question of where leadership comes from: Solana, the new arrangements in the draft Constitution agreed in the summer of 2004, or the big '3', '4' or . . .? Perhaps worst of all is that the ESS is vacuous. Does it really mean that 'with a range of instruments at its disposal, the European Union is inevitably a global player'?<sup>60</sup>

Surely, as the first years of the twenty-first century and the build-up to Iraq demonstrated, one can challenge the ability of the EU to act coherently and cohesively externally in all international fields. Apart from economic instruments, most other instruments are embryonic. The EU has failed to play the global actor card. On Iraq the European states discovered that they had little or no influence on US strategy or even on United Kingdom strategy. They did not stop or postpone the invasion: they allowed the USA to use bilateral relations on the crisis; they were no counterweight to the USA; they could not agree on what to do when sanctions and UN resolutions failed; their influence was marginalized; they could not agree to submerge national preferences and high politics; and, as the former French Prime Minister said, Europe was 'unable to make its voice heard in the US because it was divided and lacked a unified defence'.<sup>61</sup> It is a myth to believe that a European identity can be built on anti-Americanism.

This does raise the issue of whether the EU's CFSP or ESDP/ESDU is built on rocks or on sand.

Other parts of the ESS analysis do not help. These parts claim: 'Security is a precondition of development', 'Competition for natural resources . . . is likely to create further turbulence' and 'Energy dependence is a special concern'. If citizens, politicians or policy-makers scratch the surface to ask for guidance, they are likely to come up empty handed. Similarly with the list of threats: terrorism, proliferation, regional conflicts, state failure and organized crime – there is no analysis and no real evidence of common detailed threat assessment. The same can be said of the 'strategic objectives' and the 'policy implications for Europe'. They read like an agenda and not a programme. To date, nothing like a Defence White Paper has been produced. Clearly the reason that it is vacuous is that all of the phrases are so broad, rather like 'motherhood and apple-pie', as to leave nothing with which to disagree. Therefore it cannot be said that the European Security Strategy was successful, as least partly because it has not resolved the debate between the 'narrowers' and 'wideners'.

<sup>60</sup> ESS, note 53 above.

<sup>61</sup> *Financial Times*, 3 April 2003.

## VII Conclusion

What Iraq and the defeat of the Constitution in France and Holland show is that the neo-realists and neo-liberals are wrong when the issue at hand is perceived to be 'high politics', to do with foreign policy, security matters, and for some the survival of the state, which both policy-makers and public regard as of crucial importance.

In a disagreement, such as Iraq or the Constitution, high politics take precedence over other concerns, and that precedence is about the preservation of the long-term strategic objectives of the State and the maintenance of its core objectives. Iraq and the Constitution showed that some of these objectives are truly core to the nature of a state's political culture, and are not transient or subject to the whims of the moment. The division of the EU over Iraq and the Constitution did not concern 'low politics', the mundane or trivial. Perhaps the events between 2000–2005 better raise the question of whether the behaviour and mechanisms of low politics can be reasserted and can encroach into high politics areas. Despite a collective hope that this might be the case, the answer remains that this will not be the case for the foreseeable future. When significant issues of 'high politics' are involved the realist perspective will prevail.

The question then becomes whether that perspective leads to rocks or the sand.